

# IDAHO ADMINISTRATIVE BULLETIN

## Table of Contents

July 5, 2000 -- Volume 00-7

<b>TABLE OF CONTENTS</b> .....	1
<b>PREFACE</b> .....	4
<b><u>THE OFFICE OF THE GOVERNOR</u></b>	
EXECUTIVE ORDER NO. 2000-02 .....	13
EXECUTIVE ORDER NO. 2000-03 .....	14
EXECUTIVE ORDER NO. 2000-04 .....	16
EXECUTIVE ORDER NO. 2000-05 .....	26
EXECUTIVE ORDER NO. 2000-06 .....	27
<b><u>IDAPA 07 - PUBLIC WORKS CONTRACTORS LICENSE BOARD, DIVISION OF BUILDING SAFETY</u></b>	
<b>07.05.01 - PUBLIC WORKS CONTRACTORS LICENSE BOARD</b> Docket No. <b>07-0500-0001</b> Notice Of Legislative Action.....	29
<b><u>IDAPA 08 - IDAHO STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION</u></b>	
<b>08.02.03 - RULES GOVERNING THOROUGHNESS</b> Docket No. <b>08-0203-0001</b> Notice Of Proposed Rule.....	30
<b><u>IDAPA 11 - THE IDAHO STATE POLICE</u></b>	
Docket No. <b>11-0000-0001</b> Notice Of Legislative Action.....	33
<b><u>IDAPA 15 - OFFICE OF THE GOVERNOR - DIVISION OF VETERANS SERVICES DEPARTMENT OF SELF-GOVERNING AGENCIES</u></b>	
Docket No. <b>15-0700-0001</b> Notice Of Legislative Action.....	34
<b><u>IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE</u></b>	
<b>16.04.05 - RULES GOVERNING RESPITE CARE SERVICES</b> Docket No. <b>16-0405-0001</b> Notice Of Temporary And Proposed Rules (Repeal).....	35

<b>16.04.09 - RULES GOVERNING DEVELOPMENTAL DISABILITIES IN-HOME FINANCIAL ASSISTANCE</b> Docket No. <b>16-0409-0001</b> Notice Of Temporary And Proposed Rules (Repeal).....	36
<b><u>IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT</u></b>	
<b>39.03.22 - RULES GOVERNING OVERLEGAL PERMITS FOR EXTRA-LENGTH VEHICLE COMBINATIONS</b> Docket No. <b>39-0322-9901</b> Notice Of Final Rule .....	37
<b><u>IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS</u></b>	
<b>46.01.01 - RULES OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS</b> Docket No. <b>46-0101-0001</b> Notice Of Temporary And Proposed Rule .....	38
Docket No. <b>46-0101-0002</b> Temporary And Proposed (Fee) Rule.....	50
<b><u>IDAPA 55 - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION</u></b>	
<b>55.01.03 - RULE GOVERNING PERKINS TITLE III SECONDARY FUNDING FORMULA WAIVER</b> Docket No. <b>55-0103-0001</b> Notice Of Temporary And Proposed Rule (Repeal) .....	78
<b><u>IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY</u></b>	
Docket No. <b>58-0000-0001</b> Notice Of Legislative Action.....	79
<b>58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO</b> Docket No. <b>58-0101-9902</b> (Originally Published As <b>16-0101-9902</b> ) Notice Of Proposed Rule.....	80
<b>58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS</b> Docket No. <b>58-0108-0001</b> Notice Of Proposed Rule.....	97
<b>58.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES</b> Docket No. <b>58-0109-0001</b> Notice Of Negotiated Rulemaking .....	101
<b><u>IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO</u></b>	
<b>59.01.03 - CONTRIBUTION RULES OF PERSI</b> Docket No. <b>59-0103-9902</b> Notice Of Rescission Of Temporary Rule.....	102
Docket No. <b>59-0103-9903</b> Notice Of Pending Rule.....	103

Docket No. **59-0103-0001**  
Notice Of Temporary And Proposed Rule .....104

**59.01.05 - SEPARATION FROM SERVICE RULES OF PERSI**  
Docket No. **59-0105-9901**  
Notice Of Pending Rule.....107

**59.01.07 - MISCELLANEOUS RULES OF PERSI**  
Docket No. **59-0107-9901**  
Notice Of Pending Rule.....108

**SUBJECTS AFFECTED INDEX .....109**

**BULLETIN SUMMARY OF PROPOSED RULEMAKINGS .....111**

**CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES .....114**

**SUBJECT INDEX .....223**

# Preface

*The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.*

*State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of a rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rulemaking activities.*

## **CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN**

*The Bulletin is cited by year and issue number. For example, Bulletin 99-1 refers to the first Bulletin issued in calendar year 1999, Bulletin 00-1 refers to the first Bulletin issued in calendar year 2000, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 1999 is cited as Volume 99-1, the December 1998 Bulletin is cited as Volume 98-12. The March 2000 Bulletin is cited as Volume 00-3.*

## **RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE**

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been adopted and approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are not printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rulemaking**, printed in each Bulletin.*

## **TYPES OF RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN**

*The state of Idaho administrative rulemaking process comprises five distinct activities; Proposed, Negotiated, Temporary, Pending, and Final rulemaking. In the majority of cases, the process begins with proposed rulemaking and ends with final rulemaking. The following is a brief explanation of each type of administrative rule.*

### **NEGOTIATED RULE**

*Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the content of the rule. Agencies are encouraged to proceed through this informal rulemaking whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the*

rulemaking to the temporary and/or proposed rule stage.

### **PROPOSED RULE**

*A proposed rulemaking is an action by an agency in which 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 proposed rulemaking in the Bulletin. The notice of proposed rulemaking must include:*

- a) the specific statutory authority for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for 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) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) 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;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

*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 proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.*

### **TEMPORARY RULE**

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

- a) the 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 any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule.*

*A temporary rule expires at the conclusion of the next succeeding regular session of the legislature unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.*

*In cases where the text of the temporary rule is the same as that of the proposed rule, the rulemaking can be done concurrently as a temporary/proposed rule. State law requires that the text of a proposed or temporary rule be published in the Administrative Bulletin. Combining the rulemaking allows for a single publication of the text.*

*An agency may rescind a temporary rule that has been adopted and is in effect if the rule is being replaced by a new temporary rule or has been published concurrently with a proposed rulemaking that is being vacated.*

### **PENDING RULE**

*A pending rule is a rule that has been adopted by an agency under the regular rulemaking process 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 Pending Rule. This includes:*

- a) 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*
- d) an identification of any portion of the rule imposing or increasing a fee or charge.*

*Agencies are required to republish the text of the 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 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 Section(s) 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 Pending Rule is published.*

### **FINAL RULE**

*A final rule is a rule that has been adopted by an agency under the regular rulemaking process and is in effect.*

*No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that the agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution will be adopted rejecting, amending, or modifying the rule or any part thereof. A Notice of Final Rule must be published in the Idaho Administrative Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended, or modified will become final with no further legislative action. No rule shall 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 which is final and effective may be applied retroactively, as provided in the rule.*

### **AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

*The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, Ricks College Library, and Northwest Nazarene College Library.*

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## SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, 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 Administrative Bulletin* is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

*The Administrative Code*, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

*Individual Rule Chapters* and *Individual Rulemaking Dockets*, are specific portions of the Bulletin and Administrative Code produced on demand.

*Internet Access* - The Administrative Code and Administrative Bulletin, as well as individual chapters and dockets, are available on the Internet at the following address:

<http://www.state.id.us/> - from Idaho Home Page select "Legislation" then "Administrative Rules" link.

**EDITOR'S NOTE:** All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 332-1820.

## 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 system. 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 with a number of subsections. An example IDAPA number is as follows:

### **IDAPA 38.05.01.060.02.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.

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Subsection 060.02.c.

"ii." refers to Subsection 060.02.c.ii.

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## DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-9901). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

### "DOCKET NO. 38-0501-9901"

"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).

"9901" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rulemaking action of the chapter published in calendar year 1999.

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)"**

## INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

**"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."**

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

**"...in accordance with IDAPA 38.05.01.201."**

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

**"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"**

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2000

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
00-1	January, 2000	<b>*November 17, 1999</b>	January 5, 2000
00-2	February, 2000	December 22, 1999	February 2, 2000
00-3	March, 2000	January 19, 2000	March 1, 2000
00-4	April, 2000	February 23, 2000	April 5, 2000
00-5	May, 2000	March 22, 2000	May 3, 2000
00-6	June, 2000	April 19, 2000	June 7, 2000
00-7	July, 2000	May 24, 2000	July 5, 2000
00-8	August, 2000	June 21, 2000	August 2, 2000
00-9	September, 2000	July 19, 2000	September 6, 2000
00-10	October, 2000	<b>**August 22, 2000</b>	October 4, 2000
00-11	November, 2000	September 20, 2000	November 1, 2000
00-12	December, 2000	October 25, 2000	December 6, 2000

## BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2001

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
01-1	January, 2001	<b>*November 15, 2000</b>	January 3, 2001
01-2	February, 2001	December 20, 2000	February 7, 2001
01-3	March, 2001	January 24, 2001	March 7, 2001
01-4	April, 2001	February 21, 2001	April 4, 2001
01-5	May, 2001	March 21, 2001	May 2, 2001
01-6	June, 2001	April 18, 2001	June 6, 2001
01-7	July, 2001	May 23, 2001	July 4, 2001
01-8	August, 2001	June 20, 2001	August 1, 2001
01-9	September, 2001	July 18, 2001	September 5, 2001
01-10	October, 2001	<b>**August 22, 2001</b>	October 3, 2001
01-11	November, 2001	September 19, 2001	November 7, 2001
01-12	December, 2001	October 24, 2001	December 5, 2001

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

*\*\*Last day to submit proposed rules in order to complete rulemaking for review by legislature.*

<b>INDEX OF STATE AGENCY IDAPA NUMBERS AND ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
<b>IDAPA 01</b>	<b>ACCOUNTANCY</b> , Board of	<b>VOLUME 1</b>
<b>IDAPA 38</b>	<b>ADMINISTRATION</b> , Department of	<b>VOLUME 8</b>
<b>IDAPA 44</b>	<b>ADMINISTRATIVE RULES COORDINATOR</b> , Office of the	<b>VOLUME 8</b>
<b>IDAPA 02</b>	<b>AGRICULTURE</b> , Idaho Department of	<b>VOLUME 1</b>
<b>IDAPA 40</b>	<b>ARTS</b> , Idaho Commission on the	<b>VOLUME 8</b>
<b>IDAPA 03</b>	<b>ATHLETIC COMMISSION</b>	<b>VOLUME 1</b>
<b>IDAPA 04</b>	<b>ATTORNEY GENERAL</b> , Office of the	<b>VOLUME 1</b>
<b>IDAPA 53</b>	<b>BARLEY COMMISSION</b> , Idaho	<b>VOLUME 9</b>
<b>IDAPA 51</b>	<b>BEEF COUNCIL</b> , Idaho	<b>VOLUME 9</b>
<b>IDAPA 07</b>	<b>BUILDING SAFETY</b> , Division of Electrical Board Plumbing Board Building Code Advisory Board Public Works Contractors License Board	<b>VOLUME 1</b>
<b>IDAPA 43</b>	<b>CANOLA AND RAPESEED COMMISSION</b> , Idaho	<b>VOLUME 8</b>
<b>IDAPA 48</b>	<b>COMMERCE</b> , Idaho Department of	<b>VOLUME 8</b>
<b>IDAPA 06</b>	<b>CORRECTION</b> , Board of	<b>VOLUME 1</b>
<b>IDAPA 19</b>	<b>DENTISTRY</b> , Board of	<b>VOLUME 6</b>
<b>IDAPA 08</b>	<b>EDUCATION</b> , Board of	<b>VOLUME 2</b>
<b>IDAPA 10</b>	<b>ENGINEERS AND LAND SURVEYORS</b> , Board of Professional	<b>VOLUME 2</b>
<b>IDAPA 58</b>	<b>ENVIRONMENTAL QUALITY</b> , Department of	<b>VOLUME 9</b>
<b>IDAPA 12</b>	<b>FINANCE</b> , Department of	<b>VOLUME 2</b>
<b>IDAPA 13</b>	<b>FISH AND GAME</b> , Department of	<b>VOLUME 2</b>
<b>IDAPA 14</b>	<b>GEOLOGISTS</b> , Board of Registration of Professional	<b>VOLUME 2</b>
<b>IDAPA 15</b>	<b>GOVERNOR</b> , Office of the Idaho Commission on Aging Idaho Commission for the Blind Idaho Forest Products Commission Division of Human Resources and Personnel Commission Division of Veterans Services Idaho Liquor Dispensary Emergency Response Commission	<b>VOLUME 3</b>

<b>INDEX OF STATE AGENCY IDAPA NUMBERS AND ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
<b>IDAPA 16</b>	<b>HEALTH AND WELFARE</b> , Department of	<b>VOLUMES 3, 4, &amp; 5</b>
<b>IDAPA 45</b>	<b>HUMAN RIGHTS COMMISSION</b>	<b>VOLUME 8</b>
<b>IDAPA 30</b>	<b>IDAHO STATE LIBRARY</b>	<b>VOLUME 7</b>
<b>IDAPA 11</b>	<b>IDAHO STATE POLICE</b> (Law Enforcement)	<b>VOLUME 2</b>
<b>IDAPA 17</b>	<b>INDUSTRIAL COMMISSION</b>	<b>VOLUME 5</b>
<b>IDAPA 18</b>	<b>INSURANCE</b> , Department of	<b>VOLUME 5</b>
<b>IDAPA 05</b>	<b>JUVENILE CORRECTIONS</b> , Department of	<b>VOLUME 1</b>
<b>IDAPA 09</b>	<b>LABOR</b> , Idaho Department of	<b>VOLUME 2</b>
<b>IDAPA 20</b>	<b>LANDS</b> , Department of	<b>VOLUME 6</b>
<b>IDAPA 52</b>	<b>LOTTERY COMMISSION</b> , Idaho State	<b>VOLUME 9</b>
<b>IDAPA 22</b>	<b>MEDICINE</b> , Board of	<b>VOLUME 6</b>
<b>IDAPA 23</b>	<b>NURSING</b> , Board of	<b>VOLUME 6</b>
<b>IDAPA 24</b>	<b>OCCUPATIONAL LICENSES</b> , Board of Board of Architectural Examiners Board of Barber Examiners Board of Chiropractic Physicians Board of Cosmetology Board of Environmental Health Specialist Examiners Board of Hearing Aid Dealers and Fitters Board of Landscape Architects Board of Morticians Board of Examiners of Nursing Home Administrators Board of Optometry Board of Podiatry Board of Psychologist Examiners Board of Social Work Examiners Idaho Counselor Board Board of Denturity Board of Acupuncture Real Estate Appraiser Board Board of Residential Care Facility Administrators	<b>VOLUME 6</b>
<b>IDAPA 25</b>	<b>OUTFITTERS AND GUIDES LICENSING BOARD</b>	<b>VOLUME 6</b>
<b>IDAPA 50</b>	<b>PARDONS AND PAROLE</b> , Commission for	<b>VOLUME 9</b>
<b>IDAPA 26</b>	<b>PARKS AND RECREATION</b> , Department of	<b>VOLUME 6</b>
<b>IDAPA 59</b>	<b>PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO - PERSI</b>	<b>VOLUME 9</b>
<b>IDAPA 27</b>	<b>PHARMACY</b> , Board of	<b>VOLUME 6</b>

<b>INDEX OF STATE AGENCY IDAPA NUMBERS AND ADMINISTRATIVE CODE VOLUME NUMBERS</b>		
<b>IDAPA 29</b>	<b>POTATO COMMISSION, Idaho</b>	<b>VOLUME 7</b>
<b>IDAPA 31</b>	<b>PUBLIC UTILITIES COMMISSION</b>	<b>VOLUME 7</b>
<b>IDAPA 41</b>	<b>PUBLIC HEALTH DISTRICTS</b>	<b>VOLUME 8</b>
<b>IDAPA 33</b>	<b>REAL ESTATE COMMISSION</b>	<b>VOLUME 7</b>
<b>IDAPA 34</b>	<b>SECRETARY OF STATE, Office of the</b>	<b>VOLUME 7</b>
<b>IDAPA 49</b>	<b>SHORTHAND REPORTERS, Board of Certified</b>	<b>VOLUME 8</b>
<b>IDAPA 36</b>	<b>TAX APPEALS, Idaho Board of</b>	<b>VOLUME 7</b>
<b>IDAPA 35</b>	<b>TAX COMMISSION, State</b>	<b>VOLUME 7</b>
<b>IDAPA 39</b>	<b>TRANSPORTATION, Department of</b>	<b>VOLUME 8</b>
<b>IDAPA 54</b>	<b>TREASURER, Office of the State</b>	<b>VOLUME 9</b>
<b>IDAPA 46</b>	<b>VETERINARY MEDICAL EXAMINERS, Board of</b>	<b>VOLUME 8</b>
<b>IDAPA 55</b>	<b>VOCATIONAL AND TECHNICAL EDUCATION, Division of</b>	<b>VOLUME 9</b>
<b>IDAPA 47</b>	<b>VOCATIONAL REHABILITATION, Division of</b>	<b>VOLUME 8</b>
<b>IDAPA 37</b>	<b>WATER RESOURCES, Department of</b>	<b>VOLUME 8</b>
<b>IDAPA 42</b>	<b>WHEAT COMMISSION, Idaho</b>	<b>VOLUME 8</b>

**THE OFFICE OF THE GOVERNOR**

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

**EXECUTIVE ORDER NO. 2000-02**

**ESTABLISH THE CAPITOL MALL AREA AS A WEAPON FREE ZONE  
REPEALING AND REPLACING EXECUTIVE ORDER NO. 96-03**

WHEREAS, the safety and protection of the public, employees of state government and elected officials is a vital concern; and

WHEREAS, continuing access for the public to state government offices located within the Capitol Mall Area is a high priority; and

WHEREAS, current state laws provide for safety and protection from the potential threats of weapons in the work environment for the public, local government employees and elected officials in city and county buildings; and

WHEREAS, it is in the best interests of the general public, employees and state officials and the efficient and safe operation of state government to ensure the highest level of safety in the Capitol Mall Area; and

WHEREAS, there is currently no restriction on the possession of weapons in the Capitol Mall Area;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the state of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order as follows:

1. Unless expressly exempted below, possession of a weapon in the Capitol Mall Area by any individual at any time is expressly prohibited.
2. The following individuals are exempt from this Executive Order:
  - a. State Elected Officials;
  - b. Peace officers as defined in Idaho Code, Section 19-5101;
  - c. Criminal investigators of the attorney general's office or a county prosecuting attorney's office; and
  - d. Individuals or organizations displaying weapons as part of a historical or cultural presentation who have received written permission from the Office of the Governor.
  - e. Law enforcement officials authorized to carry a firearm under federal statute.
3. The term "weapon" means: (1) any type of firearm or (2) any knife or similar object which has a blade in excess of six (6) inches in length.
4. "Capitol Mall Area" means: the Statehouse, Joe R. Williams Building (700 West State Street); Len B. Jordan Building (650 West State Street); State Parking Garage (550 West State Street) and the Towers Building (450 West State Street), including all underground tunnels which provide a walkway between these buildings.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise the Capital, this fifteenth day of May, in the year of our Lord two-thousand, and of the Independence of the United States of America the two hundred twenty-fourth, and of the Statehood of Idaho the one hundred tenth.

\_\_\_\_\_  
DIRK KEMPTHORNE  
GOVERNOR

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PETE T. CENARRUSA  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

**EXECUTIVE ORDER NO. 2000-03**

**CONTINUING THE IDAHO CRIMINAL JUSTICE COUNCIL AND THE DRUG POLICY BOARD  
FOR THE STATE AND LOCAL ASSISTANCE FOR NARCOTICS CONTROL PROGRAM,  
REPEALING AND REPLACING EXECUTIVE ORDER 99-07**

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*WHEREAS, combating crime and protecting citizens from criminal depredation is of vital concern to government; and*

*WHEREAS, it is in the best interests of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, create partnerships among criminal justice professionals to achieve this effectiveness and efficiency; and*

*WHEREAS, communication and cooperation among the various facets of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and*

*WHEREAS, under provisions of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, established under the Omnibus Crime Control and Safe Streets Act of 1968, each state is strongly encouraged to establish a drug policy board to serve as a forum for communication and a structure for coordination, with responsibility for development of a statewide drug control strategy; and*

*WHEREAS, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, and the Violence Against Women Act of 1994, each state is encouraged to develop and implement a competitive mechanism for award of certain federal grant funds;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, do hereby continue the Idaho Criminal Justice Council and charge this body with the responsibility to facilitate communication among criminal justice professionals, to improve professionalism, create partnerships, and to improve cooperation and coordination at all levels of the criminal justice system, and to disburse such grant funding as may come within its purview with the overall mission of reducing crime in Idaho. Designated representatives of the Idaho Criminal Justice Council, in conjunction with individuals representing state and local officials, components of the criminal justice system, education, and treatment, shall comprise the Idaho Drug Policy Advisory Board, and will actively participate in development of the statewide drug control strategy.*

*The Idaho Criminal Justice Council shall consist of seventeen (17) members comprised of the following representatives (or their designees) who shall serve at the pleasure of the Governor:*

*The Attorney General of the State of Idaho  
The Chief Justice of the Idaho Supreme Court  
The Director of the Idaho Department of Correction  
The Director of the Idaho Department of Law Enforcement  
The Director of the Idaho Department of Juvenile Corrections  
Two (2) Chiefs of Police  
Two (2) Sheriffs  
Two (2) Prosecuting Attorneys  
One (1) representative of the Idaho Council on Domestic Violence  
The State Appellate Public Defender  
One (1) representative of the juvenile justice system  
One (1) representative of private security organizations  
Two (2) citizens-at-large*

*The Idaho Drug Policy Advisory Board shall consist of twelve (12) members comprised of the following*

*representatives (or their designees) who shall serve at the pleasure of the Governor:*

*Four (4) members of the Idaho Criminal Justice Council*  
*One (1) state narcotics officer*  
*One (1) county narcotics officer*  
*One (1) city narcotics officer*  
*One (1) Health and Physical Education Representative from the Idaho Department of Education*  
*One (1) Representative of the Parents and Youth Against Drug Abuse Program*  
*One (1) Prevention Education Specialist from the Idaho Department of Health and Welfare*  
*The state narcotics/drug education officer*  
*The Law Enforcement Coordinating Council Coordinator*

*This Executive Order shall cease to be effective four years after its entry into force.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on the 14<sup>th</sup> day of February in the year of our Lord two-thousand and of the Independence of the United States of America the two hundred twenty-fourth and of the Statehood of Idaho the one hundred tenth.*

\_\_\_\_\_  
**DIRK KEMPTHORNE**  
**GOVERNOR**

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**PETE T. CENARRUSA**  
**SECRETARY OF STATE**

# THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

## EXECUTIVE ORDER NO. 2000-04

### ASSIGNMENTS OF ALL-HAZARD MITIGATION, PREPAREDNESS, RESPONSE AND RECOVERY FUNCTIONS TO STATE AGENCIES IN SUPPORT OF LOCAL AND STATE GOVERNMENT PRIOR TO AND DURING EMERGENCIES AND DISASTERS. REPEALING AND REPLACING EXECUTIVE ORDER NO. 96-01

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WHEREAS, widespread disaster resulting from floods, fires, storms, earthquakes, hazardous materials, tornadoes, landslides, mudslides, drought, explosions, riot, hostile military actions, terrorism and the potential use of Weapons of Mass Destruction (WMD), or other catastrophe is an ever present possibility in the State; and

WHEREAS, Chapter 10, Title 46, Idaho Code requires the protection of lives and property of the residents of the State in any type of natural or man-made disaster emergency or threat that might conceivably confront the state; and

WHEREAS, local governments accomplish the primary delivery of emergency services in Idaho, and community volunteers including fire, ambulance, rescue, planning and training, deliver 85% of these emergency services; and

WHEREAS, the role of state government should be to support and enhance local community emergency response efforts, including focusing state agency activities on supporting regional and community needs throughout Idaho; and

WHEREAS, the Legislature has directed the development of such state disaster mitigation, preparedness, response, and recovery plans; and

WHEREAS, effective state mitigation, preparedness, response, and recovery planning requires the identification of functions that would be performed during such emergencies, and the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, Dirk Kempthorne, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State, and in accordance with the provisions of Sections 46-601 and 46-1008, Idaho Code, do hereby assign emergency mitigation, preparedness, response, and recovery functions to the various agencies. Each department and agency with essential functions, whether expressly identified in this Order or not, shall:

I. COORDINATING INSTRUCTION

A. Office of the Adjutant General, Chief, Bureau of Disaster Services

1. Coordinate emergency management activities of all state agencies on behalf of the Governor. (Section 46-1006, Idaho Code).
2. Provide executive supervision and policy guidance to the state Director/Coordinator, Bureau of Disaster Services.
3. Order into active service of the state, the National Guard or any part thereof as directed by the Governor in the event a state of an extreme emergency is declared. (Section 46-601, Idaho Code).
4. Chair the State Domestic Preparedness Council for the purpose of developing a single cohesive strategy for the use of federal terrorism and WMD grants awarded to the State of Idaho.

