

IDAHO ADMINISTRATIVE BULLETIN

January 7, 2015 -- Volume 15-1

Idaho Department of Administration
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Preface

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

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

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so.

The agency files a “Notice of Intent to Promulgate - Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking - Proposed Rule” in the Bulletin. This notice must include:

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority for or is occasioning the rulemaking;
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;
- c) 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 when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) if any document is incorporated by reference in the proposed rule, a brief written synopsis of why the incorporation is needed must be included in the notice of proposed rulemaking, along with a link to the electronic version of the incorporated material or information on how it can be obtained.
- e) the text of the proposed rule prepared in legislative format;
- f) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- g) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;
- h) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- i) the deadline for public (written) comments on the proposed rule.

Any proposed rulemaking that is submitted for publication in the Bulletin that would impose a fee or charge must be accompanied by a cost/benefit analysis that is prepared by the agency. This cost/benefit analysis must estimate, as reasonably as possible, the costs to the agency to implement the rule and the estimated costs that would be borne by citizens or the private sector. This analysis is filed with the Director of Legislative Services Office who then forwards it to the appropriate germane joint subcommittee assigned to review the promulgating agency’s proposed rules.

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can be accessed on a web site or post this information on its own web site, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s web site.

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially stops the formal rulemaking process.

TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of the above legal criteria and the governor determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an agency to make a temporary rule immediately effective upon adoption. However, a temporary rule that imposes a fee or charge may be adopted only if the governor finds that the fee or charge is necessary to avoid immediate danger which justifies the imposition of the fee or charge.

A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

The statute that regulates rulemaking in Idaho requires that the text of all proposed rulemakings publish in the Bulletin in order for the rulemaking to be valid. This is true for all temporary rules as well. In most cases, the agency wants the temporary rule to also become a final rule and in most of these cases, the temporary rule and the proposed rule text is identical. In this event, both rulemakings may be promulgated concurrently, however, they remain separate rulemaking actions. The rulemaking is published in the Bulletin as a temporary/proposed rule. Combining the rulemaking allows for a single publication of the text in the Bulletin.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. The agency must publish a notice of rescission to effectively rescind the temporary rule. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rule that is being vacated, the agency, in most instances, will rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Rulemaking - Pending Rule." This includes:

- a) a statement giving the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- f) 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 when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the sections or their subparts that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Rulemaking - Adoption of Pending Rule" is published.

FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

No pending rule adopted by an agency becomes final and effective until it has been submitted to the legislature for review and approval. Where the legislature finds that an agency has violated the legislative intent of the authorizing statute, a concurrent resolution may be adopted to reject the rulemaking in whole or in part. A "Notice of Rulemaking - Final Rule" and the final codified text must be published in the Bulletin for any rule that is partially rejected by concurrent resolution of the legislature. Unless rejected by concurrent resolution, a pending rule that is reviewed by the legislature becomes final and effective at the end of the session in which it is reviewed without any further legislative action. All pending rules that are approved by concurrent resolution become final and effective upon adoption of the concurrent resolution unless otherwise stated. In no event can a pending rule become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: adminrules.idaho.gov

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

The Idaho Administrative Code - annual subscription on CD-ROM. The Code is an annual compilation of all final administrative rules and all enforceable temporary rules and also includes all executive orders of the Governor that have published in the Bulletin, all legislative documents affecting rules, a table of contents, reference guides, and a subject index.

The Idaho Administrative Bulletin - annual subscription available on individual CD-ROM sent out monthly. The Bulletin is an official monthly publication of the State of Idaho and is available for purchase on CD-ROM only. Yearly subscriptions or individual CD-ROM's are available for purchase.

Internet Access - The Administrative Code and Administrative Bulletin, and many other rules-related documents are available on the Internet at the following address: adminrules.idaho.gov

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the “**IDAPA**” number. (The “IDAPA” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

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

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

“**05.**” refers to Title **05**, which is the Department of Administrations’s Division of Purchasing

“**01.**” refers to Chapter **01** of Title 05, “Rules of the Division of Purchasing”

“**200.**” refers to Major Section **200**, “Content of the Invitation to Bid”

“**02.**” refers to Subsection 200.02.

“**c.**” refers to Subsection 200.02.c.

“**ii.**” refers to Subsection 200.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1401**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1401”

“**38-**” denotes the agency’s **IDAPA** number; in this case the Department of Administration.

“**0501-**” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

“**1401**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2014**. A subsequent rulemaking on this same rule chapter in calendar year 2014 would be designated as “**1402**”. The docket number in this scenario would be 38-0501-**1402**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section “200” appears before Section “345” and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2014

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
14-1	January 2014	*November 29, 2013	January 1, 2014	January 22, 2014
14-2	February 2014	January 10, 2014	February 5, 2014	February 26, 2014
14-3	March 2014	February 7, 2014	March 5, 2014	March 26, 2014
14-4	April 2014	March 7, 2014	April 2, 2014	April 23, 2014
14-5	May 2014	April 4, 2014	May 7, 2014	May 28, 2014
14-6	June 2014	May 9, 2014	June 4, 2014	June 25, 2014
14-7	July 2014	June 6, 2014	July 2, 2014	July 23, 2014
14-8	August 2014	July 11, 2014	August 6, 2014	August 27, 2014
14-9	September 2014	August 8, 2014	September 3, 2014	September 24, 2014
14-10	October 2014	**August 29, 2014	October 1, 2014	October 22, 2014
14-11	November 2014	October 10, 2014	November 5, 2014	November 26, 2014
14-12	December 2014	November 7, 2014	December 3, 2014	December 24, 2014

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2015

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
15-1	January 2015	*November 28, 2014	January 7, 2015	January 28, 2015
15-2	February 2015	January 9, 2015	February 4, 2015	February 25, 2015
15-3	March 2015	February 6, 2015	March 4, 2015	March 25, 2015
15-4	April 2015	March 6, 2015	April 1, 2015	April 22, 2015
15-5	May 2015	April 3, 2015	May 6, 2015	May 27, 2015
15-6	June 2015	May 8, 2015	June 3, 2015	June 24, 2015
15-7	July 2015	June 5, 2015	July 1, 2015	July 22, 2015
15-8	August 2015	July 10, 2015	August 5, 2015	August 26, 2015
15-9	September 2015	August 7, 2015	September 2, 2015	September 23, 2015
15-10	October 2015	**August 28, 2015	October 7, 2015	October 28, 2015
15-11	November 2015	October 9, 2015	November 4, 2015	November 25, 2015
15-12	December 2015	November 6, 2015	December 2, 2015	December 23, 2015

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

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

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IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.19 - RULES GOVERNING DOMESTIC CERVIDAE

DOCKET NO. 02-0419-1401

NOTICE OF RULEMAKING - CORRECTION TO PENDING FEE AND TEMPORARY RULE

CORRECTION SUMMARY: This notice corrects an error that occurred during the publication of the temporary and pending rule under Docket No. [02-0419-1401](#) in the November 5, 2014, Idaho Administrative Bulletin, [Volume 14-11](#).

An oversight was made during the amending of IDAPA 02.04.19, Rules Governing Domestic Cervidae, to achieve consistency with the 2014 legislative amendments to Section 25-3708, Idaho Code.

The phrase “imported from outside the state” was not removed from IDAPA 02.04.19.090.01 in the current temporary and pending rule. This has created an inconsistency between the rule and Section 25-3708, Idaho Code. Section 25-3708(1), Idaho Code, now states that the domestic cervidae assessment “fee shall apply to . . . all domestic cervidae that die or have been harvested on the farm or ranch during the same calendar year.” Therefore, Idaho law now requires a fee to be assessed on all animals that die on a cervidae facility in the same calendar year.

The current temporary and pending rule language states that the assessment fee “shall include . . . all domestic cervidae imported from outside the state that die during the same calendar year.” Therefore, the rule indicates that the assessment fee will only apply to domestic cervidae that were imported onto a facility and die in the same calendar. This overlooks domestic cervidae that were already present on the facility and die during the relevant calendar year.

The 2014 amendment to Section 25-3708(1), Idaho Code, states unequivocally that all domestic cervidae that die or were harvested on a farm during the same calendar are to be assessed the fee. The statute does not limit the fee to only those domestic cervidae that were imported and died in the same year. The phrase “imported from outside the state” must be removed from the current temporary and pending rule text to make the rule consistent with Section 25-3708(1), Idaho Code.

The Subsection with the correction is being reprinted following this Notice as it was adopted by the agency.

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: This action is authorized pursuant to Sections 67-5224 and 67-5228, Idaho Code and Section 25-3704, Idaho Code. The corrected text of the pending and temporary rule is being reprinted here as adopted by the agency.

PUBLICATION OF THE PROPOSED AND PENDING RULES: The pending rule was published in the November 5, 2014, Idaho Administrative Bulletin, [Vol. 14-11, page 37](#). The original text of the temporary and proposed rule was published in the September 3rd, 2014, Idaho Administrative Bulletin, [Vol. 14-9, pages 48 through 55](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dr. Scott Leibsle, Deputy Administrator at (208) 332-8614.

DATED this 28th Day of November, 2014.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd.

PO Box 790
Boise, ID 83701
Phone: (208) 332-8500 / Fax: (208) 334-2170

DOCKET NO. 02-0419-1401 - CORRECTION TO PENDING FEE AND TEMPORARY RULE

Substantive changes have been made to correct the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 14-9, September 3, 2014, pages 48 through 55.

THE FOLLOWING IS THE CORRECTED TEXT OF THE PENDING FEE RULE
AND TEMPORARY RULE FOR DOCKET 02-0419-1401

090. FEES.

[Subsection 090.01.)

01. Annual Assessment Fee. A fee, not to exceed ~~five ten~~ dollars (\$~~5~~10) per head per year on elk or three dollars (\$3) per head per year on fallow deer and reindeer, is ~~to be~~ hereby assessed on all domestic cervidae in the state to cover the cost of administering the program covered in these rules. The fee shall include all domestic cervidae present at the ranch as of December 31 and all domestic cervidae ~~imported from outside of the state~~ that die during the same calendar year. This fee is due January first of each year. The annual assessment fee may be reduced if program revenue accumulates to a balance of at least one hundred thousand dollars (\$100,000) in excess of the projected annual cost of operating the program, as determined by the Department on July 1 of each year.

~~(4-7-H)~~(9-1-14)T

IDAPA 05 - IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES FOR CONTRACT PROVIDERS

DOCKET NO. 05-0101-1401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 20-504(3) and 20-504(12), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, page 80](#).

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: No fiscal impact on the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jessica Moncada, (208) 334-5100 x.410.

DATED this 21st Day of November, 2014.

Sharon Harrigfeld, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson
PO Box 83720
Boise, ID 83702-0285
Phone: (208) 334-5100
FAX: (208) 334-5120

IDAPA 05 - IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.01.05 - RULES FOR REINTEGRATION PROVIDERS

DOCKET NO. 05-0105-1401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 20-504(3) and 20-504(12), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, page 81](#).

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: No fiscal impact on the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jessica Moncada, (208) 334-5100 x. 410.

DATED this 21st Day of November, 2014.

Sharon Harrigfeld, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson
PO Box 83720
Boise, ID 83702-0285
Phone: (208) 334-5100
FAX: (208) 334-5120

IDAPA 05 - IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.02.01 - RULES FOR RESIDENTIAL TREATMENT PROVIDERS

DOCKET NO. 05-0201-1401 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 20-504(3) and 20-504(12), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 82 through 110](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: No fiscal impact on the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jessica Moncada, (208) 334-5100 x. 410.

DATED this 21st Day of November, 2014.

Sharon Harrigfeld, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson
PO Box 83720
Boise, ID 83702-0285
Phone: (208) 334-5100
FAX: (208) 334-5120

IDAPA 05 - IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.02.02 - RULES FOR STAFF SECURE PROVIDERS

DOCKET NO. 05-0202-1401 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 20-504(3) and 20-504(12), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 111 through 134](#).

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: No fiscal impact on the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jessica Moncada, (208) 334-5100 x. 410.

DATED this 21st Day of November, 2014.

Sharon Harrigfeld, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson
PO Box 83720
Boise, ID 83702-0285
Phone: (208) 334-5100
FAX: (208) 334-5120

IDAPA 05 - IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.02.03 - RULES FOR REINTEGRATION PROVIDERS

DOCKET NO. 05-0203-1401 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 20-504(3) and 20-504(12), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 135 through 151](#).

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: No fiscal impact on the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jessica Moncada, (208) 334-5100 x. 410.

DATED this 21st Day of November, 2014.

Sharon Harrigfeld, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson
PO Box 83720
Boise, ID 83702-0285
Phone: (208) 334-5100
FAX: (208) 334-5120

IDAPA 05 - IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.02.04 - RULES FOR SUPPORTED LIVING PROVIDERS

DOCKET NO. 05-0204-1401 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 20-504(3) and 20-504(12), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 152 through 167](#).

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: No fiscal impact on the General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jessica Moncada, (208) 334-5100 x. 410.

DATED this 21st Day of November, 2014.

Sharon Harrigfeld, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson
PO Box 83720
Boise, ID 83702-0285
Phone: (208) 334-5100
FAX: (208) 334-5120

IDAPA 06 - BOARD OF CORRECTION
06.01.02 - RULES OF CORRECTIONAL INDUSTRIES
DOCKET NO. 06-0102-1501
NOTICE OF PROCLAMATION OF RULEMAKING

EFFECTIVE DATE: In accordance with Section 20-212(1), Idaho Code, this rule becomes effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. This rule will be of full force and effect on February 6, 2015.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. Section 20-413A, Idaho Code, requires the Idaho State Board of Correction to make rules. Pursuant to Section 20-212(1), Idaho Code, rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature pursuant to Sections 67-454, 67-5291, and 67-5292, Idaho Code, but no other provisions of chapter 52, title 67, Idaho Code, shall apply to the Board, except as otherwise specifically provided by statute.

PUBLIC HEARING SCHEDULE: Pursuant to Section 20-212(1), Idaho Code, the Idaho Department of Correction is exempt from the provisions of Section 67-5222, Idaho Code and does not allow for requests for public hearings.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and reason for adopting this rule:

This rulemaking will amend IDAPA 06.01.02, Rules of Correctional Industries by revising the method used to compensate inmate workers. The revision to Subsection 013.02 provides inmate workers will be compensated pursuant to a graduated scale in accordance with Section 20-412, Idaho Code. This rulemaking also amends Paragraph 013.01.b. by limiting the use of program funds by the Idaho Department of Correction.

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

No fees or charges are imposed or changed in 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 resulting from this rulemaking:

There is no fiscal impact on general funds as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from conducting negotiated rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proclamation, contact Andrea Sprengel, Services Manager, at (208) 577-5561.

DATED this 25th Day of November 2014.

Andrea Sprengel
Services Manager
Idaho Correctional Industries
1301 N. Orchard St. Suite 110
Boise, ID 83706
Ph: (208) 577-5561
Fax: (208) 577-5560

THE FOLLOWING IS THE PROCLAMATION TEXT OF DOCKET NO. 06-0102-1501
(Only those Sections being amended are shown.)

013. INMATE COMPENSATION.

01. Correctional Industries Betterment Account. The moneys received from the private agricultural employer for inmate labor shall be deposited into the Correctional Industries Betterment Account pursuant to Section 20-416, Idaho Code. The funds deposited will be dispersed between Correctional Industries and the IDOC to cover costs of the agricultural inmate labor program and contribute to the Idaho Victim's Compensation Fund. (7-4-14)

a. The funds dispersed to Correctional Industries will also be used in accordance with Section 20-416, Idaho Code. (7-4-14)

b. The funds dispersed to IDOC shall also be used to offset the costs of incarceration, supplement education opportunities to inmates, and provide resources for reentry to the community; ~~or any other use identified by the director as a means to reduce recidivism.~~ (7-4-14)(2-6-15)

02. Inmate Trust Account. ~~All remaining funds~~ Inmates will be compensated for their work in accordance with Section 20-412, Idaho Code. Inmate earnings will be deposited into the inmate's trust account. Upon deposit, deductions for court-ordered financial obligations, including child support and restitution, will be made by IDOC. Any other deductions by IDOC will be made according to IDOC policy. (7-4-14)(2-6-15)

IDAPA 06 - BOARD OF CORRECTION

06.02.01 - RULES GOVERNING THE SUPERVISION OF OFFENDERS ON PROBATION OR PAROLE BY THE DEPARTMENT OF CORRECTION, DIVISION OF PROBATION AND PAROLE

DOCKET NO. 06-0201-1501 (NEW CHAPTER)

NOTICE OF PROCLAMATION OF RULEMAKING

EFFECTIVE DATE: In accordance with Section 20-212(1), Idaho Code, this rule becomes effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. This rule will be of full force and effect on February 6, 2015.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is given that this agency has adopted a rule by proclamation and it is being published in this edition of the Idaho Administrative Bulletin. Section 20-212, Idaho Code, requires the Idaho State Board of Correction to make rules and pursuant to Sections 20-212(1), 67-454, 67-5291, and 67-5292, Idaho Code, rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature for final approval, but no other provisions of chapter 52, title 67, Idaho Code, apply to the Board, except as specifically addressed by statute.

PUBLIC HEARING SCHEDULE: Pursuant to Section 20-212(1), Idaho Code, the Idaho Department of Correction is exempt from the provisions of Section 67-5222, Idaho Code and does not allow for requests for public hearings.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and reason for adopting this rule:

The board creates these new rules for the supervision of offenders on probation or parole by the department of correction's probation and parole division. These rules identify requirements and standards for supervising offenders and establish a standard response matrix for positive and negative behavior of offenders. The Board develops these new rules to comply with and carry out the requirements of the Justice Reinvestment Act of 2014.

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

No fees or charges are imposed or changed in 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 resulting from this rulemaking:

There is no fiscal impact on general funds as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from conducting negotiated rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance concerning this proclamation, contact Alan Stewart, Policy Coordinator, at (208) 658-2079.

DATED this 25th Day of November, 2014.

Alan Stewart
Policy Coordinator
Idaho Department of Correction
1299 N. Orchard St., Suite 110
Boise, ID 83706
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THE FOLLOWING IS THE PROCLAMATION TEXT OF DOCKET NO. 06-0201-1501
(All text is new.)

IDAPA 06
TITLE 02
CHAPTER 01

06.02.01 - RULES GOVERNING THE SUPERVISION OF OFFENDERS ON PROBATION OR PAROLE
BY THE DEPARTMENT OF CORRECTION, DIVISION OF PROBATION AND PAROLE

000. LEGAL AUTHORITY.

01. Section 19-2601(5), Idaho Code. Pursuant to Section 19-2601(5), Idaho Code, if the court places a defendant on probation to the Board of Correction the court shall include in the terms and conditions of probation a requirement that the defendant enter into and comply with an agreement of supervision with the Board. (2-6-15)

02. Section 20-212, Idaho Code. Pursuant to Section 20-212, Idaho Code, the Board shall make all rules necessary to carry out the provisions of Title 20, Chapter 2, Idaho Code, not inconsistent with express statutes or the state constitution. (2-6-15)

03. Section 20-217A, Idaho Code. Pursuant to Section 20-217A, Idaho Code, the director shall assume all the authority, powers, functions and duties as may be delegated to him by the Board. (2-6-15)

04. Section 20-219(3), Idaho Code. Pursuant to Section 20-219(3), Idaho Code, the Board shall have the discretion to determine the level of supervision of all persons under its supervision, except those who are being supervised by problem solving courts. (2-6-15)

05. Section 20-219(5), Idaho Code. Pursuant to Section 20-219(5), Idaho Code, in carrying out its duty to supervise felony probationers and parolees, the Board shall use evidence-based practices, shall target the offender's criminal risk and need factors with appropriate supervision and intervention and shall focus resources on those identified by the board as moderate and high-risk offenders. Supervision shall include the use of validated risk and needs assessments measuring criminal risk factors, specific individual needs and driving variable supervision levels. (2-6-15)

06. Section 20-219(7)(b), Idaho Code. Pursuant to Section 20-219(7)(b), Idaho Code, the Board shall promulgate rules in consultation with the Supreme Court to establish a matrix of swift, certain and graduated sanctions and rewards to be imposed by the Board in response to corresponding violations of or compliance with the terms or conditions imposed. Sanctions for violations shall include, but are not limited to, community service, increased reporting, curfew, submission to substance use assessment, monitoring or treatment, submission to cognitive behavioral treatment, submission to an educational or vocational skills development program, submission to a period of confinement in a local correctional facility for not more than three (3) consecutive days and house arrest. Rewards for compliance shall include but are not limited to, decreased reporting and transfer to limited supervision. (2-6-15)

07. Section 20-221(2), Idaho Code. Pursuant to Section 20-221(2), Idaho Code, any party or the Board may submit a request to the court to modify the terms and conditions of probation for any probationer at any time during the period of probation. (2-6-15)

08. Section 20-221(3), Idaho Code. Pursuant to Section 20-221(3), Idaho Code, any party or the Board may submit a request to the court to terminate the probation for any probationer at any time during the period of probation. (2-6-15)

09. Section 20-224(2), Idaho Code. Pursuant to Section 20-224(2), Idaho Code the Board shall use a validated risk assessment to determine, for each offender, the risk of re-offense and suitability for release and the Commission is to use the risk assessment in determining parole. (2-6-15)

10. Section 20-227(1), Idaho Code. Pursuant to Section 20-227(1), Idaho Code the arrest authority given to probation and parole officers by this section apply where the court has provided for the service of discretionary jail time. (2-6-15)

11. Section 20-228, Idaho Code. Pursuant to Section 20-228, Idaho Code the Commission shall include in the conditions of parole a requirement that the offender enter into and comply with an agreement of supervision with the Board. (2-6-15)

12. Section 20-233(2), Idaho Code. Pursuant to Section 20-233(2), Idaho Code, the Board may submit a request to the Commission for a final order of discharge from the remaining period of parole for any parolee under the Board's supervision at any time during the period of parole. (2-6-15)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 06.02.01, "Rules Governing the Supervision of Offenders on Probation or Parole by the Department of Correction, Division of Probation and Parole," IDAPA 06, Title 02, Chapter 01. (2-6-15)

02. Scope. These rules are established to govern the supervision standards, processes and procedures, and the parameters of a matrix of swift, certain and graduated sanctions and rewards to be implemented and used by the Board in response to corresponding violations of or compliance with the terms or conditions of probation and parole imposed by the court, the Commission, or by the agreement of supervision and reporting offender progress and conduct to the court, Commission and the prosecuting attorney. (2-6-15)

002. WRITTEN INTERPRETATIONS.

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there are no written interpretations of these rules. (2-6-15)

003. ADMINISTRATIVE APPEALS.

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there is no provision for administrative appeal. (2-6-15)

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference in this chapter. (2-6-15)

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

01. Street Address. The Board of Correction administrative office and the Idaho Department of Correction are located at 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. Business hours are typically 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. (2-6-15)

02. Mailing Address (Board of Correction). Mail regarding the Board of Correction rules shall be directed to the Board of Correction, Attn: Management Assistant, Office of the Director, 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

03. Mailing Address (Dept. of Correction). Mail regarding the Idaho Department of Correction shall be sent to 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

04. Telephone Number. The telephone number of both the Board and Department is (208) 658-2000. (2-6-15)

05. Facsimile Number. Faxes shall be sent directly to the person, division, bureau, or unit as

requested. If the fax number is not provided by the person, division, bureau, or unit, contact the Department's main reception at (208) 658-2000 to obtain the fax number. (2-6-15)

06. Internet Website and Electronic Mailing Address. The Department's Internet website can be found at <http://www.idoc.idaho.gov/>. The Department's electronic mail address for general correspondence is: inquire@idoc.idaho.gov. (2-6-15)

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules of the Board are subject to, and in compliance with, the Idaho Public Records Act. The rules are maintained by the Department of Correction, and shall be open to the public for inspection and copying at all reasonable times. (2-6-15)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Agreement of Supervision. A written agreement prepared by the Department for each offender under supervision by the Board that sets forth in language that is clear and easy to understand the specific acts that an offender must do, or must not do, while on probation or parole including compliance with the terms and conditions of probation or parole. (2-6-15)

02. Assessment of Potential to Re-Offend. Use of an actuarial instrument that has been validated in Idaho to determine the likelihood of an offender engaging in future criminal behavior, measure criminal risk factors, and define specific individual needs. (2-6-15)

03. Board. The State Board of Correction. (2-6-15)

04. Commission. The Commission of Pardons and Parole. The decision-making body that has the authority to grant, revoke, reinstate, or refuse parole. The Commission of Pardons and Parole is commonly referred to as the Parole Commission. (2-6-15)

05. Department. The Idaho Department of Correction. (2-6-15)

06. Director. The director of the Idaho Department of Correction. (2-6-15)

07. Discretionary Jail Time. A suspended jail sentence imposed as a condition of probation, to be used by the probation officer in increments not to exceed forty-eight (48) hours without prior court approval or as approved by the court. (2-6-15)

08. Division. The Idaho Department of Correction, Division of Probation and Parole. (2-6-15)

09. Division Chief. The exempt employee in authority over the Department's Division of Probation and Parole. (2-6-15)

10. Idaho Response Matrix. A matrix of graduated sanctions and rewards established by the Board in consultation with the Supreme Court that provides for responding swiftly and certainly to offender violations or compliance with the terms and conditions of probation or parole imposed by the court or the Commission and the Agreement of Supervision with the intent to promote long-term behavioral change. (2-6-15)

11. Offender. A probationer or parolee under the legal care, custody, supervision, or authority of the Board, including a person within or outside of the state of Idaho pursuant to an agreement with another state or contractor. (2-6-15)

12. Parolee. A person who: (2-6-15)

a. Has been released from a facility by the Commission prior to the completion of his sentence; (2-6-15)

b. Agrees to comply with certain conditions established by the Commission; and (2-6-15)

c. Remains under the supervision of a PPO for the established period of parole. (2-6-15)

13. Probationer. A person who is permitted by the court to continue to live and work in the community while being supervised by the Board under the terms and conditions ordered by the court and the agreement of supervision for an established period of time rather than being held in prison. (2-6-15)

14. Reward. An incentive used to acknowledge an offender's compliance with terms and conditions of probation or parole, the agreement of supervision, the offender management plan or other prosocial behavior. (2-6-15)

15. Sanction. A sanction is a response identified in the Idaho Response Matrix (IRM) to be implemented by the PPO to respond to offender behavior that is contrary to the terms and conditions of probation or parole set by the court or Commission or the agreement of supervision. A sanction may result in a report to the court, prosecuting attorney or Commission, regarding the offender's behavior and actions. These reports may include filing a Probation or Parole Violation Report with arrest, a Probation Violation Report without arrest with an order to show cause or a request for review; or a Special Progress Report or a warning letter forwarded to the court, prosecuting attorney or Commission which may contain a request for a change, addition, or modification of a term or condition of probation or parole. (2-6-15)

16. Terms and Conditions of Probation or Parole. The specific terms and requirements, including special terms and conditions, ordered by the court or Commission in the case of a particular offender. (2-6-15)

011. ABBREVIATIONS.

01. AOS. Agreement of Supervision. (2-6-15)

02. OMP. Offender Management Plan. (2-6-15)

03. PPO. Probation and Parole Officer. (2-6-15)

04. IRM. The Idaho Response Matrix. (2-6-15)

012. REQUIRED DEPARTMENTAL POLICIES AND DOCUMENTS.

01. Supervision Standards. Agreement of Supervision and Response Matrix of Sanctions and Rewards. The Department shall establish policies in conformance with this rule that govern the standards and processes for offender supervision and the terms of a standard agreement of supervision (AOS) for all probationers and parolees. The Department shall establish policies governing the operation of the Idaho Response Matrix (IRM) set forth in Appendix 1 containing sanctions and rewards to be imposed in the discretion of the probation and parole officer in response to an offender's compliance or non-compliance with the terms and conditions of probation or parole imposed by the court, the Commission or in the AOS. (2-6-15)

02. Supervision of Offenders. The Department shall supervise probationers and parolees in conformance with the Idaho Response Matrix (IRM) set forth in Appendix 1. (2-6-15)

03. Agreement of Supervision. The AOS developed by the Department will include, in non-technical language, the specific behavioral restrictions and requirements for the offender, including compliance with the terms and conditions of probation or parole and the terms of the IRM established under these rules. The Department shall establish policies requiring PPOs to review the AOS with each offender under the supervision of the Board and require each offender to sign the AOS. The policy will provide that at the time of execution of the AOS the PPO will discuss with the offender the following: (2-6-15)

a. The terms and conditions of probation or parole; (2-6-15)

b. The terms of the AOS; (2-6-15)

- c. The provisions of the IRM; (2-6-15)
- d. The consequences of non-compliance with the terms and conditions of probation or parole and the terms of the AOS; and (2-6-15)
- e. The rewards and incentives for compliance with the terms and conditions of probation or parole and the terms of the AOS. (2-6-15)

04. Idaho Response Matrix (IRM). The IRM which has been developed by the Department in consultation with the Idaho Supreme Court and approved by the Board is set forth in Appendix 1. The Department shall establish policies that: (2-6-15)

- a. Designate which sanctions for offender behavior are appropriate for response by the PPO without supervisor approval, and which sanctions for offender behavior require supervisor approval. (2-6-15)
- b. Define when non-compliant behaviors require a report to the court, prosecuting attorney or Commission. (2-6-15)
- c. Require the imposition of an escalated sanction, or a sanction requiring a report (special progress report or report of violation) to the court, prosecuting attorney, or Commission when the non-compliant offender behavior involves a special term or condition of probation or parole. (2-6-15)

05. Use of Idaho Response Matrix (IRM). The Department shall establish policies requiring PPOs to respond to offender behaviors by providing a reward or sanction in accordance with the IRM. Departmental policy will require PPOs to utilize the IRM to address offender non-compliance with the terms and conditions of probation or parole and the agreement of supervision by utilizing the system of graduated responses found in the IRM. PPOs will also utilize rewards from the IRM to reinforce goal achievement and compliance with terms and conditions of probation or parole and the agreement of supervision. (2-6-15)

06. Assessment of Potential to Re-Offend. The Department shall establish policies requiring the use of a validated actuarial assessment to determine the potential to re-offend and needs of each offender under the Department's supervision. The policy shall require assessments be performed upon intake for all offenders and at least annually thereafter for offenders whose most recent assessment score is in the moderate or high range of risk to re-offend. All offenders shall be re-assessed after a significant incident that indicates re-assessment should take place e.g. the filing of a special progress report or a probation or parole violation. (2-6-15)

07. Development of Offender Management Plan (OMP). The Department shall establish policies requiring that PPOs review all actuarial assessments of the potential to re-offend and needs of each offender under the PPOs' supervision and use the information to develop an OMP with the offender to establish goals and behaviors that will address the offender's identified needs and encourage compliance with the terms and conditions of probation or parole. (2-6-15)

08. Responding to Non-Compliant Behaviors. The Department shall establish policies providing that: (2-6-15)

- a. All alleged violations of the terms and conditions of probation or parole and the AOS that require investigation are investigated and documented within the time limits established by Department policy. (2-6-15)
- b. A report will be sent to the court or Commission any time that discretionary jail time is imposed. (2-6-15)
- c. Non-compliant behaviors that require a report to the court, prosecuting attorney, or Commission under the terms of the IRM will be reported within the time limits established by Department policy. (2-6-15)

09. Encouraging Compliant Behaviors. The Department shall establish policies providing that: (2-6-15)

a. The PPOs will assess an offender's readiness for change regarding the identified needs of the offender throughout the period of supervision. (2-6-15)

b. When the PPO observes or is made aware of the offender's efforts at prevention of non-compliance with conditions of supervision, or the offender is making progress on targeted behaviors the PPO will promptly provide a reward. Responses available to the PPO to address desired behavior are included in the IRM. (2-6-15)

013. -- 999. (RESERVED)

SEE NEXT TWO PAGES FOR RESPONSE MATRIX / CHART
(APPENDIX 1)

