

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.

*Deadline for submission of written comments is August 28, 2013, unless otherwise noted.
Deadline for public hearing requests is August 21, 2013, unless otherwise noted.
(Temp & Prop) indicates the rule is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790 Boise, ID 83701

02-0609-1301, Rules Governing Invasive Species. Add definitions; removes requirement for transport permit for bullfrogs; extends transport permit validity to 5 years for exempt species; creates a method of application for Energy Crop Invasive Species Possession/Production Permits; creates a method of application for Trap Crop Invasive Species Permits; updates scientific and common names and to add hybrids of certain listed invasive species.

02-0622-1301, Rules Governing Noxious Weeds. Adds a species of noxious weed and removes the statewide monitor list from rule.

02-0623-1301, Rules Governing Noxious Weed Free Gravel and Rock Products. New chapter provides for inspection and certification of gravel as noxious weed free.

IDAPA 08 - STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0027

08-0105-1301, Idaho Promise Scholarship Program. Chapter repeal due to consolidation of state run scholarship programs.

08-0106-1301, Leveraging Education Assistance Partnership Program. Chapter repeal due to consolidation of state run scholarship programs.

08-0109-1301, Rules Governing the Gear Up Idaho Scholarship Program. Clarifies definition of educational costs and when a student may apply for the program, aligns the application date with the timeframe students complete the FAFSA, and removes unnecessary language regarding realignment of funds.

08-0112-1301, Idaho Minority and "At-Risk" Student Scholarship Program. Chapter repeal due to consolidation of state run scholarship programs.

08-0113-1301, Rules Governing the Opportunity Scholarship Program. Consolidates the majority of the state run scholarship programs to align them with Idaho Code; removes redundant language; clarifies residency for tuition purposes, student eligibility, and academic eligibility, and streamlines the renewal application process.

08-02.02 - Rules Governing Uniformity

08-0202-1302, (Temp & Prop) Clarifies which schools can operate as programs and which schools must seek stand alone accreditation to ensure that all schools and all students are being properly accounted for through accreditation and Idaho's Star Rating system.

08-0202-1303, (Temp & Prop) Removes unnecessary barriers to board approval of qualified teacher preparation for those using face-to-face and hybrid teacher preparation alternatives.

08-0202-1304, (Temp & Prop) Amends the mathematics in-service and comprehensive literacy course renewal requirements to clarify that only active teachers in the Idaho Public School system are required to fulfill this obligation for recertification.

08-0202-1305, Revises and clarifies the Code of Ethics for Idaho Professional Educators.

08.02.03 - Rules Governing Thoroughness

08-0203-1302, (Temp & Prop) Establishes guidelines for the 8-in-6 Program for high school graduation; establishes criteria for the Master Advancement Program to allow school districts and public charter schools to use mastery exams, and for the Advanced Opportunities Program; clarifies final year math requirement for high school students.

08-0203-1303, Adds prohibition against students possessing weapons on campus as part of a district's comprehensive policies and procedures.

08-0203-1304, Fee rule outlines process used by Department to review and approve on-line courses and establishes a submission fee charged to providers based on the number of courses offered.

08-0204-1301, Rules Governing Public Charter Schools. (Temp & Prop) Clarifies process for new charter school authorizers and the accountability measure requirements for the charter schools.

08-0301-1301, Rules of the Public Charter School Commission. Clarifies process for implementation of new accountability measure requirements; removes requirement for an annual programmatic operations audit and student goals attainment report; removes duplicative language contained in the public hearing process.

**IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
700 S. Stratford Dr., Meridian, ID 83642**

11-0402-1301, Rules Governing Simulcasting. (Temp & Prop) Implements statute authorizing historical horse race wagering under the pari-mutuel wagering system; establishes licensure, record keeping and equipment requirements; designates terminal locations and access control.

11-0411-1301, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses. (Temp & Prop) Clarifies that a horse that has a pre- or post-race positive drug test will be disqualified and the purse money redistributed if found to be ineligible to have raced.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036**

***16-0101-1301, Emergency Medical Services (EMS) - Advisory Committee (EMSAC).** (*PH) Aligns chapter with new "Rules Definitions" chapter that updates definitions to reflect changes in terminology and technology used in emergency situations.

***16-0102-1301, Emergency Medical Services (EMS) - Rule Definitions.** (*PH) New chapter provides definitions for all EMS chapters of rules, as well as the authority, scope, and references to the EMS chapters these rules apply to.