B. State Director, Bureau of Disaster Services

1. *Coordinate state and federal emergency response, recovery and mitigation operations during emergencies and disasters. Provide technical support to local jurisdictions involved in local emergencies and disasters that do not require state human and material resources.*
2. *Establish and maintain a State Emergency Operations Center for directing the coordination of emergency operations.*
3. *Develop and coordinate the preparation and implementation of plans and programs for mitigation to prevent or reduce the harmful consequences of disasters in accordance with section 46-1006(1), Idaho Code.*
4. *Ensure state and local preparedness, response and recovery plans are consistent with national plans and programs. Ensure state agency plans are consistent with the state's emergency management goals and procedures.*
5. *Coordinate mutual support between the state government and federal agencies.*
6. *Coordinate all requests from state and local governments for disaster emergency assistance.*
7. *Coordinate the use of state emergency communications and warning systems. Develop, administer and integrate the state Radio Amateur Civil Emergency Service (RACES) and other volunteer communications programs into a state system or network in accordance with Section 46-1013, Idaho Code.*
8. *In coordination with the Governor's Press Secretary and/or Communications Director, coordinate and administer the Public Information Emergency Response (PIER) Team program in support of state and local emergency and disaster public information preparedness, emergency evacuation, response and recovery objectives.*
9. *Function as the single point of contact with the National Domestic Preparedness Office for terrorism issues. Coordinate the integration of state terrorism and WMD plans into annexes in the State Emergency Operations Plan.*

**II. GENERAL ASSIGNMENTS** Each State Agency will:

A. *Appoint at least one state agency emergency coordinator to train, exercise and participate in the State Emergency Management Program to facilitate emergency support and logistics in response to emergencies and disasters. Larger departments will, by necessity, need to appoint subdivision emergency coordinators to report to the agency emergency coordinator. Provide the names, addresses and phone numbers of agency emergency coordinators to the Bureau of Disaster Services.*

B. *Develop and maintain disaster emergency operations plans to carry out the agency's response and recovery support functions. Agency plans will assign disaster emergency duties to all subdivisions and personnel. Plans will be kept current and a copy placed on file in the office of the Bureau of Disaster Services. Each state agency is required to develop and maintain a business resumption plan that explains how the agency will resume business if components of the agency are damaged by natural or man-made disaster. A copy of the current business resumption plan should be kept on file at the Bureau of Disaster Services in case the state infrastructure is affected by disaster or terrorism.*

C. *During normal daily operations, agencies should notify the Bureau of Disaster Services of any significant event, incident, emergency or disaster, impacting the ability of government to provide public services within the State of Idaho. The Bureau of Disaster Services will notify the Governor's office through the Adjutant General, Chief, Bureau of Disaster Services.*

D. *Assign appropriate personnel to the State Emergency Operations Center when requested by the Bureau of Disaster Services. Activation of the State Emergency Operations Center may require involvement of agency directors, emergency coordinators, and other agency personnel.*

E. *Provide coordination assistance and support during disaster and emergency operations as required by the Idaho Emergency Operations Plan and the Federal Response Plan. Agency support will include making resources and facilities available for essential emergency use.*

F. *Grant and/or use waivers in accordance with the applicable provisions of the Idaho Code for necessary disaster emergency response and recovery operations.*

G. Provide full cooperation and support to those agencies that are assigned specific primary support roles in disaster mitigation, preparedness, response and recovery activities.

H. When requested, provide agency incident reports to the Bureau of Disaster Services describing the reporting agency's disaster emergency activities including the area of impact, impact on life and property, level of an agency's commitment, requests for assistance from local government, federal agencies participating in response or recovery, and resource shortfalls. Agency incident reports should be provided at least once every 24 hours in coordination with other Bureau of Disaster Services situation reporting requirements.

I. Upon request and/or upon completion of emergency and disaster operations, compile and submit financial reports in the format designated by the Bureau of Disaster Services that accurately reflect the costs to your agency for providing emergency services. Expenditures will include costs for staff time, travel, major supplies and equipment, and costs, which are a direct result of emergency management activities.

J. Provide supporting data for federal assistance applications and other mitigation, preparedness, response and recovery activities when requested by the Bureau of Disaster Services.

K. Train divisional personnel to meet state emergency response and recovery objectives as coordinated by the Bureau of Disaster Services.

L. Support the coordination of emergency services training through the Bureau of Disaster Services Training Advisory Board. When possible, coordinate training in emergency services for state agency employees, agents or volunteers with the Division of Professional-Technical Education. The Division shall provide information on that training to all interested agencies to enable those other agencies to participate in that training; thereby benefiting from the cost savings of a consolidated and coordinated statewide training program for all state emergency service agencies.

M. Coordinate any agreement or memorandum of understanding that incorporates emergency or disaster mitigation, preparedness, response, and recovery functions with the Bureau of Disaster Services. Such agreements or understandings will be integrated as part of the State Emergency plan.

N. Provide Public Information Officers for Bureau of Disaster Services public information officer training and exercises in preparation for disaster response and recovery operations.

O. Public Information Officers of each state agency are collaterally assigned to the state's PIER Team Program during emergencies and disasters. PIER Team members provide a level of public information expertise not otherwise available to state and local jurisdictions. Public Information Officers will train and exercise quarterly under the auspices of the Bureau of Disaster Services. When emergencies and disasters occur, PIER Teams will be deployed, when necessary, to the State Emergency Operations Center, Joint Information Centers, field support offices and/or local jurisdictions.

### **III. SPECIFIC ASSIGNMENTS**

#### **A. OFFICE OF THE ATTORNEY GENERAL**

1. Provide legal advice and assistance to all executive officers of state government and to all offices or agencies of the state regarding any question of law relating to their respective functions.
2. Provide consumer protection advice and assistance in response and recovery phases of a disaster.

#### **B. DEPARTMENT OF ADMINISTRATION**

1. Prepare communication and warning studies to improve emergency communications, and assist in the development and implementation of disaster emergency plans for use of all non-military communications and warning systems within the state.
2. Assist other state and local agencies in procuring communications and warning equipment required to fulfill emergency responsibilities. Maintain an inventory and coordinate the

- availability of mobile and portable radios between state agencies.
3. Promote and develop mitigation strategies to prevent or reduce damage as a result of disasters for state owned or leased buildings and structures in coordination with the State Hazard Mitigation Officer at the Bureau of Disaster Services, the Idaho Department of Transportation and the Division of Building Safety.
  4. Provide personnel for damage assessment and damage survey teams in cooperation with the Idaho Transportation Department and Division of Building Safety.
  5. Supervise and coordinate the procurement of construction equipment and personnel as it pertains to essential facilities, housing and sanitation in conjunction with the Idaho Transportation Department.
  6. Provide state and local governments with emergency contractual assistance and guidance.
  7. Provide for the expanded security of the Capitol Mall Complex and state-owned or leased facilities, when required.
  8. Coordinate with all state agencies to provide administrative support to the Bureau of Disaster Services when the state EOC is activated. Administrative personnel may be required to work 12-hour shifts to support disaster emergency response and recovery operations. With the concurrence of the Bureau of Disaster Services, following a fiscal evaluation, the Department of Administration may engage administrative support labor through temporary services agencies for a limited period of time.
  9. Assist in meeting agency needs relative to losses of state properties and or liability coverage, assignment of adjusters and submission of claims. Submit copies of claims against the State of Idaho as a result of a disaster to the Bureau of Disaster Services.

**C. DEPARTMENT OF AGRICULTURE**

1. Act as the primary support agency for mitigation, preparedness, response and recovery activities as they pertain to agricultural issues.
2. Act as the primary support agency for securing information concerning agricultural issues during disaster emergencies.
3. Coordinate with local officials for the evacuation of domestic livestock and other animals, and the establishment of an evacuation reception area for appropriate animal care.
4. Coordinate feeding requirements and care arrangements for livestock and other animals evacuated, lost, or abandoned as a result of disaster.
5. Coordinate dead animal removal.
6. Assist with incident response and recovery activities when chemicals, including pesticides, chemical agents and biological agents are suspected or involved.
7. Provide technical assistance concerning livestock health, disease control and preventive medicine.
8. Facilitate the distribution of medical supplies for livestock and other animals.
9. Inspect feed to ensure it is safe for livestock consumption.
10. Provide toxicological and other technical data on pesticides, fertilizers, plant and soil amendments and other chemicals to response personnel and the public.
11. Assist with the disposal of unusable pesticides, fertilizers and plant or soil amendments and help coordinate the transportation of these materials.
12. Provide personnel for damage assessments of commodity warehouses, potato storage facilities, livestock waste lagoon and/or soil sediment pond breaks.
13. Provide programmatic assistance through the Idaho State Department of Agriculture (ISDA) and the State Soil Conservation Commission (SCC) for resumption of agricultural practices and Best Management Practices (BMP) for environmental and economic well being of the state.
14. Provide trained ISDA/SCC personnel for agricultural and conservation damage assessment damage survey teams on private and state lands.

**D. STATE CONTROLLER**

1. Initiate the warrant payment process in order to fulfill fiscal obligations resulting from goods and services supplied by state agencies during emergency response and recovery operations.
2. Fulfill fiscal obligations to the extent possible that monies exist in the state treasury.

3. *During state response to emergencies and disasters, advise the Division of Financial Management and the Bureau of Disaster Services any time the disaster emergency account is inadequate to meet obligations and expenses provided by Section 46-1005A, Idaho Code.*
- E. **DEPARTMENT OF COMMERCE**
1. *Act as the primary support agency for mitigation, preparedness, response and recovery activities related to economic injury/losses as a result of disasters.*
  2. *Provide an economic impact analysis of the effects of disasters or emergencies when requested by the Bureau of Disaster Services or other state agencies.*
  3. *Provide assistance to local government as coordinated by the Bureau of Disaster Services.*
- F. **DEPARTMENT OF CORRECTIONS**
1. *Provide personnel for emergency response and recovery assistance.*
- G. **STATE BOARD OF EDUCATION**
1. *State Department of Education*
    - a) *Coordinate the development of emergency disaster plans for all local school district buildings to ensure the safety of school populations in time of emergency.*
    - b) *Assist local school districts and other qualifying agencies to develop a policy for the use of buses in an emergency.*
    - c) *Prior to and after disasters affecting school facilities, promote mitigation activities to reduce the risk from structural and nonstructural hazards in school facilities in coordination with the State Hazard Mitigation Officer at the Bureau of Disaster Services.*
    - d) *Assist in coordinating activities for damage assessments and damage surveys for school facilities.*
    - e) *Provide personnel to assist with damage assessment of public school facilities.*
    - f) *Coordinate the utilization of school facilities for reception, shelter and mass feeding during natural or man-made disasters.*
  2. *The Office of the State Board of Education*
    - a) *Coordinate the development of emergency disaster plans for colleges, universities and area vocational-technical facilities to ensure the safety of school populations in time of emergency.*
    - b) *In coordination with the State Hazard Mitigation Officer at the Bureau of Disaster Services, promote mitigation activities to reduce the risk from structural and nonstructural hazards in colleges, universities and area vocational-technical facilities.*
    - c) *Assist in coordinating activities for damage assessments and damage surveys for higher educational and area vocational-technical facilities.*
    - d) *Provide personnel to assist damage assessment of colleges, universities and area vocational-technical facilities.*
    - e) *Coordinate the utilization of colleges, universities and area vocational-technical facilities for reception, shelter and mass feeding during natural or man-made disasters.*
    - f) *Provide academic personnel for assessment of hazards and for coordinating the activities of investigators for scientific research.*
  3. *Idaho State Historical Society/State Historic Preservation Officer*
    - a) *Promote mitigation activities to reduce the potential loss of the state's historic and cultural resources as a result of natural hazards.*
    - b) *In coordination with the Bureau of Disaster Services, conduct damage assessments, surveys and reviews of historic and cultural resources in areas affected by disasters.*
    - c) *Coordinate activities under Section 106 of the National Historic Preservation Act*

*concerning emergency repairs and recovery projects in those areas affected by disasters.*

**H. IDAHO DEPARTMENT OF LABOR**

1. *Report the number of unemployed individuals as a result of a disaster emergency to the Bureau of Disaster Services.*
2. *Provide unemployment insurance claims service for disaster victims.*
3. *Provide re-employment assistance to unemployed individuals affected by a disaster emergency.*

**I. DEPARTMENT OF FISH AND GAME**

1. *Provide personnel to be used as auxiliary police during emergencies.*
2. *Assist in search and rescue operations.*
3. *Assess environmental impact of proposed emergency operations and suggest alternative methods or actions to minimize environmental damage.*
4. *Provide personnel for damage assessment and damage survey teams.*
5. *Provide emergency communications.*

**J. DEPARTMENT OF HEALTH AND WELFARE**

1. *Coordinate emergency medical and health services throughout the state. Such responsibilities include development of general plans for public health and sanitation; emergency medical assistance; identification and mortuary services; mass care and feeding management; crisis counseling; emergency social services; evacuation of sick and injured; and use of hospitals and other medical facilities.*
2. *Support implementation of the state's Individual and Family Grant, Crisis Counseling and Community Relations programs during a presidentially declared disaster under the auspices of the Bureau of Disaster Services.*
3. *Provide damage assessment and survey team personnel for health and welfare-related functional activities.*
4. *Provide food stamp and disaster welfare services.*
5. *Provide staff personnel to work in the State Emergency Operations Center and field support centers. Provide personnel to work in the Disaster Field Office during federally declared disasters.*
6. *Develop a plan for use of personnel and equipment on a regional basis.*
7. *Through the Emergency Medical Services/State Communications, monitor the National Warning System (NAWAS) until relieved by the Bureau of Disaster Services. Provide emergency communications support, as coordinated by the Bureau of Disaster Services.*

**K. DIVISION OF ENVIRONMENTAL QUALITY**

1. *Assess supplies of potable water and coordinate potable water resources with other state agencies.*
2. *Assess environmental impact of proposed emergency operations and suggest alternative methods or actions to minimize environmental damage.*
3. *Provide staff personnel to work in the State Emergency Operations Center, and/or field support offices. Provide personnel to work in the Disaster Field Office during federally declared disasters.*
4. *Develop a plan for use of personnel and equipment on a regional basis.*

**L. DEPARTMENT OF INSURANCE**

1. *Provide insurance counseling services for disaster victims.*
2. *Prepare required insurance certifications for federal disaster assistance.*
3. *Provide personnel to perform fire and explosion investigations and to assist with prosecution as required. Provide personnel to perform building inspections with regard to fire safety appliances and nonstructural built in fire protection.*

*M. DIVISION OF BUILDING SAFETY*

- 1. Provide personnel for damage assessment and damage survey teams.*
- 2. Promote and develop mitigation activities in conjunction with the Departments of Administration and Education and the Bureau of Disaster Services.*

*N. IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY OVERSIGHT PROGRAM (INEEL-OP)*

- 1. Act as the primary technical support agency to the Bureau of Disaster Services for mitigation, preparedness, response and recovery activities as they pertain to all radiological issues.*
- 2. Perform radiological hazard assessment and dose evaluations, dispersion/dose modeling, and protective action guideline development in support of state preparedness and response to radiological releases from INEEL.*
- 3. Coordinate state and local emergency planning efforts concerning INEEL radiological hazards with the Bureau of Disaster Services.*
- 4. Perform as state technical liaison to the U.S. Department of Energy, the U.S. Nuclear Regulatory Commission, and the U.S. Environmental Protection Agency for radiological emergencies involving regulated materials and U.S. Department of Energy facilities and transportation.*
- 5. Provide radiation control and protection guidance and support to all state and local emergency responders upon request.*
- 6. Upon request of the Bureau of Disaster Services, provide radiological monitoring using specialized instrumentation and coordinate emergency sample analysis with Idaho State University.*
- 7. Assist the Bureau of Disaster Services in updating the INEEL Fixed Nuclear Facility Emergency Response Plan.*

*O. DEPARTMENT OF LANDS*

- 1. Develop and direct the state's mitigation, preparedness, response and recovery activities for state endowment lands.*
- 2. Cooperate with federal, state, and local governments in developing plans for and directing activities relating to the prevention and control of wildland and urban/wildland interface fires.*
- 3. Develop plans and direct activities for the emergency protection, management and utilization of land resources, under the Department of Land's jurisdiction.*
- 4. Provide emergency communications assistance.*
- 5. Provide personnel for damage assessment, and damage survey teams.*
- 6. Provide operations personnel in the State Emergency Operations Center, and/or field support offices. During federally declared disasters, provide personnel in the State Operations Section of the Disaster Field Office, when requested.*
- 7. Develop, coordinate and maintain a statewide Fire Service and Rescue Emergency Mutual-Aid Plan. Provide a copy of the Fire Service and Rescue Emergency Mutual-Aid Plan to the Bureau of Disaster Services.*

*P. DEPARTMENT OF LAW ENFORCEMENT*

- 1. Develop and direct mitigation, preparedness and response programs for civil disorder and terrorism.*
- 2. Provide for the safety and protection of personnel including the evacuation, warning, scene protection and traffic control in conjunction with Idaho Transportation Department.*
- 3. Coordinate all requests for additional state law enforcement.*
- 4. Coordinate with the Bureau of Disaster Services for response and recovery disaster operations in and around crime scenes.*
- 5. Operate a statewide emergency communication system, which may be designated as a primary system during emergencies and disasters.*
- 6. In coordination with the Bureau of Disaster Services, alert state agencies and local governments*

- of impending threats.*
- 7. *Enforce statewide emergency traffic controls and evacuation plans.*
- 8. *Provide damage assessment and information on disaster incidents to the Bureau of Disaster Services.*
- 9. *Provide brand inspection personnel to determine ownership of animals.*
- 10. *Assist in search and rescue operations.*
- 11. *Develop a plan for use of personnel and equipment on a regional basis.*
- 12. *Provide specially trained officers with radiological monitoring equipment to conduct monitoring as coordinated by Bureau of Disaster Services.*
- 13. *Conduct required weekly and monthly tests of the State's Emergency Alert System within the prescribed time limits to meet volunteer broadcaster requirements. Provide public warnings when notified by the Bureau of Disaster Services and/or local public officials.*

**Q. DEPARTMENT OF PARKS AND RECREATION**

- 1. *Provide lands and facilities as mass care and feeding centers during emergencies and disasters.*
- 2. *Provide personnel for damage assessment and damage survey teams.*

**R. STATE TAX COMMISSION**

- 1. *Provide tax-counseling services for disaster victims as coordinated by the Bureau of Disaster Services.*

**S. DEPARTMENT OF TRANSPORTATION**

- 1. *Provide engineering support to the Bureau of Disaster Services for emergency planning and mitigation including: storms, avalanches, landslides, mudslides and volcanic eruptions, earthquakes and natural and man-made disasters.*
- 2. *Develop a plan for use of personnel and equipment on a regional basis.*
- 3. *Provide debris removal services and resources as coordinated by the Bureau of Disaster Services.*
- 4. *Provide engineering services and resources, for the repair and maintenance of state highways, bridges and airfields.*
- 5. *Develop, implement, and manage new emergency highway traffic regulations that may be required as a result of the emergency or disaster.*
- 6. *Coordinate the use of state aviation assets and aviation activities and assist the Bureau of Disaster Services with the coordination of requests for restricted air space over emergency and disaster areas.*
- 7. *Provide aviation resources for evacuation, search and rescue operations, and aerial radiological monitoring as coordinated by the Bureau of Disaster Services.*
- 8. *Operate a statewide emergency communications system, which may be designated as an alternate emergency communications system during an emergency.*
- 9. *Activate "Plan Bulldozer" when requested by the Bureau of Disaster Services.*
- 10. *Provide specialized heavy construction and transport equipment with operators as coordinated by the Bureau of Disaster Services.*

**T. DEPARTMENT OF WATER RESOURCES**

- 1. *Develop mitigation, preparedness and response programs for flood, drought, and energy shortages in concert with the Bureau of Disaster Services.*
- 2. *Conduct dam safety inspections and supervise dam safety practices during times of flooding or imminent failure.*
- 3. *Advise the Bureau of Disaster Services of impending emergency conditions such as imminent failure or other conditions involving dam safety.*
- 4. *Coordinate operation of water structures to minimize flood damage. Ensure emergency maintenance and repairs are performed to protect life and property during impending or actual occurrence of a disaster.*

5. *Establish procedures to grant stream channel protection waivers to entities involved in emergency flood fight situations and when channel work is necessary on an emergency basis to protect life and property.*
  6. *Assist agencies and individuals in obtaining emergency authorization from the U.S. Army Corps of Engineers, under Public Law 92-500, to conduct flood control activities in waterways.*
  7. *Provide personnel for damage assessment and damage survey teams.*
  8. *Provide assistance in finding and obtaining alternative water supplies during drought.*
  9. *Assist the Division of Environmental Quality in assuring adequate supplies of potable water.*
  10. *Provide emergency communications, as coordinated by the Bureau of Disaster Services.*
- U. **PUBLIC UTILITIES COMMISSION**
1. *Assist with energy shortage mitigation, preparedness, response and recovery.*
- V. **DIVISION OF FINANCIAL MANAGEMENT**
1. *Coordinate and develop a fiscal impact analysis on the effects of a disaster emergency upon request by the Bureau of Disaster Services.*
- W. **IDAHO GEOLOGICAL SURVEY**
1. *Formulate and direct the state's geologic hazard reduction effort by providing hazard identification, analysis and mapping of the geologic threats.*
  2. *Provide representatives for damage assessment, damage survey, and hazard mitigation teams, for events that involve geologic hazards.*
  3. *Coordinate the activities of geologists, scientists and researchers attempting to study natural hazard events including those invited by the State of Idaho as well as those who respond independently to conduct scientific research and evaluations. Inform the Bureau of Disaster Services of the status of coordination efforts.*
- X. **MILITARY DIVISION**
1. **National Guard:**
    - a) *Provide military support to civil authorities during a disaster emergency in accordance with federal and state laws and regulations.*
    - b) *Provide specific guidance as required for emergency preparedness planning and programming for state military forces.*
    - c) *Establish a statewide military emergency communications system. During emergencies, maintain communications between the State Emergency Operations Center and State Joint Military Command Post. Develop a capability for utilization of radio communications between the state military forces, state highway districts, and civil law enforcement agencies. Provide a mobile communications center for joint military/civil use as required at the scene of operations during emergencies.*
    - d) *Provide logistical assistance to state damage assessment and damage survey teams, as well as Disaster Field Office operations.*
  2. **Bureau of Disaster Services**
    - a) *Assist local governments with the development of all-hazard mitigation, preparedness, response, and recovery plans, training and exercises.*
    - b) *Administer federal programs for disaster emergency planning and assistance pertinent to state and local governments.*
    - c) *Provide training and exercising of the State Emergency Plan and Federal Response Plan.*
    - d) *Provide training for state agency personnel in mitigation, preparedness, response and recovery operations.*
    - e) *Administer the State's Emergency Alert System in accordance with Section 46-1013, Idaho Code. Collaborate with volunteer broadcasters to facilitate a viable and effective statewide*

*alert system using commercial radio, television, cable television, and other such systems that will alert citizens to impending natural and man-made disasters, when feasible.*

3. *Bureau of Hazardous Materials*
  - a) *Regularly review and revise the Idaho Hazardous Incident Command and Support Plan used by state agencies to provide state assistance for hazardous materials emergencies in Idaho.*
  - b) *Coordinate state and federal emergency response efforts for hazardous materials incidents.*
  - c) *Provide technical assistance to emergency response agencies in recovering hazardous materials emergency response costs under state and federal statute.*
  - d) *Administer and coordinate the five state-sponsored hazardous materials regional response teams. (Coeur d'Alene, Lewiston, Nampa-Caldwell, Boise, and Pocatello).*
  - e) *Foster an improved emergency response capability among emergency responders throughout the State of Idaho.*
  - f) *Develop and regularly evaluate and revise an annex to the State Emergency Plan for response to incidents involving WMD.*
  - g) *Coordinate federal training opportunities under the Office of Justice Programs and the Department of Energy for response to incidents of WMD.*