**BOARD OF CORRECTION
Supervision of Offenders on Probation or Parole**

**Docket No. 06-0201-1501 - New Chapter
Proclamation of Rulemaking**

Response Matrix			Response Chart Key:				Low Magnitude	Moderate Magnitude	High Magnitude	Parolee Specific	DUI	Domestic Violence	Sex Offender
Reward	Desired behaviors	Conditions	Event	Low risk	Moderate risk	High risk	Sanction	90/180	DUI	DV	SO		
Low	Moderate	High		1	2	3							
1	1	1	No violations since last contact (review at every contact)	Obey all laws	Confirmed unlawful activities	1	1	2	Align w/risk	Plus 1 (when related to substance use or operation of a motor vehicle)	Plus 1 (for violent/DV related behaviors)	Plus 1 (for behavior related to sex offense)	
					Charge for new crimes (misdemeanor)	2	2	2					
					Charge for new crimes (felony)	PV	PV	PV	PV				
1	1	2	No violations for last 3 months (review at every contact)	Report any contact/detention with law enforcement	Repeated contact with LE for obtainable offense	2	2	3	Align w/risk				
					Fail to report LE contact within 24 hours and/or fail to disclose to LE that on supervision	1	1	1					
					Possession of firearm	PV	PV	PV	PV				
					Possession of dangerous weapon used or intended to be used for other than normal or usual purposes	3	3	3	90 day				
1	1	2	Demstrates cooperation and engagement to support supervision	Searches and seizures	Failure to allow PPO or any LE officer to perform search of person, residence or vehicle	3	3	3	Align w/risk				
1	1	2	Positive decision making		Deliberate failure to report to PPO (avoiding supervision)	2	2	2					
1	1	1	On time for all meetings	Report as directed to meet with PPO	Late or missed meeting	1	1	1				Align w/risk	
					Absconding	PV	PV	PV	180 day				
1	1	1	Open communication with PPO (provides information openly and willingly)	Travel without permission	Leave district without permission	1	1	2					
					Leave state without permission	2	2	3					
1	1	1	Provides and follows schedules		Failure to obtain or abide by travel permit conditions	2	2	2					
1	1	2	Prosocial activities	Obey curfew	Failure to abide by curfew	1	1	2					
1	2	2	Identifies risk/problems with PPO	Cooperate with lawful requests of PPO	Fail to follow case plan elements related to conditions/agreement of supervision	1	1	1					
				Confidential informant	Act as a CI, except as allowed by IDOC policy and with consent of the court and IDOC	2	2	2					
2	2	3	Evidence of positive lifestyle changes	Obtain and comply with evaluation and program plan as directed by court or PPO	Failure to meaningfully participate in criminogenic specific programming	1	2	2					
					Association with known felon without PPO permission	1	1	1					
1	2	2	Appropriate peers and activities (gains new prosocial peers)	Shall not associate with any persons designated in writing by PPO	Associations with individuals involved in criminal activity	2	2	2				Plus 1 (each w/individuals convicted of sex offenses)	
					Association with active gang members	2	2	3				Align w/risk	
1	1	1	Attends support groups	No contact with victim without permission	Any contact with victim/NCD without permission by PPO and court	2	2	2				Plus 1	
1	1	2	Seeks appropriate residence and roommates	Obtain and comply with evaluation and program plan as directed by court or PPO (specific to family/marital)	Failure to complete evaluation as directed	1	1	1				Plus 1 (DV exit)	
1	1	1	Informs and educates family/roommates		Failure to meaningfully participate in treatment, counseling, or other programs as directed	1	1	2				Plus 1 (DV Treatment)	
2	2	2	Steady employment	Maintain or actively seek full time employment or approved educational alternative/vocational training	Change employment w/o permission	1	1	1					
1	2	2	Progress in program/education		Terminated from employment	1	1	2					
1	1	1	Provides documentation	Obtain GED/HSE	Failure to comply with job search/GED/HSE/vocational training	1	1	1				Align w/risk	
1	2	2	Prosocial activities	Obtain and comply with evaluation and program plan as directed by court or PPO	Engage in treatment and counseling	Failure to meaningfully participate in and successfully complete programs as directed	1	1	2				
1	1	1	Clean UAs	Obtain evaluation and program plan as directed by court or PPO	Failure to complete evaluation as directed	1	2	2				Plus 1 (based on LSU/DV eval)	
2	2	2	Admits or discloses to ADD use (prior to testing)		Failure to attend programing or treatment	1	1	2				Plus 1 (based on LSU/DV eval)	
2	2	2	Evidence of recovery oriented lifestyle	Engage in treatment and counseling	Failure to meaningfully participate in treatment, counseling, or other programs as directed	1	2	2				Plus 1 (based on LSU/DV eval)	
1	1	2	Completes evaluation/positive participation in treatment program		Misuse of prescription	2	2	2				Plus 1 (based on LSU/DV eval)	
					Possession of illegal substances or controlled substances w/o prescription	2	3	3				Plus 1 (based on LSU/DV eval)	
2	3	3	Completion of treatment program	No alcohol	Purchase, possession or consume alcohol in any form	1	2	2				Plus 1 (based on LSU/DV eval)	
					Enter any establishment where alcohol is primary source of income	1	2	2				Plus 1 (based on LSU/DV eval)	
					Substance abuse testing	Failure to submit to testing/positive test (includes testing through interlock, SCRAM, TAO or other remote testing device)	2	2	2			Plus 1 (based on LSU/DV eval)	
					Tampering, adulterating/diluting or otherwise deliberately attempting to subvert substance testing (including not installing or removing/tampering with remote testing device)	2	2	2				Plus 1 (based on LSU/DV eval)	
1	1	1	Open communication with agent /provider	Obtain and comply with evaluation and program plan as directed by IDOC agent	Failure to meaningfully participate in treatment, counseling, or other programs as directed	1	1	2					
1	1	2	Positive participation in treatment program	Engage in treatment and counseling	Fail to comply with behavioral health RX instructions (medication compliance)	1	2	2					
2	3	3	Completion of treatment program	Residence	Change of residence without approval by PPO	1	1	2				Align w/risk	
1	1	2	Stable living environment		Fail to admit and grant agent safe access to residence and property	3	3	3					
1	1	1	Seeks appropriate residence and roommates		Failure to pay all court costs and fines as directed.	1	1	1					
1	1	1	Discloses risks for residence verification (pets, visitors, etc.)	Cost of supervision	Failure to pay all court costs and fines as directed.	1	1	1					
1	1	1	All payments current	Court ordered financial obligations	Failure to pay restitution as directed.	2	2	2					
1	2	2	Demonstrates planning and budgeting										
SEX OFFENDER SPECIFIC BEHAVIOR (in addition to all other conditions) NOTE: Sex offender risk considers results from the STATIC 99/STABLE assessment													
2	2	2	Evidence of recovery oriented lifestyle	Testing	Failure to submit to polygraph and/or plethymograph as directed.	2	2	3					
2	2	2	Evidence of recovery oriented lifestyle	Treatment	Failure to comply with activity request procedures while in active treatment.	2	2	3				NA	
1	1	2	Positive participation in treatment program		Failure to meaningfully participate in criminogenic specific programming	1	2	3					
					Failure to complete evaluation as directed	1	2	3					
				Relationships	Entering into a dating, romantic, or sexual relationship without PPO and treatment provider consent	1	2	3				Align w/risk	
				Contact with minors	Contact with any minor child under the age of 18 without approved chaperone	2	2	3					
				Possession/exposure to sexually stimulating materials	Frequent establishments where pornographic materials are the main source of income.	2	2	3				Align w/risk	
					Possession of pornographic material.	2	2	3					
					Viewing of pornographic material.	2	2	3					
1	2	3	Prosocial Activities	Engaging in sexually deviant behavior.	Participating in phone sex, cross dressing, voyeurism, exhibitionism, public masturbation, footage, safe, masochistic behavior or bestiality.	3	3	3				NA	
				Internet access	Accessing the internet via computer, laptop, telephone, or other electronic device without permission from PPO.	2	2	3					
					Possessing password protected files including social media files, email, and dating site files.	1	2	3					
				Access to minors	Frequenting or loitering in places where minors congregate.	2	2	3					
					Living near schools or licensed daycares.	2	2	3					
Items set by the courts and parole commission to address specific crimes				Special conditions	Failure to comply with special conditions	Use appropriate matrix response + 1 to increase magnitude of response. If not in Matrix respond with report.							
Reporting Requirements: 1) Any level 3 response; 2) new felony or serious misdemeanor (DUI/DV/Violence (based on circumstances)); 3. 9 or more violation points within a six month period.													
Repeated noncompliance with the same condition results in graduating the response by one level													

Response Chart						
Rewards			M a g n i t u d e I n c r e a s e s	Sanctions		
Level 1	Level 2	Level 3		Level 1	Level 2	Level 3
Verbal Recognition	Mitigate sanction 1 level (positive behavior arising from violation behavior)	Place on Online Reporting		Verbal warning	Noncompliance letter	Special progress report/warning letter
	Clean UA certificate	Court/Commission recognition			Domain/Behavior Specific Programing	Electronic Monitoring
Certificate of completion	Good conduct ticket/token (x2)	Reduce supervision level / refer to LSU (reassess to classify by risk)		Skills Practice with PPO	Increase level of supervision (increase reporting/testing for 30, 60, 90 days)	DJT (less than 48 hours)
Good conduct ticket/token	DM written recognition	Request modification of appropriate condition		Written Assignment (Thinking Report, letter of apology, or other report)	Community Service (when ordered)	Request additional/more restrictive conditions from court (review)
Impromptu call to recognize good conduct				Increase reporting/testing for week		Sheriff's Inmate Labor Detail (if available in jurisdiction)
Approve travel request (in state)	Termination of consequence	Request early discharge (for appropriate offenders)		Recovery Planning	Restrictive Curfew	DJT (48 hours or more)
PPO written recognition	Adjust curfew			Travel Restrictions (no out of district/out of state)		
Mitigate sanction 1 level (positive behavior arising concurrent with non-compliant behavior)	Reduce reporting requirements			Directed Action Planning (behavior contract)	House Restriction	In custody (IDOC) programing (request to modify terms and conditions/impose suspended)
	Consider request to modify association restrictions					
	Enhanced Travel request (out of state)					
	Place on Online Reporting					
	Ticket/Token exchange (special reward in exchange for earned tickets)					
Suspend Online Reporting	Special progress report/warning letter		Report of violation- No arrest	Association restrictions	Request additional/more restrictive conditions from court (review hearing)/Board	
						PPO/ Provider/ Offender status meeting
Domain/Behavior Specific programing	Electronic Monitoring		Report of violation- Arrest	DJT (less than 48 hours)		
	DJT (less than 48 hours)					

Choosing a response: 1) Consider protective factors; 2) Do not mix higher risk offenders with lower risk offenders; 3) Individualize response based upon what is meaningful (as a reward or sanction) to the offender.

When responding to multiple behaviors, the level shall correspond to the most serious behavior. The PPO may select more than one reward or sanction from the same level or a lower level to respond to multiple behaviors. Use of multiple lower level responses cannot be substituted for a higher level response.

IDAPA 06 - BOARD OF CORRECTION

06.02.02 - RULES GOVERNING ESTABLISHMENT AND OPERATION OF A LIMITED SUPERVISION UNIT BY THE DEPARTMENT OF CORRECTION, DIVISION OF PROBATION AND PAROLE

DOCKET NO. 06-0202-1501 (NEW CHAPTER)

NOTICE OF PROCLAMATION OF RULEMAKING

EFFECTIVE DATE: In accordance with Section 20-212(1), Idaho Code, this rule becomes effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. This rule will be of full force and effect on February 6, 2015.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is given that this agency has adopted a rule by proclamation and it is being published in this edition of the Idaho Administrative Bulletin. Section 20-212, Idaho Code, requires the Idaho State Board of Correction to make rules and pursuant to Sections 20-212(1), 67-454, 67-5291, and 67-5292, Idaho Code, rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature for final approval, but no other provisions of chapter 52, title 67, Idaho Code, apply to the Board, except as specifically addressed by statute.

PUBLIC HEARING SCHEDULE: Pursuant to Section 20-212(1), Idaho Code, the Idaho Department of Correction is exempt from the provisions of Section 67-5222, Idaho Code and does not allow for requests for public hearings.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and reason for adopting this rule:

The proposed rulemaking establishes a limited supervision unit within the Idaho Department of Correction's Probation and Parole Division. The rulemaking also identifies requirements and procedures for the unit and offenders. The Board develops these new rules to comply with and carry out the requirements of the Justice Reinvestment Act of 2014.

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

No fees or charges are imposed or changed in 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 resulting from this rulemaking:

There is no fiscal impact on general funds as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from conducting negotiated rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance concerning this proclamation, contact Alan Stewart, Policy Coordinator, at (208) 658-2079.

DATED this 28th Day of November, 2014.

Alan Stewart
Policy Coordinator
Idaho Department of Correction
1299 N. Orchard St., Suite 110
Boise, ID 83706
Tel: (208) 658-2133
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THE FOLLOWING IS THE PROCLAMATION TEXT OF DOCKET NO. 06-0202-1501
(All text is new.)

IDAPA 06
TITLE 02
CHAPTER 02

06.02.02 - RULES GOVERNING ESTABLISHMENT AND OPERATION OF A LIMITED SUPERVISION UNIT BY THE DEPARTMENT OF CORRECTION, DIVISION OF PROBATION AND PAROLE

000. LEGAL AUTHORITY.

01. Section 19-2601(5), Idaho Code. Pursuant to Section 19-2601(5), Idaho Code, if the court places a defendant on probation to the Board of Correction the court shall include in the terms and conditions of probation a requirement that the defendant enter into and comply with an agreement of supervision with the Board. (2-6-15)

02. Section 20-212, Idaho Code. Pursuant to Section 20-212, Idaho Code, the Board shall make all rules necessary to carry out the provisions of Title 20, Chapter 2, Idaho Code, not inconsistent with express statutes or the state constitution. (2-6-15)

03. Section 20-217A, Idaho Code. Pursuant to Section 20-217A, Idaho Code, the director shall assume all the authority, powers, functions and duties as may be delegated to him by the Board. (2-6-15)

04. Section 20-219(3), Idaho Code. Pursuant to Section 20-219(3), Idaho Code, the Board shall have the discretion to determine the level of supervision of all persons under its supervision, except those who are being supervised by problem solving courts. (2-6-15)

05. Section 20-219(5), Idaho Code. Pursuant to Section 20-219(5), Idaho Code, in carrying out its duty to supervise felony probationers and parolees, the Board shall use evidence-based practices, shall target the offender's criminal risk and need factors with appropriate supervision and intervention and shall focus resources on those identified by the board as moderate and high-risk offenders. Supervision shall include the use of validated risk and needs assessments measuring criminal risk factors, specific individual needs and driving variable supervision levels. (2-6-15)

06. Section 20-219(7)(a), Idaho Code. Pursuant to Section 20-219(7)(a), Idaho Code, the Board shall promulgate rules in consultation with the Supreme Court to establish a program of limited supervision for offenders who qualify addressing eligibility, risk and needs assessments, transfers among levels of supervision, and reporting to the court and the prosecuting attorney. (2-6-15)

07. Section 20-221(2), Idaho Code. Pursuant to Section 20-221(2), Idaho Code, any party or the Board may submit a request to the court to modify the terms and conditions of probation for any probationer at any time during the period of probation. (2-6-15)

08. Section 20-221(3), Idaho Code. Pursuant to Section 20-221(3), Idaho Code, any party or the Board may submit a request to the court to terminate the probation for any probationer at any time during the period of probation. (2-6-15)

09. Section 20-228, Idaho Code. Pursuant to Section 20-228, Idaho Code the Commission shall include in the conditions of parole a requirement that the offender enter into and comply with an agreement of supervision with the Board. (2-6-15)

10. Section 20-233(2), Idaho Code. Pursuant to Section 20-233(2), Idaho Code, the Board may submit a request to the Commission for a final order of discharge from the remaining period of parole for any parolee under the Board's supervision at any time during the period of parole. (2-6-15)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 06.02.02, "Rules Governing Establishment and Operation of a Limited Supervision Unit by the Department of Correction, Division of Probation and Parole," IDAPA 06, Title 02, Chapter 02. (2-6-15)

02. Scope. These rules are established to govern the creation and operation of a limited supervision unit within the Division, the offender eligibility qualifications for assignment to the unit, the assessment of the risks and needs of offenders assigned, or to be assigned, to the unit, transfers of offenders among levels of supervision, and reporting offender progress and conduct to the court and the prosecuting attorney. (2-6-15)

002. WRITTEN INTERPRETATIONS.

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there are no written interpretations of these rules. (2-6-15)

003. ADMINISTRATIVE APPEALS.

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there is no provision for administrative appeal. (2-6-15)

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference in this chapter. (2-6-15)

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

01. Street Address. The Board of Correction's administrative office and the Idaho Department of Correction are located at 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. Business hours are typically 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays. (2-6-15)

02. Mailing Address (Board of Correction). Mail regarding the Board of Corrections' rules shall be directed to the Board of Correction, Attention: Management Assistant, Office of the Director, 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

03. Mailing Address (Dept. of Correction). Mail regarding the Idaho Department of Correction shall be sent to 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

04. Telephone Number. The telephone number of both the Board and Department is (208) 658-2000. (2-6-15)

05. Facsimile Number. Faxes shall be sent directly to the person, division, bureau, or unit as requested. If the fax number is not provided by the person, division, bureau, or unit, contact the Department's main reception at (208) 658-2000 to obtain the fax number. (2-6-15)

06. Internet Website and Electronic Mailing Address. The Department's Internet website can be found at <http://www.idoc.idaho.gov/>. The Department's electronic mail address for general correspondence is: inquire@idoc.idaho.gov. (2-6-15)

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules of the Board are subject to, and in compliance with, the Idaho Public Records Act. The rules are maintained by the Department of Correction, and shall be open to the public for inspection and copying at all reasonable times. (2-6-15)

007. -- 009. (RESERVED)

010. DEFINITIONS.

- 01. Board.** The State Board of Correction. (2-6-15)
- 02. Commission.** The Commission of Pardons and Parole. The decision-making body that has the authority to grant, revoke, reinstate, or refuse parole. The Commission of Pardons and Parole is commonly referred to as the Parole Commission. (2-6-15)
- 04. Department.** The Idaho Department of Correction. (2-6-15)
- 05. Director.** The director of the Idaho Department of Correction. (2-6-15)
- 06. Division.** The Idaho Department of Correction, Division of Probation and Parole. (2-6-15)
- 07. Division Chief.** The exempt employee in authority over the Department's Division of Probation and Parole. (2-6-15)
- 08. Legal and Financial Obligation.** An obligation owed by an offender, which was incurred or imposed as a result of the commission of a criminal offense. Includes court costs, fines, fees, cost of supervision and restitution. (2-6-15)
- 09. Limited Supervision Unit Agreement of Supervision.** A written agreement prepared by the Department for each offender transferred to the Limited Supervision Unit that sets forth in language that is clear and easy to understand the specific acts that an offender must do, or must not do, while on probation or parole and assigned to the Limited Supervision Unit including compliance with the terms and conditions of probation or parole set by the court or Commission. (2-6-15)
- 10. Offender.** A probationer or parolee under the legal care, custody, supervision, or authority of the Board, including a person within or outside of the state of Idaho pursuant to an agreement with another state or contractor. (2-6-15)
- 11. Parolee.** A person who: (2-6-15)
- a.** Has been released from a facility by the Commission prior to the completion of their sentence; (2-6-15)
 - b.** Agrees to comply with certain conditions established by the Commission; and (2-6-15)
 - c.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)
- 12. Probationer.** A person who is permitted by the court to continue to live and work in the community while being supervised by the Board under the terms and conditions ordered by the court and the agreement of supervision for an established period of time rather than being held in prison. (2-6-15)
- 13. Violent Misdemeanor.** Any misdemeanor offense that includes, as an element of the offense or as part of the underlying facts: (2-6-15)
- a.** Physical contact with, or injury to, the person of another; or (2-6-15)
 - b.** The use of a weapon to cause or threaten harm to another. (2-6-15)
- 011. ABBREVIATIONS.**
- 01. COS.** Cost of Supervision. (2-6-15)
- 02. DUI.** Driving Under the Influence of alcohol or drugs. (2-6-15)

- 03. LFO. A Legal and Financial Obligation. (2-6-15)
- 04. LSU. Limited Supervision Unit. (2-6-15)
- 05. PPO. Probation and Parole Officer. (2-6-15)

012. ESTABLISHMENT OF LIMITED SUPERVISION UNIT (LSU).

01. Establishment and Supervision. The Department shall establish a Limited Supervision Unit (LSU) consisting of probationers and/or parolees under the supervision of a Probation and Parole Officer (PPO) who will monitor unit success, offender compliance, and oversee caseload and supervision activities. (2-6-15)

02. LSU Policy Provisions. The policy establishing the LSU unit shall include: (2-6-15)

a. Provisions for regular caseload reviews by all PPOs for candidates to be considered for transfer to the LSU. (2-6-15)

b. Supervisory review of PPO recommendations of candidates to be considered for transfer to the LSU. (2-6-15)

c. The terms of a Limited Supervision Unit Agreement of Supervision. (2-6-15)

d. Procedures for the transfer of offenders to the LSU and for the execution of the Limited Supervision Unit Agreement of Supervision. (2-6-15)

e. Offender monitoring and compliance review standards, activities, and requirements for offenders transferred to the LSU. Including the following requirements: (2-6-15)

i. Offenders must report on a regular basis not less often than quarterly using the online reporting portal unless the LSU PPO has granted a written waiver. The LSU PPO or designee must respond as provided in Department policy to any alerts generated by the reporting system or otherwise received by the LSU PPO and document the response in the Department's offender database. (2-6-15)

ii. Periodically, but not less often than once every six months, the LSU PPO or designee must search the Idaho Supreme Court Repository for: (2-6-15)

(1) New criminal case filings; (2-6-15)

(2) Status of legal and financial obligations; (2-6-15)

(3) Warrants; or (2-6-15)

(4) Civil commitments. (2-6-15)

f. Procedures and reporting requirements for offender non-compliance. (2-6-15)

g. Procedures for the transfer of offenders from the LSU back to general supervision. (2-6-15)

03. LSU Unit Oversight. The Division Chief or his designee shall by Department policy be responsible for ensuring the LSU supervising Probation and Parole Officer follows the guidelines, standards and procedures of the unit. District Managers and Section Supervisors will be responsible for ensuring suitable candidates are screened from current offender caseloads and referred to the unit by Probation and Parole Officers. (2-6-15)

04. Transfer to Limited Supervision Unit. The Department shall establish by policy that: (2-6-15)

a. Qualifying Factors. Consideration for transfer to the LSU unit will be based on the following

factors: (2-6-15)

i. Validated Assessment of Potential to Re-Offend. The LSU candidate shall have their potential for re-offense and needs determined through a validated actuarial assessment. To qualify for assignment to the LSU, candidate scores on the risk and needs assessment must be at or below the “low” potential to re-offend level with no increase in risk level for at least ninety (90) days during active supervision immediately prior to transfer, or at or below the “moderate” potential to re-offend level with no increase in risk level for at least three hundred sixty (360) days during active supervision immediately prior to transfer. (2-6-15)

ii. Income and Employment Status. The LSU candidate must have verified full-time employment of at least thirty-two (32) hours per week, or be a full-time student, or have adequate lawful income from non-employment sources including retirement, spousal or child support, student financial aid, disability income or SSI. (2-6-15)

iii. Drug Screening. If the LSU candidate is being supervised at moderate risk or lower they must establish a documented history of negative results on urine sample analyses for banned substances for a period of ninety (90) days before being a candidate for the LSU. Drug screening may be waived for a LSU candidate with a lack of history of drug or alcohol abuse or due to prior supervision at a low risk level of more than one (1) year. (2-6-15)

iv. Legal and Financial Obligations. The LSU candidate must have paid all LFOs in full as directed or have established a record of actively making payments on all outstanding LFOs. (2-6-15)

v. Court Ordered Jail Time and Community Service. The LSU candidate must have established a record of progress toward successful completion of all court ordered obligations for local incarceration and community service. (2-6-15)

vi. Special Terms and Conditions Imposed by Court or Commission. The LSU candidate must have completed or be in compliance with all of the special terms and conditions of probation or parole ordered by the court or the Commission. (2-6-15)

b. Disqualifying Factors. The following factors disqualify an offender from being considered a candidate for transfer to the limited supervision unit: (2-6-15)

i. Additional Offenses: (2-6-15)

(1) Commission of a felony by a LSU candidate while on probation or parole; (2-6-15)

(2) Commission of a violent misdemeanor in the past twelve (12) months; or (2-6-15)

(3) Commission of a misdemeanor DUI offense in the past twelve (12) months. (2-6-15)

ii. Violation of a Special Term or Condition Imposed by Court or Commission. Violation in the past twelve (12) months of a special term or condition of probation or parole imposed by the court or the Commission. (2-6-15)

iii. Interlock Device. The LSU candidate is the subject of a current order under Section 18-8008(2), Idaho Code, or has a special term or condition of probation to have a state approved ignition interlock system installed on each of the motor vehicles owned or operated by the offender. (2-6-15)

iv. No Contact Orders and Civil Protection Orders. The LSU candidate is the respondent in an active No Contact Order or Civil Protection Order. The disqualifying order must be independent of terms and conditions of probation or parole and violation of the order must subject the offender to arrest and potential punishment under Section 18-920 or 39-6312, Idaho Code. (2-6-15)

c. Consideration of Court or Commission Recommendations for Assignment to LSU. The Department will review all recommendations received at any time from the sentencing court or the Commission for assignment of an offender to the LSU and will advise the court and prosecuting attorney or Commission of it's

decision on such recommendation. (2-6-15)

d. Parolee Meeting Early Discharge Criteria. Without regard to the qualifying and disqualifying factors set forth in subsections a. and b., a parolee who meets the following criteria for early discharge from parole, but has not been granted early discharge by the Commission will be eligible for referral to the LSU: (2-6-15)

i. Parolee is a property or drug offender who has been in the community not less than one (1) year; (2-6-15)

ii. Parolee is a violent or sex offender who has served not less than one third of their remaining sentence post release within the community; or (2-6-15)

iii. Parolee is a serving a life sentence and has been in the community not less than five (5) years. (2-6-15)

05. Removal from LSU Unit. The Department shall establish policies providing that when an offender no longer meets the qualifications set forth in Subsections 012.04.a. and 012.04.b. or has failed to comply with the terms and conditions of probation or parole or the LSU agreement of supervision or the Department determines that a higher level of supervision of the offender is required, the Department may in its discretion remove the offender from the LSU unit and assign the offender to a higher level of supervision. (2-6-15)

06. Discharge from Probation. The Department shall establish policies providing that: (2-6-15)

a. Early Discharge Requests for Probationers. When a probationer being supervised in the LSU has complied with all terms and conditions of probation and the LSU agreement of supervision for a period of at least twelve (12) months, the Department will determine whether to submit a Request for Discharge to the court. (2-6-15)

b. Early Discharge Requests for Parolees. If a parolee being supervised in the LSU has complied with all terms and conditions of parole and the LSU agreement of supervision for a period of at least twelve (12) months, and meets all requirements for early discharge from parole the Department will determine whether to submit a Request for Discharge to the Commission. (2-6-15)

07. Report to Court or Commission. The Department will report to the sentencing court or the Commission, on a monthly basis, on all offenders, identified by name and case number, that have been assigned to, or removed from, the LSU during the preceding month. A copy of the report will be sent to the prosecuting attorney. (2-6-15)

013. -- 999. (RESERVED)

IDAPA 06 - BOARD OF CORRECTION
06.02.03 - RULES GOVERNING RELEASE READINESS
DOCKET NO. 06-0203-1501 (NEW CHAPTER)
NOTICE OF PROCLAMATION OF RULEMAKING

EFFECTIVE DATE: In accordance with Section 20-212(1), Idaho Code, this rule becomes effective thirty (30) days after the date of publication in the Idaho Administrative Bulletin. This rule will be of full force and effect on February 06, 2015.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. Section 20-413A, Idaho Code, requires the Idaho State Board of Correction to make rules. Pursuant to Section 20-212(1), Idaho Code, rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature pursuant to Sections 67-454, 67-5291, and 67-5292, Idaho Code, but no other provisions of chapter 52, title 67, Idaho Code, shall apply to the Board, except as otherwise specifically provided by statute.

PUBLIC HEARING SCHEDULE: Pursuant to Section 20-212(1), Idaho Code, the Idaho Department of Correction is exempt from the provisions of Section 67-5222, Idaho Code and does not allow for requests for public hearings.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and reason for adopting this rule:

The board creates these new rules regulating issues of an inmate's readiness for reentry into the community. These new rules identify requirements and standards for preparing inmates for release from custody. The Board develops these new rules to comply with and carry out the requirements of the Justice Reinvestment Act of 2014.

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

No fees or charges are imposed or changed in 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 resulting from this rulemaking:

There is no fiscal impact on general funds as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 20-212(1), Idaho Code, the Idaho State Board of Correction is exempt from conducting negotiated rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance concerning this proclamation, contact Alan Stewart, Policy Coordinator, at (208) 658-2079.

DATED this 28th Day of November, 2014.

Alan Stewart
Policy Coordinator
Idaho Department of Correction
1299 N. Orchard St., Suite 110
Boise, ID 83706
Tel: (208) 658-2133
Fax: (208) 327-7404

THE FOLLOWING IS THE PROCLAMATION TEXT OF DOCKET NO. 06-0203-1501
(All text is new.)

IDAPA 06
TITLE 02
CHAPTER 03

06.02.03 - RULES GOVERNING RELEASE READINESS

000. LEGAL AUTHORITY.

01. Section 20-212, Idaho Code. Pursuant to Section 20-212, Idaho Code, the board shall make all rules necessary to carry out the provisions of Title 20, Chapter 2, Idaho Code, not inconsistent with express statutes or the state constitution. (2-6-15)

02. Section 20-217A, Idaho Code. Pursuant to Section 20-217A, Idaho Code, the director shall assume all the authority, powers, functions and duties as may be delegated to him by the board. (2-6-15)

03. Section 20-226(2), Idaho Code. Pursuant to Section 20-226(2), Idaho Code, the board shall use a validated risk assessment to determine, for each offender, the risk of re-offense and suitability for release and the commission is to use the risk assessment in determining parole. (2-6-15)

04. Section 20-228, Idaho Code. Pursuant to Section 20-228, Idaho Code, the commission shall include in the conditions of parole a requirement that the offender enter into and comply with an agreement of supervision with the board. (2-6-15)

05. Section 20-233(2), Idaho Code. Pursuant to Section 20-233(2), Idaho Code, the board may submit a request to the commission for a final order of discharge from the remaining period of parole for any parolee under the board's supervision at any time during the period of parole. (2-6-15)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 06.01.03, "Rules Governing Release Readiness," IDAPA 06, Title 01, Chapter 03. (2-6-15)

02. Scope. These rules are established to govern the duties and responsibilities delegated to the board for preparing offenders for release back into their communities. (2-6-15)

002. WRITTEN INTERPRETATIONS.

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there are no written interpretations of these rules. (2-6-15)

003. ADMINISTRATIVE APPEALS.

Pursuant to Section 20-212(1), Idaho Code, the Board is exempt from all provisions of Chapter 52, Title 67, Idaho Code, except as specifically noted therein so there is no provision for administrative appeal. (2-6-15)

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference in this chapter. (2-6-15)

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

01. Street Address. The Idaho Board of Correction's administrative office and the Idaho Department of Correction are located at 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. Business hours are typically 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. (2-6-15)

02. Mailing Address (Board of Correction). Mail regarding the Board's rules shall be directed to the Idaho Board of Correction, Attn: Management Assistant, Office of the Director, 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

03. Mailing Address (Dept. of Correction). Mail regarding the department shall be sent to 1299 N. Orchard St., Suite 110, Boise, Idaho 83706-2266. (2-6-15)

04. Telephone Number. The telephone number of both the Board and Department is (208) 658-2000. (2-6-15)

05. Facsimile Number. Faxes shall be sent directly to the person, division, bureau, or unit as requested. If the fax number is not provided by the person, division, bureau, or unit, contact the department's main reception at (208) 658-2000 to obtain the fax number. (2-6-15)

06. Electronic Mail. The department's electronic mail address for public record requests and general inquiries is inquire@idoc.idaho.gov. (2-6-15)

07. Internet Website. The department's Internet website can be found at <http://www.idoc.idaho.gov/>. (2-6-15)

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules of the Board are subject to, and in compliance with, the Idaho Public Records Act. The rules are maintained by the department, and shall be open to the public for inspection and copying at all reasonable times. (2-6-15)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Board. The state of Idaho Board of Correction. (2-6-15)

02. Commission. The state of Idaho Commission of Pardons and Parole. (2-6-15)

03. Department. The state of Idaho Department of Correction. (2-6-15)

04. Director. The director of the Idaho Department of Correction. (2-6-15)

05. Earliest Possible Release Date. The earliest of parole eligibility date (PED), tentative parole date (TPD), or full term release date (FTRD). (2-6-15)

06. Level of Service Inventory. An instrument used to sample an offender's risk factors in order to provide a comprehensive risk and needs assessment, which is necessary in identifying offender treatment planning and supervision. The LSI is used to screen for crime-producing attributes based on a total score with results presented in 10 subscale domains. (All references to LSI include all subsequent revisions.) (2-6-15)

07. Motivational Interviewing. An emphatic goal-directed communication style used in both group and individual settings to help offenders' battle addiction and promote behavior change. (2-6-15)

08. Offender. A person under the legal care, custody, supervision, or authority of the Board, including a person within or without the state of Idaho pursuant to agreement with another state or contractor. (2-6-15)

09. Offender Management Plan. A computer-based system maintained with the Computer Integrated System (CIS) that is used to record, monitor, and track the program activity of an offender. (2-6-15)

- 10. Parolee.** An offender who: (2-6-15)
- a.** Is released from a facility by the paroling authority prior to the completion of his sentence; (2-6-15)
 - b.** Agrees to comply with certain conditions established by the paroling authority; and (2-6-15)
 - c.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)
- 11. Rider.** An offender who: (2-6-15)
- a.** Is released from a facility by the judicial authority upon completing a retained jurisdiction period; (2-6-15)
 - b.** Agrees to comply with certain conditions established by the judicial authority; and (2-6-15)
 - c.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)
- 12. Reception and Diagnostic Unit.** Initial housing for newly committed offenders - except those under sentence of death - where orientation, screening, assessment, and classification occur. (2-6-15)
- 13. Static 99.** A specific sex offender risk assessment instrument that yields separate long-term probabilities for sexual and/or violent re-offense risk. (2-6-15)
- 14. Test of Adult Basic Education.** Specialized screening and test that provides both preliminary (locator) and in-depth (comprehensive battery) measures of basic reading, mathematics, and language skills. (2-6-15)
- 011. ABBREVIATIONS.**
- 01. DARS.** Drug and Alcohol Rehabilitation Specialists. (2-6-15)
 - 02. EPRD.** Earliest possible release date. (2-6-15)
 - 03. FTRD.** Full-term release date. (2-6-15)
 - 04. LSI.** Level of service inventory. (2-6-15)
 - 05. MAC.** Medical Action Committee. (2-6-15)
 - 06. MI.** Motivational interviewing. (2-6-15)
 - 07. OMP.** Offender management plan. (2-6-15)
 - 08. PED.** Parole eligibility date. (2-6-15)
 - 09. PER.** Program exception request. (2-6-15)
 - 10. PPO.** Probation and parole officer. (2-6-15)
 - 11. PRS.** Pre-release Specialists. (2-6-15)
 - 12. PSI.** Presentencing Investigation. (2-6-15)
 - 13. PSRS.** Psychosocial Rehabilitation Specialist. (2-6-15)