***16-0103-1301, Emergency Medical Services (EMS) -- Agency Licensing Requirements.** (*PH) New chapter establishes EMS Agency general licensure requirements, agency licensing models, and air medical utilization requirements; establishes licensure requirements for personnel and equipment, agency licensure and renewals applications, record retention and management of system data and submission, and references to licensure requirements in other chapters, such as personnel, investigations, and disciplinary actions.

***16-0107-1301, Emergency Medical Services (EMS) -- Personnel Licensing Requirements.** (*PH) Removes the definitions section from rule that are now in IDAPA 16.01.02.

***16-0112-1301, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions.** (*PH) Removes the definitions section and other obsolete language from rule to align with IDAPA 16.01.02 and 16.01.03.

***16-0203-1301, *Emergency Medical Services*.** (*PH) Aligns chapter with IDAPA 16.01.02 and 16.01.03 by removing agency licensure and air medical utilization requirements and definitions; adds, removes, and updates references to new chapters.

***16-0309-1301, *Medicaid Basic Plan Benefits*.** (Temp & Prop) (*PH) Incorporates the managed care waiver; integrates the following: mental health clinic and psychosocial rehabilitative services, service coordination for adults with severe and persistent mental illness (SPMI), service coordination for children with severe emotional disturbance (SED), and substance use disorder services into behavioral health services; moves all rules related to behavioral health services into this chapter; removes specific service limitations to allow for behavioral health services to be delivered individualized and evidence-based under a managed care structure; adds Department or designee service delivery accountability requirements.

16-0310-1301, *Medicaid Enhanced Plan Benefits*. (Temp & Prop) (*PH) Complies with statutory mandate regarding managed care by implementing a 1915(b) Waiver requiring Medicaid participants to enroll in a statewide prepaid ambulatory health plan (PAHP); moves rules related to behavioral health services into IDAPA 16.03.09, "Medicaid Basic Plan Benefits."

16-0506-1301, *Criminal History and Background Checks*. (Temp & Prop) Requires that court appointed guardians and conservators must have a Department CHC and that applicant covers the cost.

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
PO Box 700, Boise, ID 83720-0063**

24.13.01 - *Rules Governing the Physical Therapy License Board*

24-1301-1301, Increases the number of patient visits or the amount of time before the supervisor must re-evaluate the patient and the plan of care being provided by a Physical Therapy Assistant.

24-1301-1302, Decreases fees for exam administration, application, original license and annual license renewal to reduce the Board's dedicated fund balance.

**IDAPA 33 - IDAHO REAL ESTATE COMMISSION
575 E. Parkcenter Blvd., Suite 180, Boise ID 83706**

***33-0101-1301, *Rules of the Idaho Real Estate Commission*.** (Temp & Prop) (*PH) Adds Professionalism and Business Success as courses for which licensees may be granted education credit.

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise ID 83707-1129**

39-0315-1301, *Rules Governing Interstate Excess Weight Permits*. (Temp & Prop) Alters the process for designating routes for loads up to 129,000 pounds. Comment by: 10/24/13

39.03.22, *Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations*

***39-0322-1301,** (Temp & Prop) (*PH) Clarifies that only non-interstate routes will allow weights above 105,500 and up to 129,000 pounds; specifies the operating requirements on designated routes, authorized for up to 129,000 pounds. Comment by: 10/24/13

***39-0322-1302,** (*PH) Provides an administrative process to add designated routes for vehicle combinations up to 129,000 pounds and includes the application, review and analysis, determination, public hearing and appeal processes. Comment by: 10/24/13

39-0323-1301, *Rules Governing Revocation of Overlegal Permits*. (Temp & Prop) Specifies the permit violations for which an over legal permit will be revoked and the permit revocation process. Comment by: 10/24/13

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255**

***58-0101-1301, *Rules for the Control of Air Pollution In Idaho*.** (*PH) Updates incorporation by reference to

comply with changes to federal regulations; removes rules regulating hospital/medical/infectious waste incinerators which have been superseded by federal regulations. Comment by: 9/9/13

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKINGS

IDAPA 27 - IDAHO BOARD OF PHARMACY

27-0101-1207, Rules of the Idaho Board of Pharmacy

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSON

31-0101-1301, Rules of Procedure of the Idaho Public Utilities Commission

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58-0102-1301, Water Quality Standards

NOTICE OF PUBLIC HEARING

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58-0000-1304, Proposed Submittal for Delegation of Regulation 40 CFR Part 62, Subpart HHH

Please refer to the Idaho Administrative Bulletin, [August 7, 2013, Volume 13-8](#), 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.

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