**Y. COMMISSION ON AGING**

1. *Arrange for representation in the Disaster Application Center when requested.*
2. *Provide information on the effects of the disaster emergency on the elderly.*
3. *Develop area-wide plans for the following:*
  - a) *Assessing the needs of the elderly and homebound elderly.*
  - b) *Coordination of senior services through the Area Agencies on Aging during natural or man-made disasters.*
  - c) *Providing information/assistance to their clientele and the public.*
  - d) *Utilization of senior citizen centers for shelter, mass feeding and rest centers.*
  - e) *Identification of homebound isolated elderly clients.*

*Any emergency preparedness function under this Order or parts thereof may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Chief, Bureau of Disaster Services. The Chief, Bureau of Disaster Services, may assign any new emergency preparedness function to the head of a governmental agency by mutual consent.*

*The head of each governmental agency is hereby authorized to delegate the functions assigned to him or her by this Order.*

*This Order repeals and replaces Executive Order No. 96-01.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twentieth day of April, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred twenty-fourth, and of the statehood of Idaho the one hundred tenth.*

\_\_\_\_\_  
**DIRK KEMPTHORNE**  
**GOVERNOR**

\_\_\_\_\_  
**PETE T. CENARRUSA**  
**SECRETARY OF STATE**

**THE OFFICE OF THE GOVERNOR**

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

**EXECUTIVE ORDER NO. 2000-05**

*EXECUTIVE ORDER NO. 2000-05 CONTINUATION OF THE DESIGNATION OF THE IDAHO TRANSPORTATION DEPARTMENT AND ITS DIRECTOR AS THE RECIPIENT OF FEDERAL FUNDS FOR PUBLIC TRANSPORTATION, REPEALING AND REPLACING EXECUTIVE ORDER NO. 96-05*

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*WHEREAS, the federal government, under authority granted by the Federal Transit Act, as amended, is authorized to provide financial assistance to states to improve public transportation; and*

*WHEREAS, such aid has been offered to Idaho; and*

*WHEREAS, it is necessary that an agency of the State of Idaho be designated and authorized to receive and expend such financial assistance; and*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby continue the designation of the Idaho Transportation Department and its Director to receive and expend monies from the federal government for public transportation assistance as provided under the applicable federal statutes. This Executive Order repeals and replaces Executive Order No. 96-05.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this twentieth day of April in the year of our Lord two-thousand and of the Independence of the United States of America the two hundred twenty-fourth and of the Statehood of Idaho the one hundred tenth.*

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*DIRK KEMPTHORNE  
GOVERNOR*

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*PETE T. CENARRUSA  
SECRETARY OF STATE*

# **THE OFFICE OF THE GOVERNOR**

EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE

## **EXECUTIVE ORDER NO. 2000-06**

### *ESTABLISHING THE GOVERNOR'S COORDINATING COUNCIL FOR FAMILIES AND CHILDREN*

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*WHEREAS, fostering the success of state, local and non-profit programs benefiting children and families is a top priority of the State of Idaho;*

*WHEREAS, many of these programs may have similar or identical missions;*

*WHEREAS, it is in the best interest of the children and families of the State of Idaho to coordinate these programs, while also ensuring that local control is retained;*

*WHEREAS, greater coordination will allow for an accurate inventory of existing programs along with an increased understanding of the services available for families and children; and*

*WHEREAS, access to accurate information will allow the Governor and the Legislature to have the best information when prioritizing among different programs.*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of this State, do hereby order that:*

- 1. There is created within the Office of the Governor the "Governor's Coordinating Council for Families and Children".*
- 2. The Coordinating Council shall be responsible for:*
  - a. Compiling an inventory of all resumes and programs run by state, local and non-profit organization for the benefit of families and children;*
  - b. Serving as a clearinghouse of this information for local communities; and*
  - c. Developing a plan to achieve mutually defined goals.*
- 3. The members shall be appointed for a two-year term by the Governor and serve at the pleasure of the Governor.*
- 4. The objectives for the Coordinating Council shall be as follows:*
  - a. Maintain a comprehensive inventory of resources and programs serving families and children in Idaho.*
  - b. Facilitate communication among individuals and organizations providing services to families and children.*
  - c. Work with organizations/agencies/individuals to identify gaps in service to families and children.*
  - d. Work with agencies/organization/individuals to develop consistent, accurate, and timely collection and reporting of data to provide comprehensive statistical measurements on Idaho's families and children.*
  - e. Develop strong state and local partnerships to foster and support results-based community programs.*
  - f. Create a statewide awareness of the importance of healthy families and children.*
- 5. The coordinating council shall meet and take such actions as are necessary to fulfill the purposes of this Executive Order.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this twenty fifth day of April in the year of our Lord two-thousand and of the Independence of the United States of America the two hundred twenty-fourth and of the Statehood of Idaho the one hundred-tenth.*

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*DIRK KEMPTHORNE*  
*GOVERNOR*

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*PETE T. CENARRUSA*  
*SECRETARY OF STATE*

**IDAHO DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR**

**IDAPA 07 - PUBLIC WORKS CONTRACTORS LICENSE BOARD, DIVISION OF BUILDING SAFETY**

**DOCKET NO. 07-0500-0001**

**NOTICE OF LEGISLATIVE ACTION**

**HOUSE BILL 713 RELATING TO THE TRANSFER OF THE PUBLIC WORKS  
CONTRACTORS LICENSE BOARD TO THE DIVISION OF BUILDING SAFETY  
IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES**

**EFFECTIVE DATE:** The effective date of this action is July 1, 2000.

**AUTHORITY:** In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-fifth Legislature in the Second Regular Session - 2000, passed House Bill No. 713 which amends existing law to reposition the Public Works Contractors License Board within the Department of Self-governing Agencies to be a part of the Division of Building Safety in the Department of Self-governing Agencies.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance of the notice and the legislative action:

Amends Sections 54-1905 and 67-2601, Idaho Code, to reposition the Public Works Contractors License Board within the Department of Self-governing Agencies so that it is a part of the Division of Building Safety in the Department of Self-governing Agencies.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the Legislative intent of House Bill No. 713 by repositioning the Public Works Contractors License Board, currently indexed under IDAPA 32, to the Division of Building Safety, IDAPA 07. Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 713, non-substantive changes will be made to the affected chapters of rules indexed under IDAPA 32. This includes changing the IDAPA number from IDAPA 32 to IDAPA 07 (Division of Building Safety) and the TITLE number from TITLE 01 to TITLE 05 and updating all references and citations within the agency's rules, as well as those rules of other state agencies affected by these changes, that are now under the IDAPA 32, "Rules of the Public Works Contractors License Board" and include, but are not limited to, the following:

The applicable references to "IDAPA 32" now mean "IDAPA 07" and "TITLE 01" now mean TITLE 05".

References to "Public Works Contractors License Board" or "Board" shall now mean "Public Works Contractors License Board, Division of Building Safety".

Pursuant to Section 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the July 1, 2000, edition of the Idaho Administrative Code.

**ASSISTANCE ON QUESTIONS:** For assistance on questions concerning this notice contact Nancy Michael at the Public Works Contractors License Board at (208) 327-7326 or Dennis Stevenson at the Office of Administrative Rules at (208) 332-1820.

DATED this 5th day of May, 2000.

Rick Thompson  
Administrative Rules Coordinator  
Department of Administration  
Office of Administrative Rules  
P.O. Box 83720, Boise, ID 83720-0306  
Phone: (208) 332-1820 / Fax: (208) 334-2395

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

**08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-0001**

**NOTICE OF PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 33-2003, Idaho Code.

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

**August 22, 2000,  
3:00 p.m. to 5:00 p.m.,  
Basement Conference Room,  
J.R. Williams Building, Boise, Idaho.**

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

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

The purpose of the proposed rulemaking is to increase uniformity for gifted and talented programs statewide and to provide direction for Section 33-2003, Idaho Code. Districts will be required to submit a plan to the State Department of Education describing different components of their gifted and talented program. One of the components is to describe the identification procedure, including a screening process, the formal and informal assessment instruments and the sources used to obtain data. The plan should also list the certificated staff person who oversees the district gifted and talented program.

**FEE SUMMARY:** There will be no fee charges.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because requirements are statutory. This rule has generated substantive district input.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Gary Marx at (208) 332-6920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 25, 2000.

DATED this 21st day of April, 2000.

Dr. Bob West  
Chief Deputy Superintendent  
State Department of Education  
PO Box 83720  
Boise, ID 83720-0027  
332-6814  
334-2228 (fax)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0203-0001

456. ~~999. (RESERVED)~~ **GIFTED AND TALENTED PROGRAMS.**

- 01. Definitions.** The following definitions apply only to Section 456 of these rules. ( )
- a. Department. State Department of Education. ( )
- b. District. Local school district. ( )
- c. Gifted/talented children. Those students who are identified as possessing demonstrated or potential abilities that give evidence of high performing capabilities in intellectual, creative, specific academic or leadership areas, or ability in the performing or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities Section 33-2001, Idaho Code. ( )
- d. Governing gifted and talented educational requirements. Sections 33-201, 33-2001, 33-2003, Idaho Code. ( )
- 02. Legal Compliance.** The State Department of Education and districts shall comply with all governing gifted and talented education requirements. ( )
- 03. District Plan.** Each school district shall develop and write a plan for its gifted and talented program. The plan shall be submitted to the Department no later than October 15th, 2001. The plan shall be updated and submitted every three (3) years thereafter and shall include: ( )
- a. Philosophy statement. ( )
- b. Definition of giftedness. ( )
- c. Program goals. ( )
- d. Program options. ( )
- e. Identification procedures. ( )
- f. Program evaluation. ( )
- 04. Screening.** The district's process for identifying gifted and talented students shall include the following steps: ( )
- a. The district shall conduct broad-based screening to ensure that all potentially gifted and talented students have an opportunity to be considered; and ( )
- b. The district shall make an in-depth assessment of those students meeting the screening criteria and additional information is gathered concerning their specific aptitudes and educational needs; and ( )
- c. The district shall match student needs with appropriate program options. ( )
- 05. Assessment.** Placement decisions shall not be determined by a single criterion (for instance, test scores, other measurement, teacher recommendation, or nomination). The district's identification process shall use multiple indicators of giftedness with information obtained through the following methods and sources: ( )
- a. Procedures for obtaining information about students shall include formal assessment methods, such as group and individual tests of achievement, general ability, specific aptitudes and creativity. ( )

b. Procedures for obtaining information about students shall also include informal assessment methods, such as checklists, rating scales, pupil product evaluations, observations, nominations, biographical data, questionnaires, interviews and grades. ( )

c. Information about students shall be obtained from multiple sources, such as teachers, counselors, peers, parents, community members, subject area experts, and the students themselves. ( )

**06. Administration.** The district shall designate a certificated staff person to be responsible for program development, implementation and funding of the gifted and talented program. ( )

**457. -- 999. (RESERVED).**

**IDAHO DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR**

**IDAPA 11 - THE IDAHO STATE POLICE**

**DOCKET NO. 11-0000-0001**

**NOTICE OF LEGISLATIVE ACTION**

**HOUSE BILL 660 RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT  
NAME CHANGE TO THE IDAHO STATE POLICE**

**EFFECTIVE DATE:** The effective date of this action is July 1, 2000.

**AUTHORITY:** In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-fifth Legislature in the Second Regular Session - 2000, passed House Bill 660 which amends and repeals existing law to change the name of the Department of Law Enforcement to the Idaho State Police.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance of the notice and the legislative action:

House Bill 660 amends and repeals existing law to change the name of the Department of Law Enforcement to the Idaho State Police.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the Legislative intent of House Bill 660 by changing the name of the Department of Law Enforcement to the Idaho State Police.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill 660, non-substantive changes will be made to the affected chapters of rules indexed under IDAPA 11. This includes updating all references and citations within the agency's rules, as well as those rules of other state agencies affected by the name change, that are now under the authority of the Idaho State Police and include, but are not limited to, the following:

The applicable references to "Department" or "Department of Law Enforcement" now mean "Idaho State Police".

Pursuant to Section 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the July 1, 2000, edition of the Idaho Administrative Code.

**ASSISTANCE ON QUESTIONS:** For assistance on questions concerning this notice contact Margaret P. White at the Idaho State Police at (208) 884-7050 or Dennis Stevenson at the Office of Administrative Rules at (208) 332-1820.

DATED this 5th day of May, 2000.

Rick Thompson  
Administrative Rules Coordinator  
Department of Administration  
Office of Administrative Rules  
P.O. Box 83720  
Boise, ID 83720-0306  
Phone: (208) 332-1820  
Fax: (208) 334-2395

**IDAHO DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR**

**IDAPA 15 - OFFICE OF THE GOVERNOR - DIVISION OF VETERANS SERVICES  
DEPARTMENT OF SELF-GOVERNING AGENCIES**

**DOCKET NO. 15-0700-0001**

**NOTICE OF LEGISLATIVE ACTION**

**HOUSE BILL 437 RELATING TO THE TRANSFER OF THE DIVISION OF VETERANS  
SERVICES FROM THE DEPARTMENT OF HEALTH AND WELFARE TO THE  
DEPARTMENT OF SELF-GOVERNING AGENCIES**

**EFFECTIVE DATE:** The effective date of this action is July 1, 2000.

**AUTHORITY:** In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-fifth Legislature in the Second Regular Session - 2000, passed House Bill No. 437 which amends existing law to establish the Division of Veterans Services in the Department of Self-governing Agencies and to remove the responsibility for veterans and veterans services from the Department of Health and Welfare.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance of the notice and the legislative action:

Amends Sections 65-201, Idaho Code, to establish the Division of Veterans Services in the Department of Self-governing Agencies and to remove the responsibility for veterans and veterans services from the Department of Health and Welfare.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the Legislative intent of House Bill No. 437 by repositioning the Division of Veterans Services, currently indexed under IDAPA 16, TITLE 07, (Department of Health and Welfare), to the Department of Self-governing Agencies under IDAPA 15 (Office of the Governor). Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of House Bill No. 713, non-substantive changes will be made to the affected chapters of rules indexed under IDAPA 16, TITLE 07. This includes changing the IDAPA number from IDAPA 16 to IDAPA 15 (Office of the Governor - Department of Self-governing Agencies) and updating all references and citations within the agency's rules, as well as those rules of other state agencies affected by these changes, that are now under the IDAPA 16, TITLE 07. Chapters 01 through 04, but are not limited to, the following:

The applicable references to "IDAPA 16, TITLE 07" now mean "IDAPA 15, TITLE 07".

References to "Department of Health and Welfare," "Department," or "Board" shall now mean "Division of Veterans Services".

Pursuant to Section 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the July 1, 2000, edition of the Idaho Administrative Code.

**ASSISTANCE ON QUESTIONS:** For assistance on questions concerning this notice contact Joni Harkless at the Division of Veterans Services at (208) 334-3513 or Dennis Stevenson at the Office of Administrative Rules at (208) 332-1820.

DATED this 5th day of May, 2000.

Rick Thompson  
Administrative Rules Coordinator  
Department of Administration  
Office of Administrative Rules  
P.O. Box 83720, Boise, ID 83720-0306  
Phone: (208) 332-1820 / Fax: (208) 334-2395

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.04.05 - RULES GOVERNING RESPITE CARE SERVICES**  
**DOCKET NO. 16-0405-0001**  
**NOTICE OF TEMPORARY AND PROPOSED RULES (REPEAL)**

**EFFECTIVE DATE:** These temporary rules are effective July 1, 2000.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 39-105(1) and 39-4701 et. Seq., Idaho Code.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 67-5222(2), Idaho Code, 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 July 19, 2000.

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

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

Sections 39-4700 et Seq., Idaho Code, "Respite Care Services" was repealed in 1997. Respite care services were incorporated in the amendment of 39-5100 et seq., Idaho Code, "Family Support and In-Home Assistance". The Language in the amended section has been used successfully since 1997 to administer Family Support Services through regional Developmental Disabilities Programs and there have been no requests to replace this set of rules. Therefore, the entire Chapter is being repealed.

**TEMPORARY RULE JUSTIFICATION:** Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to confer a benefit.

**NEGOTIATED RULEMAKING:** IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the entire chapter is being repealed.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary or proposed rule, contact Paul Swatsenbarg at (208) 334-5512.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 26, 2000.

DATED this 19th day of May, 2000.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Division of Legal Services  
450 West State Street, 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone, (208) 332-7347 fax

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**THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.04.09 - RULES GOVERNING DEVELOPMENTAL DISABILITIES**  
**IN-HOME FINANCIAL ASSISTANCE**

**DOCKET NO. 16-0409-0001**

**NOTICE OF TEMPORARY AND PROPOSED RULES (REPEAL)**

**EFFECTIVE DATE:** These temporary rules are effective July 1, 2000.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 39-105(1) and 39-5103, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Pursuant to Section 67-5222(2), Idaho Code, 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 July 19, 2000.

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

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

Sections 39-5100 et seq. Idaho Code, "Family Support and In-Home Assistance" were amended in 1997 thereby making IDAPA 16.04.09, "Rules Governing the Developmental Disabilities In-Home Financial Assistance" not in compliance with Idaho Code. In-Home Assistance as well as other family support services were added to Section 39-5100, Idaho Code. The language in the amended section has been used successfully since 1997 to administer Family Support Services through regional Developmental Disabilities Programs. There have been no requests to replace this chapter of rules. Therefore, the entire Chapter of rules is being repealed.

**TEMPORARY RULE JUSTIFICATION:** Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to confer a benefit.

**NEGOTIATED RULEMAKING:** IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the entire chapter is being repealed.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary or proposed rule, contact Paul Swatsenbarg at (208) 334-5512.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 26, 2000.

DATED this 19th day of May, 2000.

Sherri Kovach  
Administrative Procedures Coordinator  
DHW - Division of Legal Services  
450 West State Street, 10th Floor  
P.O. Box 83720, Boise, Idaho 83720-0036  
(208) 334-5564 phone, (208) 332-7347 fax

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**THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.**

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.22 - RULES GOVERNING OVERLEGAL PERMITS FOR**  
**EXTRA-LENGTH VEHICLE COMBINATIONS**

**DOCKET NO. 39-0322-9901**

**NOTICE OF FINAL RULE**

**EFFECTIVE DATE:** Proposed rule-making under this docket was rejected by House Concurrent Resolution 42, effective March 22, 2000.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the 2000 Legislature has taken action by concurrent resolution on this rulemaking.

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

Pursuant to House Concurrent Resolution 42, proposed changes to IDAPA 39.03.22, Subsection 200.05 only, have been determined to be inconsistent with legislative intent and rejected. Therefore, the text will revert back to its original form, prior to the proposed action, in full force and effect.

The original text of the proposed rule was published in the [June 2, 1999 Idaho Administrative Bulletin, Volume 99-6, pages 329 through 333](#).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this final rule, contact Regina Phipps, 334-8418.

DATED this 23rd day of May, 2000.

Linda L. Emry, Management Assistant  
Office of Budget, Policy, Intergovernmental Relations  
Idaho Transportation Department  
P. O. Box 7129  
Boise ID 83707-1129  
Phone: 208-334-8810  
Fax: 208-334-8195

**IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS**  
**46.01.01 - RULES OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**  
**DOCKET NO. 46-0101-0001**  
**NOTICE OF TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2000.

**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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2105, 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 July 19, 2000.

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

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

To implement a certification program for veterinary technicians including application requirements, requirements for temporary certifications, mandatory continuing education, veterinary supervision requirements, requirements for renewal of certifications, and grounds for discipline.

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

In order to protect the public welfare.

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

No fee or charge is imposed or increased.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need to proceed with a temporary rule to implement the statute.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sheila Jensen, Senior Administrative Assistant, (208) 332-8588.

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 July 26, 2000.

DATED this 24th day of May 2000.

Sheila Jensen  
Senior Administrative Assistant  
Board of Veterinary Medicine  
2270 Old Penitentiary Rd.  
P. O. Box 7249  
Boise, ID 83707  
Telephone: (208) 332-8588  
Facsimile: (208) 334-4062

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 46-0101-001**

**100. CERTIFICATION OF VETERINARY TECHNICIANS.**

Beginning July 1, 2000, any person representing himself as a veterinary technician, licensed veterinary technician, registered veterinary technician, or certified veterinary technician, shall hold a valid, unexpired certificate to practice veterinary technology in the state of Idaho. (7-1-00)T

**01. Application For Certification -- Contents -- Examinations.** An individual desiring to be certified as a veterinary technician shall make written application to the board upon a form furnished by the board. A complete application shall be valid and maintained at the board office for a period of one (1) year, contain the applicant's notarized signature, and include: (7-1-00)T

a. A notarized copy of a birth certificate, current passport, or valid driver's license proving that the applicant is eighteen (18) years of age or more. (7-1-00)T

b. Notarized affidavits issued during the year preceding certification from two (2) individuals, personally acquainted with the applicant, attesting to the fact that the applicant is of good moral character. (7-1-00)T

c. Documentation of Education/Training/Experience as follows: (7-1-00)T

i. A notarized copy of a diploma or certificate verifying graduation from a veterinary technology program, accredited by the American Veterinary Medical Association; or (7-1-00)T

ii. A notarized copy of a diploma or certificate verifying graduation from a veterinary technology program equivalent to a program accredited by the American Veterinary Medical Association, or from another college or institution approved by the board; or (7-1-00)T

iii. Notarized verification of having been awarded a D.V.M. or V.M.D. degree or equivalent, from an accredited school of veterinary medicine; or (7-1-00)T

iv. If a foreign veterinary graduate, notarized verification of having been awarded a D.V.M. or V.M.D. degree or equivalent in a program of veterinary medicine from a foreign school of veterinary medicine or the veterinary department of a foreign university or another college or institution that is approved by the board; or (7-1-00)T

v. Notarized verification of having been licensed, registered, or certified to practice as a veterinary technician in another state under one (1) of the conditions outlined in Subsection 100.01 and has been actively practicing veterinary technology in that state for the past two (2) years; or (7-1-00)T

vi. Applicants for certification prior to July 1, 2002, may provide verification from an actively licensed veterinarian in good standing in the United States or Canada that the applicant has: (7-1-00)T

(1) Been employed by them for at least two (2) years as a full-time veterinary assistant under the veterinarian's supervision or as a licensed, registered or certified veterinary technician and is recommended to the board by the employing veterinarian or veterinarians; or (7-1-00)T

(2) In a situation where the supervising veterinarian is not the employer, i.e. animal shelters, has been working under the supervision of a veterinarian for at least two (2) years as a full-time veterinary assistant or as a licensed, registered or certified veterinary technician and is recommended to the board by the supervising veterinarian or veterinarians. (7-1-00)T

d. Verification of a criterion-referenced passing score reported by the Professional Examination Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards on the Veterinary Technician National Examination (VTNE) or other national

examination(s) approved by the American Association of Veterinary State Boards or its designated test vendor or by the board. If such a score is not available, the passing score shall be as reported by the Professional Examination Service or its designee, or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards or by the board and shall be considered equal to or greater than one and five-tenths (1.5) standard deviation below the mean score of the examination. (7-1-00)T

i. The VTNE or other national examination(s) approved by the American Association of Veterinary State Boards or its designated test vendor or by the board may have been taken at any time. (7-1-00)T

ii. Scores for the VTNE or other national examination(s) approved by the American Association of Veterinary State Boards or its designated test vendor or by the board are to be provided to the board by the Professional Examination Service or its designee or by other designated test vendors or their designees approved by the American Association of Veterinary State Boards. (7-1-00)T

e. A passing score of at least ninety percent (90%) correct on the Idaho Veterinary Technician Jurisprudence Examination. (7-1-00)T

**02. Application For Certification -- Fee -- Deadline -- Validity.** (7-1-00)T

a. A completed application, other required documents, and first year's certification fee in the amount established by the board shall be received at the board office by the first day of January or June. (7-1-00)T

b. The board will review applications and issue certifications in January and June of each year. Veterinary Technician Certifications shall be consecutively numbered beginning with the number one (1) and all numbers shall be prefixed with the letters CVT. If an applicant is found not qualified, the board shall notify the applicant in writing of such finding and grounds therefor. An applicant denied certification may request a hearing pursuant to the procedures set forth in Title 67, Chapter 52, Idaho Code. Any applicant who is denied certification shall be allowed the return of the certification fee portion of the application fee. (7-1-00)T

c. Any applicant taking and passing the Idaho Veterinary Technician Jurisprudence Examination and not wanting to be certified at the next review by the board shall be allowed the return of the certification fee portion of the application fee only. (7-1-00)T