- 14. **RDU.** Reception and Diagnostic Unit. (2-6-15)
- 15. **SIPR.** Self-initiated Parole Request. (2-6-15)
- 16. **SOP.** Standard operating procedure. (2-6-15)
- 17. **SSDI.** Social Security Disability Insurance. (2-6-15)
- 18. **SSI.** Supplemental Security Income. (2-6-15)
- 19. **TABE.** Test of Adult Basic Education (2-6-15)
- 20. **TC.** Therapeutic community. (2-6-15)
- 21. **TCU-DS II.** Texas Christian University drug screen II. (2-6-15)
- 22. **TPD.** Tentative parole date. (2-6-15)

012. OFFENDER CASE MANAGEMENT.

01. General Procedures. The department will designate points of contact in all correctional facilities and in each department district office, for the purpose of ensuring case managers, PPOs and parole hearing officers collaborate and develop thorough discharge plans for offenders being released from correctional facilities back into their communities. (2-6-15)

a. Department designated point of contracts will be in a management position, such as a section supervisor, program manager, or deputy warden. (2-6-15)

b. Department designated case managers will be PSRS, PRS, DARS, or any staff member responsible for planning offender releases. (2-6-15)

c. The department will utilize assertive case management as its core case management philosophy. (2-6-15)

02. Reentry Priority Designations. The Department will establish reentry priority designations based upon the offender's proximity to release. The reentry priority designations will be used to determine the intensity of reentry activities and case management tasks. (2-6-15)

a. The Department will establish case manager duties and contact standards based on the offender's reentry priority designation. Case manager contact shall increase as the offender's first eligible parole date approaches. Case manager contact will include reviewing, updating, and revising the reentry checklists referenced in Subsection 012.03 of these rules. (2-6-15)

03. Reception and Diagnostic Unit Reentry Checklists. The department will begin offender reentry processes while the offender is in the correctional facility's RDU. (2-6-15)

a. The department will develop a reentry checklist to initially be used while an offender is in RDU and updated throughout the offender's incarceration. The reentry checklist will be designed to have all discharge planning and reentry information in one (1) place. This will ensure the accurate sharing of information and continuity of care, and that an offender's identified needs are addressed prior to the offender's release from the correctional facility back into the community. (2-6-15)

b. Case managers will address all assessed criminogenic and reentry areas with offenders early in their incarceration so that they can make modifications prior to their release. Case managers will follow the contact standards established pursuant to subsection 012.02 of these rules and document their findings. (2-6-15)

04. Mental Health and Healthcare Services Discharge Planning. Licensed professional staff will be

responsible for identifying those offenders who have acute healthcare concerns so that discharge planning can begin. The Department will establish process to identify those offenders who have a mental health or healthcare concern that causes disability a minimum of one hundred eighty (180) days prior to release. (2-6-15)

05. Case Management Documentation. All case management activities, including case manager contacts and reentry and discharge planning activities, will be documented in a manner and form established by the Department. (2-6-15)

013. OFFENDER PROGRAM MANAGEMENT.

01. Core Philosophies. The department will deliver an offender program management philosophy that will embrace the following core concepts: (2-6-15)

- a. Strength-based (supportive accountability); (2-6-15)
- b. Assertive case management; and (2-6-15)
- c. Solution-focused interventions. (2-6-15)

02. Core Intervention Tools for Offender Engagement. The department will only employ those intervention tools that foster respect and accountability without compromising the safe operation of its correctional facilities and probation and parole district offices. Intervention tools should enhance communication, technology, and partnerships, and include, but are not limited to, the following: (2-6-15)

- a. Motivational interviewing (MI) as primary communication method; (2-6-15)
- b. Technology for tracking and oversight; and (2-6-15)
- c. Collaboration with internal, public, and private entities. (2-6-15)

03. Inclusion and Exclusion of Pathways Criteria. (2-6-15)

a. The Department will identify specific inclusion and exclusion criteria to be used to assign an offender's pathway. (2-6-15)

b. All offenders (except those sentenced to death, life without parole, or a fixed sentence with no indeterminate portion) will be assigned a pathway to address all assessed criminogenic issues. The Department will develop pathways to establish programs and other interventions to address an offender's assessed criminogenic issues. An offender will begin a pathway in anticipation of the first parole opportunity or fixed period of time. (2-6-15)

c. The Department will identify criteria and establish a process to allow the offender's case manager to request an exception to an assigned pathway that addresses the offender's criminogenic needs. (2-6-15)

04. Offender Management Plans. The department will develop an OMP for all offenders utilizing the information obtained from the assessment and screening process. Case supervisors will use a multidisciplinary team approach to consider both the current needs of the offender and the transition and aftercare components of the OMP upon release of the offender into the community. PPOs will continue the OMP while the offender is in the community. OMPs will include goals for primary and individual pathways to target offenders' assessed risks. (2-6-15)

05. Offender Assessment and Screening Instruments. All offenders, including Riders, will undergo screening and assessment upon arrival to RDU to identify the crime-producing attributes of each offender. (2-6-15)

a. The assessment and screening instruments to be used by the Department shall be nationally recognized for assessing criminogenic needs of offender populations. (2-6-15)

b. The department shall establish a process to approve the use of offender assessment and screening instruments. (2-6-15)

c. Department will establish a training program for staff members to administer the offender assessment and screening instruments. (2-6-15)

06. Individual Assessments. (2-6-15)

a. The Department will identify factors that indicate when an individual assessment is necessary to further evaluate an offender's needs in specific areas such as mental health, substance abuse, responsivity factors, and sex offender attributes. (2-6-15)

b. Individual assessments will be administered by either trained department staff or community providers. (2-6-15)

07. Youth Offender Assessments. The department will establish procedures and the assessment and screening instruments to be used to assess offenders who are under eighteen (18) years of age. (2-6-15)

08. Assessment and Reassessment Standards. The Department shall establish assessment and reassessment standards for all screening and assessment tools. (2-6-15)

09. Parole Hearing Process. (2-6-15)

a. Four (4) months prior to the offender's parole hearing month, the parole hearing officer will prompt case supervisors that a status summary is due. Case managers will ensure the summary status will be available at least ten (10) business days prior to the parole hearing in a manner and form established by the Department. (2-6-15)

b. The department will identify additional staff responsibilities, and requirements for self-initiated parole requests (SIPR) and post parole hearing processes. (2-6-15)

014. -- 999. (RESERVED)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.01.11 - REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS AND PROPRIETARY SCHOOLS

DOCKET NO. 08-0111-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 33-105, 33-107, 33-2402, and 33-2403, 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 proposed changes to IDAPA 08.01.11 will amend the definition of what constitutes having an “Idaho presence” for state authorization purposes. Institutions, unless otherwise exempted, who have a physical presence within the state of Idaho are required to register with the State Board of Education. Idaho’s definition of physical presence includes all students participating in a clinical experience within the state even if the institution itself does not meet the other requirements for a physical presence. The proposed change would give a slightly broader definition in regards to a clinical experience and allows that if there are fewer than ten (10) students simultaneously present at the site and the institution does not have a multi-year agreement with the site then that institution still does not have a physical presence within the state.

An additional change is being proposed to subsection 200.09 that would allow for the Board office to use financial instruments other than an institution’s audited financial statements as part of the registration process. Due to timing and varying differences in an institution’s operations the audited financial statements may not be the best instrument for staff to use to calculate the registration fee of a specific institution.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 86 through 89](#).

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

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

DATED this 28th Day of November, 2014.

Tracie Bent, Chief Planning & Policy Officer
Office of the State Board of Education
650 W. State Street
P.O. Box 83720-0037
Boise, ID 83720
Phone: (208) 332-1582
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IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-107, 33-116, 33-1612, and 33-320, 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 33-320, Idaho Code, requires each school district and public charter school in Idaho to develop and maintain a strategic plan that focuses on improving the district or charter school students' performance. It also authorizes the Board to promulgate rules to establish appropriate procedures, qualifications, and guidelines for qualified training providers who will provide training to the LEAs in the development and maintenance of the strategic plans as well as training in administrator evaluations, budgeting, and ethics and government. The rule sets out the qualifications necessary for an individual or organization to become a qualified training provider, these include two years' documented training experience in the subject area of training being provided to the LEA and three recommendations from individuals that have been trained, in the specified area, in the past by the trainer. The rule also stipulates that the trainer may not be a current employee of the school district or charter school. Additionally, the strategic planning training session must include, at a minimum, the majority of the board of trustees or board of directors and the district administrator.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6, 2014 Idaho Administrative Bulletin, [Vol. 14-8, pages 23 through 26](#).

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

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

DATED this 28th Day of November, 2014.

Tracie Bent, Chief Planning & Policy Officer
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IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1402

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 33-105, Idaho Code.

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

IDAPA 08.02.01.400.01.b. and 400.01.c. were approved in 1997. There are two technical errors in this portion of rule for Exceptional Child Support Units concerning the percentages. This change will correct the errors.

There are no changes to the pending rule and it is being adopted as originally proposed. The original text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10 pages 91-92](#).

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

This change results in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tim Hill, State Department of Education, (208) 332-6843, tdhill@sde.idaho.gov.

DATED this 24th Day of November, 2014.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
Boise, Idaho 83720-0027
Phone: (208) 332-6812
Fax: (208) 334-2228

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 33-105, 33-107, 33-116, 33-1201, 33-1202, 33-1203, 33-1204, 33-2203, and 33-1612, Idaho Code, and Article IX, Section 2 of the Idaho Constitution.

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

In 2013 the Governor's Task Force for Improving Education recommended that the state move to a tiered teacher licensure model that encompasses a continuum of professional growth and learning and that movement through the system be accomplished in an objective way using performance measures, including evaluations based upon the state framework for teaching evaluation. The original proposed rule would have amended the certification requirements to add a tiered certification system as recommended by the Governor's Task Force. The tiered system of certification would include a three year residency period for individual new to teaching, and a five year renewable professional certificate. The professional certificate would consist of a standard professional level, a master level, and a contingent designation for those that did not maintain the established performance criteria. The existing categorical requirements for secondary, elementary, early childhood, and professional-technical certificates would continue to apply and be incorporated into the tiered certification model. The changes between the proposed and pending rule remove the professional certificate levels and performance criteria at the professional level once professional certification is obtained. Individuals new to teaching will have to go through a three year residency period. At the end of the three year residency period, individuals who successfully meet the minimum performance criteria may apply for a renewable professional certificate. Those who cannot meet the performance criteria may request a one year extension under certain circumstances or return to a postsecondary institution for additional training and then reapply for residency. Once teachers receive the professional certificate they must meet the current renewal requirements.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 92 through 119](#).

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

Proposed changes to the teacher certification process may necessitate additional one-time costs for database programming to capture the new data fields necessary for determining individuals meet the professional level performance criteria. The total programming costs are estimated to be under \$10,000. An additional staff person or the restructuring of current department staff to process the certifications in a timely manner may be necessary, a thorough evaluation of current staffing resources will need to be conducted prior to a determination being made.

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

DATED this 28th Day of November, 2014.

Tracie Bent, Chief Planning & Policy Officer
Office of the State Board of Education
650 W. State Street
P.O. Box 83720-0037, Boise, ID 83720
Tel: (208) 332-1582 / Fax: (208) 334-2632

DOCKET NO. 08-0202-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10, pages 92 through 119.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 08-0202-1401

007. DEFINITIONS.

[Subsections 007.06 through 007.08]

06. Individualized Professional Learning Plan. An individualized plan based on the Idaho framework for teaching as outlined in Section 120 of these rules to include interventions based on the individual's strengths and areas of needed growth. ()

067. Institutional Recommendation. Signed form or written verification from an accredited institution with an approved teacher preparation program stating that an individual has completed the program, received a basic or higher rating in all twenty-two (22) components of the Idaho framework for teaching evaluation, has an individualized professional learning plan, has demonstrated measurable student achievement or the ability to create student learning objectives, and is now being recommended for state certification. (3-16-04)()

08. Measurable Student Achievement. Student achievement and growth within a given interval of instruction. Assessment tools that may be used for measuring student achievement and growth include: ()

[Subsections 007.12. & 007.13. (Original 007.12. is omitted & 007.13. becomes 007.12.)]

132. Student Learning Objective (SLO). A measurable, long-term academic growth target that a teacher sets at the beginning of the year for all students or for subgroups of students. SLOs demonstrate teachers' impact on student learning within a given interval of instruction based upon baseline data gathered at the beginning of the course. ()

103. Teacher Leader. A ~~master~~ teacher who facilitates the design and implementation of sustained, intensive, and job-embedded professional learning based on identified student and teacher needs. ~~(4-4-13)~~()

(BREAK IN CONTINUITY OF SECTIONS)

[Proposed Section 015 is reprinted in its entirety]

0165. IDAHO EDUCATOR CREDENTIAL.

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. ~~(Section 33-1201, Idaho Code)~~ In addition to the applicable certificate level requirements outlined in Subsections 015.01 through 015.03, applicants must meet the specific grade level or subject area certificate requirements as provided herein. Teachers who hold an Idaho educator credential issued prior to April 2015 will be subject to the provisions of their existing certificate and must meet the renewal provisions of the professional certificate as described herein at time of renewal. ~~(3-16-04)~~()

01. Measuring Student Achievement. Measurable student achievement shall include one (1) or more assessments demonstrating achievement. Measures and targets shall be chosen at the district level in collaboration with the teacher and applicable district staff and be selected from the list of tools included in the definition of measurable student achievement as contained in these rules. The majority of student achievement shall be based on student growth. ()

02. Idaho Residency Certificate. The residency certificate is an initial certificate granted to individuals new to the teaching profession, and is valid for three (3) years, and is non-renewable. ()

a. Teachers meeting the following criteria may apply for a residency certificate. ()

i. Graduated from an Idaho approved educator or occupational teacher preparation program and have received an institutional recommendation; or ()

ii. Obtained approval of an Idaho alternate route to certification as described in Section 042 of these rules. ()

b. Holders of a residency certificate shall receive mentoring during the term of their certificate as outlined in their individualized professional learning plan. ()

c. The residency certificate is non-renewable. Teacher holding a residency certificate who cannot meet the minimum requirements for a professional certificate may request a one (1) year extension under the following provisions: ()

i. They are currently employed in a certificated position; and ()

ii. They have a written recommendation from the hiring district requesting the extension. ()

d. Teachers holding a residency certificate who cannot meet the minimum requirements for a professional certificate may return to an approved education preparation program to address areas of deficiency. ()

i. Once successful in completing the higher education instruction, teachers may re-apply for a residency certificate. ()

ii. Teachers will not hold a certificate during this time period. ()

iii. If a teacher holding a residency certificate achieves the requisite proficiency ratings and student growth in one of their three years, or four years in the event of an extension, the teacher may use that year for purposes of meeting the professional certificate requirements. ()

iv. Teachers may reapply for a professional certificate once the minimum requirements are met. ()

03. **Idaho Professional Certificate.** The professional certificate is a five (5) year renewable certificate. The Department of Education is authorized by the State Board of Education to review the applications for professional certificates and issue professional certificates based on the application submitted. ()

a. The initial application shall include the following evidence: ()

i. Hold a residency certificate for three (3) years, or have completed the applicable interim certificate. ()

ii. For two (2) of three (3) years, or four (4) years in the event of an extension: Show demonstrated teaching proficiency on the Idaho framework for teaching evaluation by having sixteen (16) or more components rated as proficient or higher; no more than six (6) components ranked as basic; and no components rated as unsatisfactory. ()

iii. Show measurable student achievement as set forth in Subsection 015.01; ()

iv. Annual individualized professional learning plans developed in conjunction with school district supervisor. ()

v. Additional artifacts demonstrating evidence of effective teaching which may be considered in exceptional cases for purposes of determining proficiency and student achievement in the event required standards are not met. ()

b. To renew a professional certificate the teacher must meet the applicable credit requirements of their specific endorsements. ()

04. **Elementary Certificate.** An Elementary Certificate makes an individual eligible to teach grades kindergarten (K) through eight (8), and may be issued to any person who has a bachelor's degree from an accredited college or university and who meets the following requirements: ()

a. Completion of the general education requirements at an accredited college or university is required. ()

b. Professional Education Requirements. ()

i. A minimum of twenty-four (24) semester credit hours, or thirty-six (36) quarter credit hours, in the philosophical, psychological, and methodological foundations and in the professional subject matter of elementary education, which shall include at least six (6) semester credit hours, or nine (9) quarter credit hours, in developmental reading and its application to the content area. ()

ii. At least six (6) semester credit hours, or nine (9) quarter credit hours, of elementary student teaching or two (2) years of satisfactory experience as a teacher in grades K-8. ()

c. An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades Kindergarten (K) through eight (8). ()

d. All individuals, who begin an Idaho approved preparation program after July 1, 2013, seeking a

elementary certificate shall complete the requirements for a subject area endorsement as outlined under requirements for a secondary certificate. An endorsement allowing teaching of that subject through grade nine (9) or a K-12 endorsement shall be added to the Elementary Certificate. ()

e. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate shall meet or exceed the state qualifying score on approved elementary content area and pedagogy assessments. ()

05. Secondary Certificate. A Secondary Certificate makes an individual eligible to teach in grades six (6) through twelve (12). A Secondary Certificate may be issued to any person with a bachelor's degree from an accredited college or university and who meets the following minimum requirements: ()

a. Completion of the general education requirements at an accredited college or university is required. ()

b. Professional Education Requirements. ()

i. A minimum of twenty (20) semester credit hours, or thirty (30) quarter credit hours, in the philosophical, psychological, and methodological foundations, instructional technology, and in the professional subject matter of secondary education, which must include at least three (3) semester credit hours, or four (4) quarter credit hours, of reading in the content area. ()

ii. The required twenty (20) semester credit hours, or thirty (30) quarter credit hours, must also include at least six (6) semester credit hours, or nine (9) quarter credit hours, of secondary student teaching or two (2) years of satisfactory experience as a teacher in grades six (6) through twelve (12). ()

c. Preparation in at least two (2) fields of secondary teaching: a first teaching field of at least thirty (30) semester credit hours, or forty-five (45) quarter credit hours, and a second teaching field of at least twenty (20) semester credit hours, or thirty (30) quarter credit hours. Preparation of not less than forty-five (45) semester credit hours, or sixty-seven (67) quarter credit hours, in a single subject area may be used in lieu of the first or second teaching field requirements. ()

d. An institutional recommendation from an accredited college or university or verification of two (2) years of teaching experience in grades six (6) through twelve (12). ()

e. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate must have a qualifying score on an approved content area assessment in any area(s) for which the certificate or endorsement(s) will be applied. ()

06. Early Childhood/Early Childhood Special Education Blended Certificate. An Early Childhood / Early Childhood Special Education Blended Certificate is non-categorical and makes an individual eligible to teach, in any educational setting, youth from birth to grade three (3), including those who are at-risk or have developmental delays. The Early Childhood / Early Childhood Special Education Blended Certificate may be issued to any person with a bachelor's degree from an accredited college or university and who meets the following minimum requirements: ()

a. Completion of the general education requirements at an accredited college or university is required. ()

b. Professional Education Requirements. ()

i. A minimum of thirty (30) semester credit hours, or forty-five (45) quarter credit hours, in the philosophical, psychological, and methodological foundations, in instructional technology, and in the professional subject matter of early childhood and early childhood-special education. The professional subject matter of early childhood and early childhood-special education shall include course work specific to the young child from birth through grade three (3) in the areas of child development and learning; curriculum development and implementation; family and community relationships; assessment and evaluation; professionalism; and, application of technologies.

()
ii. The required thirty (30) semester credit hours, or forty-five (45) quarter credit hours, shall include not less than six (6) semester credit hours, or nine (9) quarter credit hours, of early childhood student teaching and three (3) semester credit hours, or four (4) quarter credit hours, of developmental reading. ()

c. An institutional recommendation from an accredited college or university. ()

d. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate shall meet or exceed the state qualifying score on approved early-childhood assessments. ()

07. Exceptional Child Certificate. Holders of this certificate work with children who have been identified as having an educational impairment. ()

a. Completion of the general education requirements at an accredited college or university is required. ()

b. Generalist Endorsement (K-12): the Generalist K-12 endorsement is non-categorical and allows one to teach in any K-12 special education setting. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed, with field work to include an internship and student teaching in a special education setting. To be eligible for an Exceptional Child Certificate with a Generalist K-12 endorsement, a candidate must have satisfied the following requirements: ()

i. Completion of a baccalaureate degree from an accredited college or university. ()

ii. Completion, in an Idaho college or university, of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education, or completion, in an out-of-state college or university, of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed. ()

iii. Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program. ()

iv. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. ()

c. Early Childhood Special Education Endorsement (Pre-K-3): The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Exceptional Child Certificate in conjunction with the Generalist K-12 endorsement and is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. To be eligible for an Exceptional Child Certificate with an Early Childhood Special Education (Pre-K-3) endorsement, a candidate must have satisfied the following requirements: ()

i. Completion of a program of a minimum of twenty (20) semester credit hours in the area of Early Childhood Education to include course work in each of the following areas: child development and behavior with emphasis in cognitive-language, physical, social and emotional areas, birth through age eight (8); curriculum and program development for young children ages three (3) to eight (8); methodology: planning, implementing and evaluating environments and materials for young children ages three (3) to eight (8); guiding young children's behavior: observing, assessing and individualizing ages three (3) to eight (8); identifying and working with atypical young children ages three (3) to eight (8); parent-teacher relations; and, field work to include an internship and student teaching at the Pre-K - 3 grades. ()

d. Hearing Impairment Endorsement (K-12): completion of a minimum of thirty (30) semester credit hours in the area of hearing impairment. An institutional recommendation specific to this endorsement is required. To

be eligible for an Exceptional Child Certificate with a Hearing Impairment endorsement, a candidate must have satisfied the following requirements: ()

- i. Completion of a baccalaureate degree from an accredited college or university: ()
- ii. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or ()
- iii. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; ()
- iv. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Hearing Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. ()

e. Visual Impairment Endorsement (K-12): Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Visually Impairment endorsement, a candidate must have satisfied the following requirements: ()

- i. Completion of a baccalaureate degree from an accredited college or university: ()
- ii. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or ()
- iii. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; ()
- iv. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment. Must receive an institutional recommendation specific to this endorsement from an accredited college or university. ()

08. Certification Standards for Professional-Technical Educators. Teachers of professional-technical classes or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a Secondary Teaching Certificate or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Professional-Technical Education, and application processes are managed by the Division of Professional-Technical Education. ()

09. Degree Based Professional-Technical Certification. ()

a. Individuals graduating from an approved occupational teacher preparation degree program qualify to teach in the following five (5) disciplines: Agricultural Science & Technology; Business Technology Education; Family & Consumer Science; Marketing Technology Education; and Technology Education. Occupational teacher preparation course work must meet the Idaho Standards for the Initial Certification of Professional School Personnel. The occupational teacher education program must provide appropriate content to constitute a major in the identified field. Student teaching shall be in an approved program and include experiences in the major field. Applicants shall have accumulated four-thousand (4,000) clock hours of related work experience or shall have completed an approved practicum in their respective field of specialization. ()

b. The Professional-Technical Administrator certificate is required for an individual serving as an administrator, director, manager or coordinator of professional-technical education at the state, secondary or postsecondary level. Individuals must meet the following prerequisites to qualify for the Professional-Technical Administrator Certificate. Equivalence in each area will be determined on an individual basis by the State Division of Professional-Technical Education. ()

- i. Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on a secondary teaching credential; ()
- ii. Provide evidence of a minimum of three (3) years teaching in an occupational discipline; ()
- iii. Hold a master's degree; and, ()
- iv. Have completed at least fifteen (15) semester credits of administrative course work. Applicants must have completed: financial aspects of professional-technical education; administration of personnel; and legal aspects of professional-technical education. Additional course work can be selected from any of the following areas: administration and supervision of occupational programs; instructional supervision; administration internship; curriculum development; curriculum evaluation; research in curriculum; school community relations; communication; teaching the adult learner; coordination of work-based learning programs; and/or measurement and evaluation. ()
- v. To renew the Professional-Technical Administrator Certificate, individuals are required to complete six (6) semester hours of related course work or meet renewal requirements for professional-technical teachers. ()

c. Work-Based Learning Coordinator Endorsement: educators assigned to coordinate approved work-based experiences must hold the Work-Based Learning Coordinator endorsement. To be eligible, applicants must hold an occupational endorsement on the Secondary Certificate or qualify for an Occupational Specialist Certificate, plus complete course work in coordination of work-based learning programs. ()

d. Career Counselor Endorsement: the endorsement for a Career Counselor may be issued to applicants who hold a current Pupil Personnel Services Certificate endorsed Counselor K-12 and who have satisfied the following professional technical requirement: Career Pathways and Professional Technical Guidance; Principles/ Foundations of Professional-Technical Education; and Theories of Occupational Choice. ()

10. Occupational Specialist Certificate. The Occupational Specialist Certificate is an industry based professional-technical certification. Persons who need to hold the Occupational Specialist Certificate include: secondary educators assigned to Health Professions Education and Skilled and Technical Sciences; those in specialized occupational areas where specific degree-granting professional technical teacher education programs do not exist; and postsecondary professional-technical educators who teach courses with nine (9) to twelve (12) students per class. ()

a. Applicants must: be eighteen (18) years of age; document full-time, successful, recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; and, verify technical skills through work experience, certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options: ()

i. Have sixteen-thousand (16,000) hours of full-time, successful, recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit can be counted toward the eight (8) years on a month-to-month basis for journeyman training and/or postsecondary training successfully completed as a full-time student in an approved/approvable, postsecondary, professional-technical education program. ()

ii. Have a bachelor's degree in the specific occupation or related area, plus six-thousand (6,000) hours of full-time, successful, recent, gainful employment in the occupation. ()

iii. Meet one (1) of the following: have at least journeyman level plus two (2) years of recent, full-time, gainful, related work experience. A person who has completed a formal apprenticeship program in the occupation or related area for which certification is requested. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved State Apprenticeship Agency; pass approved state or national certification/certification examination plus three (3) years of recent, full-time, gainful, related work

experience (length and type of work experience in emergency services and health professions will be determined on an individual basis); or pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, full-time, gainful, related work experience (length and type of work experience in emergency services and health professions will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence. ()

b. Limited Occupational Specialist Certificate: this certificate is issued to individuals who are new to teaching trades and health occupations in public schools. The certificate is valid for three (3) years. ()

i. Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the State Division of Professional-Technical Education and an approved course in professional technical methods and student assessment. ()

ii. Complete a new-teacher induction workshop at the state or district level. ()

iii. File a professional development plan with the State Division of Professional-Technical Education. ()

iv. Within the three (3) year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete course work that includes competencies in four (4) of the following: Principles/ Foundations of Occupational Education; Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; Measurement and Evaluation; and Methods of Teaching Occupational Education. ()

c. Standard Occupational Specialist Certificate: this certificate is issued to individuals who have completed course work equivalent to that required of the Limited Occupational Specialist Certificate. The certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or verification of two hundred forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and file of a professional development plan for the next certification period. ()

d. Advanced Occupational Specialist Certificate: this certificate is issued to individuals who meet all the requirements outlined below: ()

i. Meet the requirements for the Standard Occupational Specialist Certificate; ()

ii. Provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); and ()

iii. File a new professional development plan for the next certification period. ()

iv. This certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or submit verification of two hundred forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes and workshops or any equivalent combination thereof, and file a new professional development plan for the next certification period. ()

1. Additional Renewal Requirements. In addition to specific certificate or certificate level renewal requirements applicants must meet the following renewal requirements as applicable. ()

~~01a.~~ **Renewal Requirement—**Mathematics In-Service Program: ~~In~~ In order to recertify, the state approved mathematics instruction course titled “Mathematical Thinking for Instruction”, or another State Department of Education approved alternative course, shall be required. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training). Teachers and administrators shall take one (1) of the three (3) courses developed that ~~each teacher deems to be~~ is most closely aligned with their current assignment prior to September 1, 2014. Any teacher or administrator successfully completing said course shall be

deemed to have met the requirement of Subsection 060.03.c. of this rule, regardless of whether such course is part of any official transcript. Successful completion of a state approved mathematics instruction course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals ~~listed in Subsection 016.01.a. through 016.01.e. shall~~ must successfully complete the “Mathematical Thinking for Instruction” course in order to recertify: ~~(3-20-14)()~~

a.i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate (Birth - Grade 3) who is employed in an elementary classroom (multi-subject classroom, K-8); (3-29-10)

b.ii. Each teacher holding an ~~an~~ Standard Elementary Certificate (K-8) who is employed in an elementary classroom (multi-subject classroom K-8); ~~(3-20-14)()~~

e.iii. Each teacher holding a Standard Secondary Certificate (6-12) teaching in a math content classroom (grade six (6) through grade twelve (12)) including Title I who is employed in an elementary classroom (multi-subject classroom K-8); ~~(3-20-14)()~~

d.iv. Each teacher holding a Standard Exceptional Child Certificate (K-12) who is employed in an elementary classroom (multi-subject classroom K-8); and ~~(3-20-14)()~~

e.v. Each school administrator holding an Administrator Certificate (Pre K-12) who is employed in an elementary classroom (multi-subject classroom K-8), including all school district and charter administrators. (3-20-14)

~~02. Out of State Applicants—Mathematical Thinking for Instruction. (4-4-13)~~

~~a. Out of state applicants shall take the state approved mathematics instruction course titled “Mathematical Thinking for Instruction” as a certification requirement. The “Mathematical Thinking for Instruction” course consists of three (3) credits (or forty-five (45) contact hours of in-service training). (3-29-10)~~

~~b. Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho Mathematics In-service program requirement. (4-4-13)~~

~~03b.~~ Waiver of Mathematics In-Service Program: ~~W~~When applying for certificate renewal, an automatic waiver of the mathematics in-service program requirement shall be granted for any certificated individual living outside of the state of Idaho who is not currently employed as an educator in the state of Idaho. This waiver applies only as long as the individual remains outside the state of Idaho or as long as the individual is not employed as an educator in the state of Idaho. Upon returning to Idaho or employment in an Idaho public school, the educator will need to complete this requirement prior to the next renewal period. ~~(3-20-14)()~~

~~04c.~~ Renewal Requirement—Idaho Comprehensive Literacy Course: ~~f~~fin order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals ~~listed in Subsection 016.04.a. through 016.04.e. shall~~ must successfully complete an Idaho Comprehensive Literacy course in order to recertify: ~~(4-4-13)()~~

a.i. Each teacher holding an Early Childhood/Early Childhood Special Education Blended Certificate (Birth - Grade 3) who is employed in an elementary classroom (multi-subject classroom, K-8); (4-4-13)

b.ii. Each teacher holding a Standard Elementary Certificate (K-8) who is employed in an elementary classroom (K-8); and (3-20-14)

e.iii. Each teacher holding a Standard Exceptional Child Certificate (K-12) who is employed in a K-12 classroom. (3-20-14)

~~05. Out-of-State Applicants—Idaho Comprehensive Literacy Course. (3-20-14)~~

~~a. Out-of-state applicants shall take a state approved Idaho Comprehensive Literacy Course as a certification requirement. (3-20-14)~~

~~b. Those individuals who qualify for an Idaho certificate through state reciprocity shall be granted a three-year, non-renewable, interim certificate to allow time to meet the Idaho Comprehensive Literacy Course requirement. (3-20-14)~~

12. Leave of Absence. Teachers holding a residency certificate who are granted a district approved leave of absence from teaching for one (1) or more years may receive a one-year (1) extension to their certificate renewal time frame. ()

a. Teachers must notify the Department of Education that they have an approved leave of absence from the school district prior to the expiration of their residency certificate. ()

b. The time frame may be extended to two (2) years if the purpose of the leave is to serve in a non-teaching district approved position. ()

c. In the event of military leave, the renewal timeframe may be extended to a timeframe equivalent to the military obligation. ()

13. Inactive Status. Teachers holding a residency certificate who are no longer in the classroom may apply for inactive status. ()

a. On return to active status, the teacher shall resume certification status at the point of inactivity. ()

b. To be placed on inactive status a teacher must apply for inactive certificate status prior to or at the time of current certificate renewal. ()

(BREAK IN CONTINUITY OF SECTIONS)

[Proposed Section 017 is reprinted in its entirety]

017. IDAHO INTERIM CERTIFICATE.

01. Teacher Holding Certificates From States Other Than Idaho. Teachers holding valid certificates from other states may apply for a three (3) year non-renewable interim certificate. ()

a. Teachers with three (3) years or less years teaching experience shall be granted an interim residency certificate. A teacher on an interim residency certificate may apply for a professional certificate once they have completed three (3) years of teaching and meet the professional certificate requirements pursuant to Subsection 015.03. of these rules. ()

i. A teacher on an interim residency certificate may apply for a professional certificate as specified in Subsection 015.03. ()

ii. Teachers may provide evidence based on experience outside of the state of Idaho if proficiency and measurable student achievement is comparable to Idaho requirements. ()

iii. Teachers must meet the professional certificate proficiency and measurable student achievement while serving at least one year as a teacher in Idaho. ()

iv. Teachers who do not meet the professional certificate requirements within three (3) years will be subject to the same provisions of the residency certificate at time of expiration. ()

b. Teachers with *more than* three (3) or more years of *teaching* experience may apply for an interim professional certificate. A teacher on an interim professional certificate may apply for a professional certificate pursuant to Subsection 015.03. ()

i. Teachers may provide evidence based on experience outside of the state of Idaho if proficiency and measurable student achievement is comparable to Idaho requirements. ()

ii. Teachers must meet the professional certificate proficiency and measurable student achievement criteria while serving at least one (1) year as a teacher in Idaho. ()

c. All out of state teachers shall be reviewed by the hiring district for technology deficiencies and may be required to take technology courses to improve their technology skills. ()

d. All out of state teachers shall take the state approved mathematics instruction course titled "Mathematical Thinking for Instruction," pursuant to Subsection 015.11. The course consists of three (3) credits or forty-five (45) contact hours of in-service training. ()

02. **Idaho Comprehensive Literacy Course.** For all Idaho teachers working on interim certificates, alternate routes or coming from out of the state, completion of a state approved reading instruction course shall be a one-time requirement for certification. ()

03. **Occupational Specialist Certificate.** *Limited Occupational Specialist Certificate* applicants must apply for an interim residency certificate. The limited occupational specialist certificate is a one-time three-year (3) certificate. Teachers who possess a limited occupation specialist certificate may apply for a standard occupational specialist certificate. Standard and advanced occupational specialist certificate holders may apply for a professional certificate. ()

04. **Reinstatement of Expired Certificate.** An individual holding an expired Idaho certificate may be issued a nonrenewable three-year (3) interim certificate. During the validity period of the interim certificate, the applicant must meet all current requirements listed for the specific certificate and endorsement(s) including the appropriate content, pedagogy, and performance assessments. ()

05. **Foreign Institutions.** An educator having graduated from a foreign institution that is listed in the Accredited Degree-Granting Institutions section of the "Accredited Institutions of Postsecondary Education" and having a valid/current teaching certificate/license from the country or province in which the foreign institution is located, may be issued a non-renewable, three-year (3) interim certificate. The applicant must also complete the requirements listed in Section 013 of these rules. ()

018 -- 020. (RESERVED)

[Proposed Section 021 is reprinted in its entirety]

021. ENDORSEMENTS.

Holders of an ~~Secondary Certificate or a Standard~~ Elementary Certificate, Secondary Certificate, Exceptional Child Certificate, Standard Occupational Specialist Certificate, ~~and~~ or Advanced Occupational Specialist Certificate may be granted endorsements in subject areas as provided herein. Idaho preparation programs shall prepare candidates for endorsements in accordance with the Idaho Standards for Initial Certification of Professional School Personnel. An official statement of competency in a teaching area or field is acceptable in lieu of courses for a teaching major or minor if such statements originate in the department or division of the accredited college or university in which the competency is established and are approved by the director of teacher education of the recommending college or university. To add an endorsement to an existing credential, an individual shall complete the credit hour requirements

as provided herein and shall also meet or exceed the state qualifying score on appropriate, state approved content, pedagogy and performance assessments. When converting semester credit hours to quarter credit hours, two (2) semester credit hours is equal to three (3) quarter credit hours. (4-4-13)()

01. Clinical Experience Requirement. All endorsements require supervised teaching experience in the relevant content area, or a State Department of Education approved alternative clinical experience. (3-12-14)

02. Alternative Route Preparation Program. Candidate shall meet all requirements for the endorsement as provided herein. ()

a. Option I - National Board. By earning National Board certification in content specific areas teachers may gain endorsement in a corresponding subject area. ()

b. Option II - Master's degree or higher. By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate. ()

c. Option III - Testing and/or Assessment. Two (2) pathways are available to some teachers, depending upon endorsement(s) already held. ()

i. Pathway 1 - Endorsements may be added through state-approved testing and a mentoring component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally requires the successful completion of a one (1)-year state-approved mentoring component. ()

ii. Pathway 2 - Endorsements may be added through state-approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally requires the successful completion of a one (1)-year state-approved mentoring component and passing a final pedagogy assessment. ()

(BREAK IN CONTINUITY OF SECTIONS)

[Section 042 through Subparagraph 042.01.d.ii.]