**101. ~~149.~~ (RESERVED) TEMPORARY CERTIFICATION.**

The board may, at its discretion, issue a temporary certification. The temporary certification shall be valid for one (1) year or until the next certification review by the board, whichever comes first, and under no circumstances shall a second temporary certification be issued to the same person. A temporary certification shall not be issued to any applicant whose certification, license or registration has been revoked in any state for a reason other than nonpayment of fees or failure to fulfill the renewal requirements. An applicant granted a temporary certification shall provide notarized verification of twelve (12) months of active practice during the past year as a veterinary technician in another state or shall perform all veterinary technology procedures under the direct supervision of the employing Idaho licensed veterinarian. Temporary certifications shall be consecutively numbered beginning with the number one (1) and all numbers shall be prefixed with the letters TC. (7-1-00)T

**01. Certification Requirements.** Requirements for a temporary certification shall be the same as for the original certification. (7-1-00)T

**02. Responsibility.** Nothing herein shall be construed to relieve the temporary certificate holder of any responsibility or liability for any of their own acts and omissions. (7-1-00)T

**102. CERTIFIED VETERINARY TECHNICIAN MANDATORY CONTINUING EDUCATION.**

In order to best serve the citizens of Idaho and their animals, each certified veterinary technician shall be required to complete a minimum of twenty-one (21) hours of ongoing continuing education in the field of veterinary technology in each and every three (3) year certification period following the date of his certification. A maximum of six (6) credit hours of continuing education in management may be used toward the fulfillment of the CE requirement. Approved courses, attendance period, content of report, exemptions, and credit for attendance are the same as outlined in Section 015, mandatory continuing veterinary education with the exception of Subsection 015.03.d.i.(5).

which shall be the veterinary technician's signature, under penalty of perjury. No credit for attending approved courses in the field of veterinary technology shall be applicable to any reporting period other than that during which the credit is actually earned. (7-1-00)T

**1003. SUPERVISING VETERINARIANS.**

**01. Statement Of Purpose.** Veterinarians licensed under the provisions of Chapter 21, Title 54, Idaho Code, shall be responsible for all temporary licensees and temporary certification holders, certified euthanasia technicians, certified veterinary technicians, and veterinary assistants, and shall be available to supervise and direct their activities as follows: or any others in their employ to whom they delegate the performance of acts pertaining to the practice of veterinary medicine. (7-1-97)(7-1-00)T

~~02.~~ **No A Supervising rVeterinarian sShall:** (7-1-93)(7-1-00)T

~~i. Permit any veterinary technician to perform any animal health care services not authorized by Subsection 100.02.~~ (7-1-97)

~~ii. Permit any assistant to perform any animal health care services not authorized by Subsection 100.02.~~ (7-1-97)

a. Provide direct supervision for all procedures pertaining to the practice of veterinary medicine that are delegated to a certified veterinary technician, a veterinary technician working under a temporary certification, an assistant or any others in his employ with the exception of: (7-1-00)T

i. Routine procedures in the practice of veterinary technology that include but are not limited to taking radiographs, weight and temperature, or as determined by the standard of practice for the area. These routine procedures may be performed under the indirect supervision of the veterinarian. (7-1-00)T

ii. Previously prescribed antibiotics and medications, which may be administered under the indirect supervision of the veterinarian. Previously prescribed antibiotics and medications shall not include injectable controlled substances, injectable tranquilizers, injectable sedatives, and injectable or inhalant anesthetics, which may only be administered under the direct supervision of the veterinarian. (7-1-00)T

iii. Emergency situations where the animal has been placed in a life-threatening condition and immediate treatment is necessary to sustain life. In these situations, in order to stabilize the animal, the veterinarian, while en route to the location of the distressed animal, may prescribe treatment and delegate appropriate procedures pertaining to the practice of veterinary medicine under indirect supervision. Such emergency treatment and procedures may only be continued under indirect supervision until the veterinarian arrives at the animal's location. (7-1-00)T

~~b. For purposes of the rules applicable to health care tasks for veterinary technicians and assistants, the supervising veterinarian of a veterinary technician or assistant shall:~~ Be available to supervise and direct all procedures pertaining to the practice of veterinary medicine that are delegated to individuals in his employ. (7-1-93)(7-1-00)T

~~c. Have Bear~~ legal responsibility for the health, safety and welfare of the animal patient ~~which that~~ the temporary licensee, temporary certification holder, certified veterinary technician, ~~or~~ assistant, or any others in his employ serves. (7-1-93)(7-1-00)T

~~iiid.~~ Not delegate an animal health care task to ~~a veterinary technician or assistant who is unqualified to perform the particular task~~ an unqualified individual. (7-1-93)(7-1-00)T

~~iii.~~ Not use a level of supervision which is lower than that designated for a specific animal health task as set forth in Subsection 100.02. (7-1-97)

~~ive.~~ Make all decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient. (7-1-93)(7-1-00)T

~~ef.~~ ~~A supervising veterinarian shall h~~Have examined the animal patient prior to the delegation of any animal health care task to ~~either~~ a certified veterinary technician, temporary certification holder, or assistant. The examination of the animal patient shall be conducted at such times as acceptable veterinary medicine~~al~~ practice dictates, consistent with the particular delegated animal health care task. (7-1-93)(7-1-00)T

~~d.~~ ~~Pursuant to Subsection 100.03.c. a veterinary technician is authorized to provide supervision for an assistant performing a specified health care task. The veterinary technician shall be under the same degree of supervision by the veterinarian as if the veterinary technician were performing the task.~~ (7-1-97)

g. Diagnose and perform operative dentistry, oral surgery, and teeth extraction procedures. Operative dentistry and oral surgery are considered to be any dental procedure which invades the hard or soft oral tissue including, but not limited to, a procedure that alters the structure of one (1) or more teeth or repairs damaged and diseased teeth, or the deliberate extraction of one (1) or more teeth. Operative dentistry and oral surgery do not include, removal of calculus, soft deposits, plaque, stains, floating to shape the teeth, or smoothing, filing or polishing of tooth surfaces above the gum line. (7-1-00)T

**e03. Limitations On Supervising Veterinarians.** Unless ~~specifically so~~ otherwise provided by law or rule, a supervising veterinarian shall not authorize a certified veterinary technician ~~or, a veterinary technician working under a temporary certification, an assistant or any others in his employ other than a licensed veterinarian or a veterinarian holding a valid temporary permit~~ to perform the following functions: (7-1-97)(7-1-00)T

~~i~~a. Surgery; (7-1-93)

~~ii~~b. Diagnosis and prognosis of animal disease; (7-1-93)

~~iii~~c. Prescribing drugs, medicines and appliances; and (7-1-93)(7-1-00)T

d. Diagnosis and performance of procedures that constitute operative dentistry/oral surgery as defined by Section 54-2103(13)(b), Idaho Code. (7-1-00)T

**02- Animal Health Care Tasks – Veterinary Technicians.** (7-1-93)

~~a.~~ ~~Definition. A veterinary technician means a person who has graduated from a veterinary technology program accredited by the American Veterinary Medical Association or a person who has received equivalent training as recognized by the Idaho Board of Veterinary Medicine. The board shall prescribe the application format for veterinary technician status and shall review each application for compliance with the certification requirements.~~ (7-1-97)

~~b.~~ ~~Immediate supervision. The following tasks may be performed only under the immediate supervision of a veterinarian:~~ (7-1-93)

~~i.~~ ~~Assist veterinarian in surgery with tissue handling;~~ (7-1-93)

~~ii.~~ ~~Assist veterinarian in surgery with instrument handling.~~ (7-1-93)

~~e.~~ ~~Direct supervision. The following tasks may only be performed under the direct supervision of a veterinarian:~~ (7-1-93)

~~i.~~ ~~Endotracheal intubation;~~ (7-1-93)

~~ii.~~ ~~Blood administration;~~ (7-1-93)

~~iii.~~ ~~Fluid aspiration;~~ (7-1-93)

~~iv.~~ ~~Intraperitoneal injections;~~ (7-1-93)

- v. ~~Monitoring of vital signs of anesthetized patient;~~ (7-1-93)
- vi. ~~Application of splints;~~ (7-1-93)
- vii. ~~Inducement of anesthesia by intravenous, intramuscular, or subcutaneous injection or by inhalation;~~ (7-1-93)
- viii. ~~When the animal is anesthetized, those tasks listed under Subsection 100.02.d. of Section 100;~~ (7-1-97)
- ix. ~~Administration of immunological agents;~~ (7-1-93)
- d. ~~Indirect supervision. The following tasks may only be performed under the indirect supervision of a veterinarian; provided, that if the animal is anesthetized, the following tasks require the direct supervision of a veterinarian;~~ (7-1-93)
  - i. ~~Teeth cleaning;~~ (7-1-93)
  - ii. ~~Enema;~~ (7-1-93)
  - iii. ~~Electrocardiography;~~ (7-1-93)
  - iv. ~~Application of bandages;~~ (7-1-93)
  - v. ~~Catheterization of the unobstructed bladder;~~ (7-1-93)
  - vi. ~~Gavage;~~ (7-1-93)
  - vii. ~~Ear flush;~~ (7-1-93)
  - viii. ~~Radiology;~~ (7-1-93)
    - (1) ~~Patient positioning;~~ (7-1-93)
    - (2) ~~Operation of X ray machines;~~ (7-1-93)
    - (3) ~~Oral and rectal administration of radiopaque materials.~~ (7-1-93)
  - ix. ~~Injections of medications not otherwise prohibited;~~ (7-1-93)
    - (1) ~~Intramuscular;~~ (7-1-93)
    - (2) ~~Subcutaneous;~~ (7-1-93)
    - (3) ~~Intravenous, including catheterization.~~ (7-1-93)
  - x. ~~Oral medications;~~ (7-1-93)
  - xi. ~~Topical medications;~~ (7-1-93)
  - xii. ~~Specimen collection;~~ (7-1-93)
    - (1) ~~Collection of tissue during or after a veterinarian has performed necropsy;~~ (7-1-93)
    - (2) ~~Urine (except cystocentesis);~~ (7-1-93)
    - (3) ~~Hematology;~~ (7-1-93)

- ~~(4) Parasitology; (7-1-93)~~
- ~~(5) Exfoliative cytology; (7-1-93)~~
- ~~(6) Microbiology; (7-1-93)~~
- ~~xiii. Administer preanesthetic drugs; (7-1-93)~~
- ~~xiv. Oxygen therapy; (7-1-93)~~
- ~~xv. Removal of partially exposed foreign bodies from skin and feet; (7-1-97)~~
- ~~xvi. Removal of sutures. (7-1-93)~~
- ~~xvii. Implanting of microchips in animals for identification purposes. (7-1-97)~~
- ~~xviii. Non-invasive therapeutic options or alternate therapies as defined by Section 54-2103(26), Idaho Code, may be performed by veterinary technicians under the indirect supervision of a licensed veterinarian; provided, that chiropractic care and ultrasound therapy may only be performed by an allied health professional in the disciplines of chiropractics or ultrasound as provided by law. Before any therapeutic option or alternative therapy is performed on an animal by a veterinary technician or an allied health professional, a veterinarian must first perform a diagnostic evaluation of the patient to rule out the use of conventional forms of veterinary medicine as provided by law. In the event the patient's owner desires to use therapeutic options or alternative therapies on the patient, the veterinarian must first inform the patient's owner of the availability of any conventional treatments. (7-1-97)~~
- ~~**03. Animal Health Care Tasks – Assistants. (7-1-93)**~~
  - ~~a. Immediate Supervision. The following tasks may only be performed under the immediate supervision of a veterinarian: (7-1-93)~~
    - ~~i. Assist veterinarian in surgery with tissue handling; (7-1-93)~~
    - ~~ii. Assist veterinarian in surgery with instrument handling; (7-1-93)~~
    - ~~iii. Endotracheal intubation; (7-1-93)~~
    - ~~iv. Fluid aspiration; (7-1-93)~~
    - ~~v. Intraperitoneal injections; (7-1-93)~~
    - ~~vi. Blood administration; (7-1-93)~~
    - ~~vii. Catheterization of unobstructed bladder; (7-1-93)~~
    - ~~viii. Gavage; (7-1-93)~~
    - ~~ix. Radiology; (7-1-93)~~
    - ~~(1) Patient positioning; (7-1-93)~~
    - ~~(2) Film exposure; (7-1-93)~~
    - ~~(3) Rectal and oral administration of radiopaque materials. (7-1-93)~~
    - ~~x. Intravenous injections of medications not otherwise prohibited; (7-1-93)~~

- ~~xi. Specimen collection; (7-1-93)~~
- ~~(1) Hematology; (7-1-93)~~
- ~~(2) Exfoliative cytology; (7-1-93)~~
- ~~(3) Microbiology; (7-1-93)~~
- ~~(4) Electrocardiography; (7-1-93)~~
- ~~b. Direct Supervision – Veterinarian. The following tasks may only be performed under the direct supervision of a veterinarian; (7-1-97)~~
  - ~~i. Monitor vital signs of anesthetized patient; (7-1-93)~~
  - ~~ii. When the animal is anesthetized, perform those tasks listed under Subsection 100.02.d. “indirect supervision”; (7-1-97)~~
  - ~~iii. Specimen collection; Collection of tissues during or after a veterinarian has performed necropsy. (7-1-93)~~
  - ~~iv. Removal of sutures; (7-1-93)~~
- ~~e. Direct Supervision – Veterinarian/Veterinary Technician. The following tasks may only be performed under supervision of either a veterinarian or a veterinary technician; (7-1-97)~~
  - ~~i. Application of bandages; (7-1-93)~~
  - ~~ii. Ear flush; (7-1-93)~~
  - ~~iii. Enema. (7-1-93)~~
- ~~d. Indirect Supervision. The following tasks may only be performed under the indirect supervision of a veterinarian; provided, that if the animal is anesthetized, the following tasks require the direct supervision of a veterinarian; (7-1-93)~~
  - ~~i. Teeth cleaning; (7-1-93)~~
  - ~~ii. Injections of medications not otherwise prohibited; (7-1-93)~~
    - ~~(1) Intramuscular; (7-1-93)~~
    - ~~(2) Subcutaneous. (7-1-93)~~
  - ~~iii. Oral medications; (7-1-93)~~
  - ~~iv. Topical medications; (7-1-93)~~
  - ~~v. Administer medication through an established intravenous catheter; (7-1-93)~~
  - ~~vi. Specimen collection; (7-1-93)~~
    - ~~(1) Collecting of voided urine and fecal material; (7-1-93)~~
    - ~~(2) Parasitology (except skin scraping). (7-1-93)~~
  - ~~vii. Oxygen therapy; (7-1-93)~~

- viii. ~~Removal of partially exposed foreign bodies;~~ (7-1-97)
- ix. ~~Establish open airways including intubation appliances but excluding surgery;~~ (7-1-93)
- x. ~~External cardiac resuscitation;~~ (7-1-93)
- xi. ~~Application of temporary splints or bandages to prevent further injury to bones or soft tissues;~~ (7-1-93)
- xii. ~~Application of appropriate wound dressings and external supportive treatment in severe burn cases;~~ (7-1-93)
- xiii. ~~External supportive treatment in heat prostration cases;~~ (7-1-93)
- xiv. ~~Implanting of microchips in animals for identification purposes.~~ (7-1-97)
- xv. ~~Non invasive therapeutic options or alternate therapies as defined by Section 54-2103(26), Idaho Code, may be performed by assistants under the indirect supervision of a licensed veterinarian; provided, that chiropractic care and ultrasound therapy may only be performed by an allied health professional in the disciplines of chiropractic or ultrasound as provided by law. Before any therapeutic option or alternative therapy is performed on an animal by an assistant or an allied health professional, a veterinarian must first perform a diagnostic evaluation of the patient to rule out the use of conventional forms of veterinary medicine as provided by law. In the event the patient's owner desires to use therapeutic options or alternative therapies on the patient, the veterinarian must first inform the patient's owner of the availability of any conventional treatments.~~ (7-1-97)
- e. ~~Under conditions of an emergency, an assistant may render the following life saving aid to an animal:~~ (7-1-93)
  - i. ~~Application of tourniquets and/or pressure bandages to control hemorrhage;~~ (7-1-93)
  - ii. ~~Resuscitative oxygen procedures;~~ (7-1-93)
  - iii. ~~Establish open airways including the usual intubation appliances but excluding surgery.~~ (7-1-93)

**104. EXPIRATION OF VETERINARY TECHNICIAN CERTIFICATION -- NOTICE -- RENEWAL.**

**01. Term Of Certification.** A certification to practice veterinary technology in the state of Idaho shall be valid for a period of one (1) year. (7-1-00)T

**02. Expiration And Renewal.** All certificates shall expire annually on July 1, but may be renewed by submission of the completed and signed renewal form prescribed by the board, submission of a continuing education report as outlined in Subsection 015.03.d. for the appropriate hours of continuing education, by meeting other requirements as defined in the rules adopted by the board, and payment of all applicable fees. The form for renewal of a veterinary technician certificate shall include but not be limited to: (7-1-00)T

- a. Name and social security number; (7-1-00)T
- b. Current employment status; (7-1-00)T
- c. Current employment address and phone number; (7-1-00)T
- d. Current home address and phone number; and (7-1-00)T
- e. Continuing education credits earned. (7-1-00)T

**03. Notice And Form For Renewal.** On or about May 1, the board shall mail a notice to each certified

veterinary technician whose certification expires on July 1 of that year, and shall also provide a form for renewal. The board shall issue a new certificate to all qualified veterinary technicians certified under Title 54, Chapter 21, Idaho Code. (7-1-00)T

**04. Expired Certification Fees.** Within thirty (30) days of the date a certification expires due to nonrenewal, the certification may be reinstated by paying the established late fee, the renewal fee, and by fulfilling any other requirements of Section 104. Once a certification has expired, a veterinary technician may not perform technician duties until the certification has been reinstated or until the technician has applied for and received a new certification. (7-1-00)T

**05. Failure To Renew Or Reinstatement Certification.** Any person who shall practice as a veterinary technician after the expiration of a certification and who fails to renew or reinstate the certification shall be practicing in violation of Title 54, Chapter 21, Idaho Code. (7-1-00)T

**06. Change Of Address.** It is the responsibility of each certified veterinary technician to notify the board office of any change of address. Failure to receive a renewal form from the board shall not constitute an excuse for failure to pay the renewal fee and completion of the prescribed form. (7-1-00)T

**105. GROUNDS FOR DISCIPLINE OF VETERINARY TECHNICIANS.**  
In addition to the provisions of Section 54-2118, Idaho Code, the board may refuse to issue, renew, or reinstate the certification of a veterinary technician, or may deny, revoke, suspend, sanction, place on probation, or require voluntary surrender of the certification of a veterinary technician, or may impose other forms of discipline, and enter into consent agreements and negotiated settlements with certified veterinary technicians pursuant to the procedures set forth in Title 67, Chapter 52, Idaho Code for any of the following reasons: (7-1-00)T

**01. Fraud, Misrepresentation, Or Deception.** The employment of fraud, misrepresentation or deception in obtaining certification. (7-1-00)T

**02. Unethical Or Unprofessional Conduct.** Unethical or unprofessional conduct is conduct that includes, but is not limited to, any of the following: (7-1-00)T

a. False or misleading advertising or solicitation; (7-1-00)T

b. Providing any procedure to an animal that constitutes the practice of veterinary medicine or veterinary technology and which has not been delegated by the employing veterinarian, except in the case of an emergency as defined by Section 54-2103(16), Idaho Code; (7-1-00)T

c. Working in conjunction with any unlicensed or uncertified person who is practicing veterinary medicine or veterinary technology; (7-1-00)T

d. Failing to apply sanitary methods or procedures in the treatment of any animal; (7-1-00)T

e. Physically abusing a patient or failing to conform to the currently accepted standards of care in the field of veterinary technology for any animal under his care; (7-1-00)T

f. Verbally abusing or harassing a patient or owner or caretaker of an animal; (7-1-00)T

g. Practicing veterinary technology in a manner that endangers the health and welfare of the patient or the public. A certified veterinary technician shall not practice veterinary technology if his ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance, or as a result of any mental or physical disability; (7-1-00)T

h. Gross ignorance, incompetence or inefficiency in the practice of veterinary technology as determined by, but not limited to, the practices generally and currently followed and accepted by persons certified to practice veterinary technology in this state and the current teaching at accredited programs in veterinary technology; (7-1-00)T

i. Intentionally performing a duty, task or procedure in the field of veterinary technology for which the individual is not qualified; (7-1-00)T

j. Swearing falsely in any testimony or affidavits relating to, or in the course of, the practice of veterinary technology. (7-1-00)T

k. Engaging in conduct of a character likely to deceive or defraud the public. (7-1-00)T

**03. Conviction Of Violating Any Federal Or State Statute, Rule Or Regulation.** Conviction of a charge of violating any federal or state statute or rule or regulation regulating narcotics, dangerous drugs or controlled substances. (7-1-00)T

**04. Conviction Of A Charge Or Crime.** Being found guilty, convicted, placed on probation, having entered a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure a defendant's appearance, or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in this state or any other state of one (1) or more of the following: (7-1-00)T

a. Any felony, as defined by Title 18, Chapter 1, Idaho Code; or (7-1-00)T

b. Any other criminal act that in any way is related to the practice of veterinary technology as defined by Section 54-2103(47), Idaho Code. (7-1-00)T

**05. Medical Incompetence.** Medical incompetence in the practice of veterinary technology, which means lacking in sufficient medical knowledge or skills or both to a degree likely to endanger the health of patients. (7-1-00)T

**06. Physical Or Mental Incompetence.** Physical or mental incompetence, which means the individual's ability to practice veterinary technology with reasonable skill and safety is impaired by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance, or as a result of any physical or mental disability. (7-1-00)T

**07. Malpractice Or Negligence.** Malpractice or negligence, in the practice of veterinary technology, which includes but is not limited to: (7-1-00)T

a. Treatment in a manner contrary to accepted practices in veterinary technology and with injurious results; (7-1-00)T

b. Any professional misconduct or unreasonable lack of professional skill or fidelity in the performance of an act that is part of the practice of veterinary technology; (7-1-00)T

c. Performance of an act that is part of the practice of veterinary technology without adequate supervision; except in the case of an emergency as defined by Section 54-2103(16), Idaho Code; or (7-1-00)T

d. The negligent practice of veterinary technology, as determined by the standard of practice for the area, that results in injury, unnecessary suffering or death. (7-1-00)T

**08. Cruelty To Animals.** Cruelty to animals, including but not limited to the intentional and malicious infliction of pain, physical suffering, injury or death, performance of experimental treatments without the owner's consent, deprivation of necessary sustenance, withholding of appropriate pain medications or levels of pain medications, or the administration of unnecessary procedures and treatment. Infliction of pain on any animal in self-defense, or to prevent physical harm to others, or in accordance with local custom and culture in moving, handling, treating, dehorning, castrating or performing other procedures on livestock, shall not be considered cruel or physically abusive unless done in an unnecessary or intentionally malicious manner. This provision does not alter Section 25-3514, Idaho Code. (7-1-00)T

**09. Revocation, Suspension, Limitation Or Subjection.** The revocation, suspension, limitation, or subjection of a license, certificate or registration or any other disciplinary action by another state or U.S. jurisdiction

or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice veterinary technology in that state or jurisdiction on grounds other than nonpayment of the renewal fee. (7-1-00)T

**10. Continuing Education.** Failure to comply with the continuing education requirements outlined by the rules of the board. (7-1-00)T

**11. Failure To Cooperate.** (7-1-00)T

a. Failure of any applicant or certificate holder to cooperate with the board during any investigation, even if such investigation does not personally concern the applicant or certificate holder. (7-1-00)T

b. Failure to comply with the terms of any order, negotiated settlement, or probationary agreement of the board. (7-1-00)T

c. Failure to comply with the terms for certification renewal or to timely pay certification renewal fees as specified by Section 104. (7-1-00)T

**12. Aiding Or Abetting.** Knowingly aiding or abetting an unlicensed or uncertified person to practice veterinary medicine or veterinary technology. (7-1-00)T

**13. Current Certification.** Practicing as a certified veterinary technician without a current certification. (7-1-00)T

**14. Acceptance Of Fees.** Accepting fees for veterinary technician services from a client. (7-1-00)T

**15. Unlawful Practice.** Representing oneself as a doctor of veterinary medicine, which constitutes the unauthorized practice of veterinary medicine in violation of Title 54, Chapter 21, Idaho Code. (7-1-00)T

**16. Violation Of Law, Rules Or Order.** Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any of the provisions of the veterinary law or rules or a written order of the board issued pursuant to Title 54, Chapter 21, Idaho Code. (7-1-00)T

**106. -- 149. (RESERVED).**

**IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS**

**46.01.01 - RULES OF THE IDAHO STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

**DOCKET NO. 46-0101-0002**

**TEMPORARY AND PROPOSED (FEE) RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2000.

**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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2105, 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 July 19, 2000.

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

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

The following rule changes are needed to implement changes made in Chapter 21, Title 54, Idaho Code:

Includes a new section, Incorporation By Reference. Provides for changes in the qualifications for licensure for graduates of certain unaccredited colleges of veterinary medicine outside the United States and Canada. Provides for temporary permits and licensing, after November 1, 2000, for applicants who have passed the National Board Examination and fulfilled alternative competency requirements in lieu of taking the Clinical Competency Test. Provides for changes in the requirements for conversion from inactive to active license status. Provides a fee to cover Board's expenses incurred in the review process of applications for the national veterinary examination (NAVLE), clarifies fees for license without the Clinical Competency Test, changes conversion fee to reinstatement fee, changes license fee to certification fee for Certified Euthanasia Agencies and Technicians and combines late fee with reinstatement fee, and requires official verification for name changes on licenses and certificates. Provides that continuing education course providers supply copies of sign-in and sign-out sheets and provides for an extension of the three-year continuing education period when necessary. Adds a new section for eligibility evaluation of candidates taking their national veterinary examination (NAVLE). Provides that improper supervision of anesthetized patients by a veterinarian or his employees shall constitute unprofessional conduct. Provides additions to the Code of Professional Conduct that include signed consent forms for euthanasia and proper disposal of controlled substances and containers. Provides for changes to the record keeping requirements to clarify ownership and release of medical records, to clarify record keeping requirements for controlled substances and the requirements for issuance of prescription drug orders for prescription and legend veterinary drugs. Changes references to the licensing of euthanasia agencies and euthanasia technicians to the certification of these entities, changes the definition of certified euthanasia technician to correspond to Section 54-2103(9), Idaho Code, provides the requirements for remote chemical capture training, clarifies the certification and renewal requirements, and provides the grounds for disciplinary action against CEAs and CETs. Makes housekeeping corrections and technical changes to conform to changes in Chapter 21, Title 54, Idaho Code.

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

To allow the board to charge a processing fee for the National Veterinary Medicine licensing examination pursuant to Section 54-2105(6)(d), Idaho Code.

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

The fifty dollar (\$50) fee will be charged for processing and evaluating applications.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because there is a lack of identifiable representatives of affected interests and because of the need to implement these

changes by temporary rule.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Sheila Jensen, Senior Administrative Assistant, at (208) 332-8588.

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 July 26, 2000.

DATED this 24th day of May 2000.

Sheila Jensen  
Senior Administrative Assistant  
Board of Veterinary Medicine  
2270 Old Penitentiary Rd.  
P. O. Box 7249  
Boise, ID 83707  
Telephone: (208) 332-8588  
Facsimile: (208) 334-4062

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 46-0101-0002**

**005. — ~~009.~~ (RESERVED) INCORPORATION BY REFERENCE.**

**01. Documents Incorporated.** The following documents are incorporated herein by reference in accordance with the provision of Section 67-5229, Idaho Code. (7-1-00)T

a. The Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA), adopted January 1, 1999. (7-1-00)T

b. The Educational Commission for Foreign Veterinary Graduates Information for Graduates of Colleges of Veterinary Medicine Outside the United States and Canada (ECFVG), adopted May 1, 2000. (7-1-00)T

**02. Location Of Documents.** Copies of the documents that are incorporated by reference in these rules may be obtained by contacting the office of the Idaho Board of Veterinary Medicine. (7-1-00)T

**006. -- 009. (RESERVED).**

**010. LICENSE.**

**01. Qualifications For License.** Applicants for license to practice veterinary medicine and surgery in Idaho shall be of good moral character and reputation and have: (7-1-97)

a. Graduated from an ~~approved~~ accredited school of veterinary medicine ~~or the veterinary department of a university, approval based on the list of approved schools by the Council of Education of the American Veterinary Medical Association~~ as defined by Section 54-2103(24), Idaho Code; or (~~3-18-99~~)(7-1-00)T

b. ~~In compliance with Section 54-2107(3), Idaho Code;~~ The board will accept as eligible for

licensure;

(7-1-00)T

i. ~~Any graduate of a veterinary school, college or university outside of the United States and Canada that fulfills the current requirements for foreign veterinary graduates as set forth by current American Veterinary Medical Association standards the Educational Commission for Foreign Veterinary Graduates. The board hereby incorporates by reference and adopts the current Educational Commission for Foreign Veterinary Graduate's "Information for Graduates of Colleges of Veterinary Medicine Outside the U.S. and Canada" as amended as the requirements for foreign veterinary graduates. (Copies of this publication are on file at the board office.)~~ A graduate enrolled in the foreign graduate program would be considered a student as defined by Section 54-2104(2)(b), Idaho Code. ~~(4-5-00)(7-1-00)T~~

ii. Any graduate of an unaccredited veterinary school who has completed a curriculum of not less than four (4) academic years in a veterinary medical program approved by the board and satisfactorily completed clinical education equivalent in purpose, content, experience and length to the clinical training received by students in an accredited veterinary medical program. Such clinical education needs to have been obtained pursuant to a formal affiliation agreement between the unaccredited veterinary school and an accredited veterinary medical program. Qualified graduates applying for licensure under Subsection 010.01.b.ii. may be issued a temporary permit to practice veterinary medicine under the professional supervision of an actively licensed Idaho veterinarian. Such temporary permit may be renewed for up to three (3) years by paying the current active license renewal fee established by Section 014, provided that during this three (3) year period, the applicant has applied to complete the evaluated clinical experience requirements of the ECFVG program. The evaluated clinical experience requirements of the ECFVG program require that the applicant, following graduation from an unaccredited veterinary medical program, has: (7-1-00)T

(1) Completed one (1) additional academic or full year of evaluated clinical experience at an AVMA accredited or approved college of veterinary medicine and the supervising veterinarian has reported to ECFVG that the candidate has demonstrated competence equal to, or exceeding that expected of a new graduate of an accredited college of veterinary medicine; or (7-1-00)T

(2) Successfully passed the Clinical Proficiency Examination (CPE) approved by the ECFVG. (7-1-00)T

c. If at the end of the three (3) year period, the applicant has not received his ECFVG certificate or the results of the Clinical Proficiency Examination have not been made known to him, the expiration date for his temporary permit may be extended until a copy of his ECFVG certificate has been received or the results of the Clinical Proficiency Examination have been made known to him and the applicant's completed license application can be reviewed by the board at their next regularly scheduled meeting. (7-1-00)T

**02. Application.** Application for license may be obtained from the board office. (7-1-97)

**03. Examination.** ~~The national licensing examinations developed by the National Board Examination Committee for Veterinary Medicine, or its designees, and the state jurisprudence examination as prepared by the Board.~~ for licensure to practice veterinary medicine and surgery in Idaho are: ~~(3-18-99)(7-1-00)T~~

a. National licensing examinations, developed by the National Board Examination Committee; or its designee, that include, but are not limited to: ~~(3-18-99)(7-1-00)T~~

i. The National Board Examination (NBE) and Clinical Competency Test (CCT), which may be taken at any time and as many times as necessary; ~~(3-18-99)(7-1-00)T~~

ii. As of November 1, 2000, the North American Veterinary Licensing Examination (NAVLE), which may be taken at any time and as many times as necessary. (4-5-00)

b. The jurisprudence examination, as prepared by the board or its designee, and which may be taken more than once, at three (3) month intervals. (3-18-99)

i. The jurisprudence exam will be an open book exam, consisting of twenty-five (25) to fifty (50)

questions on the Idaho veterinary law, and rules, and ~~will be an open book exam~~ the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA). (7-1-97)(7-1-00)T

ii. The jurisprudence exam, a copy of Title 54, Chapter 21, Idaho Code, ~~and~~ a copy of the rules of the board, IDAPA 46.01.01, "Rules of the Idaho State Board of Veterinary Medical Examiners," and a copy of the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA) shall be sent to each applicant along with the application for licensure. (3-18-99)(7-1-00)T

iii. After November 1, 2000, applicants who have taken their national examinations prior to this date and have not taken and passed the Clinical Competency Test (CCT) may, in lieu of a passing score on the CCT, provide the documentation specified by Section 54-2107(5), Idaho Code. (7-1-00)T

**04. Passing Score.** (7-1-97)

a. A passing score for the national licensing examinations shall be calculated and reported by the National Board Examination Committee, or its designee, or the American Association of Veterinary State Boards or its designated test vendor. If such a score is not available, the passing score shall be as reported by the National Board Examination Committee, or its designee, or the American Association of Veterinary State Boards or its designated test vendor and shall be considered equal to or greater than one point five (1.5) standard deviation below the mean score of the examination. (3-18-99)(7-1-00)T

b. A passing score for the jurisprudence examination shall be ninety percent (90%) or such score as deemed appropriate by the board. All application materials and fees shall be at the board office, with the exception of the Clinical Competency Examination results when an applicant is applying for a temporary permit or ~~specialty~~ a license without having taken the Clinical Competency Examination, before the jurisprudence examination shall be graded. (3-18-99)(7-1-00)T

**05. Review Of Examination.** (7-1-97)

a. An applicant wishing to review the results of the jurisprudence examination shall make a written request to the board within thirty (30) days of receipt of the jurisprudence examination results. (7-1-97)

b. The review shall be conducted no later than sixty (60) days from the date of the written request, shall not exceed two (2) hours in length, and no written materials or any reproductions shall be removed from the review premises. (7-1-97)

c. The review shall take place at the office of the board during normal business hours. (7-1-97)

**011. ~~SPECIALTY LICENSE WITHOUT CLINICAL COMPETENCY TEST (CCT).~~**

~~An applicant for a specialty license~~ On or after November 1, 2000, an applicant who has taken his national examinations prior to this date and has not taken and passed the CCT, may be exempt from the Clinical Competency Test as provided for in Section 54-2110, Idaho Code, ~~may be exempt from the Clinical Competency Test.~~ (7-1-97)(7-1-00)T

**012. LICENSE RENEWAL/RETURN TO ACTIVE STATUS.**

**01. Renewal.** An "active" or "inactive" veterinary license may be renewed by submission of the completed and signed annual renewal form prescribed by the board, submission of a continuing education report as outlined in Subsection 015.03.d. for the appropriate hours of continuing education, and payment of all applicable fees. (4-5-00)

**02. Return To "Active" License Status.** A veterinarian whose license is on inactive status shall not practice veterinary medicine and surgery in this state. A licensee may convert from "inactive" license status to "active" license status by: (4-5-00)

a. Making written application to the board on an application form prescribed by the board. (7-1-97)

b. Providing thirty (30) hours of continuing education credits earned in the three (3) fiscal years (July 1 to June 30) ~~prior to~~ immediately preceding application for activation of an “inactive” license. ~~(3-18-99)~~(7-1-00)T

~~e. Providing verification of active veterinary practice in another state for the past five (5) years or by providing verification of passing scores on the national licensing examinations developed by the National Board Examination Committee for Veterinary Medicine, or their designee. These include, but are not limited to, passing scores on the National Board Examination (NBE) and Clinical Competency Test (CCT) or, as of November 1, 2000, the North American Veterinary Licensing Examination (NAVLE) taken within the past five (5) years. (4-5-00)~~

~~d.~~ Taking and passing the jurisprudence exam with a score of ninety percent (90%) or better. (3-18-99)

~~e. Providing two (2) affidavits of moral character from veterinarians currently licensed in any state and issued during the past calendar year. (7-1-97)~~

~~f.~~ Providing verification of license in good standing from the licensing boards in ~~any~~ each state where ~~a license is or has been held~~ the applicant has been licensed to practice veterinary medicine since converting to inactive status or from the American Association of Veterinary State Board’s Veterinary Information Verifying Agency (VIVA). ~~(4-5-00)~~(7-1-00)T

~~g.~~ Paying all applicable fees. (4-5-00)

**03. Late Renewal.** Within thirty (30) days of the date a license expires due to nonrenewal, the license may be reinstated by paying the established late fee, the renewal fee, and by fulfilling the requirements of Section 54-2112, Idaho Code. Once a license has expired, a veterinarian may not practice veterinary medicine until the license has been reinstated or until the veterinarian has applied for and received a new license. (4-5-00)

**04. Change Of Address.** It is the responsibility of each licensed veterinarian to notify the board office of any change of address. Failure to receive a renewal form from the board shall not constitute an excuse for failure to pay the renewal fee and fulfill the requirements of Section 54-2112, Idaho Code. (4-5-00)

**05. Military Waiver.** License renewal fees for licensees on active duty with the armed services of the United States may be waived one (1) time, not to exceed the longer of three (3) years or the duration of a national emergency. (3-18-99)

**013. TEMPORARY PERMITS.**

Temporary permits shall be consecutively numbered beginning with the number one (1) and all numbers shall be prefixed with the letters VT. (7-1-97)

**01. Supervision.** For the purpose of temporary permits, supervision shall mean the same as professional supervision and the supervising veterinarian shall be individually responsible and liable for the ~~performance of the~~ acts and omissions ~~performed by~~ of the temporary licensee. ~~(7-1-97)~~(7-1-00)T

**02. Licensing Requirements.** (7-1-00)T

a. For new graduates or currently practicing veterinarians licensed in another state, licensing requirements for a temporary permit shall be the same as for a new licensee. (7-1-00)T

b. After November 1, 2000, the licensing requirements for a temporary permit ~~For~~ applicants who have taken their national examinations prior to this date, but have not taken the Clinical Competency Test, the licensing requirements for a temporary permit shall be the same as for a new license, with the exception of an additional year in which to take and pass except in lieu of a passing score on the Clinical Competency Test, the applicant shall have fulfilled the requirements of Section 54-2107(5), Idaho Code. ~~(4-5-00)~~(7-1-00)T

**03. Responsibility.** Nothing herein shall be construed to relieve the temporary licensee of any responsibility or liability for any of their own acts and omissions. (7-1-97)

**04. Expiration.** For new graduates or currently practicing veterinarians licensed in another state, a temporary permit shall be valid until the next license review by the board. ~~For Temporary permits issued prior to November 1, 2000 to applicants who have not taken the Clinical Competency Test, a temporary permit shall be valid for no more than one (1) year.~~ (4-5-00)(7-1-00)T

**014. FEES.**

Fees are established as authorized under Title 54, Chapter 21, Idaho Code by action of the board as follows: (7-1-97)

- 01. Veterinarian:** (3-18-99)
  - a. Application and Original License Fee (Section 54-2107, Idaho Code) - Two hundred dollars (\$200). ~~(3-18-99)~~(7-1-00)T
  - b. Annual Renewal Fee (Section 54-2112, Idaho Code): (3-18-99)
  - e.i. Active License - One hundred twenty-five dollars (\$125); (3-18-99)
  - e.ii. Inactive License - Fifty dollars (\$50). (3-18-99)
  - e.c. ~~Specialty License~~ Without Clinical Competency Test Fee (Section 54-2110, Idaho Code): ~~(3-18-99)~~(7-1-00)T
  - i. ~~First Year~~ Application and Original License Fee - Two hundred dollars (\$200); ~~(3-18-99)~~(7-1-00)T
  - ii. Annual Renewal Fee; ~~(Section 54-2110, Idaho Code)~~ (7-1-00)T
  - (1) Active License - One hundred twenty-five dollars (\$125); ~~(3-18-99)~~(7-1-00)T
  - (2) Inactive License - Fifty dollars (\$50). (7-1-00)T
  - f.d. ~~Conversion~~ Reinstatement/Late Fee (Section 54-2112, Idaho Code) - Fifty dollars (\$50). ~~(3-18-99)~~(7-1-00)T
  - g.e. Temporary Permit Fee (Section 54-2111, Idaho Code) - One hundred dollars (\$100). (3-18-99)
  - h.f. ~~Certificates of Good Standing~~ License Verifications (Sections 54-2105(6) and 54-2112, Idaho Code) - Ten dollars (\$10). ~~(3-18-99)~~(7-1-00)T
  - g. National Qualification/Eligibility Review Fee (Section 54-2105(6)(b) and 54-2105(6)(d), Idaho Code) - Fifty dollars (\$50). (7-1-00)T
- 02. Certified Euthanasia Agency ~~License~~ Certification Fee. (Section 54-2105(~~56~~)(j*d*), Idaho Code). ~~(3-18-99)~~(7-1-00)T
  - a. Application and ~~License~~ Original Certification Fee - One hundred dollars (\$100). ~~(3-18-99)~~(7-1-00)T
  - b. Annual Renewal Fee - One hundred dollars (\$100). (7-1-97)
  - c. Reinstatement/Late Fee - Twenty-five dollars (\$25). ~~(7-1-97)~~(7-1-00)T**
- 03. Certified Euthanasia Technician ~~License~~ Certification Fee. (Section 54-2105(~~56~~)(j*d*), Idaho Code). ~~(3-18-99)~~(7-1-00)T
  - a. Training and ~~License~~ Certification Fee - One hundred dollars (\$100). ~~(3-18-99)~~(7-1-00)T
  - b. Annual Renewal Fee - Fifty dollars (\$50). (3-18-99)**

c. Reinstatement/Late Fee - Twenty-five dollars (\$25). ~~(7-1-97)~~(7-1-00)T

**04. Veterinary Technician Certification Fee.** (Section 54-2105(~~56~~)(~~m~~d), Idaho Code). ~~(3-18-99)~~(7-1-00)T

a. Application and Original Certification Fee - One hundred dollars (\$100). ~~(3-18-99)~~(7-1-00)T

b. Annual Renewal Fee - Fifty dollars (\$50). (3-18-99)

c. Reinstatement/Late Fee – Twenty-five dollars (\$25). (3-18-99)

d. Temporary Permit Fee – Fifty dollars (\$50). (3-18-99)

**05. Duplicate License And Certificate Fee – Twenty-Five Dollars (\$25).** When a new license, wall certificate or certificate ion is issued for the purpose of changing the ~~veterinarian's certified euthanasia technician's or veterinary technician's~~ license or certificate holder's name, the request for name change must be accompanied by a copy of the court order or marriage license authorizing the name change and the current license, certification or original wall certificate shall be returned to the board office. ~~(3-18-99)~~(7-1-00)T

**06. Adjustment Of Renewal Fees.** The board may adjust renewal fees downward to a minimum of fifty dollars (\$50) for “active” license renewals and a minimum of twenty-five (\$25) for “inactive” license renewals if, by majority vote of the board members, the board’s free-fund balance is sufficiently high. (3-18-99)

**015. MANDATORY CONTINUING VETERINARY EDUCATION.**

**01. Statement Of Purpose.** It is of primary importance to the public that veterinarians continue their veterinary education throughout the period of their active practice of veterinary medicine. These rules establish the minimum continuing veterinary education requirements necessary for veterinarians to maintain a license to engage in the practice of veterinary medicine in the state of Idaho. (7-1-97)

**02. Approved Courses.** (7-1-00)T

a. Approved courses include: (7-1-00)T

i. ~~Those~~ courses and providers listed on the American Association of Veterinary State Board’s Continuing Education Registry; and (7-1-00)T

ii. ~~Those~~ courses and providers approved by the board. (7-1-00)T

b. Board approval for a continuing education course may be obtained by sending a written request to the board office and enclosing copies of the course agenda, dates, times, locations, and requested number of credit hours in management and veterinary medicine. Copies of the sign-in and sign-out sheets for each approved course are to be supplied to the board office following completion of the course by the course provider. ~~(3-18-99)~~(7-1-00)T

**03. Education Requirements.** (7-1-93)

a. Minimum Requirement. Each active veterinarian in the state of Idaho shall complete a minimum of thirty (30) credit hours of accredited continuing veterinary education activity in each and every three (3) year period following the date of his or her admission to the practice of veterinary medicine in this state. Each active member admitted to the practice of veterinary medicine before July 1, 1990 shall complete a minimum of thirty (30) credit hours of accredited continuing veterinary education activity in each and every three (3) year period beginning July 1, 1990. (7-1-93)

b. Credit Requirements. The following are the minimum and maximum credits that may be earned for each reporting period. (7-1-93)

- i. A minimum of twenty-one (21) hours of continuing education in veterinary medicine, surgery, and dentistry. (3-18-99)
- ii. A maximum of nine (9) hours of continuing education in management. (7-1-93)
- c. Attendance Period. The attendance period shall be based upon the fiscal year (July 1 to June 30). (3-18-99)
- d. Report. Each veterinarian subject to these rules shall file a written report, on a form prescribed by the Board, as provided in this rule. (7-1-93)
  - i. Content of Report. The report shall set forth the record of the veterinarian's compliance with these rules during the attendance period and shall contain at least: (7-1-93)
    - (1) A list of the courses attended; (7-1-93)
    - (2) The dates of attendance; (7-1-93)
    - (3) The sponsoring organization; (7-1-93)
    - (4) The hours attended, rounded to the nearest one-half (1/2) of an hour; and (7-1-97)
    - (5) The veterinarian's signature, under penalty of perjury. (7-1-93)
  - ii. Place of Filing. The report of compliance with the continuing veterinary ~~education~~ education requirement shall be filed with the secretary of the board. (~~7-1-97~~)(7-1-00)T
  - iii. Time of Filing. The report shall be filed on, or prior to, July 1 in the year the veterinarian is required to complete the continuing education requirement. (7-1-93)

**04. Exemptions.** Upon a showing of good cause by a licensee to the board, the board may exempt such licensee from any, all or part of the continuing education requirement or may grant an extension of the three (3) year period. Written requests for exemptions from continuing education credits shall be sent to the board office. (~~7-1-97~~)(7-1-00)T

**05. Credit For Attendance.** Continuing veterinary education credits may be earned by attending approved courses in continuing veterinary education. (7-1-97)

a. Credits. One (1) credit hour shall be given for each fifty (50) minutes actually spent by the active member in attendance at an accredited, domestic or foreign, course. No credit shall be given for: (7-1-97)

i. Time spent in introductory remarks, coffee and lunch breaks, business meetings or other activities not involving the educational aspects of the course. (3-18-99)

ii. Any course attended before admission to practice veterinary medicine in Idaho. (7-1-93)

iii. Journal and magazine articles, videos or correspondence courses, unless specially approved by the board. (7-1-97)

b. In cases of panel presentations, credit shall be calculated by multiplying the actual number of course hours by two (2) and dividing by the number of panel members involved. (3-18-99)

c. Carryover Credit. No credit for attending approved courses in continuing veterinary education shall be applicable to any reporting period other than that during which the credit is actually earned. (7-1-97)

**016. ~~099.~~ (~~RESERVED~~); ELIGIBILITY EVALUATION – NATIONAL EXAMINATION;**

**01. Eligibility Requirements.** Effective July 1, 2000, all applicants applying to the board for eligibility evaluation for the national examination shall: (7-1-00)T

a. If not previously graduated from an accredited school of veterinary medicine at the time of application, be within six (6) months of expected graduation date. (7-1-00)T

b. Have qualified for licensure in this state as outlined in Section 54-2107, Idaho Code and Subsection 010.01; (7-1-00)T

c. Have fulfilled the licensing requirements, as outlined in Section 54-2107, Idaho Code and Subsections 010.02, 010.03, and 010.04 with the exception of a passing score on the national examination(s); (7-1-00)T

d. Have completed the national examination(s) application prepared by the National Board Examination Committee (NBEC) or its designee and supplied by the board, NBEC or its designee; (7-1-00)T

e. Have submitted to the board the national examination application fee established by the NBEC in the form of a money order, certified check or cashier's check and made out to the National Board Examination Committee; (7-1-00)T

f. And have paid to the board the state application and license fee as outlined in Subsection 014.01.a. and the national examination processing fee, as outlined in Subsection 014.01.g. (7-1-00)T