042. ALTERNATE ROUTES TO CERTIFICATION.

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Para-Educators, individuals who are currently certificated to teach but who are in need of emergency certification in another area, and individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. Applicants pursuing an approved alternative route to certification shall be granted a residency certificate, unless otherwise specified in the alternative requirements, and are subject to all of the requirements of the residency certificate as provided for in Section 015. (4-4-13)()

04301. Alternative Authorization -- Teacher To New Certification. The purpose of this alternative authorization is to allow Idaho school districts to request ~~endorsement/~~certification when a professional position cannot be filled with someone who has the correct ~~endorsement/~~certification. Alternative authorization in this area is valid for up to three (3) years and is nonrenewable. (5-8-09)()

04a. Initial Qualifications. Prior to application, a candidate must hold a Bachelor's degree, and a valid Idaho teacher certificate without full endorsement in content area of need. The school district must provide

supportive information attesting to the ability of the candidate to fill the position. (5-8-09)()

~~02b.~~ A candidate must participate in an approved alternative route preparation program. (3-20-04)()

~~a. Option I—Teacher to New Certification/Endorsement.~~ (5-8-09)

~~i. The candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. Candidate must complete a minimum of nine (9) semester credits annually to be eligible for extension of up to a total of three (3) years maintain eligibility.~~ (3-20-04)()

~~ii. The participating college/university shall provide procedures to assess and credit equivalent knowledge, dispositions, and relevant life/work experiences.~~ (3-20-04)

~~iii. Candidate shall meet all requirements for the endorsement/certificate as provided herein.~~ (3-20-04)

~~b. Option II—National Board (endorsement only). By earning National Board certification in content specific areas teachers may gain endorsement in a corresponding subject area.~~ (5-8-09)

~~c. Option III—Master's degree or higher (endorsement only). By earning a graduate degree in a content specific area, candidates may add an endorsement in that same content area to a valid certificate.~~ (5-8-09)

~~d. Option IV—Testing and/or Assessment (endorsement only). Two (2) pathways are available to some teachers, depending upon endorsement(s) already held.~~ (5-8-09)

~~i. Pathway 1—Endorsements may be added through state approved testing and a mentoring component. The appropriate test must be successfully completed within the first year of authorization in an area closely compatible with an endorsement for which the candidate already qualifies and is experienced. Additionally requires the successful completion of a one (1) year state approved mentoring component.~~ (5-8-09)

~~ii. Pathway 2—Endorsements may be added through state approved testing in an area less closely compatible with an endorsement for which the candidate already qualifies and is experienced. The appropriate test must be successfully completed within the first year of the authorization. Additionally requires the successful completion of a one (1) year state approved mentoring component and passing a final pedagogy assessment.~~ (5-8-09)

[Subsection 042.03 through Paragraph 042.03.d.]

~~04503. Non-traditional Route To Teacher Certification.~~ An individual may acquire ~~interim~~ certification as found in Section 015 of these rules through an approved non-traditional route certification program. (3-20-14)()

~~01a. Approval of the Program.~~ The State Board of Education must approve any non-traditional route to teacher certification. The program must include, at a minimum, the following components: (3-20-14)()

~~a.i.~~ Preassessment of teaching and content knowledge; (4-6-05)

~~b.ii.~~ An academic advisor with knowledge of the prescribed instruction area; and (4-6-05)

~~c.iii.~~ Exams of pedagogy and content knowledge. (4-6-05)

~~02b. Eligibility.~~ Individuals who possess a bachelor's degree or higher from an accredited institution of higher education may utilize this non-traditional route to an ~~interim~~ Idaho ~~Teacher Certification~~ Educator Credential. (3-20-14)()

~~03c.~~ Requirements for Completion. To complete this non-traditional route, the individual must: (3-20-14)()

~~a.i.~~ Complete a Board approved program; (4-6-05)

~~b.ii.~~ Pass the Board approved pedagogy and content knowledge exams; and (4-6-05)

~~e.iii.~~ Complete the Idaho Department of Education Criminal History Check. (4-6-05)

~~04d.~~ Interim Certificate. Upon completion of the certification process described herein, the individual will be awarded an interim residency certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year a teacher mentoring program approved by the Board. The individual must complete the mentoring program during the term of the interim certificate. In the case where teachers start their mentoring program in the third year of their interim certificate, they must apply to the State Department of Education Teacher Certification Department for a waiver to complete the final year of their mentoring program for full certification the mentoring program as required for Residency Certificate holders. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim any Idaho certificate. (3-20-14)()

(BREAK IN CONTINUITY OF SECTIONS)

066. FEES.

The state department of education shall maintain a record of all certificates issued, showing names, dates of issue and renewal, and if revoked, the date thereof and the reason therefor and the performance rating of each component on the statewide performance evaluation system. A nonrefundable fee shall accompany each application for a prekindergarten through grade twelve (12) certificate, alternate certificate, change in certificate or replacement as follows: (3-16-04)()

[Subsection 066.02.]

02. Renewal Professional Certificate. All types, issued for five (5) years -- seventy-five dollars (\$75). (3-16-04)()

(BREAK IN CONTINUITY OF SECTIONS)

[Section 120]

120. LOCAL DISTRICT EVALUATION POLICY -- TEACHER AND PUPIL PERSONNEL CERTIFICATE HOLDERS.

Each school district board of trustees will develop and adopt policies for teacher performance evaluation using multiple measures in which criteria and procedures for the evaluation of certificated personnel are research based and aligned to Charlotte Danielson Framework for Teaching Second Edition domains and components of instruction. The process of developing criteria and procedures for certificated personnel evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers, and parents. The evaluation policy will be a matter of public record and communicated to the certificated personnel for whom it is written. Summative evaluations must be completed by administrators who have proof of proficiency in evaluating teacher performance as stated in Subsection 121.05. of these rules. At the request of the evaluator or the teacher, at least one (1) of the required two (2) observations shall be completed by a second individual trained in evaluating teacher performance as stated in Subsection 121.05. of these rules. (3-20-14)()

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1402

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 33-105, 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 Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. The following endorsements were reviewed by committees of content experts in the fall of 2013 and the spring of 2014 and are ready for submission: School Counselor, Special Education Generalist, and School Psychologist. All standards and endorsements were revised to better align with national standards and best practices. They were then presented to the Professional Standards Commission for consideration. The Professional Standards Commission has recommended approval of all of the committee's proposed revisions including renaming the Library Science/Library Media Specialist standards and endorsement to Teacher Librarian.

A public school district may contract with an approved private driving school to provide a driver education program. In order to assure a quality program, maintain student records and proper reporting to the Idaho State Department of Education, specific wording was implemented regarding contracting.

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 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 121-122](#).

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Taylor Raney, State Department of Education: (208) 332- 6886, traney@sde.idaho.gov and Audra Urie, (208) 332-6984, aurie@sde.idaho.gov.

DATED this 24th Day of November, 2014.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
P.O. Box 83720
(208) 332-6812 / Fax (208) 334-2228

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1403

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 33-105, Idaho Code.

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

This rule changes the language governing endorsements and reflects revisions made to the standards and endorsements to better align them with national standards and best practices. The Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. The endorsements were reviewed by committees of content experts in the fall of 2013 and the spring of 2014 and were submitted to the State Board of Education for approval. Clarifications were made to rule: 08.02.02.030 - Removal of this section – there are no state approved preparation standards for this endorsement. 08.02.02.047 - This clarification is to reflect the addition of the Interim Speech Language Pathologist endorsement and to clarify that districts do not need to declare an emergency to request alternative authorization for these interim certificates. 08.02.02.076 - Clarification regarding the types of inappropriate images covered under this rule.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 124 through 133](#).

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Taylor Raney, State Department of Education: (208) 332- 6886, traney@sde.idaho.gov.

DATED this 24th Day of November, 2014.

Tom Luna
Superintendent of Public Instruction
State Department of Education
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(208) 332-6812 / Fax (208) 334-2228

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1404

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 33-105, Idaho Code.

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

In August 2013, the Board approved the pending rule revising IDAPA 08.02.02.120 and creating, IDAPA 08.02.02.121, in order to meet the required elements of teacher and principal evaluation models in Principle 3 of the states ESEA Waiver.

In an effort to clarify the intent of the rule as well as meet the needs of varying situations, the following revisions were proposed for Board approval:

- In IDAPA 08.02.02.120, include the option of one (1) classroom observation in situations where the teacher is unavailable for two (2) classroom observations.
- In IDAPA 08.02.02.121, clarify those responsible for measuring teacher performance.

Eight (8) comments were received during the public comment period. Based on those comments the word “include and contracted” in IDAPA 08.02.02.121.01 is being removed and the word “are” is being added. This is the only change from the proposed to the pending rule stage.

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 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 132 through 141](#).

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: These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lisa Colon, State Department of Education: (208) 332- 6917, lcolon@sde.idaho.gov.

DATED this 24th Day of November, 2014.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
P.O. Box 83720
(208) 332-6812 / Fax (208) 334-2228

DOCKET NO. 08-0202-1404 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10, pages 132 through 141.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 08-0202-1404

121. LOCAL DISTRICT EVALUATION POLICY - SCHOOL PRINCIPAL.

For principal evaluations conducted on or after July 1, 2014, each school district board of trustees will develop and adopt policies for principal performance evaluation using multiple measures in which criteria and procedures for the evaluation of administratively certificated personnel serving as school principal are research based and aligned to the standards and requirements outlined in Subsections 121.01 through 121.07 of this rule. Districts must, at a minimum, pilot such an evaluation during the 2013-2014 school year and report the results of that pilot to the State Department of Education no later than July 1, 2014, in a format determined by the Department. The process of developing criteria and procedures for principal evaluation will allow opportunities for input from those affected by the evaluation; i.e., trustees, administrators, teachers and parents. The evaluation policy will be a matter of public record and communicated to the principal for whom it is written. (3-20-14)

[Subsection 121.01]

01. Standards. Each district principal evaluation model shall be aligned to state minimum standards based on the Interstate School Leaders Licensure Consortium (ISLLC) standards and include proof of proficiency in conducting teacher evaluations using the state's adopted model, the Charlotte Danielson Framework for Teaching Second Edition. Proof of proficiency in evaluating teacher performance shall be required of all individuals assigned the responsibility for appraising, observing, or evaluating certificated personnel performance. Those responsible for measuring teacher performance are district leadership such as principals, assistant principals, special education directors, and superintendents. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as a onetime recertification requirement prior to September 1, 2018. Principal evaluation standards shall additionally address the following domains and components: (3-20-14)()

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 33-105, Idaho Code.

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

IDAPA 08.02.03.105.i - At the request of the Legislature, the substitution clause for one credit of physical education for graduation is clarified. Student participation in one (1) season in any sport recognized by Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education to include a clause ensuring the student show mastery of the content standards in a format provided by the district.

IDAPA 08.02.03.105.03.b.iii - The rule currently states: students may elect an exemption in grade eleven (11) from the college entrance exam requirement if: Enrolled for the first time in grade twelve (12) at an Idaho high school after the spring statewide administration of the college entrance exam. This should be corrected from spring to fall. The spring administration is for seniors and the College Board does not allow students to test outside of their grade level group.

IDAPA 08.02.03.105.05 - This rule currently contains the word required. It is being removed because it is too vague and this is meant for any class the student is enrolled that meets teacher certification requirements and content standards.

IDAPA 08.02.03.105.06.e-k - This rule makes changes to high school graduation requirements in regards to testing. This docket adds Idaho Standards Achievement Tests (ISAT) requirements to the previous docket for the class of 2018 and beyond, as well as a graduation requirement for biology and chemistry in the form of End of Course Assessments.

Idaho high school students have been required to pass the ISAT since the class of 2006. The previous requirement was for students to pass the 10th grade ISAT at a proficient level prior to receiving a diploma. The Board passed the requirement in 2003 with Legislative approval in 2004. The graduation requirement was phased in over three years. As Idaho continues to transition to higher standards, Idaho's graduation requirement must be retooled. The new ISAT will be a true college and career ready test and given for graduation in the student's junior year. Previously, the Board made accommodations for the Class of 2016 as students took the field test. For the class of 2017, the Department recommends students are required to take the test in 11th grade and phase in the graduation requirement similar to the phase in when the graduation requirement was initiated in 2006. The class of 2018 will be required to pass the ISAT in math and English language usage at a 9th grade level. The class of 2019 will be required to pass the math and English language usage ISAT at a 10th grade level and then the class of 2020 must pass at the college and career level. The rule also allows for students who are advanced to create a mastery element in the requirement. Therefore, students who can pass the ISAT in 9th or 10th grade at an 11th grade college and career ready level will be exempt from taking the ISAT in the future and their graduation requirement is met.

In 2010, the State Board of Education removed the requirement for students to pass the ISAT science test in 10th grade. At that time, the Department began work on replacing the science test with a more appropriate measure of science knowledge in the form of an End of Course assessment. Tests in biology and chemistry were developed and

field tested. For the class of 2017 (sophomores in 2014-2015) and class of 2018, students will be required to take either biology or chemistry.

After the Public Comment period ended, the following changes were made:

- Striking the words after “usage” in subsection 105.06.f.
- Students who graduate in 2019 are required to pass the ISAT in grade eleven in mathematics and English language usage at a proficiency level set by the state board of education.”
- Striking subsection 105.06.i.
- In subsection 105.06.k. inserting “Students who graduate in 2019 will be required to pass an end of course assessment in science at a proficiency level set by the State Board of Education.

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 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 142 through 149](#).

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:

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tracie Bent, State Board of Education: (208) 332-1582, tracie.bent@osbe.idaho.gov.

DATED this 24th Day of November, 2014.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
Boise, Idaho 83720-0027
Phone: (208) 332-6812 / Fax: (208) 334-2228

DOCKET NO. 08-0203-1401 - ADOPTION OF PENDING RULE

**Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.**

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 14-10, October 1, 2014, pages 142 through 149](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 08-0203-1401

105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

[Subsection 105.06, entire subsection reprinted]

06. Proficiency. Each student must achieve a proficient or advanced score on the grade ten (10) Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. Students who receive a proficient or advanced score on the grade ten (10) ISAT while in grade nine (9) may bank the score for purposes of meeting their graduation requirement. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. (3-12-14)

- a. Before entering an alternate measure, the student must be: (4-2-08)
 - i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)
 - ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)
 - iii. Enrolled in the fall semester of the senior year. (3-20-04)
- b. The alternate plan must: (4-7-11)
 - i. Contain multiple measures of student achievement; (4-7-11)
 - ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)
 - iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
 - iv. Be valid and reliable; and (4-7-11)
 - v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
- c. A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)
 - i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)
 - ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)
 - iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)

iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)

d. Those students who will graduate in 2016 and have not received a proficient or advanced score on the ISAT in grade nine (9), will be required to complete an alternative plan for graduation, as designed by the district, including the elements prescribed in Subsection 105.06.b. and may enter the alternate path prior to the fall of their senior year. (3-12-14)

e. Students who graduate in 2017 are required to complete the ISAT in grade eleven (11) in mathematics and English language usage. ()

f. Students who graduate in 2018 are required to complete the ISAT in grade eleven (11) in mathematics and English language usage. ()

g. Students who graduate in 2019 are required to pass the ISAT in grade eleven (11) in mathematics and English language usage at a proficiency level set by the State Board of Education. ()

h. Students who graduate, beginning in 2017, are required to complete an End of Course Assessment (EOC) provided by the state in either biology or chemistry after completion of the course. ()

i. Students who graduate in 2019 will be required to pass an end of course assessment in biology or chemistry at a proficiency level set by the State Board of Education. ()

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1402

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 33-105, 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 change to Accountability is to clarify that a limited English proficient (LEP) student is one who does not score "proficient" on the approved test and meets one of the other listed criteria.

There are no changes to the pending rule and it is being adopted as originally proposed. The original text of the proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10 pages 150 through 153](#).

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

This change results in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Christina Nava, State Department of Education: (208) 332-6905, cnava@sde.idaho.gov.

DATED this 24th Day of November, 2014.

Tom Luna
Superintendent of Public Instruction
State Department of Education
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IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1403

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 24, 2014. This pending rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 33-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary 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 use of accommodations/adaptions for LEP students must accurately reflect the designated supports and accommodations as referenced in the Smarter Balanced Assessment Consortium (SBAC) guidelines. Changes are made to require that if a need for designated supports and/or accommodation is indicated in the LEP student's Educational Learning Plan (ELP), they will be provided for the assessment. In addition, science end of course assessments have been added to the list of required assessments.

Following the public comment period, minor technical changes were made to IDAPA 08.02.03.111.04.c., 07.c and IDAPA 08.02.03.111.11.a, and b. Amendments include changing the scheduled testing for the Idaho Standards Achievement Test (ISAT) for LEP student from the Fall to the Spring and specifying that the designated supports and accommodations must be familiar to the student. Additionally the words "as applicable" were added regarding the shipment of a paper and pencil version of the ISAT and the requirement that the ISAT be refreshed annually was removed. End of Course Assessment requirement in science was added in paragraph 111.06.n.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule as previously adopted while the pending rule awaits legislative approval, the State Department of Education amended the temporary rule with the same revisions made to the pending rule. Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10 pages 154 through 158](#).

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: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Tracie Bent, State Board of Education: (208) 332-1582, tracie.bent@osbe.idaho.gov.

DATED this 24th Day of November, 2014.

Tom Luna
Superintendent of Public Instruction
State Department of Education
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DOCKET NO. 08-0203-1403 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE

Substantive changes have been made to the pending rule.
Italicized red text that is *double underscored* is new text that has been added to the pending rule.
Italicized green text that is *underscored and struck through* is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

Only those sections or subsections that have changed from the original temporary/proposed text are printed in this Bulletin following this notice.

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10 pages 154 through 158.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 08-0203-1403

111. ASSESSMENT IN THE PUBLIC SCHOOLS.

04. **Testing Population.** All students in Idaho public schools, grades kindergarten through twelve (K-12), are required to participate in the comprehensive assessment program approved by the State Board of Education and funded. (4-2-08)

[Paragraph 111.04.c.]

c. Limited English Proficient (LEP) students, as defined in Subsection 112.04.d.iv., *who receive a score below the fluent level on the Idaho English Language Assessment and have an Education Learning Plan (ELP), shall be given the ISAT with accommodations or adaptations as outlined in the ELP. Students can be categorized as LEP students for two (2) years after testing proficient on the language proficiency test and exiting the LEP program. LEP students who do not have an ELP or a language acquisition score will be given the regular ISAT without accommodations or adaptations* may receive designated supports or accommodations, or both, for the ISAT assessment if need has been indicated by the LEP student's Educational Learning Plan (ELP) team. The team shall outline the designated supports or accommodations, or both, in an ELP prior to the assessment administration. Designated supports or accommodations, or both, shall be familiar to the student and used throughout the school year during previous instruction and for other assessments. LEP students who are enrolled in their first year of school in the United States may take the IELA in lieu of the *reading/ English* language *usage* ISAT, but will still be required to take the ISAT m(Mathematics and sScience). *ISAT with accommodations or adaptations as determined by the language proficiency score and ELP.* Such LEP students will be counted as participants for the ninety-five percent (95%) participation target, as described in Subsection 112.04. However, such LEP students are not required to be counted for *AYP accountability* purposes *in determining proficiency*, as described in Subsection 112.03.

~~(5-8-09)(8-14-14)T(11-24-14)T~~

06. Comprehensive Assessment Program. The State approved comprehensive assessment program is outlined in Subsections 111.06.a. through 111.06.l. Each assessment will be comprehensive of and aligned to the Idaho State Content Standards it is intended to assess. In addition, districts are responsible for writing and implementing assessments in those standards not assessed by the state assessment program. (4-2-08)

[Paragraph 111.06.c.]

c. Grade 2 - Idaho Reading Indicator, ~~Grade 2 Idaho Standards Achievement Tests~~, Idaho Alternate Assessment, Idaho English Language Assessment. ~~(4-2-08)~~ (11-24-14)T

[Paragraph 111.06.n.]

n. ~~Students who complete biology or chemistry~~ are required to take an End of Course Assessment in science provided by the state and administered by the district. ~~(8-14-14)T~~ (11-24-14)T

07. Comprehensive Assessment Program Schedule. (5-3-03)

[Paragraph 111.07.c.]

c. The Idaho Standards Achievement Tests will be administered ~~twice annually~~ in the ~~Fall and~~ Spring in a time period specified by the State Board of Education. ~~(5-3-03)~~ (11-24-14)T

[Subsection 111.11, entire subsection reprinted]

11. Test Security, Validity and Reliability. Test security is of the utmost importance. To ensure integrity of secure test items and protect validity and reliability of test outcomes, test security must be maintained. School districts will employ security measures in protecting statewide assessment materials from compromise. Each individual who has any opportunity to see test items must sign a state-provided confidentiality agreement, which the district must keep on file in the district for at least two (2) years. Documentation of security safeguards must be available for review by authorized state and federal personnel. (4-2-08)

a. All ISAT paper and pencil test booklets will be boxed and shipped to the test vendor to be counted no later than two (2) weeks after the end of the testing window, as applicable. ~~(3-20-04)~~ (11-24-14)T

~~**b.** The ISAT will be refreshed each year to provide additional security beginning with grades four (4) eight (8) and ten (10) in 2007. Items will be refreshed for grades three (3) and seven (7) in 2008; grades five (5) and six (6) in 2009; and grades two (2) and nine (9) in 2010.~~ ~~(3-20-04)~~

eb. Any assessment used for federal reporting shall be independently reviewed for reliability, validity, and alignment with the Idaho Content Standards. (4-2-08)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1404

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, Idaho Code.

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

IDAPA 08.02.03, subsection 104, sets out other required instruction in elementary schools, middle schools/junior high schools, and high schools. The language pertaining to other instruction in high school was amended in 2006 making it effective for all students who graduated prior to January 1, 2012. These changes were part of the high school redesign efforts by the Board. At the same time subsection 105 was amended to increase the specific credit requirements for graduation and move the required parent-approved student learning plan development to “no later than the eighth grade.” This section also included a further subsection that outlined other required instructional offerings of high schools. When subsection 104.03. was no longer effective and removed from Administrative Rule, the further subsection was also removed, eliminating the requirement that high schools provide instructional offering in physical education, humanities, professional technical education, family and consumer science, fine and performing arts, and languages other than English. While IDAPA 08.02.03, subsection 105 list specific credit requirements for humanities, including world languages and performing arts, it does not include credit requirements for physical education or professional-technical education. The Pending Rule change restores language regarding other required instructional offering of the high school to include physical education and professional-technical education.

Additionally, at the recommendation of the High Expectations subcommittee, clarifying language is being added to ensure learning plans are reviewed annually throughout a student’s high school career, as intended by the language regarding the learning plans in the middle schools/junior high schools section.

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 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 157 through 161](#).

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: No fiscal impact.

ASSISTANCE: For assistance on technical questions concerning the pending rule or temporary rule, contact Tracie Bent, State Board of Education: (208) 332-1582, tracie.bent@osbe.idaho.gov.

DATED this 24th Day of November, 2014.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
Boise, Idaho 83720-0027
Phone: (208) 332-6812 / Fax: (208) 334-2228

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1406

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 24, 2014. This pending rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and at the conclusion of the Legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 67-5221(1), Idaho Code, and Section 33-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary 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 rule allows for the five new data elements to be collected which will provide the necessary information for finance to accurately calculate payments necessary for staffing and for the Advanced Opportunities option.

The last three fields listed below were not originally included in the rule description but were included in the New Items Excel Spreadsheet attached and approved by the State Board of Education as part of the Rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule as previously adopted while the pending rule awaits legislative approval, the State Department of Education amended the temporary rule with the same revisions made to the pending rule. Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the original text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, **Vol. 14-10, pages 165 and 166.**

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

This change in rule results in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Joyce Popp, State Department of Education, (208) 332-6970, jpopp@sde.idaho.gov.

DATED this 24th Day of November, 2014.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
Boise, Idaho 83720-0027
Phone: (208) 332-6812 / Fax: (208) 334-2228

DOCKET NO. 08-0203-1406 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.
Italicized green text that is underscored and struck through is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

Only those sections or subsections that have changed from the original temporary/proposed text are printed in this Bulletin following this notice.

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10, pages 165 and 166.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 08-0203-1406

[Section 115, entire section reprinted]

115. DATA COLLECTION.

~~01.~~ Data Collection and Required Data Elements. The State Department of Education will collect the required information from participating school files for state and federal reporting and decision-making. The enrollment data collection will shall contain information about the enrollment of the student attributes such as unique student identifier, active special education, Limited English Proficient (LEP), migrant, grade level, gender, race, and free/reduced lunch status all data as listed on the State Department of Education's website under "required data elements." The collection will be done in mid-October, early February, and May (end of the testing window) shall be submitted monthly for any period of time in which students are receiving educational instruction or services provided by a state public school or charter school. Each participating school is required to verify and assure the accuracy and completeness of the data submitted in the files. ~~(5-8-09)(8-14-14)T(11-24-14)T~~

02I. New Data Elements in State Student Data System. To meet the requirements of Section 33-133.3, Idaho Code, the following data elements will be added to the monthly ISEE data upload beginning in the 2014-2015 school year. (8-14-14)T

a. Private or Home Schooled Flag in the Student Demographics File. To indicate if the student is Private or Home Schooled as well as proper grade level for testing for use in correct allocation of funds. (8-14-14)T

b. Provider School Name Field in the Student Course Enrollment File. To indicate the name of the institution providing instruction of a non-regular course, i.e. virtual or distance education. For use in accurate calculation of payment for Advanced Opportunity Program payments. (8-14-14)T

c. Instructor Name Field in the Student Course Enrollment File. To indicate the name of the actual instructor within an institution that is providing instruction of a non-regular course, i.e. virtual or distance education. For use in accurate calculation for Advanced Opportunity Program payments. (8-14-14)T

d. Examination to be Taken Flag in the Student Course Enrollment File. To indicate if a course has a specific examination that requires payment to sit for the examination. To identify and accurately calculate the examination reimbursement payments for the Advanced Opportunities Program. (8-14-14)T

e. Examination Type Field in the Student Course Enrollment File. To collect the type of college credit bearing examination that a student is associated with a specific Advanced Opportunity course to identify the type of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. (8-14-14)T

f. Examination CertType Field in the Student Course Enrollment File. To collect the type of exam certification or licensure type associated with a specific Advanced Opportunity course to identify the type of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. (11-24-14)T

g. Examination Result Field in the Student Course Enrollment File. To collect the students' result on the college credit bearing examination associated with a specific Advanced Opportunity course to identify the qualification of examination and the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. (11-24-14)T

h. Examination Cost Field in the Student Course Enrollment File. To collect the cost of college credit bearing examination that a student is associated with a specific Advanced Opportunity course to identify the payment necessary as part of the Advanced Opportunity Program to accurately calculate payment for the program. (11-24-14)T

**IDAPA 08 - IDAHO STATE BOARD OF EDUCATION
REGENTS OF THE UNIVERSITY OF IDAHO**

08.05.01 - RULES GOVERNING SEED AND PLANT CERTIFICATION

DOCKET NO. 08-0501-1401 (NEW CHAPTER)

**NOTICE OF RULEMAKING -
ADOPTION OF PENDING FEE RULE AND AMENDMENT TO TEMPORARY RULE**

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 24, 2014. This pending rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and effective upon adoption of the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and amended a temporary rule. The action is authorized pursuant to Section 22-1504, Idaho Code.

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

In 1959 the Idaho legislature passed the “Seed and Plant Certification Act of 1959” (the “1959 Act”). This act vested in the Regents of the University of Idaho, through the College of Agriculture or its agent, the authority for certification of seeds, tubers, plants and plant parts in the state of Idaho. The 1959 Act called for establishing and maintaining reasonable rules and regulations for this purpose. At that time the process for establishing the rules and regulations called for them to be filed with the Department of Agriculture where they would be available for public inspection. Amendments made to the Act in 1990 authorized the adoption of rules and regulations for the purposes of certification of seeds, tubers, plants and plant parts through the Idaho Administrative Rules process. The proposed changes would create a new administrative rule chapter and incorporate by reference the procedures of the Idaho Crop Improvement Association Standards, acting as an agent of the University of Idaho, into this new administrative rule chapter.

There has been one change between the proposed and pending rule. The change updated the fee schedule incorporated by reference into the rule to the most current fee schedule of the Idaho Crop Improvement Association.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board of Regents of the University of Idaho (Board of Education) amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the June 4, 2014 Idaho Administrative Bulletin, [Vol. 14-6, pages 50 through 53](#).

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger. This fee or charge is being imposed pursuant to Section 22-1504, Idaho Code. The following is a specific description of the fee or charge imposed or increased:

Section 22-1504, Idaho code allows that the University of Idaho or the agent of the University of Idaho is authorized to administer the provisions of Title 22, Chapter 15, Seed and Plant Certification including the establishment of reasonable rules and regulations and standards for seed and plant certification. As an agent of the University of Idaho, the Idaho Crop Improvement Association, Inc has established application fees necessary to defray the costs of seed testing and administration of the seed certification program. Those fees are incorporated by reference into the this rule and vary depending on the crop being certified.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

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

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

DATED this 28th Day of November, 2014.

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

**DOCKET NO. 08-0501-1401 - ADOPTION OF PENDING FEE RULE
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made to the pending fee rule.
Italicized red text that is ***double underscored*** is new text that has been added to the pending fee rule.
Italicized green text that is ***underscored and struck through*** is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending fee rule text.

Only those sections or subsections that have changed from the original temporary/proposed text are printed in this Bulletin following this notice.