**02. Application And Fee Deadlines.** For applicants applying to the board for eligibility evaluation for the national examination(s), application and fee deadlines for both the national examination(s) and for the state licensure examination shall be ninety (90) days prior to the first date of each national testing window established by the National Board Examination Committee or its designee. No candidate will be permitted to take the national examination(s) until their completed national and state applications have been received and approved, and the established fees paid. (7-1-00)T

**03. Determination Of Eligibility.** Upon the board's determination of an applicant's eligibility for the national examination(s), the board shall notify the applicant of his eligibility to take the national examination(s) and shall transmit the applicant's eligibility information and examination fee to the National Board Examination Committee or its designee. Any candidate not included on the board's eligibility list for the current test window will be ineligible to take the national examination(s) during that test window. (7-1-00)T

**04. Authorization To Test And Scheduling.** The National Board Examination Committee or its designee will supply authorization to test, letters, and scheduling permits to eligible candidates. Scheduling permits will contain instructions pertaining to establishing, changing or canceling a test appointment through a centralized registration center (Customer Service Call Center or CSCC). (7-1-00)T

a. Candidates will be responsible for scheduling their own testing date, time and location through the Customer Service Call Center, CSCC. Candidates who desire to change the date, time or location of the testing appointment may do so without financial penalty until noon on the fifth business day prior to the scheduled appointment. All times are based upon the local time of the center where the candidate is scheduled to test. (7-1-00)T

b. Candidates must take the national examination(s) within the established test window or their authorization to test will expire and their national examination(s) and processing fees forfeited. (7-1-00)T

c. Candidates desiring to retake the national examination(s) during a subsequent test window must have their eligibility reconfirmed by the board to the National Board Examination Committee or its designee and pay the established national examination(s) and processing fees. (7-1-00)T

**05. National Examination(s) Scoring And Reporting.** (7-1-00)T

a. The passing score for the national examination(s) shall be the criterion referenced passing score

established by the National Board Examination Committee or its designee, or by the American Association of Veterinary State Boards or its designated test vendor. (7-1-00)T

b. The board will report scores on the national examination(s) to the individual candidates. (7-1-00)T

i. No candidate shall be permitted to review the national examination(s) or receive copies of his answers to the examination(s). (7-1-00)T

ii. For candidates failing the national examination(s), upon request, a diagnostic breakdown according to the examination's overall content areas will be supplied. (7-1-00)T

iii. Any appeals by candidates regarding examination(s) scores will be managed by and between the candidate and the board. (7-1-00)T

iv. Any rationales and analyses provided by the National Board Examination Committee beyond the diagnostic information will be at the board's written request and at the candidate's expense. (7-1-00)T

c. A copy of the candidate's initial score report will be supplied to the board by the National Board Examination Committee. Subsequent score reports to other boards must be requested by the candidate through the American Association of Veterinary State Boards, or their designee at the candidate's expense. (7-1-00)T

**017. -- 099. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**151. UNPROFESSIONAL CONDUCT.**

The Idaho Board of Veterinary Medicine hereby ~~incorporates by reference and~~ adopts the ~~current~~ "Principles of Veterinary Medical Ethics, ~~Opinions and Reports of the Judicial Council~~ of the American Veterinary Medical Association", ~~as incorporated by Section 005 and Section 152, Code of Professional Conduct, of this chapter, as the definition of ethical and professional conduct for licensed veterinarians. (Sections 54-2103(40) and 54-21135(2), subsection 3, Idaho Code). (Copies of the current "Principles of Veterinary Medical Ethics, Opinions and Reports of the Judicial Council of the American Veterinary Medical Association," and board rule Section 152, Code of Professional Conduct of this chapter are on file at the board office.)~~ Any violation of the Principles of the Veterinary Medical Ethics of the American Veterinary Medical Association or Code of Professional Conduct shall constitute unprofessional conduct. Unprofessional conduct includes but is not limited to: ~~(4-5-00)~~(7-1-00)T

**01. Violations Of The Principles Of Veterinary Medical Ethics.** Any violation of the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association. ~~(4-5-00)~~(7-1-00)T

**02. Violations Of The Code Of Professional Conduct.** Any violation of the Code of Professional Conduct. (4-5-00)

**03. Unsanitary Methods Or Procedures.** Failure to apply sanitary methods or procedures in the treatment of any animal, contrary to the rules adopted by the board. (4-5-00)

**04. Association With Illegal Practitioners.** Shall include but not be limited to: (4-5-00)

a. Having a professional relationship or connection with, lending one's name to, or otherwise aiding and abetting any illegal or unlicensed practice or practitioner of veterinary medicine and the various branches thereof; (4-5-00)

b. Rendering professional service in association with a person who is not licensed and does not hold a temporary permit; or (4-5-00)

- c. Sharing fees with any person, except a licensed veterinarian, for services actually performed. (4-5-00)
- 05. False Testimony.** Swearing falsely in any testimony or affidavits relating to, or in the course of, the practice of veterinary medicine, surgery or dentistry. (4-5-00)
- 06. Gross Ignorance, Incompetence Or Inefficiency.** In determining gross ignorance, incompetence or inefficiency in the profession, the board may take into account all relevant factors and practices including, but not limited to, the practices generally and currently followed and accepted by the persons licensed to practice veterinary medicine in this state, the current teaching at accredited veterinary schools, relevant technical reports published in recognized veterinary medical journals, and the desirability of reasonable experimentation in the furtherance of the art of veterinary medicine. (4-5-00)
- 07. Improper Supervision.** Shall include but not be limited to: (7-1-00)T
- a. Permitting, allowing, causing or directing any *unqualified* individual to perform a duty, task or procedure ~~which~~ that they are not qualified to perform. ~~(4-5-00)~~(7-1-00)T
- b. Personally providing or permitting, allowing, causing or directing any individual to provide inadequate anesthetic monitoring. An anesthetized patient shall be continuously monitored until the patient is awake and in sternal recumbency. (7-1-00)T
- 08. Association With Others.** Accepting fees from the providers of animal services or products when referring clients to such providers. (4-5-00)
- 152. CODE OF PROFESSIONAL CONDUCT.**  
The board's code of professional conduct includes but is not limited to the following standards of conduct: (7-1-97)
- 01. Veterinarian/Client/Patient Relationship.** A veterinarian shall not dispense or prescribe controlled substances, prescription or legend drugs except in the course of his professional practice and ~~when~~ after a bona fide veterinarian/client/patient relationship as defined by rule Section 150 has been established. ~~(7-1-97)~~(7-1-00)T
- 02. Health Certificate.** A veterinarian shall not issue a certificate of health unless he ~~shall have~~ has personal knowledge by means of actual examination and appropriate testing of the animal that the animal meets the requirements for issuance of such a certificate. ~~(7-1-97)~~(7-1-00)T
- 03. DEA ~~Registration~~ And Controlled Substance ~~License~~ Registration.** A veterinarian shall notify the board of the suspension, revocation, or voluntary surrender of his federal Drug Enforcement Administration (DEA) registration and his state controlled substance ~~license~~ registration. ~~(7-1-97)~~(7-1-00)T
- 04. Fraud.** A veterinarian shall not engage in fraud, deceit, or misrepresentation in the practice of veterinary medicine. (7-1-97)
- 05. Aiding Or Abetting.** A veterinarian shall not in any way aid or abet the unlawful practice of veterinary medicine. (7-1-97)
- 06. Ability To Practice.** A veterinarian shall not practice veterinary medicine as to endanger the health and welfare of his patients or the public. A veterinarian shall not practice veterinary medicine if his ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability. (7-1-97)
- 07. Conflicting Interests.** A veterinarian shall not represent conflicting interests except by the express consent of all the parties after full disclosure of all the facts. A conflict of interest shall include, but not be limited to, accepting a fee from a buyer to inspect an animal for soundness and accepting a fee from the seller. (7-1-97)

**08. Confidentiality.** A veterinarian shall maintain a confidential relationship with his clients, except as otherwise provided by law or required by considerations related to public health and animal health. (7-1-97)

a. The information contained in veterinary medical records is considered confidential. It is unethical for a veterinarian to release this information except by court order or consent of the patient's owner or other caretaker at the time treatment was rendered. (7-1-00)T

b. Without express permission of the practice owner, it is unethical for a veterinarian to remove, copy, or use the medical records or any part of any record belonging to the practice or its owner for any purpose other than the business of the practice. (7-1-00)T

**09. Verbal And Physical Abuse-Client.** A veterinarian shall not engage in verbal abuse or harassment of a client, nor shall a veterinarian physically threaten or assault a client or an employee. (7-1-97)

**10. Physical Abuse-Patient.** A veterinarian shall not physically abuse a patient or fail to conform to the currently accepted standards of care in the veterinary profession for any animal under his care. (7-1-97)

**11. Preservation Of Patient's Body.** A veterinarian shall where possible preserve for twenty-four (24) hours the body of any patient which dies while in the veterinarian's care until the owner can be contacted, except as otherwise provided by law. (7-1-97)

**12. ~~Anesthesia And Surgical Consent Forms - Surgery, Anesthesia And Euthanasia.~~** A veterinarian shall ~~where possible, except in an emergency situation, obtain written consent from the patient's owner or other caretaker before performing any surgical procedure, administering general anesthetics and performing any surgical procedure euthanasia.~~ (7-1-97)(7-1-00)T

**13. Consent For Transporting.** A veterinarian shall obtain ~~where possible~~ written consent from a patient's owner or other caretaker before transporting a patient to another facility for veterinary medical care or any other reason, unless circumstances qualifying as an emergency do not permit obtaining such consent. (7-1-97)(7-1-00)T

**14. Patient Record.** A veterinarian shall maintain a patient record for each animal or herd ~~which that~~ accurately reflects the veterinary problems and interventions and conforms to the standards set forth in Section 154. (7-1-97)(7-1-00)T

**15. Supervision.** A veterinarian shall provide the proper form of supervision required for persons to whom veterinary functions are delegated or assigned. (7-1-97)

**16. Cooperation With Authorities.** A veterinarian shall cooperate with authorities in the investigation of the incompetent, unethical or illegal practice of veterinary medicine by any individual including another veterinarian. (7-1-97)

**17. Refusal To Render Services.** A veterinarian shall have the right to refuse to render veterinary medical services, refuse an owner's request to euthanize a healthy or treatable animal, provided the cost of such treatment(s) is not overly excessive and prolonged, and shall have the right to refuse to admit as an in-patient to his hospital or clinic an animal that is not currently vaccinated. (7-1-97)(7-1-00)T

**18. Improper Disposal of Controlled Substances.** A veterinarian shall dispose of all controlled substances and the containers, instruments and equipment used in their administration in conformance with the requirements of the Code of Federal Regulations and the Idaho Board of Pharmacy law and rules. (7-1-00)T

**153. STANDARDS OF PRACTICE.**

Veterinarians shall adhere to the guidelines for professional behavior set forth in the Principles of Veterinary Medical Ethics, Opinions and Reports of the Judicial Council—~~incorporated by reference, rule~~ Section 152, Code of Professional Conduct, and the board's standards of practice as defined by rule. Standards of practice include but are not limited to: (7-1-97)(7-1-00)T

**01. Practice Procedures.** (7-1-97)

a. A licensed veterinarian shall exercise the same degree of care, skill, and diligence in treating patients that is ordinarily used in the same or similar circumstances by ~~average~~ members of the veterinary medical profession in the community in which he practices. (~~7-1-97~~)(7-1-00)T

b. When the primary objective is to protect the animal patient's health and a professionally acceptable immunization procedure is being sought, a "clinical examination" of the animal by the veterinarian is required prior to each and every immunization procedure, except in the practice of large animal medicine where mass immunizations of animal herds is involved or when immunization is performed by the animal patient's owner. For the purpose of this subsection the definition of "Owner" in addition to ownership as defined by the laws of the ownership of property, non-profit organizations dedicated to the care and treatment of animals shall be considered the owners of animals in their custody if such organizations are the primary care giver for the animal or if the true owner of such animal cannot be immediately determined. (4-5-00)

c. A veterinarian shall establish a valid veterinarian/client/patient relationship as defined by rule Section 150, prior to dispensing, using, prescribing, or selling any controlled substance or legend drug, or the prescribing of an extra-label use of any drug. (4-5-00)

d. A veterinarian dispensing or distributing any drug or medicine shall dispense or distribute such drug or medicine in good faith, within the context of a valid veterinarian/client/patient relationship as defined by Section 150, and shall, except in the case of any drugs and medicines that are in containers that bear a label of the manufacturer with information describing their contents and that are in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act, 21 CFR Part 201.105, affix or cause to be affixed to the container containing the drug or medicine a label indicating: (~~4-5-00~~)(7-1-00)T

i. The date on which such drug or medicine is dispensed; (4-5-00)

ii. The name of the owner; (4-5-00)

iii. The last name of the person dispensing such drug or medicine; (4-5-00)

iv. Directions for use thereof, including dosage and quantity; and (4-5-00)

v. The proprietary or generic name of the drug or medicine. (4-5-00)

**02. Construction Standards.** (7-1-97)

a. All premises shall meet the minimum requirements of construction, sanitation and cleanliness of the county health department in which the premise is located. (7-1-97)

b. All buildings and grounds shall conform to local building and zoning regulations. (7-1-97)

c. Fire prevention measures shall conform to state and local codes. (7-1-97)

d. All facilities shall provide for the effective separation of contagious and noncontagious cases. (7-1-97)

e. Animals shall not be placed in cages or kennels with other breeds or species ~~which~~ that are incompatible with the animal in question. Animals shall not be overcrowded in a cage or kennel. (~~7-1-97~~)(7-1-00)T

**03. Equipment Standards.** (7-1-97)

a. All facilities shall be equipped with or have access to adequate diagnostic and therapeutic equipment and supplies to enable the veterinarian to provide the services offered. Adequacy of equipment and supplies will be consistent with and determined by the standards of veterinary medicine practiced by ~~average~~ members of the veterinary medical profession in the community. (~~7-1-97~~)(7-1-00)T

b. All facilities and equipment used shall meet the manufacturers' label requirements for the storage of biologicals and supplies requiring temperature control. (7-1-97)

c. All facilities offering surgical services shall have properly sterilized surgical supplies and instruments. Autoclave equipment shall be properly utilized in those facilities where major surgery is conducted. (7-1-97)

d. All facilities shall have an adequate power supply to operate all equipment necessary to perform the services offered. (7-1-97)

**04. Facility Sanitation Standards.** (7-1-97)

a. All facilities shall meet the requirements of the state department of health and local health departments pertaining to sewage, waste disposal, and the disposal of dead animals. (7-1-97)

b. All areas of the building and grounds shall be kept free of refuse. (7-1-97)

c. All facilities shall maintain a sanitary environment to avoid sources and transmission of infection including a means to isolate animals with a highly communicable disease. (7-1-97)

d. Floors, counter-tops, table-tops, sinks, and similar equipment shall be maintained in a clean and sanitary condition. ~~(7-1-97)~~(7-1-00)T

e. Examination tables, surgery tables and all indoor, as well as outdoor, small animal compartments shall be constructed of sealed or non-porous material and cleaned and disinfected after each animal use. (4-5-00)

f. All animal compartments shall be cleaned and disinfected at least once a day when in use, and be constructed in a manner to reasonably prevent injury to and/or loss of confinement for the animal. (7-1-97)

g. Large animal compartments shall be cleaned at least once daily when in use. If communicable disease is present, the enclosure shall be disinfected after each use. (7-1-97)

**05. Surgical Standards.** (7-1-97)

a. Surgical areas for aseptic procedures shall be either a separate room or have the capacity to be separated during use. (7-1-97)

b. Surgical areas shall be provided with emergency lighting. (7-1-97)

c. In the surgical areas, temperature and ventilation shall be maintained at adequate levels to ensure the animal's comfort, safety and sanitation. (7-1-97)

d. All surgical areas shall be equipped with adequate resuscitation equipment. (7-1-97)

**06. Anesthesia Standards.** (7-1-97)

a. All anesthetized animals shall be monitored and under supervision at all times. An anesthetized animal shall be continuously monitored and observed until ~~at least the swallowing reflex has returned~~ patient is awake and in sternal recumbency. ~~(7-1-97)~~(7-1-00)T

b. If gas anesthesia is used, all anesthesia areas shall be equipped with an adequate waste gases discharge system to ensure the safety of humans and animals. (7-1-97)

c. Anesthesia areas shall be equipped with adequate ventilation systems that ensure the safety of humans and animals. (4-5-00)

**154. RECORD KEEPING STANDARDS.**

Every veterinarian shall maintain daily medical records of the animals treated. These records may be computerized and shall be readily retrievable to be inspected, duplicated, or submitted when requested by the board. Records shall be maintained for a period of three (3) years following the last treatment or examination. Patient medical records shall be maintained for every animal accepted and treated as an individual patient by a veterinarian, or for every animal group (e.g., herd, litter, and flock) treated by a veterinarian. ~~(7-1-97)(7-1-00)T~~

- 01. Medical Records.** Medical records shall include but not be limited to: (7-1-97)
- a. Name, address and phone number of the animal's owner or other caretaker. (7-1-97)
  - b. Name and description, sex (if readily determinable), breed and age of animal; or description of group. (7-1-97)
  - c. Dates (beginning and ending) of custody of the animal. (7-1-97)
  - d. A short history of the animal's condition as it pertains to the animal's medical status. (7-1-97)
  - e. Results and notation of examination, (i.e. temperature, pulse and respiration rate, laboratory data, etc.) condition, diagnosis suspected. (7-1-97)
  - f. All medications, treatments, prescriptions or prophylaxis given, including amount and frequency for both inpatient and outpatient care. (7-1-97)
  - g. Diagnostic and laboratory tests or techniques utilized, and results of each. (7-1-97)

**02. Consent Forms.** ~~Signed~~ Consent forms, signed by the patient's owner or other legal caregiver ~~caretaker~~ for ~~surgery~~ any surgical procedure, anesthesia, and or euthanasia, shall be obtained, except in emergency situations. for each animal and shall be maintained on file with the practitioner. ~~(4-5-00)(7-1-00)T~~

**03. Preoperative/Postoperative Instructions.** Instructions for preoperative and postoperative home-care shall be provided. (7-1-97)

**04. Treatment Records.** Veterinarians who practice with other veterinarians shall indicate by recognizable means on each patient's or animal group's medical record any treatment the veterinarian personally performed and which treatments and procedures were ~~directed~~ delegated to a technician or assistant to perform. ~~(7-1-97)(7-1-00)T~~

**05. Ownership Of Medical Records.** Medical records are the ~~physical~~ personal property of the hospital or the proprietor of the practice that prepares them. Other veterinarians, including those providing subsequent health needs for a patient, may receive in a timely manner a copy or summary of the patient's medical record, upon the request of the patient's owner or other caretaker. Veterinarians shall secure a written release to document that request. ~~(7-1-97)(7-1-00)T~~

**06. Radiograph Identification And Ownership.** All radiographs shall be labeled in the emulsion film to identify the veterinarian or premise, the patient, the owner, the date, and anatomical orientation. A radiograph is the physical property of the ~~veterinarian who originally ordered it to be prepared~~ hospital or the proprietor of the practice that prepares it, and it shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to whom it pertains ~~and or to the board.~~ Such radiographs shall be returned to the veterinarian who originally ordered # them to be prepared within a reasonable time. ~~(7-1-97)(7-1-00)T~~

**07. Statement Of Charges.** A veterinarian shall make available to each client a statement of charges. (7-1-97)

**08. Controlled Substances And Prescription Or Legend Drugs.** A controlled substance is any substance classified by the federal Food and Drug Administration or the Idaho Board of Pharmacy in Schedules I through V of the state or federal Controlled Substances Act, Title 37, Chapter 27, Idaho Code or 21 CFR Part 1308. A

prescription or legend drug is any drug that under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements: "Caution federal law prohibits dispensing without a prescription;" or "RX Only;" or "Caution: Federal law restricts this drug to used by or on the order of a licensed veterinarian;" or a drug which is required by any applicable federal or state law or regulation or rule to be dispensed on prescription only, or is restricted to use by practitioners only. A veterinarian shall only dispense or distribute a controlled substance or prescription or legend drug within the context of a valid veterinarian/client/patient relationship as defined by Section 150. ~~(7-1-97)~~(7-1-00)T

a. Records shall be kept ~~which~~ that account for all dispensed and distributed controlled substances and prescription or legend drugs. The records shall comply with all federal and state laws. All information required by statute shall be recorded in the patient record along with the initials of the veterinarian who authorized the dispensing or distribution of the controlled substances or prescription or legend drugs. ~~(7-1-97)~~(7-1-00)T

b. A separate inventory record shall be kept for each controlled substance by name and strength. The record shall include: (7-1-97)

i. Records of the receipt, which include all information required by federal law, the date of the receipt, the amount received, the source of receipt, and the invoice number. (7-1-97)

ii. Records of dispensing, which include the date the controlled substance was dispensed, the amount dispensed, the animal's name, identification of the patient record, identification of the person who dispensed the drug, identification of the veterinarian who supervised the dispensing and any other information required by federal law. (7-1-97)

c. Records for all dispensed or distributed prescription or legend drugs shall be maintained in the individual patient or herd record and shall include the date the drug was dispensed or distribution was authorized, the amount dispensed or distributed, identification of the person who dispensed or authorized distribution of the drug, identification of the veterinarian who supervised the dispensing and any other information required by federal or state law, regulation or rule. (7-1-00)T

d. Prescription drug order means a lawful written or verbal order of a veterinarian for a drug. (7-1-00)T

i. When prescription drug orders are to be distributed to the animal(s)' owner or legal caretaker by a retail veterinary drug outlet, all orders for prescription or legend drugs shall be written on an official three (3) part order form available through the Idaho Department of Agriculture. The veterinarian shall retain the second copy in his medical record and the original and one (1) copy shall be sent to the retail veterinary drug outlet. The retail veterinary drug outlet shall retain the original and attach the copy of the original to the order for delivery to the animal(s)' owner or legal caretaker. (7-1-00)T

ii. Under no circumstances shall a prescription or legend drug be distributed by a retail veterinary drug outlet to an animal(s)' owner or legal caretaker prior to the issuance of either a written or oral prescription drug order from the veterinarian: (7-1-00)T

(1) When a written prescription drug order from the veterinarian has been issued to a retail veterinary drug outlet, a copy of the veterinarian's original prescription drug order shall be attached to the prescription or legend drugs that are delivered to the animal(s)' owner or legal caretaker. (7-1-00)T

(2) When a retail veterinary drug outlet receives an oral prescription drug order from the veterinarian, the oral order shall be promptly reduced to writing on a Department of Agriculture telephone drug order blank. A copy of the written oral order shall be attached to the prescription or legend drugs that are delivered to the animal(s)'s owner or legal caretaker. (7-1-00)T

(3) When a veterinarian issues an oral prescription drug order to a retail veterinary drug outlet, the oral order shall be followed within seventy-two (72) hours by a written prescription drug order signed by the veterinarian. (7-1-00)T

- e. When prescription or legend drugs are dispensed, the labeling on all containers shall be in compliance with the requirements of Subsection 153.01.d. (7-1-00)T
- ef. When controlled substances are dispensed, all containers shall be properly labeled with: (4-5-00)
- i. The clinic's name, address, and phone number; (4-5-00)
- ii. The name of the client and patient; (7-1-00)T
- iii. The ~~D~~drug name and quantity; and (4-5-00)(7-1-00)T
- iv. ~~Size of drug; and~~ The directions for use, including dosage and quantity. (4-5-00)(7-1-00)T
- g. All controlled substances shall be stored and dispensed in accordance with the requirements of the Uniform Controlled Substances Law and Code of Federal Regulations. (4-5-00)(7-1-00)T
- d. When dispensing controlled substances, all containers shall be labeled with: (4-5-00)
- i. The name of the client and patient; and (4-5-00)
- ii. The directions for use, including dosage and quantity. (4-5-00)

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. EUTHANASIA TASK FORCE.**

Pursuant to Section 54-2105(~~56~~)(~~1~~), Idaho Code, a Certified Euthanasia Task Force (CETF) is established for the purpose of training, examining, ~~licensing~~, and certifying euthanasia agencies and euthanasia technicians. The CETF shall consist of no fewer than five (5) members appointed by the board. At its discretion, the board may appoint itself as the CETF. The membership of the CETF shall always include at least one (1) member of the board. New members shall be nominated by either the board or the CETF and be confirmed by the board. Applicants for a CETF position shall be ~~licensed~~, certified euthanasia technicians (CETs) as defined by Section 54-2103(9), Idaho Code, and employed by ~~licensed~~, a certified euthanasia agency as defined by Section 54-2103(68), Idaho Code, working under the direct supervision of a licensed veterinarian, or be an Idaho licensed veterinarian. (7-1-97)(7-1-00)T