The text of the temporary/proposed fee rule was published in the Idaho Administrative Bulletin, Vol. 14-6, pages 50 through 53.

This rule has been adopted as a pending fee rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING FEE RULE TEXT FOR DOCKET NO. 08-0501-1401**

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into this rule. The Idaho Seed and Plant Certification Standards are adopted by the Idaho Crop Improvement Association. Copies of the following documents may be obtained from the Idaho Crop Improvement Association, Inc. website at <http://www.idahocrop.com/index.aspx>, or from the Idaho Crop Improvement Association, Inc. office. (5-14-14)T

[Subsection 004.02]

02. Seed Certification Fee & Application Schedule. The Seed Certification Fee and Application Schedule of the Idaho Crop Improvement Association, Inc., as last modified and approved on ~~August 8, 2013~~ July 11, 2014, ~~(5-14-14)T~~ (11-24-14)T

IDAPA 09 - DEPARTMENT OF LABOR

09.01.04 - UNEMPLOYMENT INSURANCE BENEFITS FRAUD AND OVERPAYMENT RULES

DOCKET NO. 09-0104-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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:

This rule change will reflect the legal standard used by the Idaho Supreme Court in unemployment insurance benefit fraud cases by explaining that to “willfully” make a false statement or to “willfully” fail to report a material fact in order to obtain unemployment insurance benefits only requires a purpose or willingness to commit the act or make the omission. It does not require an intent to violate the law.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 168 through 169](#).

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

There will be no fiscal impact to the General fund or to any dedicated fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joshua McKenna Benefits Bureau Chief (208) 332-3750 ext. 3919.

DATED this 26th Day of September, 2014.

Joshua McKenna, Benefits Bureau Chief
Department of Labor
317 West Main Street, Boise, ID 83735
Tel: (208) 332-3570 ext. 3919
Fax: (208) 334-6125
joshua.mckenna@labor.idaho.gov

IDAPA 09 - DEPARTMENT OF LABOR
09.01.06 - RULES OF THE APPEALS BUREAU
DOCKET NO. 09-0106-1401
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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:

The current rule allows appeals to be filed in any of the 25 Job Service Offices throughout the State. Those appeals are then collected and routed to the Department's Appeals Bureau in Boise, Idaho. This rule change will prevent appeals from being delayed or misdirected by requiring them to be filed by mail or electronically transmitted directly to the Department's Appeals Bureau.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 170 through 171](#).

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 to the General fund. The fiscal impact to the Department will be positive. A streamlined appeals process will save the Department mailing and document handling costs and reduce Appeals Bureau and local office staff time.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amy Hohnstein Chief Appeals Bureau (208) 332-3752 ext. 3330.

DATED this 26th Day of September, 2014.

Amy Hohnstein, Chief Appeals Bureau
Department of Labor
317 West Main Street, Boise, ID 83735
Tel: (208) 332-3752 ext. 3330
Fax: (208) 334-6125
amy.hohnstein@labor.idaho.gov

IDAPA 09 - DEPARTMENT OF LABOR

09.01.30 - UNEMPLOYMENT INSURANCE BENEFITS ADMINISTRATION RULES

DOCKET NO. 09-0130-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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:

The rule is being changed to reflect how the Department currently processes unemployment insurance claims. This rule change will delete references to mailed and in person claims because they are no longer used by the Department. Instead, claims are filed over the internet, or in special circumstances by telephone.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 172 through 178](#).

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 to the General fund or to any dedicated fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joshua McKenna Benefits Bureau Chief (208) 332-3750 ext. 3919.

DATED this 26th Day of September, 2014.

Joshua McKenna, Benefits Bureau Chief
Department of Labor
317 West Main Street, Boise, ID 83735
Tel: (208) 332-3570 ext. 3919
Fax: (208) 334-6125
joshua.mckenna@labor.idaho.gov

IDAPA 11 - IDAHO STATE POLICE ISP FORENSIC SERVICES

11.03.01 - RULES GOVERNING ALCOHOL TESTING

DOCKET NO. 11-0301-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is December 1, 2014. This pending rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the state specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 67-2901, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary 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:

ISPFS held a public hearing on November 13, 2014, wherein public comments were received by a hearing officer on the proposed rules. Pursuant to recommendations of the hearing officer, ISPFS is amending the text of pending and temporary rule as follows:

- The definition of “Waiting Period/Monitoring Period/Deprivation Period/Observation Period” in IDAPA 11.03.01.010.26 is deleted and a definition for “Monitoring period” and “Deprivation period” were added as IDAPA 11.03.01.010.19 and IDAPA 11.03.01.010.14, respectively, to clarify the meaning of the different periods of time involved in the testing. Additionally, the rule was amended for consistency throughout where either of these terms were used.
- The second sentence of IDAPA 11.03.01.014.03(b) was removed as the statement does not add any meaning to the rule. Examples contained in this sentence were included in the definition of “Deprivation Period” and “Monitoring Period.” Further, the definition of “Observation Period” was updated.
- IDAPA 11.03.01.014.03(c) was simplified due to the terms “deprivation period” and “monitoring period” being defined in sections 11.03.01.010 and 11.03.01.010.19.
- IDAPA 11.03.01.014.03(d) was amended to clarify the procedure by adding the word “if” instead of “before” because that makes it so the monitoring period is required if the test is performed, but does not require that the test be performed. There were many circumstances discussed where another test would not be feasible or possible. Additionally, the word “officer” was amended to read “operator.”
- IDAPA 11.03.01.014.03(e) was amended to clarify that the operator should switch mouthpieces between test subjects, not between test sequences issued to the same individual for hygienic reasons.
- IDAPA 11.03.01.014.03(g) was amended to read “shall when possible” instead of “should” to give the operator the ability to explain the circumstances behind the lack of a third test being administered.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule as previously adopted while the pending rule awaits legislative approval, the Agency amended the temporary rule with the same revisions made to the pending

rule. Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, **Vol. 14-10, pages 171 through 178.**

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Matthew Gamette, Director of Forensic Services at (208) 884-7217.

DATED this 1st Day of December, 2014.

Colonel Ralph W. Powell, Director
Idaho State Police
700 S. Stratford Drive
Meridian, ID 83642
Tel: (208) 884-7003 / Fax: (208) 884-7090

**DOCKET NO. 11-0301-1401 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made to the pending rule.
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Italicized green text that is ***underscored and struck through*** is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

Only those sections or subsections that have changed from the original temporary/proposed text are printed in this Bulletin following this notice.

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, **Vol. 14-10, pages 171 through 178.**

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 11-0301-1401**

010. DEFINITIONS AND ABBREVIATIONS.

[Subsections 010.14. through 010.26.]

14. Deprivation Period. "Deprivation period" shall mean a minimum time period of fifteen (15)

minutes immediately prior to evidentiary breath alcohol testing during which the subject/individual shall not be allowed to smoke, drink, or eat substances containing alcohol. (12-15-14)T

145. Evidentiary Test. “Evidentiary test” shall mean a blood, breath, or urine test performed on a subject/individual for potential evidentiary or legal purposes. A distinction is made between evidentiary testing and non-quantitative screening/monitoring. (9-2-14)T

156. Idaho State Police Forensic Services (ISPFS). “Idaho State Police Forensic Services” shall mean a division of the Idaho State Police. ISPFS is dedicated to providing forensic science services to the criminal justice system of Idaho. ISPFS is the administrative body for the ~~blood and breath~~ alcohol testing programs in Idaho. (9-2-14)T(12-15-14)T

~~05167~~ **167. Laboratory.** “Laboratory” shall mean the place at which specialized devices, instruments and methods are used by trained personnel to measure the concentration of alcohol in samples of blood, vitreous humor, ~~urine, or beverages~~ for law enforcement purposes. (4-7-11)(9-2-14)T

178. MIP/MIC. “MIP/MIC” shall mean an abbreviation used to designate minor in possession or minor in consumption of alcohol. (9-2-14)T

19. Monitoring Period. “Monitoring Period” shall mean a minimum deprivation period of fifteen (15) minutes immediately prior to evidentiary breath alcohol testing during which the subject/individual should be observed by the officer and any belch/burp/vomit/regurgitation should be noted by the operator. (12-15-14)T

~~1820~~ **20. Operator Certification.** “Operator certification” shall mean the condition of having satisfied the training requirements for administering breath alcohol tests as established by the department. (9-2-14)T

~~1921~~ **21. Operator.** “Operator” shall mean an individual certified by the department as qualified by training to administer breath alcohol tests. (9-2-14)T

202. Performance Verification. “Performance verification” shall mean a verification of the accuracy of the breath testing instrument utilizing a performance verification standard. Performance verification should be reported to three decimal places. While ISPFS uses the term performance verification, manufacturers and others may use a term such as “calibration check” or “simulator check.” (9-2-14)T

~~213~~ **23. Performance Verification Standard.** “Performance verification standard” shall mean an ethyl alcohol standard used for field performance verifications. The standard is provided or approved, or both, by the department. (9-2-14)T

~~06224~~ **24. Proficiency Testing.** “Proficiency testing” shall mean a periodic analysis of blood, urine, or other liquid specimen(s) whose alcohol content is unknown to the testing laboratory, to evaluate the capability of that laboratory to perform accurate analysis for alcohol concentration. (3-19-99)(9-2-14)T

~~07235~~ **25. Quality Control.** “Quality control” shall mean an analysis of referenced samples whose alcohol content is known, which is performed with each batch of ~~urine or~~ blood, vitreous humor, urine or beverage analysis to ensure that the laboratory’s determination of alcohol concentration is reproducible and accurate. (3-19-99)(9-2-14)T

246. Recertification Class. “Recertification class” shall mean a training class offered by the department for currently certified personnel, completion of which results in uninterrupted continuation of their BTO or BTS status for an additional 2 years. (9-2-14)T

~~08257~~ **27. Urine Alcohol Analysis.** “Urine alcohol analysis” shall mean an analysis of urine to determine the concentration of alcohol present. (7-1-93)

~~26. Waiting Period/Monitoring Period/Deprivation Period/Observation Period.~~ “~~Waiting Period/Monitoring Period/Deprivation Period/Observation Period~~” shall mean individual titles used for the time period prior to administering a breath alcohol test, in which an officer monitors the test subject/individual. (9-2-14)T

(BREAK IN CONTINUITY OF SECTIONS)

013. REQUIREMENTS FOR LABORATORY ALCOHOL ANALYSIS.

[Subsection 013.01]

01. **Laboratory.** Any laboratory desiring to perform urine alcohol, vitreous humor, ~~or~~ blood alcohol, or beverage analysis shall meet the following standards: ~~(3-19-99)~~~~(9-2-14)T~~(12-15-14)T

[Paragraph 013.01.e.]

e. The laboratory shall participate in approved proficiency testing and pass this proficiency testing according to standards set by the department. Laboratories must participate in proficiency testing from a department approved provider at least once a calendar year. Approved providers include National Highway Transportation Traffic Safety Administration (NHTSA) and Collaborative Testing Services (CTS). Each test consists of at least four (4) blood samples spiked with an unknown concentration of ethyl alcohol, and possibly other volatiles, for qualitative determination. Participating laboratories must obtain proficiency tests from approved providers and are responsible for all costs associated with obtaining and analyzing such tests. Results from proficiency tests must be submitted by the due date to the test provider and ISPFS. Results not submitted to a test provider within the allowed time do not qualify as a proficiency test. An alcohol concentration range is determined from the target value and ± 3.0 standard deviations as provided by the proficiency test provider. Reported values must fall within this range. If a laboratory determines more than one (1) alcohol value for a given sample, the mean value of results will be submitted and evaluated. Upon satisfactory completion of an approved proficiency test, a certificate of approval will be issued by the department to the participating laboratory. Approval to perform legal blood alcohol determinations is continued until the results of the next proficiency test are reviewed and notification is sent to the respective laboratory by ISPFS. Failure to pass a proficiency test shall result in ~~disapproval until the problem is corrected and a proficiency test is successfully completed~~ immediate suspension of testing by an analyst or laboratory in the form of a written inquiry from the department. The test is graded as \neq unsuccessful when the mean results are outside the tolerance range established from the accepted mean values. The laboratory shall have thirty (30) calendar days to respond to the department inquiry. The department shall notify the laboratory within fourteen (14) calendar days regarding corrective action steps necessary to lift the testing suspension, or the department may issue a written revocation. The department shall not lift a proficiency testing related suspension or revocation until a successful proficiency test has been completed by the individual analyst or laboratory. ~~(7-1-93)~~~~(9-2-14)T~~(12-15-14)T

014. REQUIREMENTS FOR PERFORMING BREATH ALCOHOL TESTING.

03. **Administration.** Breath tests shall be administered in conformity with standards established by the department. Standards shall be developed for each type of breath testing instrument used in Idaho, and such standards shall be issued in the form of Idaho administrative rules, ISPFS analytical methods, and ISPFS standard operating procedures. ~~(4-7-11)~~~~(9-2-14)T~~

[Paragraphs 014.03.b. through 014.03.e.]

b. Prior to administering the ~~observation~~ monitoring period, any foreign objects/materials which have the potential to enter the instrument/breath tube or may present a choking hazard (e.g. gum, chewing tobacco, food) should be removed. If a foreign object/material (e.g. dental work, gum, chewing tobacco, food, piercing) is left in the mouth during the entirety of the fifteen (15) minute monitoring period, any potential external alcohol contamination

~~should not interfere with the results of the subsequent breath alcohol tests.~~

~~(9-2-14)T(12-15-14)T~~

c. ~~Prior to evidentiary breath alcohol testing, the subject/individual should be observed for fifteen (15) minutes. The operator should be alert for any event that might influence the accuracy of the breath alcohol test. During the observation period the subject/individual should not be allowed to smoke, drink, eat, or belch/burp/vomit/regurgitate. The operator shall administer a monitoring period prior to evidentiary testing.~~ ~~(9-2-14)T(12-15-14)T~~

d. ~~If mouth alcohol is suspected or indicated by the testing instrument, the operator ~~should~~ shall begin another fifteen (15) minute ~~observation monitoring~~ period ~~before if~~ repeating the testing sequence. If during the ~~observation monitoring~~ period the subject/individual vomits or regurgitates material from the stomach into the breath pathway, the ~~observation monitoring~~ period should start over. If there is doubt as to the events occurring during the ~~observation monitoring period~~ (e.g. silent burp, belch, vomit, regurgitation), the ~~officer~~ operator should evaluate the instrument results for any indication of mouth alcohol.~~ ~~(9-2-14)T(12-15-14)T~~

e. ~~A complete breath alcohol test includes two (2) valid breath samples taken during the testing procedure and preceded by air blanks. The subsequent breath samples performed with a portable breath testing instrument should be approximately two (2) minutes apart or more. If the subject/individual fails or refuses to provide a subsequent, adequate sample as requested by the operator, the single test result shall be considered valid. If ~~only~~ a single test result is used, then ~~the subject must have been observed during the~~ a fifteen (15) minute ~~observation monitoring period must be observed~~. For hygienic reasons, the operator should use a new mouthpiece for each ~~series of tests~~ subject/individual tested.~~ ~~(9-2-14)T(12-15-14)T~~

[Paragraph 014.03.g.]

g. ~~A third breath sample ~~should~~ shall, when possible, be collected if the first two (2) ~~two~~ results differ by more than 0.02 g/210L alcohol. Unless mouth alcohol is indicated or suspected, it is not necessary to repeat the ~~observation monitoring~~ period prior to obtaining a third breath sample.~~ ~~(9-2-14)T(12-15-14)T~~

09. MIP/MIC. ~~The presence or absence of alcohol is the determining factor in the evidence in an MIP/MIC case. The instrumentation used in obtaining the breath sample is often the same instrumentation utilized for acquiring DUI evidence. The different standard of evidence requires different standards for the procedure.~~ (9-2-14)T

[Paragraph 014.09.a.]

a. ~~Fifteen (15) minute ~~observation monitoring~~ period: The monitoring/~~observation~~ period is not required for the MIP/MIC procedure.~~ ~~(9-2-14)T(12-15-14)T~~

[Paragraph 014.09.f.]

f. ~~A third breath sample is required if the first two (2) results differ by more than 0.02 g/210L alcohol. In the event that all three (3) samples fall outside the 0.02 g/210L alcohol correlation, and testing indicates or the officer suspects mouth alcohol, they must administer a fifteen (15) minute ~~observation monitoring~~ period and then retest the subject. If mouth alcohol is not suspected or indicated by the test results, then the officer may retest the subject without administering an ~~observation monitoring~~ period.~~ ~~(9-2-14)T(12-15-14)T~~

IDAPA 11 - IDAHO STATE POLICE

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-1403

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 19-5107, 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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 186 through 193](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rory Olsen at (208) 884-7256.

DATED this 24th Day of November, 2014.

Victor R. McCraw
POST Division Administrator
Idaho State Police/Peace Officer Standards & Training
700 S. Stratford Dr.
Meridian, ID 83642
Phone: (208) 884-7251
Fax: (208) 884-7295

IDAPA 12 - DEPARTMENT OF FINANCE

12.01.10 - RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 26-31-103, 26-31-204(5), 26-31-302(1)(a), and 26-31-302(2), Idaho Code.

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

Idaho law incorporates provisions of federal law. If the most recent changes to federal law are not included in Idaho law, mortgage loan originators will have two differing sets of laws to follow.

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 1, 2014, Idaho Administrative Bulletin, [Vol.14-10, pages 204-205](#).

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:

Not Applicable.

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

DATED this 20th Day of November 2014.

Michael Larsen
Consumer Finance Bureau Chief
Department of Finance
800 Park Blvd.
PO Box 83720
Boise, ID 83720-0031
Office: (208) 332-8060
Fax: (208) 332-8099

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.02 - RULES GOVERNING HUNTER EDUCATION AND MENTORED HUNTING

DOCKET NO. 13-0102-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 36-401, 36-404 and 36-407, Idaho Code; and House Bill 399 (2014).

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:

Rules that govern the Mentored Hunting program must be amended to reflect that youth that are 10 years of age can hunt big game.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 206 through 208](#).

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer (208) 287-2780.

DATED this 18th Day of November, 2014.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut Street.
P.O. Box 25, Boise, Idaho 83707
Tel: (208) 334-3715 / Fax: (208) 334-4885

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1402

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 36-104 and 36-407, Idaho Code; and Senate Bill 1278 (2014).

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:

Eligibility rules for nonresident disabled American veterans to receive a reduced fee hunting license and certain tags must be amended to comply with new law.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 209 through 211](#).

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer (208) 287-2780.

DATED this 18th Day of November, 2014.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut Street.
P.O. Box 25, Boise, Idaho 83707
Tel: (208) 334-3715 / Fax: (208) 334-4885

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1403

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 36-104, 36-401 and 36-408, Idaho Code; and Senate Bill 1276.

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:

Rules that reference qualified organizations for the disabled veteran big game tag program must be amended to add IRS status 501(c) (4) organizations to comply with new law.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 212 through 214](#).

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer (208) 287-2780.

DATED this 18th Day of November, 2014.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut Street.
P.O. Box 25, Boise, Idaho 83707
Tel: (208) 334-3715 / Fax: (208) 334-4885

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1404

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 36-104, Idaho Code, and House Bill 467 (2014).

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

This rule would implement new discretionary Commission authority to add bear tags to the Landowner Appreciation Program.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 215 through 219](#).

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer (208) 287-2780.

DATED this 18th Day of November, 2014.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut Street.
P.O. Box 25, Boise, Idaho 83707
Tel: (208) 334-3715 / Fax: (208) 334-4885

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1402

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 36-104, 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:

Some unlimited controlled hunts result in higher-than-desired hunter numbers because some hunters select these hunts as their second choice (as a backup in case they do not draw their first choice) when applying for a more desirable hunt. A Notice of Intent to Promulgate Rules was filed, and after analyzing the comments from interested parties, the proposal was modified to apply to only deer and elk unlimited controlled hunts. Allow the Commission to designate specific unlimited controlled hunts for deer and elk as "first-choice only."

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 220 through 226](#).

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jon Rachael, (208) 334-2920.

DATED this 18th Day of November, 2014.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut Street.
P.O. Box 25, Boise, Idaho 83707
Tel: (208) 334-3715 / Fax: (208) 334-4885

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1403

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 36-401 and 36-404, Idaho Code; and House Bill 399 (2014).

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 change to the hunting age is a straightforward amendment to comply with changed state law.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 227 through 233](#).

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer (208) 287-2780.

DATED this 18th Day of November, 2014.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut Street.
P.O. Box 25, Boise, Idaho 83707
Tel: (208) 334-3715 / Fax: (208) 334-4885

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1404

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 36-104, and 36-1101, 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 reorganized elk zone descriptions allow the Department to better manage elk populations, and benefit the public with more balanced hunting opportunities.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 234 through 236](#).

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer (208) 287-2780.

DATED this 18th Day of November, 2014.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut Street.
P.O. Box 25, Boise, Idaho 83707
Tel: (208) 334-3715 / Fax: (208) 334-4885

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 36-104, 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 purpose is to give the Commission the flexibility to modify shooting hours on Wildlife Management Areas where pheasants are stocked. The change is needed to: 1) address human safety concerns where employees/volunteers stocking upland game birds and vehicles were sprayed with shotgun pellets, 2) to help further distribute stocked upland game birds, and 3) to reduce conflict between waterfowl hunters and upland game bird hunters using the same property.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 237-238](#).

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeff Knetter (208) 287-2747.

DATED this 18th Day of November, 2014.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut Street.
P.O. Box 25, Boise, Idaho 83707
Tel: (208) 334-3715 / Fax: (208) 334-4885

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.02 - EMERGENCY MEDICAL SERVICES (EMS) -- RULE DEFINITIONS

DOCKET NO. 16-0102-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1011 through 56-1023, 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 for the definition of Emergency Medical Services (EMS) has no change and is being adopted as originally proposed. The complete text of the proposed and temporary rule was published in the July 2, 2014, Idaho Administrative Bulletin, [Vol. 14-7, pages 43 through 46](#).

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

This rulemaking has no fiscal impact to dedicated funds for EMS or the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wayne Denny at (208) 334-4000.

DATED this 21st Day of November, 2014.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.07 - EMERGENCY MEDICAL SERVICES (EMS) -- PERSONNEL LICENSING REQUIREMENTS

DOCKET NO. 16-0107-1501

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2015.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-1011 through 56-1023, 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 January 21, 2015.

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 EMS personnel licensing rules are being amended to provide flexibility in the continuing education (CE) requirements that are needed for EMS personnel to renew their licenses. These rules amend the number of CE venues that are required during each licensure cycle, and provide for CE that is taken after an early submission application to count towards the next licensure period. Updates have also been made for licensure timelines, and to update the EMS Physician Commission Standards Manual to the current edition.

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

The current EMS Personnel Licensing rules need to be amended prior to the end of the current licensure period. These rules are being adopted as temporary to ensure that EMS personnel, who are vital to the public health, safety, and welfare of Idaho citizens, are given flexibility in meeting the continuing education requirements for licensure.

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

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

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because this is a temporary rule. However, the Department held a number of meetings around the state with EMS personnel and agencies. The changes in this rule concerning continuing education were based on concerns voiced during those meetings and required the Department to amend these rules prior to the end of the current licensure period.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the "Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual," edition 2012-1, that is incorporated by reference in these rules is being updated to the current edition 2014-1. The document is not being reprinted in this chapter of rules due to its length and format, and because of the cost for republication.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Bruce Cheeseman at (208) 334-4004.

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 January 28, 2015.

DATED this 21st Day of November, 2014.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0107-1501
(Only those Sections being amended are shown.)**

004. INCORPORATION BY REFERENCE.

The Department has incorporated by reference the "Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual," edition 2012~~4~~-1. Copies of this Standards Manual may be obtained from the EMS Bureau described in Section 005 of these rules, or online at: <http://www.emspc.dhw.idaho.gov>. ~~(3-29-12)~~(1-1-15)T

(BREAK IN CONTINUITY OF SECTIONS)

116. PERSONNEL LICENSE TRANSITION.

Between the years of 2011 and 201~~6~~7, the scope of practice and the accompanying license levels for EMS personnel will change. The scope of practice for licensed EMS personnel is provided in the EMS Physician Commission Standards Manual incorporated by reference under Section 004 of these rules. Personnel licensed at the AEMT level can opt to either transition to the AEMT-2011 level, or they may remain at the AEMT-1985 level. In order to renew a license, personnel licensed at the EMR, EMT, or Paramedic level must transition and meet the following requirements. ~~(3-29-12)~~(1-1-15)T

01. General Transition Requirements for Licensed Personnel. Licensed personnel transitioning to a new licensure level must: (3-29-12)

- a.** Successfully complete an Idaho-approved transition course appropriate for the level of licensure; (3-29-12)
- b.** Provide documentation of verification by the course physician of competency in the knowledge and skills identified in the appropriate transition course curriculum; and (3-29-12)
- c.** Include proof of completion of transition requirements with the license renewal application. All other license renewal requirements listed in Section 120 of these rules must be completed. The transition course may be counted towards the renewal continuing education requirements. (3-29-12)

02. Transition Options Specific for Personnel Licensed at the AEMT Level. Personnel licensed at the AEMT level have options specific to transitioning as follows: (3-29-12)

a. In addition to the general transition requirements under Subsection 116.01 of this rule, personnel licensed at the AEMT level may choose to transition to the AEMT-2011. To transition to the AEMT-2011 level, the applicant must successfully pass the Idaho-approved written and practical examinations for that level of licensure by the deadlines provided in Subsection 116.03.b of this rule. (3-29-12)

b. Personnel licensed at the AEMT level who choose not to complete the transition requirements according to Subsection 116.03.b. of this rule, will be allowed to renew their personnel license at the AEMT-1985 level, if all other license renewal requirements listed in Section 120 of these rules are met. (3-29-12)

03. Application Deadlines for Transition of Licensed Personnel. Licensed personnel who choose to transition must submit an “EMS Personnel License Transition Application” according to the following deadline dates: (3-29-12)

a. For personnel licensed at the EMR and EMT levels, an application for transition must be submitted after January 1, 2012, and before ~~September~~ March 30, 2016~~7~~, according to the effective date of the initial license or renewal date provided in the table below:

Table 116.03.a. PERSONNEL LICENSED AT EMR AND EMT LEVELS - TRANSITION DEADLINE DATES	
Effective Date of Initial License April 1, 2011 - September 30, 2011 October 1, 2011 - December 31, 2011	Date Transition Requirements MUST be Completed September 30, 2014 March 31, 2015
Effective Date of Renewed License April 1, 2011 October 1, 2011 April 1, 2012 October 1, 2012 April 1, 2013 October 1, 2013 <u>April 1, 2014</u>	Date Transition Requirements MUST be Completed March 31, 2014 September 30, 2014 March 31, 2015 September 30, 2015 March 31, 2016 September 30, 2016 <u>March 31, 2017</u>

~~(3-29-12)~~(1-1-15)T

b. For personnel licensed at the AEMT and Paramedic levels, an application for transition must be submitted after January 1, 2013, and before ~~September~~ March 30, 2015~~6~~, according to the effective date of the initial license or renewal date provided in the table below:

Table 116.03.b. PERSONNEL LICENSED AT AEMT AND PARAMEDIC LEVELS - TRANSITION DEADLINE DATES	
Effective Date of Initial License April 1, 2012 - September 30, 2012 October 1, 2012 - December 31, 2012	Date Transition Requirements MUST be Completed September 30, 2014 March 31, 2015

Table 116.03.b. PERSONNEL LICENSED AT AEMT AND PARAMEDIC LEVELS - TRANSITION DEADLINE DATES	
Effective Date of Renewed License	Date Transition Requirements MUST be Completed
April 1, 2012	March 31, 2014
October 1, 2012	September 30, 2014
April 1, 2013	March 31, 2015
October 1, 2013	September 30, 2015
<u>April 1, 2014</u>	<u>March 31, 2017</u>

~~(3-29-12)~~(1-1-15)T

04. Early Transition of Licensed Personnel. Licensed personnel who meet all transition requirements and choose to transition prior to their license renewal date will be issued a license as follows: (3-29-12)

a. Continuing education completed between the effective date of the pre-transition license and the expiration date of the transitioned license may be used to meet requirements listed in Section 120 of these rules for renewal of the transition license; (3-29-12)

b. The new license will have the same expiration date as the current license; and (3-29-12)

c. The new license will have a new effective date, based on the date the transition was approved by the EMS Bureau. (3-29-12)

117. -- 119. (RESERVED)

120. PERSONNEL LICENSE RENEWAL.

Licensed personnel must provide documentation that they meet the following requirements: (3-29-12)

01. Documentation of Affiliation with EMS Agency. A candidate applying for renewal of licensure must be affiliated with a licensed EMS agency which functions at, or above, the level of licensure being renewed. Documentation that the license holder is currently credentialed or undergoing credentialing by an affiliating EMS agency medical director must be submitted as assurance of affiliation for license renewal. (3-29-12)

02. Documentation of Continuing Education for Level of Licensure Renewal. A candidate for renewal of licensure must provide documentation of continuing education consistent with the license holder's level of licensure. All continuing education and skill proficiency requirements must be completed under the provisions in Sections 300 through 335 of these rules. The time frame for continuing education courses must meet the following requirements: (3-29-12)

a. All continuing education and skill proficiency requirements for renewal of an initial Idaho personnel license must be completed as follows: (3-29-12)

i. For EMR or EMT, within the thirty-six (36) months preceding ~~renewal~~ expiration. ~~(3-29-12)~~(1-1-15)T

ii. For AEMT and Paramedic, within the twenty-four (24) months preceding ~~renewal~~ expiration. ~~(3-29-12)~~(1-1-15)T

b. All continuing education and skill proficiency requirements for successive licenses must be completed between the effective and expiration dates of the license being renewed, or according to Section 116 or 125 of these rules. ~~(3-29-12)~~(1-1-15)T

c. All continuing education and skill proficiency requirements for renewal of licenses obtained through conversion of a Certificate of Eligibility must be completed as follows: (3-29-12)

- i. For EMR or EMT, within the thirty-six (36) months preceding ~~renewal~~ expiration. ~~(3-29-12)~~(1-1-15)T
- ii. For AEMT and Paramedic, within the twenty-four (24) months preceding ~~renewal~~ expiration. ~~(3-29-12)~~(1-1-15)T

03. Declarations of Convictions or Adjudications. A candidate for renewal of licensure must provide a declaration of any misdemeanor or felony adjudications. (3-29-12)

04. Time Frame for Application of Licensure Renewals. Documentation of license renewal requirements is due to the EMS Bureau prior to the license expiration date. Failure to submit a complete renewal application by the license expiration date renders the license invalid and the individual must not practice or represent himself as a license holder. (3-29-12)

05. Submit Required Licensure Renewal Fees. A candidate must submit the applicable license renewal fee provided in Section 111 of these rules. A candidate for EMR or EMT level of licensure has no fee requirement. (3-29-12)

121. -- 124. (RESERVED)

125. SUBMISSION OF EMS PERSONNEL LICENSURE APPLICATION AND DOCUMENTATION. Each EMS personnel license holder or candidate is responsible for meeting license renewal requirements and submitting completed license renewal documentation to the EMS Bureau by the current license expiration date. (3-29-12)

01. Earliest Submission Date for License Renewal. (1-1-15)T

a. Licensed EMS personnel may submit renewal application and documentation to the EMS Bureau up to six (6) months prior to the current license expiration date. (3-29-12)

b. Continuing education (CE) taken after early submission of a renewal application may be counted as CE for the next licensure cycle. Prior to the expiration date of the current license, the licensee must submit written notification to the EMS Bureau of the intention to use those CE hours for the next licensure cycle. (1-1-15)T

02. EMS Personnel License Expiration Date Falls on a Non-Work Day. When a license expiration date falls on a weekend, holiday, or other day the EMS Bureau is closed, the EMS Bureau will accept applications until the close of the next regular business day following the non-work day. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

300. CONTINUING EDUCATION AND SKILLS PROFICIENCY.

01. Continuing Education Must Meet Objectives of Initial Course Curriculum. All continuing education and skills proficiency assurance must be consistent with the objectives of the initial course curriculum or be a logical progression of those objectives. (3-29-12)

02. Documentation of Continuing Education. Licensed personnel must maintain documentation of all continuing education as follows: (3-29-12)

- a. An EMR and EMT must maintain documentation of continuing education for four (4) years. (3-29-12)
- b. An AEMT and Paramedic must maintain documentation of continuing education for three (3) years. (3-29-12)

03. Transition to New Scope of Practice. Education required to transition to a new scope of practice must meet the following: (3-29-12)

a. Within the same level of licensure, all transition education may count on an hour-for-hour basis in the appropriate categories within a single venue. When transition education hours exceed seventy-five percent (75%) of the total continuing education hours required, all continuing education hours can be in a single venue; and (3-29-12)

b. Education must be completed during a single license duration. (3-29-12)

04301. CONTINUING EDUCATION RECORDS ARE SUBJECT TO AUDIT.

The EMS Bureau reserves the right to audit continuing education records to verify that renewal requirements have been met. (3-29-12)

01. Documentation Record. All documentation for continuing education hours must include: (1-1-15)T

a. Name of attendee; (1-1-15)T

b. Date education was completed; (1-1-15)T

c. Education categories and venues, and the number of hours completed in each; and (1-1-15)T

d. Education sponsor or instructor. (1-1-15)T

02. Proof of Completion. The following are acceptable formats for proof of completion of continuing education: (1-1-15)T

a. Signed course roster; (1-1-15)T

b. Certificate of completion; (1-1-15)T

c. Electronic verification of completion of on-line course; (1-1-15)T

d. Verification of attendance from EMS conference; (1-1-15)T

e. Verification or proof of providing instruction; or (1-1-15)T

f. Agency training record validated by agency administrator. (1-1-15)T

~~3042.~~ -- 304. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

310. VENUES OF CONTINUING EDUCATION FOR PERSONNEL LICENSURE RENEWAL.

Continuing education for all personnel must include at least two (2) of the venues described in Subsections 310.01 through 310.12 of this rule for each licensure period. (1-1-15)T

01. Structured Classroom Sessions. (3-29-12)

02. Refresher Programs. Refresher programs that revisit the original curriculum and have an evaluation component. (3-29-12)

03. Nationally Recognized Courses. (3-29-12)

- 04. Regional and National Conferences.** (3-29-12)
- 05. Teaching Continuing Education Topics.** The continuing education topics being taught must fall under the categories in Section 305 of these rules. (3-29-12)
- 06. Agency Medical Director-Approved Self-Study or Directed Study.** This venue is not allowed to be used for a certificate of eligibility continuing education requirement under Section 350 of these rules. (3-29-12)
- 07. Case Reviews and Grand Rounds.** (3-29-12)
- 08. Distributed Education.** This venue includes distance and blended education using computer, video, audio, Internet, and CD resources. (3-29-12)
- 09. Journal Article Review with an Evaluation Instrument.** (3-29-12)
- 10. Author or Co-Author an EMS-Related Article in a Nationally Recognized Publication.** The article must be published in an EMS-specific publication. (3-29-12)
- 11. Simulation Training.** (1-1-15)T
- 12. Evaluator at a State or National Psychomotor Exam.** (1-1-15)T
- 311. -- 319. (RESERVED)**

320. EMR LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.

An EMR level license renewal candidate must provide documentation of the following during each licensure period. (3-29-12)

- 01. EMR Level Continuing Education Hours Needed for License Renewal.** A candidate must provide proof of successful completion of twenty-four (24) hours of continuing education. The types categories of continuing education courses and the number of hours required for EMR level licensure are: ~~(3-29-12)~~ (1-1-15)T
- a.** A minimum of two (2) hours in pediatrics; (3-29-12)
- b.** A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (3-29-12)
- i.** For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)
- ii.** For extrication awareness training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)
- c.** Two (2) hours in six (6) categories other than pediatrics and EMS Systems and Operations listed in Section 305 of these rules, for twelve (12) continuing education hours; and (3-29-12)
- d.** Seven (7) hours of continuing education can be from any single category or combination of categories listed in Section 305 of these rules. (3-29-12)
- ~~**02. Venues Where Continuing Education May be Taken.** Continuing education for personnel licensed at the EMR level must include two (2) of the continuing education venues listed in Section 310 of these rules during each licensure period. (3-29-12)~~

032. Skills Proficiency for EMR Level License Renewal. A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the EMR licensure level under the authority of

IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (3-29-12)

- a.** Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (3-29-12)
- b.** Specific skills for an EMR that includes: (3-29-12)
 - i.** Airway, ventilation, and oxygenation; (3-29-12)
 - ii.** Cardiovascular and circulation; (3-29-12)
 - iii.** Immobilization; (3-29-12)
 - iv.** Medication administration; (3-29-12)
 - v.** Normal childbirth; (3-29-12)
 - vi.** Patient care reporting documentation; and (3-29-12)
 - vii.** Safety and operations. (3-29-12)

321. -- 324. (RESERVED)

325. EMT LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.

An EMT level license renewal candidate must provide documentation of the following during each licensure period. (3-29-12)

01. EMT Level Continuing Education Hours Needed for License Renewal. A candidate must provide proof of successful completion of forty-eight (48) hours of continuing education. The ~~types~~ **categories** of continuing education ~~courses~~ and the number of hours required for EMT level licensure are: ~~(3-29-12)~~ **(1-1-15)T**

- a.** A minimum of four (4) hours in pediatrics; (3-29-12)
- b.** A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (3-29-12)
 - i.** For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)
 - ii.** For extrication awareness training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)
- c.** Four (4) hours in eight (8) categories other than pediatrics and EMS Systems and Operations listed in Section 305 of these rules for thirty-two (32) hours; and (3-29-12)
- d.** Nine (9) hours can be from any single category or combination of categories listed in Section 305 of these rules. (3-29-12)

~~**02. Venues Where Continuing Education May be Taken.** Continuing education for personnel licensed at the EMT level must include four (4) of the continuing education venues listed in Section 310 of these rules during each licensure period. (3-29-12)~~

032. Skills Proficiency for EMT Level License Renewal. A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the EMT licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (3-29-12)

- a. Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (3-29-12)
- b. Specific skills for an EMT that includes: (3-29-12)
 - i. Airway, ventilation, and oxygenation; (3-29-12)
 - ii. Cardiovascular and circulation; (3-29-12)
 - iii. Immobilization; (3-29-12)
 - iv. Medication administration; (3-29-12)
 - v. Normal and complicated childbirth; (3-29-12)
 - vi. Patient care reporting documentation; and (3-29-12)
 - vii. Safety and transport operations. (3-29-12)

326. -- 329. (RESERVED)

330. AEMT LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.

An AEMT license renewal candidate must provide documentation of the following during each licensure period: (3-29-12)

01. AEMT Level Continuing Education Hours Needed for License Renewal. A candidate must provide proof of successful completion of fifty-four (54) hours of continuing education. The ~~types~~ ~~categories~~ of continuing education ~~courses~~ and the number of hours required for AEMT level licensure are: ~~(3-29-12)~~ **(1-1-15)T**

- a. A minimum of six (6) hours in pediatrics; (3-29-12)
- b. A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (3-29-12)
 - i. For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)
 - ii. For extrication awareness training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)
- c. Four (4) hours in nine (9) categories other than pediatrics and EMS Systems and Operations listed in Section 305 of these rules, for thirty-six (36) hours; and (3-29-12)
- d. Nine (9) hours of continuing education can be from any single category or combination of categories listed in Section 305 of these rules. (3-29-12)

~~**02. Venues Where Continuing Education for AEMT License Renewal May be Taken.** Continuing education for personnel licensed at the AEMT level must include four (4) of the continuing education venues listed in Section 310 of these rules during each licensure period. (3-29-12)~~

032. Skills Proficiency for AEMT Level License Renewal. A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the AEMT licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows: (3-29-12)

- a. Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (3-29-12)
- b. Specific skills for an AEMT that includes: (3-29-12)
 - i. Advanced airway, ventilation, and oxygenation; (3-29-12)
 - ii. Cardiovascular and circulation; (3-29-12)
 - iii. Immobilization; (3-29-12)
 - iv. Medication administration; (3-29-12)
 - v. Normal and complicated childbirth; (3-29-12)
 - vi. Patient care reporting documentation; (3-29-12)
 - vii. Safety and transport operations; and (3-29-12)
 - viii. Vascular access. (3-29-12)

331. -- 334. (RESERVED)

335. PARAMEDIC LEVEL LICENSE RENEWAL CONTINUING EDUCATION AND SKILLS PROFICIENCY REQUIREMENTS.

A paramedic license renewal candidate must provide documentation of the following during each licensure period. (3-29-12)

01. Paramedic Level Continuing Education Hours Needed for License Renewal. A candidate must provide proof of successful completion of seventy-two (72) hours of continuing education. The ~~types~~ **categories** of continuing education ~~courses~~ and the number of hours required for paramedic level licensure are: ~~(3-29-12)~~ **(1-1-15)T**

- a. A minimum of eight (8) hours in pediatrics; (3-29-12)
- b. A minimum of three (3) hours in EMS Systems and Operations earned by completing state-approved Landing Zone Officer (LZO) and extrication awareness training. Continuing education hours are awarded as follows: (3-29-12)
 - i. For LZO training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)
 - ii. For extrication awareness training, two (2) hours in classroom presentation, or one (1) hour in distributed education; (3-29-12)
- c. Four (4) hours in eleven (11) categories other than pediatrics and EMS Systems and Operations listed in Section 305 of these rules, for forty-four (44) hours; and (3-29-12)
- d. Seventeen (17) hours can be from any single category or a combination of categories listed in Section 305 of these rules. (3-29-12)

~~02. Venues Where Continuing Education for Paramedic Level License Renewal May be Taken. Continuing education for personnel licensed at the paramedic level must include six (6) of the continuing education venues listed in Section 310 of these rules during each licensure period. (3-29-12)~~

032. Skills Proficiency for Paramedic Level License Renewal. A candidate must demonstrate proficiency in the skills necessary to provide safe and effective patient care at the Paramedic licensure level under the authority of IDAPA 16.02.02, "Rules of the Idaho Emergency Medical Services Physician Commission," as follows:

- (3-29-12)
- a. Recognize and manage acute traumatic and medical life threats or conditions based on patient assessment findings for pediatric, adult, geriatric, and special needs patients; and (3-29-12)
 - b. Specific skills for a Paramedic that includes: (3-29-12)
 - i. Advanced airway, ventilation, and oxygenation, to include endotracheal intubation; (3-29-12)
 - ii. Cardiovascular and circulation, to include cardiac rhythm interpretation; (3-29-12)
 - iii. Immobilization; (3-29-12)
 - iv. Medication administration, to include parenteral drug administration; (3-29-12)
 - v. Normal and complicated childbirth; (3-29-12)
 - vi. Patient care reporting documentation; (3-29-12)
 - vii. Safety and transport operations; (3-29-12)
 - viii. Vascular access; and (3-29-12)
 - ix. Manual defibrillation. (3-29-12)

336. -- 349. (RESERVED)

350. CONTINUING EDUCATION AND SKILLS PROFICIENCY FOR RENEWAL OF CERTIFICATE OF ELIGIBILITY REQUIREMENTS.

A certificate of eligibility renewal candidate must provide documentation demonstrating completion of the following during each period of eligibility. (3-29-12)

01. Examination. A candidate must have successfully completed the standardized examination designated by the EMS Bureau for the certificate of eligibility. (3-29-12)

02. Continuing Education ~~for Certificate of Eligibility Licensure Level~~. A candidate must provide proof of successful completion of continuing education hours for the ~~types~~ categories of continuing education courses, the number of hours needed for a specific certificate of eligibility ~~licensure level, and in the venues~~ as required for the following: ~~(3-29-12)~~ (1-1-15)T

- a. EMR licensure level renewal required in Section 320 of these rules. (3-29-12)
- b. EMT licensure level renewal required in Section 325 of these rules. (3-29-12)
- c. AEMT licensure level renewal required in Section 330 of these rules. (3-29-12)
- d. Paramedic licensure level renewal required in Section 335 of these rules. (3-29-12)

03. Continuing Education Venues. A candidate must complete continuing education in at least two (2) of the venues described in Subsections 310.01 through 310.12 of these rules for each certificate period. (1-1-15)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.02.02 - RULES OF THE IDAHO EMERGENCY MEDICAL SERVICES (EMS)
PHYSICIAN COMMISSION

DOCKET NO. 16-0202-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(a) and (b), Idaho Code, and as specified herein, the pending rule becomes final and of full force and effect on July 1, 2015, after review by the legislature, unless the rule is rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1013A and 56-1023, 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 best protect the public's health and safety, the EMS Physician Commission is revising its Standards Manual that is incorporated by reference in this chapter of rules. The revision to these rules will ensure that the most recent edition of the manual has the force and effect of law.

Rule changes have been proposed that bring this chapter of rules into alignment with amendments to state law regarding EMS under Senate Bill 1328 (2014), especially the definition of "Emergency Medical Services" as well as other non-substantive technical/clerical corrections.

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 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 241 through 244](#).

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

There is no anticipated fiscal impact to the state general fund related to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wayne Denny at (208) 334-4000.

DATED this 21st Day of November, 2014.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Tel: (208) 334-5500 / Fax: (208) 334-6558
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.08 - VITAL STATISTICS RULES

DOCKET NO. 16-0208-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. In accordance with Section 67-5224(5)(b), Idaho Code, and as specified herein, this pending rule becomes final and of full force and effect on July 1, 2015, after review by the legislature, unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-242 and 39-252, 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:

Revenue from existing Vital Statistics fees does not cover the current costs. This rulemaking increases fees in order to cover current costs and make the Bureau of Vital Statistics self-sustaining and not require continued subsidization by other Department programs. The Bureau of Vital Statistics receives no state general funds, only federal monies and fees for the services and documents it provides.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014, Idaho Administrative Bulletin, [Vol. 14-9, pages 188 through 191](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased under this docket. These fees are levied under the authority of Section 39-252, Idaho Code.

In order to cover the current costs of services provided, the Department's Bureau of Vital Statistics is increasing the fees for the services listed above. Further, a new fee structure for the verification of vital events by the Department's automated data system is being introduced and is based on a national pricing model.

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

There is no anticipated fiscal impact to the state general fund related to this rulemaking. The cost to implement these changes is minimal (estimated at \$2,500) and will be paid out of current operating funds. It is estimated that \$344,900 of annual revenue will be generated.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact James Aydelotte (208) 334-4969.

DATED this 21st Day of November, 2014.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.10 - IDAHO REPORTABLE DISEASES

DOCKET NO. 16-0210-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1003, and 56-1005, Idaho Code.

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

These rules were amended for clarification and consistency with current taxonomy and public health practices for the protection of public health and safety. Echinococcosis was added to the list of reportable diseases to improve surveillance for this disease. Updates and changes to the proposed text were made to clarify reportable disease restrictions at health care facilities, daycares, food establishments, schools, and other areas of concern when public health may be at risk.

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 September 3, 2014, Idaho Administrative Bulletin, [Vol. 14-9, pages 192 through 224](#).

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

There is no anticipated fiscal impact to state general funds, or any other funds except the costs of the rule promulgation which includes printing and publication.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kathryn Turner, at (208) 334-5939.

DATED this 21st Day of November, 2014.

Tamara Prisock
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DOCKET NO. 16-0210-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-9, pages 192 through 224.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 16-0210-1401

190. CHLAMYDIA TRACHOMATIS.

[Subsection 190.04]

04. Restrictions - Health Care Facility. ~~Cases of A person with~~ Chlamydia trachomatis ophthalmia neonatorum in a health care facility will must be placed under contact isolations managed under the "Guideline for Isolation Precautions in Hospitals" as incorporated in Section 004 of these rules. (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

250. ESCHERICHIA COLI O157:H7 AND OTHER SHIGA-TOXIN PRODUCING E. COLI (STEC).

[Subsections 250.04 & 250.05]

04. Restrictions - Daycare Facility. A person who is excreting *E. coli* O157:H7 or other STEC must not attend daycare facilities while fecally incontinent or provide personal care to children in a daycare facility while the disease is present in a communicable form without the approval of the Department or Health District. Before returning to work or attendance at a daycare, the person must provide two (2) successive approved fecal specimens collected at least twenty-four (24) hours apart, that fail to show *E. coli* O157:H7 or other STEC are sufficient to remove this restriction. (4-2-08)()

05. Restrictions - Food Service Facility. A person diagnosed ~~to have~~ with *E. coli* O157:H7 or other STEC ~~which can be transmitted from one (1) person to another through food or beverage must not work as a food employee as long as the disease is in a communicable form. Food employees~~ must be managed under IDAPA 16.02.19, "The Idaho Food Code." (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

380. LEAD POISONING.

01. **Reporting Requirements.** Each case of lead poisoning ~~determined by symptoms or a blood lead level of ten (10) micrograms or more per deciliter (10 ug/dL) of whole blood,~~ must be reported to the Department or Health District within three (3) working days of the identification of the case: when determined by symptoms or a blood level of: (4-2-08)()

[Paragraphs 380.01.a. & 380.01.b.]

a. Ten (10) micrograms or more per deciliter (10 ug/dL) of blood in adults eighteen (18) years and older; or ()

b. Five (5) micrograms or more per deciliter (5 ug/dL) of blood in children under eighteen (18) years of age. ()

(BREAK IN CONTINUITY OF SECTIONS)

520. NOROVIRUS.

[Subsections 520.03 through 380.06]

03. **Restrictions - Daycare Facility.** A person excreting norovirus must not attend or provide personal care in a daycare while symptomatic, unless an exemption is obtained from the Department or Health District. This restriction will be withdrawn once asymptomatic, ~~unless hygienic practices are insufficient~~ for at least twenty-four (24) hours. (4-2-08)()

04. **Exclusions - Food Service Facility.** A person suspected of infection with, or diagnosed with, norovirus is excluded from working as a food employee while symptomatic, unless an exemption is made by the Department or Health District. This exclusion will be withdrawn once the person is asymptomatic, ~~unless hygienic practices are insufficient~~ for at least twenty-four (24) hours. (4-2-08)()

05. **Restrictions - Health Care Facility.** A person excreting norovirus must not provide personal care in a health care facility, unless an exemption is obtained from the Department or Health District. This restriction will be withdrawn once asymptomatic, ~~unless hygienic practices are insufficient~~ for at least twenty-four (24) hours. (4-2-08)()

06. **Restrictions - School.** A person excreting norovirus must not attend or work in a private, parochial, charter, or public school while symptomatic, unless an exemption is obtained from the Department or Health District. This restriction will be withdrawn once asymptomatic, ~~unless hygienic practices are insufficient~~ for at least twenty-four (24) hours. (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

550. PLAGUE.

[Subsection 550.04 through 550.07]

04. Restrictions - Daycare Facility. A person who is diagnosed with pneumonic plague must not work in any occupation in which there is direct contact with children, or attend a daycare facility, as long as the disease is in a communicable form. ()

045. Restrictions - Health Care Facility. (4-2-08)

a. A person with or suspected of having pneumonic plague in a health care facility must be managed under the “Guideline for Isolation Precautions in Hospitals,” as incorporated in Section 004 of these rules. (4-2-08)

b. A person with or suspected of having bubonic plague in health care facility must be managed under the “Guideline for Isolation Precautions in Hospitals,” as incorporated in Section 004 of these rules. (4-2-08)

06. Restrictions - School. A person diagnosed with pneumonic plague must not attend or work in any occupation in which there is direct contact with children, in a private, parochial, charter, or public school as long as the disease is in a communicable form. ()

057. Prophylaxis of Contacts. Household members and face-to-face contacts of a person with pneumonic plague must be placed on chemoprophylaxis and placed under surveillance for seven (7) days. A person who refuses chemoprophylaxis must be maintained under droplet precautions with careful surveillance for seven (7) days. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

580. POLIOMYELITIS.

[New Subsections 580.04 & 580.05]

04. Restrictions - Daycare Facility. A person who is diagnosed with poliomyelitis infection must not work in any occupation in which there is direct contact with children, or attend a daycare facility, as long as the disease is in a communicable form. ()

05. Restrictions - School. A person diagnosed with poliomyelitis infection must not attend or work in any occupation in which there is direct contact with children, in a private, parochial, charter, or public school as long as the disease is in a communicable form. ()

(BREAK IN CONTINUITY OF SECTIONS)

670. SALMONELLOSIS - INCLUDING TYPHOID FEVER.

05. Restrictions - Non-Typhi Salmonella. (4-2-08)

[Paragraph 670.05.d.]

d. ~~If hygienic practices are insufficient, b~~Before a person can attend or work in a daycare facility or a health care facility, or work as a food employee, the person must provide two (2) successive approved fecal

specimens ~~which are negative for~~ collected at least twenty-four (24) hours apart, that fail to show ~~Salmonella upon testing by a licensed laboratory; collected not less than twenty four (24) hours apart and forty eight (48) hours after the last dose of antimicrobials.~~ (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

700. SHIGELLOSIS.

[Subsections 700.06 through 700.07]

06. Restrictions - Health Care Facility. ()

a. A person excreting *Shigella* must not work in any occupation in which he provides personal care to persons who are confined to a health care facility while the disease is present in a communicable form, unless an exemption is obtained from the Department or Health District. During an outbreak in a facility, a cohort system may be approved. ()

b. The Department or Health District may withdraw the health care facility restriction when the employee has provided two (2) successive approved fecal specimens collected at least twenty-four (24) hours apart that fail to show *Shigella* upon testing by a licensed laboratory. ()

c. During an outbreak in a facility, a cohort system may be approved. (4-2-08)()

07. Restrictions - Household Contacts. No member of a household, in which there is a case of shigellosis, may work in any occupations in Subsections 700.04 through 700.06 of this rule, unless the Department or Health District approves and at least one (1) approved fecal specimen is negative for *Shigella* upon testing by a licensed laboratory. (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

730. SYPHILIS.

[Subsection 730.02]

02. Investigation. Each reported case of primary, secondary, or early latent syphilis must be investigated by the Department or Health District. Each person diagnosed with primary, secondary, or early latent infectious syphilis is required to inform ~~his~~ all sexual contacts that they may have been exposed to a sexually transmitted infection, or provide sufficient information to public health officials so they may locate contacts and assure that each is offered prompt diagnosis and treatment under Section 39-605, Idaho Code. (4-2-08)()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.19 - FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS (THE IDAHO FOOD CODE)

DOCKET NO. 16-0219-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 37-121 and 39-1603, 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 for the donation of harvested wild game meat to food banks and other organizations is being adopted with no changes to the text as originally proposed. The complete text of the proposed and temporary rule was published in the October 1, 2014, Idaho Administrative Bulletin, [Vol. 14-10, pages 245 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:

This rulemaking will have no fiscal impact to state general funds or any other funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Patrick Guzzle, at (208) 334-5936.

DATED this 21st Day of November, 2014.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.27 - IDAHO RADIATION CONTROL RULES

DOCKET NO. 16-0227-1401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1003, 56-1007, 56-1041, 56-1043, 56-1044, and 56-1046, Idaho Code.

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

This chapter of rules is being repealed in its entirety. Companion Docket No. [16-0227-1402](#) to rewrite the current chapter of rules is published simultaneously in this Idaho Administrative Bulletin.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014, Idaho Administrative Bulletin, [Vol. 14-9, page 225](#).

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

There is no anticipated fiscal impact to the state general fund as a result of this rulemaking. Please see the fiscal impact statement under Docket No. [16-0227-1402](#) for the fiscal impact related to the rewrite of this chapter.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this pending rule, contact Katey Anderson at (208) 334-2235, ext. 245.

DATED this 21st Day of November, 2014.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.27 - IDAHO RADIATION CONTROL RULES

DOCKET NO. 16-0227-1402 (CHAPTER REWRITE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1003, 56-1007, 56-1041, 56-1043, 56-1044, and 56-1046, Idaho Code.

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

This chapter of rules is being rewritten in its entirety. This rule rewrite will align this chapter of rules with the requirement under Section 56-1043, Idaho Code, for the Department to license (rather than register) x-ray producing devices.

Companion Docket No. 16-0227-1401 to repeal the current chapter of rules is published simultaneously in this Idaho Administrative Bulletin.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the Sept. 3, 2014, Idaho Administrative Bulletin, **Vol. 14-9, pages 226 through 235.**

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

The Department is authorized under Sections 56-1007, and 56-1041, Idaho Code, to collect fees for services provided by the Department. This proposed rulemaking includes a \$50 license application fee and a \$25 per tube fee for all devices licensed within the state of Idaho. Fee estimates from the licensure of different types of radiation equipment are as follows:

1. Hospital, Clinic, and Medical Practice - \$33,250
2. Dental, Chiropractic, Podiatric, and Veterinary Practice - \$33,750
3. Industrial, Research, Educational, or Security agency - \$5,100.

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

The Department estimates that the proposed licensure fees will increase receipts to the Department by approximately \$72,100. This fee will cover the increased administrative cost associated with the licensure and inspection requirements, IT infrastructure, and implementation of a remote evaluation by mail process.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Katey Anderson at (208) 334-2235, ext. 245.

DATED this 21st Day of November, 2014.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.11 - RULES GOVERNING INTERMEDIATE CARE FACILITIES FOR PEOPLE WITH INTELLECTUAL DISABILITIES (ICF/ID)

DOCKET NO. 16-0311-1401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, and as specified herein, the pending rule becomes final and of full force and effect on July 1, 2015, after review by the legislature, unless the rule is rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This action is authorized pursuant to Sections 39-1303a, and 39-1307, 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 repeal this chapter in the pending rule and it is being adopted as proposed. The notice of the proposed repeal of this chapter was published in the September 3, 2014, Idaho Administrative Bulletin, [Vol. 14-9, page 236](#). The chapter rewrite is published in the same Bulletin under Docket No. [16-0311-1402](#).

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

There is no anticipated fiscal impact to the state general fund or to any other funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Debby Ransom at (208) 334-6626.

DATED this 21st Day of November, 2014.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.11 - INTERMEDIATE CARE FACILITIES FOR PEOPLE WITH INTELLECTUAL DISABILITIES (ICFS/ID)

DOCKET NO. 16-0311-1402 (CHAPTER REWRITE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified herein, the pending rule becomes final and of full force and effect on July 1, 2015, after review by the legislature, unless the rule is rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This action is authorized pursuant to Sections 39-1303a, and 39-1307, 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 substantive changes in the rewrite of this chapter in the pending rule and it is being adopted as originally proposed. Technical corrections were made for grammar and typographical errors. The original text of the proposed rule rewrite was published in the September 3, 2014, Idaho Administrative Bulletin, [Vol. 14-9, pages 237 through 262](#). The chapter repeal is published in the same Bulletin under Docket No. [16-0311-1401](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, documents are being incorporated by reference into these rules to give them the force and effect of law. The documents are not being reprinted in this chapter of rules due to their length, format, and the cost for republication. The incorporated documents are:

Code of Federal Regulations (CFR), 42 CFR Part 483, 42 CFR 1001.1301, and 42 CFR 442.101;
IDAPA 07.03.01, "Rules of Building Safety;" and
National Fire Protection Association (NFPA) Standard 101, The Life Safety Code, (Edition 2000).

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

There is no anticipated fiscal impact to the state general fund or to any other funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Debby Ransom at (208) 334-6626.

DATED this 21st Day of November, 2014.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.22 - RESIDENTIAL CARE OR ASSISTED LIVING FACILITIES IN IDAHO
DOCKET NO. 16-0322-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, and as specified herein, the pending rule becomes final and of full force and effect on July 1, 2015, after review by the legislature, unless the rule is rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-3305, 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 proposed text is being amended to clarify that training is needed, when policies and procedures are added, modified or deleted. A formatting change to the rule was made by adding a 3-numbered section for clarification of training needs. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August, 6, 2014, Idaho Administrative Bulletin, [Vol. 14-8, pages 46 through 69](#).

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

There is no anticipated fiscal impact to the state general fund or to any other funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jamie Simpson at (208) 334-1962.

DATED this 21st Day of November, 2014.

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DOCKET NO. 16-0322-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-8, pages 46 through 69.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 16-0322-1401

640. CONTINUING TRAINING REQUIREMENTS.

Each employee must receive a minimum of eight (8) hours of job-related continuing training per year.

~~(3-30-06)~~ ()

~~01. Staff Not Trained in Appropriate Areas. When a resident is admitted with a diagnosis of dementia, mental illness, developmental disability, or traumatic brain injury, or a resident acquires one (1) of these diagnoses, if staff have not been trained in the appropriate areas outlined in Section 630 of these rules, staff must be trained within thirty (30) calendar days. In the interim the facility must meet the resident's needs.~~ (3-30-06)

[Section 641 through Reserved Section 642]

02641. ADDITIONAL TRAINING RELATED TO CHANGES.

When policies or procedures are added, modified, or deleted, staff must receive additional training relating to the changes.

~~(3-30-06)~~ ()

~~642.~~ -- 644. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.01 - USE AND DISCLOSURE OF DEPARTMENT RECORDS

DOCKET NO. 16-0501-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 39-242, 39-5403, 56-221, 56-222, 56-1003, and 56-1004, Idaho Code (Joint rules).

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

These rule changes allow the Department to make a “fact of death” verification to other state agencies. For example, if another state agency needs to verify that an individual has passed away so that no further communication is sent to that decedent’s family, the Department will have clear authority in rule to do so. This will also allow companies such as life insurance and pension companies to do this type of verification to facilitate the receipt of benefits by Idaho citizens.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014, Idaho Administrative Bulletin, [Vol. 14-9, pages 263 and 264](#).

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

There is no anticipated fiscal impact to the state general fund as a result this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact James Aydelotte (208) 334-4969.

DATED this 21st Day of November, 2014.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202(b), 56-203(2), 56-204A, 56-1004A, 56-1007, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520 and 39-5604, 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 rules amending the classes of individuals requiring the Department's criminal history and background checks are being adopted as originally proposed. The complete text of the proposed rule was published in the July 2, 2014, Idaho Administrative Bulletin, [Vol. 14-7, pages 74 through 79](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 56-1004A, Idaho Code:

The fee amount for a Department fingerprint-based criminal history and background check is \$65.00 based on the actual cost. The individuals that are required to have these checks are responsible for the cost.

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 are no additional costs to be paid for by the Department or the state general fund due to this rulemaking. It is anticipated that the individuals being checked are in the same types of classifications that currently are being checked, and the fiscal impact will be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Fernando Castro, at (208) 332-7999.

DATED this 21st Day of November, 2014.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.01 - CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 16-1629, 16-2102, 39-1209 through 1211, 39-5603, 39-7501, 56-202(b), 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, 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:

Subject to conditions being added to the rule as part of this rulemaking, these rule changes will allow eligible children in foster care to attend driver's training, obtain a permit, and obtain a driver's license with written approval from the Department. The rule changes also provide for the Department to cover the costs of driver's training, permit, and license for an eligible foster child, as well reimburse foster parents for the cost of car insurance for the foster child.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014, Idaho Administrative Bulletin, [Vol. 14-9, pages 265 and 266](#).

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

There is no anticipated fiscal impact to the state general fund. Costs will be paid from the existing Independent Living appropriation. Approximately 100 foster children will be eligible each year in Idaho. The cost for adding a foster child to a foster parent's auto insurance in the minimum statutory amounts is estimated to be \$1320 per child per year, for a total estimated annual cost of \$132,000.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this pending rule, contact Falen LeBlanc at (208) 334-4932.

DATED this 21st Day of November, 2014.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
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IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

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

DOCKET NO. 17-0204-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 72-508, 72-408, 72-103, 72-102, 72-207, 72-419, 72-602 and 72-432, 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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 281 through 283](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no negative fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Matt Vook, Benefits Analyst Employer Education and Evaluation coordinator, (208) 334-6003.

DATED this 19th Day of November, 2014.

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

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.06 - EMPLOYERS' REPORTS

DOCKET NO. 17-0206-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 72-508, 72-432, 72-602 and 72-707, 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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 284 through 287](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no negative fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Matt Vook, Benefits Analyst Employer Education and Evaluation coordinator, (208) 334-6003.

DATED this 19th Day of November, 2014.

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

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.08 - MISCELLANEOUS PROVISIONS

DOCKET NO. 17-0208-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 72-508, 72-404, 72-707, 72- 735, 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:

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 288 through 292](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no negative fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Matt Vook, Benefits Analyst Employer Education and Evaluation coordinator, (208) 334-6003.

DATED this 19th Day of November, 2014.

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

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.09 - MEDICAL FEES

DOCKET NO. 17-0209-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2015, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 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:

A public hearing was requested and granted on November 13, 2014. 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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 293 through 299](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no negative fiscal impact.

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 19th Day of November, 2014.

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

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.09 - MEDICAL FEES

DOCKET NO. 17-0209-1501

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2015. Pursuant to Section 67-5226(6), Idaho Code, this temporary rule will remain in effect through July 1, 2015, at which time the temporary rule will expire and be replaced by a final rule, unless the temporary rule is otherwise affected by an operation of law.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 72-508 and 72-803, Idaho Code.

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

This temporary rule will delay the implementation of the 2015 Centers for Medicare & Medicaid Services (CMS) Outpatient Prospective Payment System Ambulatory Payment Classification (APC) relative weights. This rule will help keep payments stable while IDAPA 17.02.09.032 is revised to better align with the CMS's goal of packaging a broader range of hospital outpatient services into a single payment.

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

Adoption of this temporary rule will avoid confusion in the calculation of hospital outpatient payments on workers' compensation claims.

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

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

DATED this 11th Day of December, 2014.

Mindy Montgomery, Director
Industrial Commission
700 South Clearwater Lane
PO Box 83720
Boise, ID 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 17-0209-1501 (Only those Sections being amended are shown.)