**01. Term.** Each member shall serve for two (2) years, at the pleasure of the board. A CETF member may be eligible for reappointment. If there is a vacancy for any cause, the CETF or the board shall nominate and the board shall confirm a successor to fill the unexpired term. (7-1-97)

- 02. Duties.** The duties of CETF members shall include but not be limited to the following: (7-1-93)
- a. Coordinate and provide euthanasia training classes as needed. (7-1-97)
- b. Inspect; and certify ~~and license~~ agencies ~~registered by the CETF.~~ (7-1-97)(7-1-00)T
- c. Review the applications, records, performance, methods and procedures used by agencies and persons seeking to be ~~licensed~~ certified or to renew their ~~license~~ certification as a Certified Euthanasia Agency, (CEA) or Certified Euthanasia Technician (CET). (7-1-97)(7-1-00)T
- d. Conduct written and practical examinations for applicants applying for ~~license~~, certification and authorize ~~license~~ certification through the board. (7-1-97)(7-1-00)T
- e. Recommend suspension or revocation of ~~licenses~~ a certification when necessary. (7-1-97)(7-1-00)T

**03. Compensation.** Members of the CETF shall be compensated as provided by Section 59-509(n),

Idaho Code. (7-1-97)

**201. METHODS OF EUTHANASIA.**

Methods of euthanasia approved by the CETF and used for the purpose of humanely euthanizing injured, sick, homeless or unwanted pets and animals: (7-1-97)

**01. Approved Drugs.** (7-1-97)

a. Euthanasia drugs are ~~pentobarbital or any other~~ Schedule II non-narcotic or Schedule III non-narcotic euthanasia drug covered by the Controlled Substances Act ~~which that~~ has first been approved in writing ~~for use~~ by the Idaho Board of Pharmacy, the CETF and the board ~~and~~. ~~A list of approved euthanasia drugs is on file at the board office.~~ (7-1-97)(7-1-00)T

b. Restraint drugs are ~~those approved drugs that are~~ any Schedule III or Schedule IV narcotic or non-narcotic controlled substance as defined by the Controlled Substances Act, or other legend drugs ~~which are that have been~~ approved for use by ~~licensed certified~~ CEAs or CETs who are classified as law enforcement agencies or law enforcement personnel. Such restraint drugs shall be limited to those approved in writing by the Idaho Board of Pharmacy, the CETF and the board ~~and~~. ~~A list of approved restraint drugs is on file at the board office.~~ (7-1-97)(7-1-00)T

**02. Carbon Monoxide-Induced Euthanasia Chambers.** ~~Carbon Monoxide-Induced Euthanasia Chambers are acceptable only when the equipment is properly designed and operated.~~ (7-1-93)(7-1-00)T

**202. PROCUREMENT AND ADMINISTRATION OF APPROVED DRUGS.**

In order for a ~~licensed~~, certified euthanasia agency to obtain approved drugs for ~~the~~ euthanizing of animals and a ~~licensed~~, certified euthanasia technician to administer such drugs, the following procedure shall be followed: (7-1-97)(7-1-00)T

**01. DEA Registration.** A ~~licensed~~, certified euthanasia agency (CEA) shall appoint a person who will be responsible for ordering the approved drugs and who shall submit an application for the agency's registration as a Euthanasia Agency Practitioner-A.S. to the Drug Enforcement Agency (DEA). The CEA shall also designate a ~~licensed~~, certified euthanasia technician (CET) who will be responsible for the security of the agency's approved drugs. (7-1-97)(7-1-00)T

**02. Controlled Substance License Registration.** ~~A designated~~ Each CET employed by the agency shall apply for a controlled substance ~~license~~ registration from the Idaho ~~State~~ Board of Pharmacy under ~~the designee's~~ their individual name and using the CEA's DEA registration number. (7-1-97)(7-1-00)T

**03. Purchase Of Approved Drugs.** After the ~~licensed~~, certified euthanasia agency has received a DEA registration number and the ~~designated~~ CETs at that agency ~~has~~ have received ~~an~~ their Idaho Board of Pharmacy controlled substance ~~license~~ registrations, the ~~CEA~~ designated individual for the agency may ~~order and on behalf of the agency~~ purchase ~~any~~ approved drugs ~~and the licensed CET may administer these approved drugs for the agency for storage at the CEA location.~~ (7-1-97)(7-1-00)T

**04. Administration Of Approved Drugs.** ~~Licensed~~, eCertified euthanasia technicians employed by ~~licensed~~, certified euthanasia agencies and registered with the Idaho Board of Pharmacy may perform euthanasia by the administration of approved drugs. (7-1-97)(7-1-00)T

**203. FEES.**

**01. Payment.** All fees shall be paid prior to training, examination, ~~license~~ certification, and renewal. (7-1-97)(7-1-00)T

**02. Refunds.** Fees are non-refundable. (7-1-93)

**204. CERTIFIED EUTHANASIA AGENCY.**

~~An approved~~, certified euthanasia agency is a law enforcement agency, an animal control agency or a society for the

prevention of cruelty to animals ~~who~~ that has been inspected and ~~licensed~~ licensed certified by the euthanasia task force or the board, Section 54-2103(8), Idaho Code. In order to be ~~licensed~~ licensed certified to purchase and ~~possess~~ store approved drugs, certified euthanasia agencies shall be inspected by the CETF or the board and shall meet the following criteria:  
(7-1-97)(7-1-00)T

**01. Approved Drugs.** Approved drugs shall be kept in a ~~securely~~ locked cabinet securely attached to the building in which it is housed.  
(7-1-97)(7-1-00)T

- a. Each agency shall maintain a ~~written~~ current written list of ~~designated~~ CET(s). (7-1-93)(7-1-00)T
- b. Access to the drug storage cabinet shall be limited to licensed veterinary supervisors and assigned CET(s). Such persons shall be responsible for the security of the approved drugs and shall allow withdrawal of the approved drugs only to a person ~~licensed~~ licensed certified by the board and registered with the Idaho Board of Pharmacy to administer such drugs.  
(7-1-97)(7-1-00)T
- c. All approved drugs shall be prepared according to the manufacturer's instructions. (7-1-97)
- d. Two (2) different needle sizes are required: ~~a~~ eighteen (18) and twenty (20) gauge. An agency may have other needle sizes according to its needs. Needles shall be of medical quality, and shall not be used if they are dirty, clogged, barbed, or might otherwise cause unnecessary discomfort for the animal. Needles shall not be used more than five (5) times.  
(7-1-97)(7-1-00)T
- e. Three (3) different syringe sizes are required: three (3), six (6), and twelve (12) cc's. An agency may have other syringe sizes according to its needs. Syringes shall be of medical quality. They may be reused if they are properly cleaned.  
(7-1-97)(7-1-00)T

f. Used needles and syringes that are to be reused shall be kept in the same secure or temporary storage as the approved drugs. (7-1-97)

g. Spent needles and syringes shall be disposed of in a manner that makes their re-use impossible. (7-1-93)

**02. Proper Storage.** When no CET is on duty, proper storage for approved drugs is in a ~~secure~~ locked storage cabinet.  
(7-1-97)(7-1-00)T

- a. The cabinet shall be of such material and construction that it will withstand strong attempts to break into it. A metal safe is preferred. (7-1-93)
- b. The cabinet shall be securely attached to the building in which it is housed. (7-1-93)
- c. The temperature and environment in the storage cabinet shall be adequate to assure the proper keeping of the drug. (7-1-93)

**03. Proper Labeling.** Proper labeling of approved drugs shall include: (7-1-97)

- a. Shipment records showing receipt of the approved drugs shall be maintained and include all information required by federal law, the date the shipment was received, the amount, the source, and the invoice number. Upon removal from the shipment carton, each individual container of an approved drug shall be labeled with the drug name and strength, the date the drug was prepared, a drug hazard warning label and the name and address of the agency owning the drug. (7-1-97)
- b. Administration records showing the date an approved drug was administered, weight, species of animal and dosage of each drug administered for euthanasia and restraint, identification of the person who dispensed the approved drugs and if applicable identification of the veterinarian or CET who supervised the dispensing shall be maintained.  
(7-1-97)(7-1-00)T
- c. Records of wastage shall be maintained and signed by the person administering the approved drug

and the ~~designated~~ CET ~~or person~~ responsible for security. (7-1-97)(7-1-00)T

d. A weekly record of ~~verification of the stock~~ approved drugs on hand, minus the amounts withdrawn for administration, signed by the ~~designated~~ CET or person responsible for security. (7-1-97)(7-1-00)T

e. Disposal records of any expired or unwanted approved drugs shall be maintained. Disposal of unwanted drugs and the containers, instruments and equipment used in the administration of the approved drugs shall be in conformance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations. (7-1-97)(7-1-00)T

**04. Temporary Storage.** When a CET is on duty and when animals are being euthanized throughout the workday, approved drugs may be kept in a temporary storage cabinet. The cabinet shall be constructed of any strong material and shall be securely locked. The key to this cabinet shall be available only to the licensed veterinary supervisor and designated CET(s). (7-1-97)

**05. Record keeping.** Proper record keeping; (7-1-97)

a. All records shall be filed in chronological order in a binder that is labeled with the name of the agency. (7-1-93)

b. All records shall be kept for a period of three (3) years from the calendar date on the record. (7-1-93)

**06. Proper Sanitation.** The euthanasia area shall be clean and regularly disinfected. ~~(7-1-93)~~(7-1-00)T

**07. Other Site Conditions.** Other site conditions relevant to the proper euthanasia environment. (7-1-93)

a. Each agency shall have a specific area designated for euthanasia. The area shall be: (7-1-93)

i. A separate room; or (7-1-93)

ii. An area that is physically separated from the rest of the agency by a wall, barrier or other divider; or (7-1-93)

iii. An area that is not used for any other purpose while animals are being euthanized. (7-1-93)

b. The euthanasia area shall meet the following minimum standards: (7-1-93)

i. Lighting shall be bright and even; (7-1-93)

ii. The air temperature shall be within a reasonable comfort range for both the personnel and animals. A minimum sixty (60) degrees F and maximum ninety (90) degrees F is recommended; (7-1-93)

iii. The area shall have adequate ventilation that prevents the accumulation of odors. At least one (1) exhaust fan vented directly to the outside is recommended; and (7-1-93)

iv. The floor of the area shall provide dry, non-slip footing to prevent accidents. (7-1-93)

c. The euthanasia area shall have the following equipment: (7-1-93)

i. A table or other work area where animals can be handled while being euthanized. (7-1-93)

ii. A cabinet, table or work bench where the drugs, needles, syringes and clippers can be placed. (7-1-93)

d. The following materials shall be kept in the euthanasia area or shall be brought to the area each time

- an animal is euthanized: (7-1-93)
- i. A first aid kit that meets minimum first aid supply standards; (7-1-93)
  - ii. One (1) or more tourniquets; (7-1-93)
  - iii. Standard electric clippers with No. 40 blade; (7-1-93)
  - iv. Animal control stick for dogs and animal net for cats (if the agency handles cats); (7-1-93)
  - v. Stethoscope; (7-1-93)
  - vi. Towels, sponges, disinfectant. (7-1-93)
  - e. All equipment shall be in good working order. (7-1-93)

**08. Equipment Stored.** All equipment shall be stored so that it does not create a safety hazard for the personnel. All drugs and other chemical agents used in the euthanasia area shall be clearly labeled as specified by Subsections ~~2024.013 and 202.02.~~ (7-1-97)(7-1-00)T

**09. License Certification Renewal.** Licenses Certifications may be renewed upon successful completion of a facility inspection by a CETF member, a member of the board or other individual appointed by the CETF and payment of the annual renewal fee. (7-1-97)(7-1-00)T

~~**10. Grounds For Discipline.** Discipline will be imposed for but is not limited to the following actions by a CEA:~~ (7-1-97)

- ~~a. Allowing an unlicensed individual to administer approved drugs without the proper supervision. (7-1-97)~~
- ~~b. Allowing unlicensed or probationary CETs to euthanize animals without proper supervision as specified by Subsection 205.03. (7-1-97)~~
- ~~e. Violating any provision of the board law and rules including those contained herein and Federal regulations. (7-1-97)~~

**205. CERTIFIED EUTHANASIA TECHNICIAN.**

The term Certified Euthanasia Technician (CET) means: A person employed by a certified euthanasia agency, ~~a law enforcement agency, an animal control agency, or a society for the prevention of cruelty to animals,~~ or working under the direct supervision of a licensed veterinarian, Section 54-2103(79)(a), Idaho Code, who has been ~~licensed~~ certified by the board and registered with the Idaho Board of Pharmacy to possess and administer approved drugs. ~~Licensed~~ CETs shall have been instructed in the proper methods of humane euthanasia, security and record keeping as well as possess other skills as deemed necessary by the board. In ~~addition, licensed~~ order to possess and administer approved ~~restraint drugs,~~ law enforcement CETs shall have additional training in the proper use and handling of approved restraint drugs and equipment. (3-18-99)(7-1-00)T

**01. Training And Examinations.** The CETF ~~or the board~~ shall develop training sessions and materials ~~which that~~ shall include, but not be limited to, the following topics: (7-1-97)(7-1-00)T

- a. Euthanasia: (7-1-00)T
- ~~ai.~~ The theory and history of euthanasia methods; (7-1-97)(7-1-00)T
- ~~bii.~~ Animal anatomy; (7-1-97)(7-1-00)T
- ~~eiii.~~ Proper animal handling to ease trauma and stress; (7-1-97)(7-1-00)T

~~div.~~ Dosages of chemical agents, record keeping and documentation of usage, storage, handling, and disposal of out-dated ~~drugs and their containers, instruments and equipment used in their administration in accordance with the Uniform Control Substances law, Idaho Board of Pharmacy law and rules and the Code of Federal Regulations;~~ (7-1-97)(7-1-00)T

~~ev.~~ Proper injection techniques; and (7-1-97)(7-1-00)T

~~CEFs:~~ ~~evi.~~ Proper use and handling of approved ~~restraint~~ euthanasia drugs and equipment ~~by law enforcement~~ (7-1-97)(7-1-00)T

~~evii.~~ Examination. Following the euthanasia training, a written examination shall be given. Those passing the written examination will be eligible for the practical examination ~~for licensure as a CET.~~ (7-1-97)(7-1-00)T

b. Remote Chemical Capture: (7-1-00)T

i. An overview of remote chemical capture; (7-1-00)T

ii. Description and basic mechanism of action of approved drugs; (7-1-00)T

iii. Laws, regulations and rules governing remote chemical capture; (7-1-00)T

iv. Post-injection care; (7-1-00)T

v. Proper use and handling of approved restraint drugs and equipment; (7-1-00)T

vi. Human safety; (7-1-00)T

vii. Tactics and strategy; and (7-1-00)T

viii. Delivery systems and equipment. (7-1-00)T

**02. ~~Licensing And~~ Certification Standards.** Applicants for certification as a CET ~~positions~~ shall be eighteen (18) years of age or older and demonstrate proficiency in compliance with the following standards. (7-1-97)(7-1-00)T

a. Euthanize animals in the presence of one (1) or more CETF or board members: (7-1-97)(7-1-00)T

i. ~~The~~ CETs ~~is~~ are fully responsible for all actions that take place in the euthanasia area when an animal is brought to the area including, but not limited to, animal handling, use of the proper restraint technique, the proper drug dosage, and drug handling; (3-18-99)(7-1-00)T

ii. Each animal shall be handled with the least amount of restraint necessary, but human safety shall always be the primary concern; (7-1-93)(7-1-00)T

iii. ~~The~~ CETs shall be able to properly perform intravenous injections on dogs and intraperitoneal injections on both dogs and cats. Intravenous injections on cats shall not be required as part of the certification process, but ~~if~~ when performed, shall meet the standards listed ~~below~~ in Subsection 205.02.a.iii.(1). Intracardiac injections on dogs and cats shall not be required ~~and~~ as part of the certification process, but when performed, are restricted to the limitations listed ~~below~~ in Subsection 205.02.a.iii.(3). (7-1-93)(7-1-00)T

~~iv.(1)~~ Intravenous Injections: The CET shall be able to properly and efficiently insert the needle into an animal's vein in no more than two (2) attempts on ninety percent (90%) of the animals injected by this method. IV injections in the cephalic vein shall be used on all dogs over the age of three (3) months unless the animal's physical condition or size makes this type of injection impossible, or the animal's behavior would make this type of injection a serious danger to the CET or handler. A minimum of two (2) people shall be required for any IV injection. One (1) person shall be a CET and one (1) or more people shall be the handler(s). The handler(s) do not need to be CET(s).

but the handler(s) should be trained in human safety and animal handling techniques: (7-1-93)(7-1-00)T

~~vi~~(2) Intrapertoneal Injections: The CET shall be able to efficiently insert the needle into the proper injection site in no more than two (2) attempts on ninety-five percent (95%) of the animals injected by this method. It is recommended that animals injected by this method ~~shall~~ be held or otherwise restrained by the handler until the animal is unconscious. If an animal cannot be held, it shall be placed into a cage with no other animals. The front of the cage shall be covered with cloth or other material that can keep the cage isolated from the normal activities in the euthanasia area. The animal shall be checked every five (5) minutes until death occurs. Intrapertoneal injections may be administered by a CET without a handler. (7-1-93)(7-1-00)T

~~vi~~(3) Intracardiac Injections: Intracardiac injection shall be performed only on an anaesthetized animal. ~~The~~ CET~~s~~ shall be able to efficiently insert the needle into the heart of an animal in no more than two (2) attempts on ninety percent (90%) of the animals injected by this method. Intracardiac injections may be administered by a CET without a handler. (7-1-97)(7-1-00)T

~~vi~~v. No other injection procedures ~~is~~ are permitted in any type of animal: (7-1-93)(7-1-00)T

(1) ~~A minimum of two (2) persons shall be required for any IV injection. One (1) person shall be a CET and one (1) or more persons shall be a handler. The handler(s) do not have to be CET(s), but the handler(s) should be trained in human safety and animal handling techniques.~~ (7-1-93)

(2) ~~Intrapertoneal and intracardiac injections may be administered by a CET without a handler.~~ (7-1-93)

viii. Injections: (7-1-00)T

(1) On all injections, the CET shall aspirate the syringe to determine if the needle is in the correct site: (7-1-93)(7-1-00)T

(2) For human safety, the cap shall be kept on the needle until such time ~~that~~ as the injection is ready to be made: (3-18-99)(7-1-00)T

(3) The needle shall be of the size and length appropriate for the specific animal involved: and (7-1-93)(7-1-00)T

(4) The dosage of any approved drug used shall be no less than the minimum dosage recommended by the drug's manufacturer. (7-1-97)

~~ix~~vi. Oral administration of approved drugs: ~~This~~ is permitted for any animal that cannot be captured or restrained without serious danger to human safety: (7-1-97)(7-1-00)T

~~x~~vii. Demonstrate an understanding of carbon monoxide-induced euthanasia chambers. (3-18-99)

b. Demonstrate proper record keeping: A record of all approved drugs received and used by the agency shall be kept. The record shall contain the following information: (7-1-97)(7-1-00)T

i. A weekly verification of the drug stock on hand, signed by the CET: (7-1-93)(7-1-00)T

ii. An entry of the date that a new bottle of any approved drug is opened and the volume of the bottle, signed by the CET: (7-1-97)(7-1-00)T

iii. The species and approximate weight of each animal administered a drug: (7-1-93)(7-1-00)T

iv. The amount of the drug that was administered: (7-1-93)(7-1-00)T

v. The signature of the CET who administered the drug: (7-1-93)(7-1-00)T

vi. A record of the amount of the drug wasted, if any ~~wastage of the drug~~, signed by the CET administering the drug; ~~and~~ (7-1-93)(7-1-00)T

vii. A record of Any disposal of expired or unwanted approved drugs, or other chemical agent(s) should be in conformance or the containers, instruments and equipment used in their administration, signed by the CET and disposed of in accordance with the Idaho Board of Pharmacy law and rules and the Code of Federal Regulations. (7-1-97)(7-1-00)T

c. Demonstrate understanding and concern for the needs of individual animals: (3-18-99)

i. Once they have collapsed, injected animals shall be lowered to the surface on which they were being held at the time of injection. Injected animals shall not be permitted to drop or otherwise collapse without human support; (7-1-93)(7-1-00)T

ii. All animals shall be handled in a manner that minimizes stress to the animal and maximizes the personal safety of the CET and the handler(s). Handling includes all aspects of moving an animal from one (1) area to another; (7-1-93)(7-1-00)T

iii. The use of control sticks and other similar devices shall be limited to fractious or potentially dangerous animals; ~~and~~ (7-1-93)(7-1-00)T

iv. Animals shall not be placed in cages or kennels with other breeds or species that are incompatible with the animal in question. Animals shall not be overcrowded in a cage or kennel. (7-1-93)

d. Demonstrate ability to verify death. The animal should become unconscious and show terminal signs within thirty (30) seconds after an IV or IC injection, within fifteen (15) minutes after an IP injection, or within sixty (60) minutes after an oral administration. If any animal does not show any of these signs within the designated time periods, the CET shall re-administer the drug. An animal that has received an approved drug orally may be injected with the same or another approved drug after it has become unconscious. Terminal signs include: no visual indications of breathing or heartbeat, lack of capillary response in the gums and/or lack of corneal or pupillary reflexes. Each animal shall be checked to verify death. Verification is the responsibility of the CET and shall be made by physical examination of the individual animal. One (1) of the following two (2) standards for death shall be met: (3-18-99)(7-1-00)T

i. Rigor mortis; or (7-1-93)

ii. Complete lack of heartbeat (as checked with a stethoscope); ~~and~~ complete lack of respiration; ~~and~~ complete lack of capillary response in the gums, and complete lack of corneal, palpebral, and pupillary reflexes. (7-1-93)(7-1-00)T

e. Demonstrate ability to communicate with handlers during the euthanasia process. (3-18-99)

**03. Licensing Certification.** An ~~applicant~~ individual shall not be ~~licensed~~ certified as a CET until such time as ~~the applicant~~ he has demonstrated proficiency in the practical examination ~~which that~~ shall be conducted following the ~~applicant having satisfactorily~~ successful passing of the written exam. Training courses and written and practical examinations will be given as needed. Certification and renewal training sessions and examinations will be conducted prior to July 1 of each year at a place selected by the CETF or the board. (3-18-99)(7-1-00)T

a. An ~~applicant~~ individual who has passed the written exam, but has not attended a training session and has not passed the practical examination, may serve as a probationary euthanasia technician under the direct supervision of an Idaho licensed veterinarian or CET until such time as the next training course, practical exam and certification are conducted by a CETF or board member. (7-1-97)(7-1-00)T

b. Failure: An ~~applicant~~ individual who has not passed the written exam may not serve as a euthanasia technician or assistant. (7-1-97)(7-1-00)T

c. Probation: An ~~applicant~~ individual who attends a training session and passes the written exam but

fails the practical exam may serve on probation until the CETF member re-examines the ~~applicant~~ individual. If the ~~applicant~~ individual fails to pass the practical exam a second time and wishes to apply again, the ~~applicant~~ individual shall attend the next regular training session and written exam. ~~(7-1-97)(7-1-00)T~~

d. Upon termination from an agency as defined in Section 204 of these rules, a CET shall not perform animal euthanasia until employed by another ~~licensed~~, certified euthanasia agency as defined by Section 54-2103~~(78)(a)~~, Idaho Code. ~~(3-18-99)(7-1-00)T~~

e. The agency shall notify ~~in writing~~ the board office and/or a CETF member in writing within thirty (30) days from ~~such time that~~ the date the CET's ~~is terminated from~~ employment ~~from~~ at that agency is terminated. ~~(7-1-97)(7-1-00)T~~

f. If a CET is employed again within eighteen (18) months of his last licensure certification, the CET and/or employer may request reinstatement and renewal of the CET's licensure certification. If the licensure certification has expired past the eighteen (18) months maximum, the CET may euthanize animals under the direct supervision of an Idaho licensed veterinarian or currently licensed certified euthanasia technician until such time as a CETF or board member can administer a written examination and authorize recertification. If a CET has not attended a euthanasia training in the three-year period preceding recertification, the CET may not be recertified and will need to reapply for certification. ~~(7-1-97)(7-1-00)T~~

g. All ~~licenses~~ certifications expire on July 1 of each year and are effective for no longer than twelve (12) months from the date of licensure certification. ~~(3-18-99)(7-1-00)T~~