032. ACCEPTABLE CHARGES FOR MEDICAL SERVICES PROVIDED BY HOSPITALS AND AMBULATORY SURGERY CENTERS 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 hospitals and ambulatory surgery centers under the Idaho Workers' Compensation Law. (1-1-12)

01. Acceptable Charge. Payors shall pay providers the acceptable charge for medical services provided by hospitals and ambulatory surgery centers. (1-1-12)

02. Adoption of Standards for Hospitals and ASCs. The following standards shall be used to determine the acceptable charge for hospitals and ambulatory surgery centers. (1-1-12)

a. Critical Access and Rehabilitation Hospitals. The standard for determining the acceptable charge for inpatient and outpatient services provided by a critical access or rehabilitation hospital is ninety percent (90%) of the reasonable charge. Implantable hardware charges shall be reimbursed at the rate of the actual cost plus fifty percent (50%). (1-1-12)

b. Hospital Inpatient Services. The standard for determining the acceptable charge for inpatient services provided by hospitals, other than critical access and rehabilitation hospitals, is calculated by multiplying the base rate by the current MS-DRG weight for that service. The base rate for inpatient services is ten thousand dollars (\$10,000). Inpatient services that do not have a relative weight shall be paid at eighty-five percent (85%) of the reasonable charge; however, implantable hardware charges billed for services without an MS-DRG weight shall be reimbursed at the rate of actual cost plus fifty percent (50%). (1-1-12)

c. Hospital Outpatient and Ambulatory Surgical Center (ASC) Services. The standard for determining the acceptable charge for outpatient services provided by hospitals (other than critical access and rehabilitation hospitals) and for services provided by ambulatory surgical centers is calculated by multiplying the base rate by the Medicare Hospital Outpatient Prospective Payment System (OPPS) APC weight in effect on the first day of January of the current calendar year; however, on and after January 1, 2015, the OPPS APC weight in effect on January 1, 2014 shall be used. The base rate for hospital outpatient services is one hundred and thirty-eight dollars (\$138). The base rate for ASC services is ninety dollars (\$90). ~~(1-1-12)~~(1-1-15)T

i. Medical services for which there is no APC weight listed shall be reimbursed at seventy-five percent (75%) of the reasonable charge. (7-1-12)

ii. Status code N items (other than implantable hardware) or items with no CPT or Healthcare Common Procedure Coding System (HCPCS) code shall receive no payment. (1-1-12)

iii. Two (2) or more medical procedures with a status code T on the same claim shall be reimbursed with the highest weighted code paid at one hundred percent (100%) of the APC calculated amount and all other status code T items paid at fifty percent (50%). (1-1-12)

iv. Status code Q items with an assigned APC weight will not be discounted. (1-1-12)

d. Hospitals Outside of Idaho. Reimbursement for services provided by hospitals outside the state of Idaho may be based upon the agreement of the parties. If there is no agreement, services shall be paid in accordance with the workers' compensation fee schedule in effect in the state in which services are rendered. If there is no hospital fee schedule in effect in such state, or if the fee schedule in that state does not allow reimbursement for the services rendered, reimbursement shall be paid in accordance with these rules. (1-1-12)

e. Additional Hospital Payments. When the charge for a medical service provided by a hospital (other than a critical access or rehabilitation hospital) meets the following standards, additional payment shall be made for that service, as indicated. (1-1-12)

i. Inpatient Threshold Exceeded. When the charge for a hospital inpatient MS-DRG coded service exceeds the sum of thirty thousand dollars (\$30,000) plus the payment calculated under the provisions of Subparagraph 032.02.b. of this rule, then the total payment for that service shall be the sum of the MS-DRG payment and the amount charged above that threshold multiplied by seventy-five percent (75%). Implantable charges shall be excluded from the calculation for an additional inpatient payment under this Subparagraph. (1-1-12)

ii. Inpatient Implantable Hardware. Hospitals may seek additional reimbursement beyond the MS-DRG payment for invoiced implantable hardware where the aggregate invoice cost is greater than ten thousand dollars (\$10,000). Additional reimbursement shall be the invoice cost plus an amount which is equal to ten percent

(10%) of the invoice cost, but which does not exceed three thousand dollars (\$3,000). Handling and freight charges shall be included in invoice cost. (1-1-12)

iii. **Outpatient Implantable Hardware.** Hospitals and ASCs may seek additional reimbursement beyond the APC payment for invoiced implantable hardware where the aggregate invoice cost is greater than five hundred dollars (\$500). Additional reimbursement shall be the invoice cost plus an amount which is equal to ten percent (10%) of the invoice cost, but which does not exceed one thousand dollars (\$1,000). Handling and freight charges shall be included in invoice cost. (1-1-12)

03. Disputes. The Commission shall determine the acceptable charge for hospital and ASC services that are disputed based on all relevant evidence in accordance with the procedures set out in Section 035 of this rule. (1-1-12)

04. Adjustment of Hospital and ASC Base Rates. The Commission may periodically adjust the base rates set out in Subparagraphs 032.02.b. and 032.02.c. of this rule to reflect changes in inflation or market conditions. (1-1-12)

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.11 - ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- SECURITY FOR COMPENSATION -- SELF-INSURED EMPLOYERS

DOCKET NO. 17-0211-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 72-508, 72-301, 72-301A, 72-302, and 72-304, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6, 2014 Idaho Administrative Bulletin, [Vol. 14-8, pages 70 through 76](#).

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

There is no fiscal impact to the General Fund. The negative impact to the Commission's dedicated fund is unknown at this time.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jane McClaran, Financial Officer, (208) 334-6042.

DATED this 19th day of November, 2014.

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

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION
17.05.01 - RULES UNDER THE CRIME VICTIMS COMPENSATION ACT
DOCKET NO. 17-0501-1401
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, and as specified herein, the pending rule becomes final and of full force and effect on July 1, 2015, after review by the legislature, unless the rule is rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code.

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 72-1004 and 72-1026, 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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 300 through 305](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no negative fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact George Gutierrez, Crime Victims Bureau Chief, (208) 334-6070.

DATED this 19th Day of November, 2014.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
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IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

26.01.03 - RULES GOVERNING RECREATIONAL REGISTRATION VENDORS

DOCKET NO. 26-0103-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 Idaho Code, and 67-4210, 67-4223, and 67-4249, 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 July 2, 2014 Idaho Administrative Bulletin, [Vol. 14-7, pages 101 through 105](#).

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

There is no expected fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anna Canning, 208-514- 2252.

DATED this 21st Day of November, 2014.

Anna Canning , Division Administrator
Management Services
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716-8700
P.O. Box 87320
Boise ID 83720-0065
Tel: (208) 514-2252
Fax: (208) 334-5232

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 Idaho Code, and 67-4210, 67-4223, and 67-4249, 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 July 2, 2014 Idaho Administrative Bulletin, [Vol. 14-7, pages 106 through 110](#).

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

There is no expected fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anna Canning, (208) 514- 2252.

DATED this 21st Day of November, 2014.

Anna Canning , Division Administrator
Management Services
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716-8700
P.O. Box 87320
Boise ID 83720-0065
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IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

**26.01.21 - RULES GOVERNING LEASING PRACTICES AND PROCEDURES
FOR RECREATIONAL RESIDENCES WITHIN HEYBURN STATE PARK**

DOCKET NO. 26-0121-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 Idaho Code, and 67-4210, 67-4223, and 67-4249, 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 May 7, 2014 Idaho Administrative Bulletin, [Vol. 14-5, pages 68 and 69](#).

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

There is no expected fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anna Canning, 208-514- 2252.

DATED this 21st Day of November, 2014.

Anna Canning , Division Administrator
Management Services
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716-8700
P.O. Box 87320
Boise ID 83720-0065
Tel: (208) 514-2252
Fax: (208) 334-5232

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

26.01.30 - IDAHO SAFE BOATING RULES

DOCKET NO. 26-0130-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections Idaho Code, and 67-4210, 67-4223, and 67-4249, 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 July 2, 2014 Idaho Administrative Bulletin, [Vol. 14-7, pages 111 through 114](#).

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

There is no expected fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anna Canning, (208) 514-2252.

DATED this 21st Day of November, 2014.

Anna Canning , Division Administrator
Management Services
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716-8700
P.O. Box 87320
Boise ID 83720-0065
Tel: (208) 514-2252
Fax: (208) 334-5232

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION
26.01.31 - RULES GOVERNING THE ADMINISTRATION OF THE IDAHO DEPARTMENT
OF PARKS AND RECREATION STATE AND FEDERAL GRANT FUNDS

DOCKET NO. 26-0131-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 Idaho Code, and 67-4210, 67-4223, and 67-4249, 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 July 2, 2014 Idaho Administrative Bulletin, [Vol. 14-7, pages 115 through 118](#).

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

There is no expected fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anna Canning, (208) 514- 2252.

DATED this 21st Day of November, 2014.

Anna Canning , Division Administrator
Management Services
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716-8700
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Tel: (208) 514-2252
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IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

26.01.34 - IDAHO PROTECTION AGAINST INVASIVE SPECIES STICKER RULES

DOCKET NO. 26-0134-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 Idaho Code, and 67-4210, 67-4223, and 67-4249, 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 July 2, 2014 Idaho Administrative Bulletin, [Vol. 14-7, pages 119 through 121](#).

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

There is no expected fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anna Canning, (208) 514- 2252.

DATED this 21st Day of November, 2014.

Anna Canning , Division Administrator
Management Services
Idaho Department of Parks and Recreation
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IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.36 - RULES GOVERNING THE WINTER RECREATIONAL PARKING PERMIT PROGRAM

DOCKET NO. 26-0136-1201

NOTICE OF RULEMAKING - VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the proposed rulemaking previously initiated under this docket number 26-0136-1201. The action is authorized pursuant to Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

This rulemaking has been vacated because of the need to adopt a more comprehensive rule. The more comprehensive rulemaking, promulgated under Docket No. 26-0136-1401, includes the changes that were originally proposed in this rulemaking. The temporary rule that was adopted in conjunction with the promulgation of the proposed rule expired at the end of the 2014 legislative session. The notice and text of the temporary and proposed rule published in the December 5, 2012 Idaho Administrative Bulletin, [Vol. 12-12, page 60 and 61](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Anna Canning, (208) 514-2252.

DATED this 25th Day of November, 2014.

Anna Canning, Division Administrator
Management Services
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716-8700
P.O. Box 87320
Boise ID 83720-0065
Tel: (208) 514-2252
Fax: (208) 334-5232

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION
26.01.36 - RULES GOVERNING THE WINTER RECREATIONAL PARKING PERMIT PROGRAM
DOCKET NO. 26-0136-1401
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 Idaho Code, and 67-4210, 67-4223, and 67-4249, 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 July 2, 2014 Idaho Administrative Bulletin, [Vol. 14-7, pages 122 through 124](#).

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

There is no expected fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anna Canning, (208) 514- 2252.

DATED this 21st Day of November, 2014.

Anna Canning , Division Administrator
Management Services
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue
Boise, ID 83716-8700
P.O. Box 87320
Boise ID 83720-0065
Tel: (208) 514-2252
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IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

This pending rule is necessary to allow for substitution of biological products with interchangeable biosimilars as allowed by the FDA. Changes in this pending language from the proposed language incorporate the recently released Purple Book by the FDA.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 325 through 329](#).

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

There is no fiscal impact of this rulemaking to the Board of Pharmacy; however, the state of Idaho will save money when biosimilars are dispensed to Health and Welfare recipients and state employees.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Johnston, Executive Director, (208) 334-2356.

DATED this 28th Day of November, 2014.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Tel: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10, pages 325 through 329.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 27-0101-1401

010. DEFINITIONS AND ABBREVIATIONS (A -- I).

[Subsections 010.05 & 010.06]

05. **Biological Product.** A virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein (except any chemically synthesized polypeptide), or analogous product, or arsphenamine or derivative of arsphenamine (or any other trivalent organic arsenic compound), that is applicable to the prevention, treatment, or cure of a disease or condition of human beings and licensed under Section 351(k) of the Public Health Service Act, 42 U.S.C. Section 262(i). ()

06. **Biosimilar.** A biological product highly similar to a specific reference biological product that is licensed by the FDA pursuant to 42 U.S.C. Section 262(k) and published in the Purple Book. ()

[Subsection 010.40]

40. **Interchangeable Biosimilar.** A licensed biosimilar product determined by the FDA to be therapeutically equivalent to the reference biological product and published in the Purple Book. ()

[Section 011.20 through 011.27 - Section 011 is printed in its entirety as no changes were previously made at the proposed stage]

011. DEFINITIONS AND ABBREVIATIONS (J -- R).

01. **LTCF -- Long-Term Care Facility.** An institutional facility that provides extended health care to resident patients. (3-21-12)

02. **Mail Service Pharmacy.** A nonresident pharmacy that ships, mails, or delivers by any lawful means a dispensed legend drug to residents in this state pursuant to a legally issued prescription drug order and

- ensures the provision of corresponding related pharmaceutical care services required by law. (7-1-13)
- 03. MPJE.** Multistate Pharmacy Jurisprudence Exam. (3-21-12)
- 04. MTM -- Medication Therapy Management.** A distinct service or group of services that optimize therapeutic outcomes for individual patients. MTM services are independent of, but can occur in conjunction with, the provision or administration of a drug or a device and encompass a broad range of activities and responsibilities. The MTM service model in pharmacy practice includes the following five core elements: (3-21-12)
- a.** Medication therapy review; (3-21-12)
 - b.** Personal medication record; (3-21-12)
 - c.** Medication-related action plan; (3-21-12)
 - d.** Intervention or referral, or both; (3-21-12)
 - e.** Documentation and follow-up. (3-21-12)
- 05. NABP.** National Association of Boards of Pharmacy. (3-21-12)
- 06. NAPLEX.** North American Pharmacists Licensure Examination. (3-21-12)
- 07. NDC.** National Drug Code. (3-21-12)
- 08. Non-Institutional Pharmacy.** A pharmacy located in a drug outlet that is not an institutional facility. (3-21-12)
- 09. Parenteral Admixture.** The preparation and labeling of sterile products intended for administration by injection. (3-21-12)
- 10. Pharmaceutical Care Services.** A broad range of pharmacist-provided cognitive services, activities and responsibilities intended to optimize drug-related therapeutic outcomes for patients. Pharmaceutical care services may be performed independent of, or concurrently with, the dispensing or administration of a drug or device and encompasses services provided by way of DTM under a collaborative practice agreement, pharmacotherapy, clinical pharmacy practice, pharmacist independent practice, and MTM. Except as permitted pursuant to a collaborative practice agreement, nothing in these rules allows a pharmacist, beyond what is statutorily allowed, to engage in the unlicensed practice of medicine or to diagnose, prescribe, or conduct physical examinations. Pharmaceutical care services are not limited to, but may include one (1) or more of the following, according to the individual needs of the patient: (4-4-13)
- a.** Performing or obtaining necessary assessments of the patient's health status, including the performance of health screening activities that may include, but are not limited to, obtaining finger-stick blood samples; (3-21-12)
 - b.** Reviewing, analyzing, evaluating, formulating or providing a drug utilization plan; (3-21-12)
 - c.** Monitoring and evaluating the patient's response to drug therapy, including safety and effectiveness; (3-21-12)
 - d.** Performing a comprehensive drug review to identify, resolve, and prevent drug-related problems, including adverse drug events; (3-21-12)
 - e.** Documenting the care delivered; (3-21-12)
 - f.** Communicating essential information or referring the patient when necessary or appropriate; (3-21-12)

- g.** Providing counseling education, information, support services, and resources applicable to a drug, disease state, or a related condition or designed to enhance patient compliance with therapeutic regimens; (3-21-12)
- h.** Conducting a drug therapy review consultation with the patient or caregiver; (3-21-12)
- i.** Preparing or providing information as part of a personal health record; (3-21-12)
- j.** Identifying processes to improve continuity of care and patient outcomes; (3-21-12)
- k.** Providing consultative drug-related intervention and referral services; (3-21-12)
- l.** Coordinating and integrating pharmaceutical care services within the broader health care management services being provided to the patient; and (3-21-12)
- m.** Other services as allowed by law. (3-21-12)
- 11. Pharmacist Extern.** A person enrolled in an accredited school or college of pharmacy who is pursuing a professional degree in pharmacy. (4-4-13)
- 12. Pharmacist Intern.** A person who has successfully completed a course of study at an accredited school or college of pharmacy, has received a professional degree in pharmacy, and is obtaining practical experience under the supervision of a pharmacist. (3-21-12)
- 13. Pharmacy Operations.** Activities related to and including the preparation, compounding, distributing, or dispensing of drugs or devices from a pharmacy. (3-21-12)
- 14. PHI -- Protected Health Information.** Individually identifiable health information that is: (3-21-12)

 - a.** Transmitted by electronic media (as defined by the HIPAA Privacy Rule at 45 CFR 160.103); (3-21-12)
 - b.** Maintained in electronic media; and (3-21-12)
 - c.** Transmitted or maintained in any other form or medium. (3-21-12)
 - d.** PHI excludes individually identifiable health information in: (3-21-12)

 - i.** Education records covered by the Family Education Right and Privacy Act, as amended (20 U.S.C. Section 1232g); (3-21-12)
 - ii.** Records described at 20 U.S.C. Section 1232g(a)(4)(B)(iv); and (3-21-12)
 - iii.** Employment records held by a covered entity (as defined by the HIPAA Privacy Rule at 45 CFR 160.103) in its role as an employer. (3-21-12)
- 15. PIC.** Pharmacist-in-charge. (3-21-12)
- 16. PMP.** Prescription Monitoring Program. (3-21-12)
- 17. Repackaging.** The act of transferring a drug, manually or using an automated system, from a manufacturer's original container to another container prior to receiving a prescription drug order. (3-21-12)
- 18. Prescriber.** An individual currently licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice. (3-21-12)

19. Prescriber Drug Outlet. A drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples. (3-21-12)

[New Subsection 011.20]

20. Purple Book. The list of licensed biological products with reference product exclusivity and biosimilarity or interchangeability evaluations published by the FDA under the Public Health Service Act. ()

201. Readily Retrievable. Records are considered readily retrievable if they are able to be completely and legibly produced upon request within seventy-two (72) hours. (3-21-12)

212. Relative Contraindication. A condition that renders a particular treatment or procedure inadvisable, but not prohibitive. (3-21-12)

223. Remote Dispensing Site. A licensed pharmacy staffed by one or more certified technicians at which telepharmacy services are provided through a supervising pharmacy. (3-21-12)

234. Remote Office Location. A secured area that is restricted to authorized personnel, adequately protects private health information, and shares a secure common electronic file or a private, encrypted connection with a pharmacy, from which a pharmacist who is contracted or employed by a central drug outlet performs centralized pharmacy services. (7-1-13)

245. Retail Non-Pharmacy Drug Outlet. A retail outlet that sells non-prescription drugs or devices that is not a pharmacy. (3-21-12)

256. Retail Pharmacy. A community or other pharmacy that sells prescription drugs at retail and is open to the public for business. (3-21-12)

267. R.N. Registered nurse. (3-21-12)

(BREAK IN CONTINUITY OF SECTIONS)

130. DRUG PRODUCT: SUBSTITUTION. Drug product substitutions are allowed only as follows: (4-4-13)

[Subsection 130.04]

04. Biosimilars. A pharmacist may substitute an interchangeable biosimilar product for a prescribed biological product if: ()

a. The biosimilar has been determined by the FDA to be interchangeable and published in the Purple Book; ()

b. The prescriber does not indicate by any means that the prescribed biological product must be dispensed; and ()

c. The name of the drug and the manufacturer or the NDC number is documented in the patient medical record. ()

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1402 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is September 1, 2014. This pending rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and amended a temporary rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

This pending rule is needed to appropriately register a new class of drug outlet, recently created by the federal Drug Quality and Security Act. Changes in this pending language from the proposed language clarify that registration is only required when distributing drugs for human use and that Rule 600 pertains to a PIC of an outsourcing facility too, and creates an additional reporting mandate.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 330 through 337](#).

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger. This fee or charge is being imposed pursuant to Section 54-1720, Idaho Code. The following is a specific description of the fee or charge imposed or increased:

This rulemaking is being promulgated due to the federal change that necessitates a state change and protects public safety by properly registering, including a registration fee, and instituting practice standards for outsourcing facilities. Pursuant to the board's authority set forth in Section 54-1720, Idaho Code, this rulemaking establishes fees for outsourcing facility registrations: five hundred dollar (\$500) initial nonresident registration; two hundred fifty dollar (\$250) initial resident registration; and two hundred fifty-dollar (\$250) registration annual renewal.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

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:

These rules will generate a small increase in the number of Board of Pharmacy registrants at either five hundred dollars (\$500) or two hundred fifty dollars (\$250) per initial registration and two hundred fifty dollars (\$250) per renewal. Currently the number of federally registered outsourcing facilities that are not already registered in another category appears to be three (3) - and the federal law has been in place since November of 2013.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mark Johnston, Executive Director, (208) 334-2356.

DATED this 28th Day of November, 2014.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Tel: (208) 334-2356
Fax: (208) 334-3536

**DOCKET NO. 27-0101-1402 - ADOPTION OF PENDING FEE RULE
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made to the pending rule.
Italicized red text that is *double underscored* is new text that has been added to the pending rule.
Italicized green text that is *underscored and struck through* is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

Only those sections or subsections that have changed from the original temporary/proposed text are printed in this Bulletin following this notice.

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10, pages 330 through 337.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 27-0101-1402**

[Section 074]

074. OUTSOURCING FACILITY REGISTRATION.

An outsourcing facility must be registered with the Board in order to distribute compounded drug product for human use in or into Idaho. ~~(9-1-14)T~~(9-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

[Section 600, entire section]

600. PIC OR DIRECTOR

01. Designated PIC or Director Required. A new pharmacy, outsourcing facility or central drug

outlet must have a designated PIC or director by the date of opening and must not thereafter allow a vacancy or lapse in appointment of a designated PIC or director to continue for more than thirty (30) sequential days.

~~(7-1-13)~~(9-1-14)T

02. Corresponding and Individual Responsibility. The pharmacy, outsourcing facility or central drug outlet and the PIC or director each have corresponding and individual responsibility for compliance with the law and these rules in all aspects of the sale and the dispensing of drugs, devices, and other materials at the drug outlet, including the safe, accurate, secure, and confidential handling and storage and the preparation, compounding, distributing, or dispensing of drugs and PHI.

~~(7-1-13)~~(9-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

740. OUTSOURCING FACILITY.

[Subsections 740.02 & 740.03]

02. Adverse Event Reports. Outsourcing facilities must submit a copy of all adverse event reports submitted to the secretary of Health and Human Services in accordance with the content and format requirement established in Section 310.305 of Title 21 of the Code of Federal Regulations to the Board.

(9-1-14)T

023. Policies and Procedures. An outsourcing facility must adopt policies and procedures for maintaining records pertaining to compounding, process control, labeling, packaging, quality control, distribution, complaints, and any information required by state or federal law.

(9-1-14)T

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1403

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

These pending rules are necessary to appropriately regulate the practice of compounding. Changes in this pending language from the proposed language separate certain labeling requirements for a pharmacy and an outsourcing facility, change certain use of the term "bulk drug substance" to "active pharmaceutical ingredient," remove a record keeping requirement, provide an exception, and remove proposed Rule 242, the provisions of which have been incorporated into new Section 615, which is being promulgated under Docket No. 27-0101-1405 and published in this volume of the Administrative Bulletin.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 338 through 346](#).

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 Board received fourteen thousand dollars (\$14,000) in appropriation for FY2015 to train its inspectors.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Johnston, Executive Director, (208) 334-2356.

DATED this 28th Day of November, 2014.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
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Fax: (208) 334-3536

DOCKET NO. 27-0101-1403 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10, pages 338 through 346.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 27-0101-1403

[Section 144]

144. ~~(RESERVED)~~ LABELING OF DISTRIBUTED COMPOUNDED DRUG PRODUCT.
Drug product that is compounded or sterile prepackaged in anticipation of receiving a valid prescription drug order or distributed in the absence of a patient specific prescription drug order, solely as permitted for outsourcing facilities and pharmacies herein, must be labeled with the following information: ()

[Subsection 144.08 through Paragraph 144.08.b.]

08. Resale. If: ()
- a. A pharmacy that is distributing, the statement: "not for further dispensing or distribution;" and ()
- b. An outsourcing facility, the statement: "not for resale;" and ()

(BREAK IN CONTINUITY OF SECTIONS)

239. COMPOUNDING DRUG PRODUCTS.
Any compounding that is not permitted herein is considered manufacturing. ()

02. General Compounding Standards. ()

[Paragraphs 239.02.a. & 239.02.b.]

a. Active Pharmaceutical Ingredients. All active pharmaceutical ingredients must be obtained from an FDA registered manufacturer. FDA registration as a foreign manufacturer satisfies this requirement. ()

b. Certificate of Analysis. Unless the *active pharmaceutical ingredient* complies with the standards of an applicable USP-NF monograph, a CO must be obtained for all *active pharmaceutical ingredients* procured for compounding and retained for a period of not less than three (3) years from the date the container is emptied, *expired, returned, or disposed of*. The following minimum information is required on the COA: ()

05. Drug Compounding Controls. ()

[Paragraph 239.05.b.]

b. Accuracy. Components including, but not limited to, bulk drug substances, used in the compounding or sterile prepackaging of drug products must be accurately weighed, measured, or subdivided, as appropriate. The amount of each active ingredient contained within a compounded drug product must not vary from the labeled potency by more than the drug product's acceptable potency range listed in the USP-NF monograph for that product. If USP-NF does not publish a range for a particular drug product, the active ingredients must not contain less than ninety percent (90%) and not more than one hundred ten percent (110%) of the potency stated on the label. ()

(BREAK IN CONTINUITY OF SECTIONS)

241. HAZARDOUS DRUGS PREPARATION.

In addition to all other applicable rules in this chapter, including the rules governing Compounding Drug Products and Sterile Product Preparation, these rules apply to all persons, including any business entity, engaged in the practice of compounding or sterile prepackaging with hazardous drugs. Such persons must: ()

02. Ventilated Cabinet. Utilize a ventilated cabinet designed to reduce worker exposures while preparing hazardous drugs. ()

[Paragraph 241.02.c. through Subparagraph 241.02.c.ii.]

c. A ventilated cabinet that re-circulates air inside the cabinet or exhausts air back into the room environment is prohibited, unless: ()

i. The hazardous drugs in use will not volatilize while they are being handled; or ()

ii. The PIC or Director can provide manufacturer written documentation attesting to the safety of such ventilation. ()

[Section 242 proposed changes withdrawn - Section remains as codified]

~~242.~~ -- 259. (RESERVED)

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1404

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

This pending rule is necessary to harmonize labeling requirements with 2014 statutory changes. Changes from proposed to pending language create an exception for veterinarians.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 347 through 360](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Johnston, Executive Director, (208) 334-2356.

DATED this 28th Day of November, 2014.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Tel: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-1404 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10, pages 347 through 360.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 27-0101-1404**

140. STANDARD PRESCRIPTION DRUG LABELING.

Unless otherwise directed by these rules, a prescription drug must be dispensed in an appropriate container that bears the following information: (3-21-12)

[Subsections 140.11 & 141.12]

11. Refills. The number of refills remaining, if any, or the last date through which the prescription is refillable; *and* (3-21-12)()

12. Warning. The warning: "Caution: State or federal law, or both, prohibits the transfer of this drug to any person other than the patient for whom it was prescribed;" except when dispensing to an animal, when a warning sufficient to convey "for veterinary use only" may be utilized. (3-21-12)()

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1405

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

This pending rule is necessary to consistently regulate the distribution of drugs by wholesalers, manufacturers, outsourcing facilities and pharmacies. Changes from proposed to pending language include the deleting codified Rule 270 in full, which only addressed dispensers, and the drafting of new Rule 615, which incorporates much of this rule and the proposed language regarding compounded drug product distribution and office use. Additional changes from proposed to pending language include completing the list of statutorily allowed pharmacy distribution, including certain federal Drug Quality and Security Act requirements, adding an exemption, and adding prohibited acts.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 361 through 363](#).

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

This rulemaking is expected to increase the number of Board registrants slightly, at one hundred thirty dollars (\$130) per.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Johnston, Executive Director, (208) 334-2356.

DATED this 28th Day of November, 2014.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Tel: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-1405 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10, pages 361 through 363.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 27-0101-1405

266. -- 26970. (RESERVED)

[Sections 270 - proposed changes withdrawn, entire codified section being removed]

~~270. **EMERGENCY DRUG DISTRIBUTION BY A DISPENSER.**~~

~~For an emergency medical reason, pursuant to Section 54-1752(16), Idaho Code, a dispenser may distribute (without obtaining a wholesale distribution registration) a drug to another dispenser, as follows: (3-21-12)~~

~~01. **Emergency.** For purposes of this rule, an emergency medical reason is a situation where a quantity of a drug is needed by a dispenser without an alternative source for the drug reasonably available and the drug is unavailable through a normal distribution channel in sufficient time to prevent risk of harm to a patient that would result from a delay in obtaining the drug. (3-21-12)~~

~~02. **Allowable Amount.** The amount of drug distributed must not reasonably exceed the amount required for immediate dispensing. (3-21-12)~~

~~03. **Controlled Substance Distribution.** For controlled substances, each dispenser must retain a signed receipt of the distribution that includes at least: (3-21-12)~~

~~a. The date of the transaction; (3-21-12)~~

~~b. The name, address, and DEA registration number of the distributing dispenser; (3-21-12)~~

~~c. The name, address, and DEA registration number of the receiving dispenser; (3-21-12)~~

~~d. The drug name, strength, and quantity for each product distributed; and (3-21-12)~~

~~e. The signature of the person receiving the drugs. (3-21-12)~~

(BREAK IN CONTINUITY OF SECTIONS)

611. -- ~~6194~~. (RESERVED)

[Section 615 - New Text to Pending Rule]

615. DRUG DISTRIBUTION.

01. Authorized Distributors. The following drug outlets may distribute legend drugs in or into Idaho, in compliance with these rules, pursuant to the following restrictions: ()

a. A licensed or registered wholesale distributor and a registered manufacturer in compliance with the Idaho Wholesale Distribution Act and the Idaho Pharmacy Act; ()

b. An FDA and Idaho registered outsourcing facility in compliance with 21 U.S.C. Section 353b of the Food, Drug and Cosmetic Act; ()

c. A dispenser without being licensed or registered as a wholesale distributor according to the following restrictions: ()

i. A dispenser may distribute to authorized recipients for an emergency medical purpose in which an alternative source for a drug is not reasonably available in sufficient time to prevent risk of harm to a patient that would result from a delay in obtaining a drug. The amount of the drug distributed in an emergency must not reasonably exceed the amount required for immediate use; ()

ii. A dispenser may distribute intracompany to any division, subsidiary, parent, affiliated or related company under common ownership and control of a corporate entity; ()

iii. A pharmacy may distribute to another pharmacy pursuant to a sale, transfer, merger or consolidation of all or a part of a pharmacy, whether accomplished as a sale of stock or business assets; ()

iv. A pharmacy may distribute compound positron emission tomography drugs or radiopharmaceuticals, if in compliance with applicable federal law; and ()

v. A pharmacy may distribute minimal quantities of prescription drugs to a prescriber for in-office administration, including the distribution of compounded drug product in the absence of a patient specific prescription drug order if: ()

(1) The compounded drug product is not sterile and not intended to be sterile; ()

(2) The compounded drug product is not further dispensed or distributed by the practitioner; and ()

(3) The quantity of compounded drug product distributed is limited to five percent (5%) of the total number of compounded drug products dispensed and distributed on an annual basis by the pharmacy, which may include a drug compounded for the purpose of, or incident to, research, teaching or chemical analysis. ()

02. Distribution. An authorized distributor must furnish: ()

a. Drug product only to a person licensed by the appropriate state licensing agency to dispense, conduct research with or independently administer such drugs; ()

b. Scheduled controlled substances only to a person who has been issued a valid controlled substance registration by the DEA and the Board, unless exempt by state or federal law; ()

c. Federally required transaction documentation, including transaction information, transaction history, and transaction statements with each distribution; and ()

d. Drug product only to the premises listed on the authorized receiving person's license or registration. Delivery to a hospital pharmacy receiving area satisfies this requirement, provided that authorized receiving personnel sign for receipt at the time of delivery. ()

03. **Controlled Substance Distribution Invoice.** Distributions must be pursuant to an invoice and not a prescription drug order. For controlled substances, each dispenser must retain a signed receipt of the distribution that includes at least: ()

a. The date of the transaction; ()

b. The name, address, and DEA registration number of the distributing dispenser; ()

c. The name, address, and DEA registration number of the receiving dispenser; ()

d. The drug name, strength, and quantity for each product distributed; and ()

e. The signature of the person receiving the drugs. ()

04. **Monitoring Purchase Activity.** An authorized distributor must have adequate processes in place for monitoring purchase activity of customers and identifying suspicious ordering patterns that identify potential diversion or criminal activity related to controlled substances such as orders of unusual size, orders deviating substantially from a normal pattern, orders for drugs that are outside of the prescriber's scope of practice, and orders of unusual frequency. ()

05. **Reporting.** An authorized distributor must report specified data on controlled substances distributed at least monthly to the Board in a form and manner prescribed by the Board, except when distributing intracompany. ()

06. **Prohibited Acts.** The following acts are prohibited: ()

a. Distribution of any drug product that is adulterated, misbranded, counterfeit, expired, damaged, recalled, stolen, or obtained by fraud or deceit; and ()

b. Failing to obtain a license or registration when one is required to distribute in or into Idaho. ()

616. – 619. (RESERVED)

IDAPA 28.04.01 - IDAHO DEPARTMENT OF COMMERCE
28.04.01 - RULES GOVERNING THE IDAHO REIMBURSEMENT INCENTIVE ACT
DOCKET NO. 28-0401-1402 (NEW CHAPTER)
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 372 through 380](#).

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

This rule will incur no cost to the general fund to initiate. The program is designed to reimburse taxes actually paid and will perpetually generate the revenues needed to fund the incentive. Incentives will be no more than 30% of taxes paid leaving a minimum of 70% of all new state tax revenue in the treasury. Incentives will last a maximum of 15 years.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Megan Ronk, Chief Operating Officer at (208) 287-3153.

DATED this 18th Day of November, 2014.

Megan Ronk, Chief Operating Officer
Department of Commerce
700 W. State Street
P.O. Box 83720
Boise, ID 83720-0093
Tel: (208) 287-3153 / Fax: (208) 334-2631

IDAPA 29 - IDAHO POTATO COMMISSION

29.01.02 - RULES GOVERNING PAYMENT OF TAX AND USAGE OF CERTIFICATION MARKS AND TRADEMARKS

DOCKET NO. 29-0102-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effective upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-1207, 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:

Changing circumstances in the way labels are marked on potato containers as well as how containers are made have led the industry to request the rules be updated. The type of containers used for packing potatoes, the size of the seal used on potato containers and the manner in which variety labeling takes place will be reviewed for bringing the rules current. The Food and Safety Modernizations Act as well as Good Agricultural Practices also impacts the industry particularly as it relates to traceability.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 354 through 357](#).

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

There is not fiscal impact to the general fund as a result of this rulemaking: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Patrick J. Kole, 208-334-2350.

DATED this 20th Day of November, 2014.

Patrick J. Kole
Executive Director
Idaho Potato Commission
661 S. Rivershore Lane, Ste. 230
PO Box 1670
Eagle, ID 83616
(208) 334-2350 phone
(208) 334-2274 fax

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1501

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2015.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 67-5224 and 67-5291, Idaho Code.

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

TEMPORARY RULE 006 - INCORPORATION BY REFERENCE: The changes to this rule update references to appropriate and current editions of guides and professional technical standards used to determine values of certain property and to measure assessment level and uniformity. This will enable long standing appraisal practices to be continued.

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

Compliance with deadlines in amendments to governing law or federal programs, and confers a benefit to taxpayers.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Alan Dornfest (208) 334-7742.

DATED this 12th Day of December, 2014.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
PO Box 36
Boise, ID 83722-0410
(208) 334-7742

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0103-1501
(Only those Sections being amended are shown.)**

006. INCORPORATION BY REFERENCE (RULE 006).

Unless provided otherwise, any reference in these rules to any document identified in Rule 006 of these rules shall constitute the full incorporation into these rules of that document for the purposes of the reference, including any notes and appendices therein. The term "documents" includes codes, standards, or rules adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-3-03)

01. Availability of Reference Material. Copies of the documents incorporated by reference into these

rules are available at the main office of the State Tax Commission as listed in Rule 005 of these rules or can be electronically accessed as noted in Subsection 006.02 of this rule. (5-8-09)

02. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-3-03)

a. “Standard on Ratio Studies” published in 2013, “Standard on Digital Cadastral Maps and Parcel Identifiers” published in 2012, “Standard on Mass Appraisal of Real Property” published in 2012, “Standard on Verification and Adjustment of Sales” published in 2010, all published by the International Association of Assessing Officers. These documents can be electronically accessed at <http://www.iaao.org/documents/index.cfm?Category=23> http://www.iaao.org/wcm/Resources/Publications_access/Technical_Standards/wmc/Resources_Content/Pubs/Technical_Standards.aspx?hkey=93ba7851-659f-4d02-80a2-9a52ef21f995 which was last accessed and verified on ~~June~~ ~~December~~ ~~14~~⁸, 2012~~4~~. (3-20-14)(1-1-15)T

b. “Recreation Vehicle Guide of the National Automobile Dealers Association” published in 201~~3~~⁴ for the September through December period by the National Appraisal Guides Incorporated. (3-20-14)(1-1-15)T

c. “Van/Truck Conversion and Limousine Appraisal Guide of the National Automobile Dealers Association” published in 201~~3~~⁴ for the September through December period by the National Appraisal Guides Incorporated. (3-20-14)(1-1-15)T

d. “Official Railway Equipment Register” published for the last three (3) quarters in 201~~2~~⁴ and the first quarter in 201~~4~~⁵ by R. E. R. Publishing Corporation, Agent as a publication of UBM Global Trade. (3-20-14)(1-1-15)T

e. “Forest Habitat Types of Northern Idaho: A Second Approximation” published by the Government Printing Office for the U. S. Forest Service in 1991, General Technical Report INT-236, written by Cooper, Stephen V., Neiman, Kenneth E., Rev, David W., and Roberts, Kenneth E. (4-6-05)

f. “Forest Habitat Types of Central Idaho” published by the Government Printing Office for the Intermountain Forest and Range Experimentation Station of the U. S. Forest Service in 1981, General Technical Report INT-114, written by Kittams, Jay A., Pfister, Robert D., Ryker, Russell A., and Steele, Robert. (5-3-03)

g. “Yield of Even-Aged Stands of Ponderosa Pine” published by the Government Printing Office for the U. S. Department of Agriculture in 1938, Technical Bulletin No. 630. (5-3-03)

h. “Second-Growth Yield, Stand, and Volume Table for the Western White Pine Type” published by the Government Printing Office for the U. S. Department of Agriculture in 1932, Technical Bulletin No. 323. (5-3-03)

i. “Manual of Surveying Instructions” published by the Federal Bureau of Land Management and the Public Land Survey System Foundation in 2009. (4-4-13)

IDAPA 37 - IDAHO DEPARTMENT OF WATER RESOURCES
37.03.03 - RULES AND MINIMUM STANDARDS FOR THE CONSTRUCTION
AND USE OF INJECTION WELLS

DOCKET NO. 37-0303-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 42-3913, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3rd, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 359 through 366](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brian Ragan at (208) 287-4934 or brian.ragan@idwr.idaho.gov.

DATED this 17th Day of November, 2014.

Brian Ragan, P.G., Technical Hydrogeologist
Idaho Department of Water Resources
Underground Injection Control Program
322 East Front Street
Boise, Idaho 83720
Phone: (208) 287-4934
FAX: (208) 287-6700

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.03.01 - RULES GOVERNING GROUP INSURANCE

DOCKET NO. 38-0301-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, and as specified herein, the pending rule becomes final and of full force and effect on July 1, 2014, after review by the legislature, unless the rule is rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code.

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 67-5761, 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:

Revisions incorporate changes in federal law governing health plan eligibility and the expiration of the Medicare prescription drug reimbursement program.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6, 2014 Idaho Administrative Bulletin, [Vol. 14-8, pages 141 through 145](#).

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

There is no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amy Johnson at (208) 332-1865.

DATED this 17th Day of November, 2014.

Teresa Luna, Director
Department of Administration
650 West State Street, Room 100
P.O. Box 83720-0003
Boise, ID 83720
(208) 332-1824
(208) 334-2307

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.04.04 - RULES GOVERNING CAPITOL MALL PARKING

DOCKET NO. 38-0404-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected in its entirety.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-5226 and 67-5709, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The original text of the proposed rule was published in the July 2, 2014 Idaho Administrative Bulletin, [Vol. 14-7, pages 128 through 136](#).

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

Fee changes are necessary to fund security and maintenance of the newly constructed parking garage. Reserved parking fee will increase from \$25 per month to an amount not to exceed \$40 and a general permit will increase from \$5 to an amount not to exceed \$10 per month.

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:

Total fiscal impact of the proposed fee increases is approximately \$150,000 annually. Approximately 90% of the fees are paid by Capitol Mall employees. The remaining 10% of the fiscal impact will be split equally between the General Fund and other sources.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the adoption of this pending rule, contact Teresa Luna, Director, at (208) 332-1826.

DATED this 20th Day of June, 2014.

Teresa Luna, Director
Department of Administration
650 W. State St.
P. O. Box 83720
Boise, ID 83720-0013
Phone: (208) 332-1826
Fax: (208) 334-2307

IDAPA 50 - IDAHO COMMISSION OF PARDONS AND PAROLE

50.01.01 - RULES OF THE COMMISSION OF PARDONS AND PAROLE

DOCKET NO. 50-0101-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 20-223, 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:

Revise and update the rule to clarify and update outdated language to include changing inmate to offender, remove the minimum time to be served to hearing, to expedite hearings, remove early discharge language, replace the initial hearing being scheduled within 6 months prior to parole eligibility date when a fixed term has been specified, remove existing language regarding general conditions of parole and replace with consolidated language, grant authority to the executive director to add special conditions, remove outdated language on detainer to replace with new language to allow the holding institution to hold the offender until the felony charges or federal holds have been adjudicated. The offender will not be able to bond out on the parole violation hearings, remove and clarify language regarding Interstate Compact procedures, add additional language to the section on victims for public safety, to include victims not included in the instant offense and those removed from the instant offense as a result of a plea bargain, to include additional language to the Intermediate Sanctions on Violations that limit the time of jail time served on the first and each subsequent offense.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 493 through 525](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mary Schoeler.

DATED this 19th Day of November, 2014.

Sandy Jones, Executive Director
Commission of Pardons and Parole
3056 Elder Street
Boise, Idaho 83705
Tel: (208) 334-2520
Fax: (208) 334-3501

DOCKET NO. 50-0101-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-10, pages 493 through 525.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 50-0101-1401

010. DEFINITIONS.

[New Subsections 010.35. through 010.38.]

35. **Parole Eligibility Date.** The earliest date that an offender may be eligible for parole release, which coincides with the date that the indeterminate portion of the offender's sentence begins. In the event there are multiple sentences, the sentence having the latest indeterminate begin date will be used as the offender's parole eligibility date. ()

36. **Parole Hearing Interview.** An interview conducted by a hearing officer for the purpose of gathering information and testimony from the offender regarding the offender's history, criminal record, social history, present condition, instant offense, and other factors, when the offender is scheduled for a forthcoming parole consideration hearing. ()

37. **Parole Violation Hearing.** A fact-finding hearing conducted by a hearing officer to determine a subject's guilt or innocence of alleged violations of parole. The hearings are conducted for both technical and non-technical violations, and may be held on-site, or at a location as determined by the executive director or the hearing officer. ()

38. **Parolee.** Offender being supervised on parole. ()

~~27~~39. **Permanently Incapacitated.** As defined in Section 20-223, Idaho Code, permanently incapacitated shall mean a person who, by reason of an existing physical condition which is not terminal, is permanently and irreversibly physically incapacitated. (3-23-98)()

~~28~~40. **Rescission.** Cancellation of a previous decision. (3-23-98)()

~~29~~41. **Reprieve.** Temporary suspension of the execution of sentence; delay a punishment. (3-23-98)

~~30~~42. **Restricted Sentence.** Sentence restricted by Idaho Statutes, by carrying a mandatory minimum to be served prior to parole eligibility. (3-23-98)()

~~3143.~~ **Return of Service.** ~~Documents required to be served on an alleged parole violator at the time he is served with specific charges of parole violation. Describes hearings and rights the subject is entitled to~~ The document that establishes what legal documents were served on whom, by whom, and when. (3-23-98)()

~~3244.~~ **Revocation/Violation File.** File containing the documents pertinent to a particular violation/revocation proceeding. (3-23-98)()

~~45.~~ **Risk Assessment.** Validated tool developed to determine risk of recidivating based on offender criminogenic needs. ()

~~3346.~~ **Session.** See "Hearing Session." (3-23-98)

~~347.~~ **Statutory Release Date.** Maximum full-term expiration date, minus any good time credits accumulated during incarceration. The maximum full-term date may change upon forfeiture of time on parole due to a violation of that parole. (3-23-98)()

~~3548.~~ **Substantive Conditions of Parole.** Conditions of parole which relate to the rehabilitation of a parolee, including but not limited to, performance of community service, use of alcohol, use of a motor vehicle, limitations on financial matters, use of drugs, associations with other felons, employment requirements, residence requirements, traveling outside of their district, etc. (3-23-98)()

~~3649.~~ **Technical Violation.** Violation of parole by not conforming to ~~rules~~ conditions of parole, but not to include absconding ~~and~~ or a new criminal conviction or infraction. (3-23-98)()

~~3750.~~ **Terminally Ill.** As defined by Section 20-223, Idaho Code, terminally ill shall mean a person who has an incurable condition caused by illness or disease and who is irreversibly terminally ill. (3-23-98)

~~3851.~~ **Victim.** As ~~described~~ by Section 19-5304, Idaho Code, "~~shall will~~ mean a person or entity, ~~named in the complaint, information or indictment,~~ who suffers economic loss or injury as the result of the defendant's criminal conduct and ~~shall will~~ also include the immediate family of a minor and the immediate family of the actual victim in homicide cases." (3-23-98)()

~~3952.~~ **Witness.** Anyone who observes a hearing, appears as attorney for the subject of a hearing, or others who provide written or verbal testimony. (3-23-98)

(BREAK IN CONTINUITY OF SECTIONS)

250. PAROLE.

~~12.~~ **Interstate Compact.** The commission may grant parole and transfer supervision of an offender to another state under the Interstate Compact for Adult Offender Supervision outlined in Section 20-301, Idaho Code. ()

~~a.~~ An offender must be eligible for transfer of supervision to another state under the Interstate Compact and the receiving state must accept the transfer before the offender is released on parole. ()

[Subparagraph 250.12.a.i.]

~~i.~~ Any person under state parole who applies for a transfer of supervision to another state shall be required to post an application fee pursuant to Section 20-225A, Idaho Code, payable to Idaho Department of Correction, in addition to the commission's bond. ()

IDAPA 55 - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

55.01.04 - RULES GOVERNING IDAHO QUALITY PROGRAM STANDARDS INCENTIVE GRANTS AND AGRICULTURAL EDUCATION PROGRAM START-UP GRANTS

DOCKET NO. 55-0104-1401 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 33-105, 33-105, 33-2203, and 33-1629, Idaho Code.

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

In 2014 the Legislature enacted Section 33-1629, Idaho Code, Agricultural and Natural Resource Education Programs, establishing the Idaho Quality Program Standards Incentive Grants, and Agricultural Education Program Start-Up Grants and authorizing the State Board of Education to adopt quality program standards and promulgate rules to administer the two grant programs. The proposed rule sets out the eligibility requirements, application process, and selection process for the two grant programs.

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 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 527 through 532](#).

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

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

DATED this 28th Day of November, 2014.

Tracie Bent
Chief Planning & Policy Officer
Office of the State Board of Education
650 W. State Street
P.O. Box 83720-0037
Boise, ID 83720
Phone: (208) 332-1582
Fax: (208) 334-2632

IDAPA 57 - SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01 - RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD

DOCKET NO. 57-0101-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and of full force and effect upon adoption of 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 18-8314, Idaho Code.

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

This rulemaking was initiated to implement procedures that were mandated of the Sexual Offender Management Board by Idaho's 2011 Legislature.

The incorporated document, "Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders" 2004 edition, November 2014 revision was updated to include the optional use of polygraphy with psychosexual evaluations with the addition of a polygraphy statement in the psychosexual evaluation standards; reordering of categories in psychosexual evaluations; and a modified juvenile sex offender risk variables and protective factors checklist. Some of these changes were made as a result of public comments received by the Board.

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 September 3, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 367 through 377](#).

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:

No negative fiscal impact on state general funds is anticipated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Kathy Baird at (208) 954-8511.

DATED this 17th Day of November, 2014.

Kathy Baird, Management Assistant
Sexual Offender Management Board
IDOC Clinical Services Annex
3125 S. Shoshone St.
Boise, ID 83705
Phone: (208) 954-8511
Fax: (208) 954-8519

DOCKET NO. 57-0101-1401 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is *double underscored* is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 14-9, pages 367 through 377.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2015 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE
FOR DOCKET NO. 57-0101-1401**

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into these rules:

(3-20-14)

[Subsection 004.06.]

06. "Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders," November 2014 edition, is herein incorporated by reference and is available from the Board's office and on the Board's website, <http://somb.idaho.gov/>. ()

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

16-0107-1501, *Emergency Medical Services (EMS) -- Personnel Licensing Requirements.* (Temporary & Proposed Rule) Amends the number of continuing education (CE) venues required during each licensure cycle for EMS personnel licensure renewal and provides that a CE course taken after an early submission application counts towards the next licensure period; updates licensure timelines; adopts by reference the current edition of the EMS Physician Commission Standards Manual. Comment by 1/28/15.

NOTICE OF PROCLAMATION OF RULEMAKING

IDAPA 06 - IDAHO BOARD OF CORRECTION

06-0102-1501, Rules of Correctional Industries (eff. 2-6-15)

06-0201-1501, Rules Governing the Supervision of Offenders on Probation or Parole by the Department of Correction (eff. 2-6-15)

06-0202-1501, Rules Governing Establishment and Operation of a Limited Supervision Unit by the Department of Correction (eff. 2-6-15)

06-0203-1501, Rules Governing Release Readiness (eff. 2-6-15)

NOTICE OF ADOPTION OF TEMPORARY RULE

IDPAPA 17 - IDAHO INDUSTRIAL COMMISSION

17-0209-1501, Medical Fees (eff. 1-1-15)T

IDAPA 35 - IDAHO TAX COMMISSION

35-0103-0501, Property Tax Administrative Rules (eff. 1-1-15)T

Please refer to the Idaho Administrative Bulletin, [January 7, 2015, Volume 15-1](#), for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

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

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Fax: 332-1896; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*This online index provides a history of all agency rulemakings from 1993 to the present.
It tracks all rulemaking activities on each chapter of rules and includes negotiated,
temporary, proposed, pending and final rules, public hearing notices,
vacated rulemaking notices, and executive orders of the Governor.*

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES (Index of Current Rulemakings)

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

March 20, 2014 -- January 7, 2015

(eff. PLR) - Final Effective Date Pending Legislative Review And Approval

(eff. date)L - Denotes Adoption by Legislative Action

(eff. date)T - Temporary Rule Effective Date

SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)

*(This Abridged Index includes rules promulgated before March 20, 2014 that are still in process
and all current rulemakings promulgated after March 20, 2014 - Sine Die.)*

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- 01-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 01-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 01-0101-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 01-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 01-0101-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

IDAPA 02 -- DEPARTMENT OF AGRICULTURE***02.01.05, Rules Governing Certificates of Free Sale***

- 02-0105-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 02-0105-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

02.02.14, Rules for Weights and Measures

- 02-0214-1401** Proposed Rulemaking, Bulletin Vol. 14-7
- 02-0214-1402** Proposed Rulemaking, Bulletin Vol. 14-7
- 02-0214-1403** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0214-1401** Adoption of Pending Rule, Bulletin Vol. 14-9 (eff. PLR 2015)
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02.03.03, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application

- 02-0303-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0303-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 02-0303-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

02.04.05, Rules of the Idaho Department of Agriculture Governing Manufacture Grade Milk

- 02-0405-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0405-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 02-0405-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

02.04.06, Requirements for Licensed Dairy Plants

- 02-0406-1401** Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0406-1401** Adoption of Pending Rule, Bulletin Vol. 14-8 (eff. PLR 2015)

02.04.14, Rules Governing Dairy Waste

- 02-0414-1401** Proposed Rulemaking, Bulletin Vol. 14-6
- 02-0414-1401** Adoption of Pending Rule, Bulletin Vol. 14-8 (eff. PLR 2015)

02.04.19, Rules Governing Domestic Cervidae

- 02-0419-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0419-1401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9 (eff. 9-1-14)T
- 02-0419-1401** Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 02-0419-1401** Notice of Correction to Pending Fee Rule and Temporary Rule, Bulletin Vol. 15-1

02.04.21, Rules Governing the Importation of Animals

- 02-0421-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 02-0421-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 02-0421-1401** Proposed Rulemaking, Bulletin Vol. 14-9
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16-0311-1402 Adoption of Pending Rule (Chapter Rewrite), Bulletin Vol. 15-1 (eff. PLR 2015)

16.03.17, Medicare/Medicaid Coordinated Plan Benefits

- 16-0317-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-4
16-0317-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-6 (eff. 7-1-14)T
16-0317-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

16.03.22, Residential Care or Assisted Living Facilities in Idaho

- 16-0322-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 16-0322-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 16-0322-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

16.05.01, Use and Disclosure of Department Rules

- 16-0501-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 16-0501-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

16.05.06, Criminal History and Background Checks

- 16-0506-1401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-7 (eff. 7-1-14)T
- 16-0506-1401** Adoption of Pending Fee Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct

- 16-0507-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 16-0507-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 16-0507-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

16.06.01, Child and Family Services

- 16-0601-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 16-0601-1402** Proposed Rulemaking, Bulletin Vol. 14-9 (*VOID - Pulled and Not Published*)
- 16-0601-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

- 16-0612-1401** Temporary Rulemaking, Bulletin Vol. 14-1 (eff. 11-1-13)T
- 16-0612-1401** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 148, Bulletin Vol. 14-5 (eff. 11-1-13)T
- 16-0612-1401** Proposed Rulemaking, Bulletin Vol. 14-5
- 16-0612-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

16.07.33, Adult Mental Health Services

- 16-0733-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 16-0733-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

IDAPA 17 -- INDUSTRIAL COMMISSION

17.02.04, Administrative Rules of the IC Under the Worker's Compensation Law - Benefits

- 17-0204-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 17-0204-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17.02.06, Employers' Reports

- 17-0206-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 17-0206-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17.02.08, Miscellaneous Provisions

- 17-0208-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 17-0208-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17.02.09, Medical Fees

- 17-0209-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 17-0209-1401** Notice of Public Hearing and Extension of Comment Period, Bulletin Vol. 14-11
- 17-0209-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 17-0209-1501** Adoption of Temporary Rule, Bulletin Vol. 15-1 (eff. 1-1-15)T

***17.02.11, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law --
Security for Compensation -- Self-Insured Employers***

- 17-0211-1401** Proposed Rulemaking, Bulletin Vol. 14-8
17-0211-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

17.05.01, Rules Under the Crime Victims Compensation Act

- 17-0501-1401** Proposed Rulemaking, Bulletin Vol. 14-10
17-0501-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

IDAPA 18 -- DEPARTMENT OF INSURANCE

18.01.25, Title Insurance and Title Insurance Agents and Escrow Officers

- 18-0125-1401*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7 (*Rulemaking has been terminated)

18.01.30, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

- 18-0130-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges

- 18-0144-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
18-0144-1401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
18-0144-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

18.01.46, Recognition of New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities and Pure Endowment Contracts

- 18-0146-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
18-0146-1401 Proposed Rulemaking, Bulletin Vol. 14-9
18-0146-1401 Adoption of Pending Rule and Adoption of Temporary Rule, Bulletin Vol. 14-11 (eff. PLR 2015) -- (1-1-15)T

18.01.53, Continuing Education

- 18-0153-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
18-0153-1401 Proposed Rulemaking, Bulletin Vol. 14-9
18-0153-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules

- 18-0156-1401*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7 (*Rulemaking has been terminated)

IDAPA 19 -- BOARD OF DENTISTRY

19.01.01, Rules of the Idaho State Board of Dentistry

- 19-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
19-0101-1401 Proposed Rulemaking, Bulletin Vol. 14-9
19-0101-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

IDAPA 20 -- DEPARTMENT OF LANDS

20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands

- 20-0316-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

20.07.02, Rules Governing Conservation of Crude Oil and Natural Gas in the State of Idaho

- 20-0702-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
20-0702-1401 Proposed Rulemaking, Bulletin Vol. 14-9
20-0702-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

IDAPA 23 -- BOARD OF NURSING***23.01.01, Rules of the Idaho Board of Nursing***

- 23-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 23-0101-1402** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 23-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 23-0101-1402** Proposed Rulemaking, Bulletin Vol. 14-9
- 23-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
- 23-0101-1402** Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 14-11

IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES***24.02.01, Rules of the Board of Barber Examiners***

- 24-0201-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 24-0201-1401** Notice of Public Hearing, Bulletin Vol. 14-11
- 24-0201-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

24.04.01, Rules of the Idaho Board of Cosmetology

- 24-0401-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 24-0401-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

- 24-0601-1401** Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10
- 24-0601-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

24.09.01, Rules of the Board of Examiners of Nursing Home Administrators

- 24-0901-1401** Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10
- 24-0901-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

24.10.01, Rules of the State Board of Optometry

- 24-1001-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 24-1001-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

24.11.01, Rules of the State Board of Podiatry

- 24-1101-1401** Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 24-1101-1401** Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

24.14.01, Rules of the State Board of Social Work Examiners

- 24-1401-1401** Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10
- 24-1401-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists

- 24-1501-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 24-1501-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

24.17.01, Rules of the State Board of Acupuncture

- 24-1701-1401** Proposed Rulemaking, Bulletin Vol. 14-8
- 24-1701-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

24.19.01, Rules of the Board of Examiners of Residential Care Facility Administrators

- 24-1901-1401** Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-9
- 24-1901-1401** Adoption of Pending Fee Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

24.23.01, Rules of the Speech and Hearing Services Licensure Board

- 24-2301-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-9
24-2301-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

24.25.01, Rules of the Idaho Driving Businesses Licensure Board

- 24-2501-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 5-23-14)T
24-2501-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

24.26.01, Rules of the Idaho Board of Midwifery

- 24-2601-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
24-2601-1402 Proposed Rulemaking, Bulletin Vol. 14-10
24-2601-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)
24-2601-1402 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

24.27.01, Rules of the Idaho State Board of Massage Therapy

- 24-2701-1401** Proposed Rulemaking, Bulletin Vol. 14-8
24-2701-1401 Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION

26.01.03, Rules Governing Recreational Registration Vendors

- 26-0103-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
26-0103-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

- 26-0120-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
26-0120-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

***26.01.21, Rules Governing Leasing Practices and Procedures for Recreational Residences Within
Heyburn State Park***

- 26-0121-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-5 (eff. 3-18-14)T
26-0121-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

26.01.30, Idaho Safe Boating Rules

- 26-0130-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
26-0130-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

***26.01.31, Rules Governing the Administration of the Idaho Department of Parks and Recreation
State and Federal Grant Funds***

- 26-0131-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (7-1-14)T
26-0131-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

26.01.34, Idaho Protection Against Invasive Species Sticker Rules

- 26-0134-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
26-0134-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

26.01.36, Rules Governing the Winter Recreational Parking Permit Program

- 26-0136-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-12 (eff. 10-1-12)T
26-0136-1201* OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 126, Bulletin Vol. 13-5 (*Expired)
26-0136-1401 Temporary and Proposed Rulemaking, Bulletin Vol. 14-7 (eff. 7-1-14)T
26-0136-1201* Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 15-1
26-0136-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

IDAPA 27 -- BOARD OF PHARMACY

27.01.01, Rules of the Idaho State Board of Pharmacy

- 27-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 27-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (**2nd Notice**), Bulletin Vol. 14-8
- 27-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 27-0101-1402** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-10 (9-1-14)T
- 27-0101-1403** Proposed Rulemaking, Bulletin Vol. 14-10
- 27-0101-1404** Proposed Rulemaking, Bulletin Vol. 14-10
- 27-0101-1405** Proposed Rulemaking, Bulletin Vol. 14-10
- 27-0101-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 27-0101-1402** Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 15-1 (eff. PLR 2015) (eff. 9-1-14)T
- 27-0101-1403** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 27-0101-1404** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)
- 27-0101-1405** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

IDAPA 28 -- DEPARTMENT OF COMMERCE

28.04.01, Rules Governing the Idaho Reimbursement Incentive Act

- 28-0401-1401** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 14-8 (eff. 7-1-14)T
- 28-0401-1401** Notice of Amendment to Temporary Rule, Bulletin Vol. 14-10 (eff. 8-29-14)T
- 28-0401-1402** Proposed Rulemaking (New Chapter), Bulletin Vol. 14-10
- 28-0401-1402** Adoption of Pending Rule (New Chapter), Bulletin Vol. 15-1 (eff. PLR 2015)

IDAPA 29 -- IDAHO POTATO COMMISSION

29.01.02, Rules Governing Payment of Tax and Usage of Certification Marks and Trademarks

- 29-0102-1401** Proposed Rulemaking, Bulletin Vol. 14-9
- 29-0102-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

IDAPA 31 -- PUBLIC UTILITIES COMMISSION

31.02.01, Public Records Act Rules of the Idaho Public Utilities Commission

- 31-0201-1401** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 14-9
- 31-0201-1401** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 14-11 (eff. PLR 2015)

IDAPA 33 -- REAL ESTATE COMMISSION

33.01.01, Rules of the Idaho Real Estate Commission

- 33-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 33-0101-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

33.01.02, Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested Cases

- 33-0102-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 33-0102-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

IDAPA 35 -- STATE TAX COMMISSION

35.01.01, Income Tax Administrative Rules

- 35-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6

- 35-0101-1402 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 35-0101-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0101-1402 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0101-1403 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0101-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0101-1402 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0101-1403 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

35.01.02, Idaho Sales and Use Tax Administrative Rules

- 35-0102-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 35-0102-1402 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 35-0102-1403 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7
- 35-0102-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0102-1402 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0102-1403 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0102-1404 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0102-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0102-1402 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0102-1403 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0102-1404 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

35.01.03, Property Tax Administrative Rules

- 35-0103-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-5
- 35-0103-1402 Adoption of Temporary Rule, Bulletin Vol. 14-6 (1-1-14)T
- 35-0103-1401 Proposed Rulemaking, Bulletin Vol. 14-8
- 35-0103-1403 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 35-0103-1404 Proposed Rulemaking, Bulletin Vol. 14-8
- 35-0103-1405 Temporary and Proposed Rulemaking, Bulletin Vol. 14-8 (eff. 8-6-14)T
- 35-0103-1406 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-8
- 35-0103-1403 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0103-1406 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0103-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0103-1403 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0103-1404 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0103-1405 Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 14-12 (eff. PLR 2015) - (8-6-14)T
- 35-0103-1406 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 14-12
- 35-0103-1501 Adoption of Temporary Rule, Bulletin Vol. 15-1 (eff. 1-1-15)T

35.01.05, Motor Fuels Tax Administrative Rules

- 35-0105-1401 Proposed Rulemaking, Bulletin Vol. 14-6
- 35-0105-1402 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 35-0105-1402 Proposed Rulemaking, Bulletin Vol. 14-8
- 35-0105-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)
- 35-0105-1402 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

35.02.01, Tax Commission Administration and Enforcement Rules

- 35-0201-1401 Proposed Rulemaking, Bulletin Vol. 14-10
- 35-0201-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

IDAPA 37 -- DEPARTMENT OF WATER RESOURCES

37.03.03, Rules and Minimum Standards for the Construction and Use of Injection Wells

- 37-0303-1401 Proposed Rulemaking, Bulletin Vol. 14-9
- 37-0303-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

37.03.11, Rules for Conjunctive Management of Surface and Ground Water Resources

- 37-0311-1101** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-2
- 37-0311-1101** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 14-5
- 37-0311-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 37-0311-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

37.03.13, The Water Management Rules

- 37-0313-9701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 97-12
- 37-0313-9701** Proposed Rulemaking, Bulletin Vol. 98-10
- 37-0313-9701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

37.03.14, Transfers

- 37-0314-9801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 98-5

37.03.15, Water Management Rules - Eastern Snake Plain Aquifer

- 37-0315-0001** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 00-12

IDAPA 38 -- IDAHO DEPARTMENT OF ADMINISTRATION**38.03.01, Rules Governing Group Insurance**

- 38-0301-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-8 (eff. 7-1-14)T
- 38-0301-1401** Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

38.04.04, Rules Governing Capitol Mall Parking

- 38-0404-1401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 14-7 (eff. 7-1-14)T
- 38-0404-1401** Adoption of Pending Fee Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

38.05.01, Rules of the Division of Purchasing

- 38-0501-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
- 38-0501-1401** Proposed Rulemaking, Bulletin Vol. 14-10
- 38-0501-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

38.06.01, Rules of the Department of Administration Governing Billing Procedures of the Office of the Chief Information Officer

- 38-0601-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-6
- 38-0601-1401** Proposed Rulemaking (New Chapter), Bulletin Vol. 14-10
- 38-0601-1401** Adoption of Pending Rule (New Chapter), Bulletin Vol. 14-12 (eff. PLR 2015)

IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT**39.02.03, Rules Governing Vehicle Dealer's Principle Place of Business**

- 39-0203-1401** Adoption of Temporary Rule, Bulletin Vol. 14-10 (eff. 8-2-14)T
- 39-0203-1402** Proposed Rulemaking, Bulletin Vol. 14-10
- 39-0203-1402** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

39.03.10, Rules Governing When An Overlegal Permit Is Required

- 39-0310-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-10 (eff. 9-1-14)T
- 39-0310-1401** Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

39.03.16, Rules Governing Oversize Permits For Non-Reducible Vehicles And/Or Loads

- 39-0316-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-6 (eff. 5-1-14)T
- 39-0316-1401** Adoption of Pending Rule, Bulletin Vol. 14-11 (eff. PLR 2015)

39.03.50, Rules Governing Safety Rest Areas

- 39-0350-1401** Proposed Rulemaking, Bulletin Vol. 14-10
39-0350-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS***46.01.01, Rules of the State of Idaho Board of Veterinary Medicine***

- 46-0101-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-6
46-0101-1401 Proposed Rulemaking, Bulletin Vol. 14-8
46-0101-1401 Adoption of Pending Rule, Bulletin Vol. 14-10

IDAPA 49 -- CERTIFIED SHORTHAND REPORTERS BOARD***49.01.01, Rules of Procedure of the Idaho Certified Shorthand Reporters Board***

- 49-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10
49-0101-1401 Adoption of Pending Rule, Bulletin Vol. 14-12 (eff. PLR 2015)

IDAPA 50 -- COMMISSION FOR PARDONS AND PAROLE***50.01.01, Rules of the Commission of Pardons and Parole***

- 50-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-10
50-0101-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

IDAPA 54 -- OFFICE OF THE STATE TREASURER***54.03.01, Idaho Unclaimed Property Administrative Rules***

- 54-0301-1401** Temporary and Proposed Rulemaking, Bulletin Vol. 14-8 (eff. 6-15-14)T
54-0301-1401 Notice of Rescission of Temporary Rule and Vacation of Proposed Rulemaking, Bulletin Vol. 14-10

IDAPA 55 -- DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION***55.01.04, Rules Governing Agricultural and Natural Resource Education Programs***

- 55-0104-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-6
55-0104-1401 Proposed Rulemaking, Bulletin Vol. 14-10
55-0104-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

IDAPA 57 -- SEXUAL OFFENDER MANAGEMENT BOARD***57.01.01, Rules of the Sexual Offender Management Board***

- 57-0101-1401** Proposed Rulemaking, Bulletin Vol. 14-9
57-0101-1401 Adoption of Pending Rule, Bulletin Vol. 15-1 (eff. PLR 2015)

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