**04. License Certification Renewal.** Licenses Certifications may be renewed each year by payment of the annual renewal fee, ~~except provided that~~ every third year following the date of licensure certification, the CET ~~must complete the training session developed by the CETF and pass the written and practical examinations~~ will need to attend a euthanasia training and pay the current training and certification fee prescribed by Section 014. ~~(3-18-99)(7-1-00)T~~

**05. Duties.** The duties of a CET shall include, but are not limited to: (7-1-97)

a. Preparing animals for euthanasia; (7-1-97)

b. Accurately recording the dosages for drugs that are administered and amounts for drugs wasted; ~~(7-1-97)(7-1-00)T~~

c. Ordering supplies; (7-1-93)

d. Maintaining the security of all controlled substances and other approved drugs; ~~(7-1-97)(7-1-00)T~~

e. Directly supervising probationary CET(s); (7-1-97)

f. Reporting to the board violations or suspicions of a violation of these rules or any abuse of drugs; ~~(7-1-97)(7-1-00)T~~

g. Humanely euthanizing animals; and ~~(7-1-97)(7-1-00)T~~

h. Proper and lawful disposal of euthanized animals and expired or unwanted drugs, other chemical agent(s) or the containers, instruments and equipment used in the administration of approved drugs. ~~(7-1-97)(7-1-00)T~~

**206. GROUNDS FOR DISCIPLINE – CEAS AND CETS.** ~~Discipline shall be imposed for, but is not limited to, the following actions by~~ The board may refuse to issue, renew, or reinstate the certification of a CEA or CET, or may deny, revoke, suspend, sanction, place on probation, or require voluntary surrender of the certification of a CEA or CET, impose other forms of discipline, and enter into consent agreements and negotiated settlements with CEAs and CETs pursuant to the procedures set forth in Chapter 52, Title 67, Idaho Code, for any of the following reasons: ~~(3-18-99)(7-1-00)T~~

- ~~a01.~~ **Failure To Carry Out Duties.** Failure to carry out the duties of a CEA or CET. ~~(7-1-97)~~(7-1-00)T
- ~~b02.~~ **Abuse Of Chemical Substances.** Abuse of any chemical substance by: ~~(7-1-97)~~(7-1-00)T
- ~~i~~a. Selling or giving chemical substances away; (7-1-97)
- ~~ii~~b. Stealing chemical substances; (7-1-97)
- ~~iii~~c. Using chemical substances; or (3-18-99)
- ~~iv~~d. Abetting anyone in the foregoing activities. (7-1-97)
- ~~e03.~~ **Euthanizing Of Animals Without Proper Supervision.** Allowing uncertified individuals or probationary CETs to euthanize animals or personally euthanizing animals without proper supervision ~~while on probationary status;~~ ~~(7-1-97)~~(7-1-00)T
- 04. Administration Of Approved Drugs Without Proper Supervision.** Allowing uncertified individuals or probationary CETs to administer approved drugs or personally administering approved drugs without proper supervision. (7-1-00)T
- ~~a05.~~ **Euthanizing Of Animals Without Proper Certification.** Allowing individuals or probationary CETs to euthanize animals or personally euthanizing animals without being properly licensed certified to do so; ~~or~~ ~~(7-1-97)~~(7-1-00)T
- ~~e.~~ *Violating any provision of the board law and rules including those contained herein; the Idaho Board of Pharmacy law and rules; and the Uniform Controlled Substances Act.* (7-1-97)
- 06. Fraud, Misrepresentation, Or Deception.** The employment of fraud, misrepresentation or deception in obtaining certification. (7-1-00)T
- 07. Unethical Or Unprofessional Conduct.** Unethical or unprofessional conduct means to knowingly engage in conduct of a character likely to deceive or defraud the public and includes but is not limited to: (7-1-00)T
- a. Working in conjunction with any agency or person illegally practicing as a CEA or CET; (7-1-00)T
- b. Failing to provide sanitary facilities or apply sanitary procedures for the euthanizing of any animal; (7-1-00)T
- c. Euthanizing animals in a manner that endangers the health and welfare of the public. A CET shall not euthanize animals if his ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability; (7-1-00)T
- d. Gross ignorance, incompetence or inefficiency in the euthanizing of animals as determined by, but not limited to, the practices generally and currently followed and accepted by persons certified to practice as CETs in this state; (7-1-00)T
- e. Intentionally performing a duty, task or procedure involved in the euthanizing of animals for which the individual is not qualified; and (7-1-00)T
- f. Swearing falsely in any testimony or affidavits relating to practicing as a CEA or CET. (7-1-00)T
- 08. Conviction Of Violating Any Federal Or State Statute, Rule Or Regulation.** Conviction of a charge of violating any federal or state statute or rule or regulation regulating narcotics, dangerous drugs or controlled substances. (7-1-00)T

**09. Conviction Of A Charge Or Crime.** Being found guilty, convicted, placed on probation, having entered a guilty plea that is accepted by the court, forfeiture of bail, bond or collateral deposited to secure a defendant's appearance, or having received a withheld judgment or suspended sentence by a court of competent jurisdiction in this state or any other state of one (1) or more of the following: (7-1-00)T

a. Any felony, as defined by Chapter 1, Title 18, Idaho Code; or (7-1-00)T

b. Any other criminal act that in any way is related to practicing as a CEA or CET as defined by Section 54-2103(8) and (9), Idaho Code. (7-1-00)T

**10. Improper Record Keeping.** Failure to follow proper record keeping procedures as outlined in the rules of the board. (7-1-00)T

**11. Improper Security For Approved Drugs.** Failure to provide and maintain proper security for approved euthanasia and restraint drugs as outlined in the rules of the board. (7-1-00)T

**12. Improper Storage Of Equipment And Approved Drugs.** Failure to properly store equipment or approved drugs as outlined in the rules of the board. (7-1-00)T

**13. Improper Disposal Of Approved Drugs And Equipment.** Failure to properly dispose of approved drugs and the containers, instruments and equipment used in their administration as outlined in the rules of the board. (7-1-00)T

**14. Improper Labeling Of Approved Drugs.** Failure to properly label approved euthanasia and restraint drugs as outlined by the rules of the board. (7-1-00)T

**15. Revocation, Suspension, Limitation Or Subjection.** The revocation, suspension, limitation, or subjection of a license, certificate or registration or any other disciplinary action by another state or U.S. jurisdiction or voluntary surrender of a license, certificate or registration by virtue of which one is licensed, certified or registered to practice as a CEA or CET in that state or jurisdiction on grounds other than nonpayment of the renewal fee. (7-1-00)T

**16. Failure To Cooperate.** (7-1-00)T

a. Failure of any applicant or certificate holder to cooperate with the board during any investigation, even if such investigation does not personally concern the applicant or certificate holder; (7-1-00)T

b. Failure to comply with the terms of any order, negotiated settlement, or probationary agreement of the board; or (7-1-00)T

c. Failure to comply with the terms for certification renewal or to timely pay certification renewal fees. (7-1-00)T

**17. Aiding And Abetting.** Knowingly aiding or abetting an uncertified agency or person to practice as a CEA or CET. (7-1-00)T

**18. Current Certification.** Practicing as a CEA or CET without a current certification. (7-1-00)T

**19. Improper Drug Preparation.** Preparing approved drugs, contrary to manufacturer's instructions. (7-1-00)T

**20. Violation Of Any Law, Rules Or Orders.** Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation or conspiracy to violate any provisions of the veterinary law and rules or a written order of the board issued pursuant to Title 54, Chapter 21, Idaho Code, the Idaho Board of Pharmacy law and rules or the Code of Federal Regulations. (7-1-00)T

**2067. INSPECTION DEFICIENCIES.**

If there are inspection deficiencies with either a CEA or CET, a CETF member or the board shall document in writing areas for correction. The CEA and/or CET shall make corrections within ten (10) days of receipt of notice of deficiency and a CETF or board member shall re-inspect within ninety (90) days of the date of the initial notice of deficiency. If the deficiency has not been corrected, the ~~license~~ certification may be revoked by the ~~CETF~~ board and the Idaho Board of Pharmacy will be notified. ~~(7-1-97)~~(7-1-00)T

**IDAPA 55 - DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION**  
**55.01.03 - RULE GOVERNING PERKINS TITLE III SECONDARY FUNDING FORMULA WAIVER**  
**DOCKET NO. 55-0103-0001**  
**NOTICE OF TEMPORARY AND PROPOSED RULE (REPEAL)**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2000.

**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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-2211, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 24, 2000.

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

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

IDAPA 55.01.03, "Rules Governing Perkins Title III Secondary Funding Formula Waiver," was promulgated this past year and approved by the 2000 Idaho Legislature under the assumption that the federal regulations would allow Title I funding to be used as a model. However, the U.S. Department of Education recently ruled that they are allowing Census compatible age designations and not allowing Title I funding to be used as a model. This negates the need and the direction for IDAPA 55.01.03. Therefore, IDAPA 55.01.03, "Rules Governing Perkins Title III Secondary Funding Formula Waiver," needs to be repealed in its entirety.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the governor has found that temporary adoption is appropriate for the following reasons:

This rule is promulgated as temporary in order to be in compliance with U. S. Department of Education rulings and to meet federal program requirements.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Dr. Mike Rush at 208-334-3216.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 31, 2000.

DATED this 23rd day of May, 2000.

Mike Rush  
Administrator  
Division of Professional-Technical Education  
650 West State Street, Room 324  
P.O. Box 83720  
Boise, ID 83720-0095

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**THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.**

**IDAHO DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR**

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DOCKET NO. 58-0000-0001**

**NOTICE OF LEGISLATIVE ACTION**

**SENATE BILL 1426 RELATING TO THE CREATION OF THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

**EFFECTIVE DATE:** The effective date of this action is July 1, 2000.

**AUTHORITY:** In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-fifth Legislature in the Second Regular Session - 2000, passed Senate Bill 1426 and that said bill was signed into law by Governor Dirk Kempthorne, Session Law 132, herein creating the Department of Environmental Quality.

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance of the notice and the legislative action:

Senate Bill 1426 amends, adds to, and repeals existing law to create a Department of Environmental Quality and Board of Environmental Quality separate from the Department of Health and Welfare.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the Legislative intent of Senate Bill 1426 by transferring the authority of the affected chapters of rules currently indexed under IDAPA 16, TITLE 01, from the Department of Health and Welfare and the Board of Health and Welfare to the newly created Department of Environmental Quality and Board of Environmental Quality. These rules are hereby assigned to the Department of Environmental Quality under the new agency designation number, IDAPA 58, and the affected chapters are now indexed under IDAPA 58, TITLE 01.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of Senate Bill 1426, non-substantive changes will be made to update all references and citations within the rules now under the authority of the Department of Environmental Quality and include, but are not limited to, the following:

Citations and references to IDAPA 16 relating to the affected chapters under TITLE 01, now mean IDAPA 58, TITLE 01.

The applicable references to "Health and Welfare" now mean "Environmental Quality". This includes references to the Department and the Board.

Those references to "Division of Environmental Quality" now mean "Department of Environmental Quality".

References to "Administrator" now mean "Director".

Pursuant to Section 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the July 1, 2000, edition of the Idaho Administrative Code.

**ASSISTANCE ON QUESTIONS:** For assistance on questions concerning this notice, contact Paula Saul at Department of Environmental Quality at (208) 373-0418, or Dennis Stevenson at the Office of Administrative Rules at (208) 332-1820.

DATED this 5th day of May, 2000.

Rick Thompson, Administrative Rules Coordinator  
Department of Administration - Office of Administrative Rules  
P.O. Box 83720, Boise, ID 83720-0306 - Phone: (208) 332-1820 / Fax: (208) 334-2395

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

**DOCKET NO. 58-0101-9902**  
**(Originally published as 16-0101-9902)**

**NOTICE OF PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Sections 39-105 and 39-107, Idaho Code. The transportation conformity portion of this rulemaking is required under 40 CFR 51.390(a). In addition, the this rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act.

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

**Tuesday, August 8, 2000, 7:00 p.m.**  
**Department of Environmental Quality Conference Center**  
**1410 N. Hilton, Boise, Idaho.**

Before opening the record to receive oral comments, DEQ staff will answer questions regarding the rule. The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208)373-0418.

**DESCRIPTIVE SUMMARY:** This proposed rule will ensure conformity of transportation plans, programs, and projects to applicable implementation plans. Transportation actions which are federally funded, or are regionally significant are subject to this rule. The rule will set forth policy, criteria, and procedures for demonstrating and assuring transportation conformity of specified actions to the applicable implementation plan and provide flexibility in the interagency consultation process for better process efficiency. The rule will incorporate by reference 40 CFR Part 93, Subpart A, Sections 100-129 (inclusive), except for Section 105 (consultation).

DEQ is specifically asking for public comment on Subsection 570.01.c.iii. This subsection provides language wherein a lead agency responsible for the rule may send a technical document for air quality analysis with only a 14 day review time. Normally, the required review time for review of technical air quality analysis is 30 days. This subsection was added to the rules based on a request from the Metropolitan Planning Organizations. DEQ is still conducting internal meetings as to the final form of this language and wishes to consider public input on this specific matter before finalizing the language. The language as it appears in the proposed rule, is as follows:

iii. If distribution of technical material pursuant to Subsection 570.01.c.ii. is not feasible thirty (30) days prior to an ICC meeting, then the lead agency shall notify the ICC members and persons on the distribution list in writing at least thirty (30) days prior to the ICC meeting. Together with the notification, the lead agency shall distribute all available material to the ICC members and persons on the distribution list, informing them of the nature, purpose, and details of possible program changes that are expected to occur from earlier analyses of the actions. All technical material and documentation shall be distributed at a minimum of fourteen (14) days prior to the ICC meeting.

This proposed rule also updates citations to the federal regulations incorporated by reference to July 1, 2000 in order to maintain conformance with EPA's regulations as well as fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act. This includes the Maximum Achievable Control Technology (MACT) Standards promulgated as National Emissions Standards for Hazardous Air Pollutants (NESHAPS).

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in November 2000 for adoption of a pending rule. The rule is expected to be final and effective upon the

conclusion of the 2001 session of the Idaho Legislature.

**NEGOTIATED RULEMAKING:** The rule text at Sections 563 through 574 is based on a consensus recommendation resulting from the negotiated rulemaking process conducted pursuant to Section 67-5220, Idaho Code, and IDAPA 04.11.01.812 through 815. The negotiation was open to the public. Participants in the negotiation included industry representatives, affected public transportation and air quality agencies, and members of the public. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, Volume 99-5, May 5, 1999, pages 34 through 35.

**GENERAL INFORMATION:** For more information about the Department of Environmental Quality's programs and activities, visit DEQ's web site at [www.state.id.us/deq](http://www.state.id.us/deq).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the proposed rulemaking, contact Krishna Viswanathan (208)373-0502, [kviswana@deq.state.id.us](mailto:kviswana@deq.state.id.us).

Anyone can submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. The Department will consider all written comments received by the undersigned on or before August 11, 2000.

Dated this 22nd day of May, 2000.

Paula Junae Saul  
Environmental Quality Section  
Attorney General's Office  
1410 N. Hilton  
Boise, Idaho 83706-1255  
Fax No. (208)373-0481  
[psaul@deq.state.id.us](mailto:psaul@deq.state.id.us)

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0101-9902**

**008. DEFINITIONS FOR THE PURPOSES OF SECTIONS 300 THROUGH 386.**

- 01. Affected States.** All States: (5-1-94)
- a. Whose air quality may be affected by the emissions of the Tier I source and that are contiguous to Idaho; or (5-1-94)
- b. That are within fifty (50) miles of the Tier I source. (5-1-94)
- 02. Allowance.** An authorization allocated to a Phase II source by the EPA to emit during or after a specified calendar year, one (1) ton of sulfur dioxide. (5-1-94)
- 03. Applicable Requirement.** All of the following if approved or promulgated by EPA as they apply to emissions units in a Tier I source (including requirements that have been promulgated through rulemaking at the time of permit issuance but which have future-effective compliance dates): (5-1-94)
- a. Any standard or other requirement provided for in the applicable state implementation plan,

including any revisions to that plan that are specified in 40 CFR Parts 52.670 through 52.690. (5-1-94)

b. Any term or condition of any permits to construct issued by the Department pursuant to Sections 200 through 223 or by EPA pursuant to 42 U.S.C. Sections 7401 through 7515; provided that terms or conditions relevant only to toxic air pollutants are not applicable requirements. (4-5-00)

c. Any standard or other requirement under 42 U.S.C. Section 7411 including 40 CFR Part 60; (5-1-94)

d. Any standard or other requirement under 42 U.S.C. Section 7412 including 40 CFR Part 61 and 40 CFR Part 63; (5-1-94)

e. Any standard or other requirement of the acid rain program under 42 U.S.C. Sections 7651 through 7651o; (5-1-94)

f. Any requirements established pursuant to 42 U.S.C. Section 7414(a)(3), 42 U.S.C. Section 7661c(b) or Sections 120 through 128 of these rules; (3-23-98)

g. Any standard or other requirement governing solid waste incineration, under 42 U.S.C. Section 7429; (5-1-94)

h. Any standard or other requirement for consumer and commercial products and tank vessels, under 42 U.S.C. Sections 7511b(e) and (f); and (5-1-94)

i. Any standard or other requirement under 42 U.S.C. Sections 7671 through 7671q including 40 CFR Part 82. (5-1-94)

j. Any ambient air quality standard or increment or visibility requirement provided in 42 U.S.C. Sections 7470 through 7492, but only as applied to temporary sources receiving Tier I operating permits under Section 324. (5-1-94)

**04. Designated Representative.** A responsible person or official authorized by the owner or operator of a Phase II unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a Phase II unit, and the submission of and compliance with permits, permit applications, and compliance plans for the Phase II unit. (5-1-94)

**05. Draft Permit.** The version of a Tier I operating permit that is made available by the Department for public participation and affected State review. (5-1-94)

**06. Emergency.** For the purposes of Section 332, an emergency is any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator, including acts of God, which situation requires immediate corrective action to restore normal operation and that causes the Tier I source to exceed a technology-based emission limitation under the Tier I operating permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. (4-5-00)

**07. Final Permit.** The version of a Tier I permit issued by the Department that has completed all review procedures required in Sections 364 and 366. (5-1-94)

**08. General Permit.** A Tier I permit issued pursuant to Section 335. (3-23-98)

**09. Insignificant Activity.** Those activities that qualify as insignificant in accordance with Section 317. (3-23-98)

**10. Major Facility.** A facility (as defined in Section 006) is major if the facility meets any of the following criteria: (3-23-98)

- a. For hazardous air pollutants: (3-23-98)
- i. The facility emits or has the potential to emit ten (10) tons per year (tpy) or more of any hazardous air pollutant, other than radionuclides, which has been listed pursuant to 42 U.S.C. Section 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station shall not be aggregated with emissions from other similar emission units within the facility. (5-1-94)
- ii. The facility emits or has the potential to emit twenty-five (25) tpy or more of any combination of any hazardous air pollutants, other than radionuclides, which have been listed pursuant to 42 U.S.C. 7412(b); provided that emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any oil or gas pipeline compressor or pump station shall not be aggregated with emissions from other similar emission units within the facility. (5-1-94)
- b. For non-attainment areas: (3-23-98)
- i. The facility is located in a “serious” particulate matter (PM-10) nonattainment area and the facility has the potential to emit seventy (70) tpy or more of PM-10. (5-1-94)
- ii. The facility is located in a “serious” carbon monoxide nonattainment area in which stationary sources are significant contributors to carbon monoxide levels and the facility has the potential to emit fifty (50) tpy or more of carbon monoxide. (5-1-94)
- iii. The facility is located in an ozone transport region established pursuant to 42 U.S.C. Section 7511c and the facility has the potential to emit fifty (50) tpy or more of volatile organic compounds. (5-1-94)
- iv. The facility is located in an ozone nonattainment area and, depending upon the classification of the nonattainment area, the facility has the potential to emit the following amounts of volatile organic compounds or oxides of nitrogen; provided that oxides of nitrogen shall not be included if the facility has been identified in accordance with 42 U.S.C. Section 7411a(f)(1) or (2) if the area is “marginal” or “moderate”, one hundred (100) tpy or more, if the area is “serious”, fifty (50) tpy or more, if the area is “severe”, twenty-five (25) tpy or more, and if the area is “extreme”, ten (10) tpy or more. (3-23-98)
- c. The facility emits or has the potential to emit one hundred (100) tons per year or more of any regulated air pollutant listed in Subsections 006.84.a. through 006.84.e. The fugitive emissions shall not be considered in determining whether the facility is major unless the facility belongs to one (1) of the following categories: (4-5-00)
- i. Designated facilities. (3-23-98)
- ii. All other source categories regulated by 40 CFR Part 60, 40 CFR Part 61 or 40 CFR Part 63, but only with respect to those air pollutants that have been regulated for that category and only if determined by rule by the Administrator of EPA pursuant to Section 302(j) of the Clean Air Act. (4-5-00)
- 11. Part 70.** Unless specified otherwise in this chapter, all definitions adopted under 40 CFR Part 70, revised as of July 1, ~~1999~~ 2000, are hereby incorporated by reference. (~~4-5-00~~)( )
- 12. Permit Revision.** Any permit modification, administrative amendment or reopening. (3-19-99)
- 13. Phase II Source.** A source that is subject to emissions reduction requirements of 42 U.S.C. Section 7651 through 7651o and shall have the meaning given to it pursuant to those sections. (5-1-94)
- 14. Phase II Unit.** A unit that is subject to emissions reduction requirements of 42 U.S.C. Sections 7651 through 7651o and the term shall have the meaning given to it pursuant to those sections. (5-1-94)
- 15. Proposed Permit.** The version of a permit that the Department proposes to issue and forwards to the EPA for review. (5-1-94)

**16. Section 502(b)(10) Changes.** Changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements. (3-19-99)

**17. Tier I Operating Permit.** Any permit covering a Tier I source that is issued, renewed, amended, or revised pursuant to Sections 300 through 386. (3-19-99)

**(BREAK IN CONTINUITY OF SECTIONS)**

**107. INCORPORATIONS BY REFERENCE.**

**01. General.** Unless expressly provided otherwise, any reference in these rules to any document identified in Subsection 107.03 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 which have been adopted by an agency of the state or of the United States or by any nationally recognized organization or association. (5-1-94)

**02. Availability Of Referenced Material.** Copies of the documents incorporated by reference into these rules are available at the following locations: (5-1-94)

a. All federal publications: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at (202) 783-3238; and (5-1-94)

b. All documents herein incorporated by reference: (7-1-97)

i. Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706-1255 at (208) 373-0502. (7-1-97)

ii. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, Idaho 83720-0051, (208) 334-3316. (7-1-97)

**03. Documents Incorporated By Reference.** The following documents are incorporated by reference into these rules: (5-1-94)

a. Requirements for Preparation, Adoption, and Submittal of Implementation Plans; Appendix W to Part 51--Guideline on Air Quality Models. 40 CFR Parts 51 and 52 revised as of July 1, ~~1999~~ 2000. (~~4-5-00~~)( )

b. Implementation Plan for the Control of Air Pollution in the State of Idaho (SIP), Department of Environmental Quality, November 1996. (3-19-99)

c. National Primary and Secondary Ambient Air Quality Standards, 40 CFR Part 50, revised as of July 1, ~~1999~~ 2000. (~~4-5-00~~)( )

d. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Protection of Visibility, Identification of Integral Vistas, Subsection a, 40 CFR Part 51.304(a), revised as of July 1, ~~1999~~ 2000. (~~4-5-00~~)( )

e. Approval and Promulgation of Implementation Plans, 40 CFR Part 52, revised as of July 1, ~~1999~~ 2000. (~~4-5-00~~)( )

f. Ambient Air Monitoring Reference and Equivalent Methods, 40 CFR Part 53, revised as of July 1, ~~1999~~ 2000. (~~4-5-00~~)( )

- g. Ambient Air Quality Surveillance, Quality Assurance Requirements for Prevention of Significant Deterioration (PSD Air Monitoring), 40 CFR Part 58, Appendix B, revised as of July 1, ~~1999~~ 2000. (4-5-00)( )
- h. Standards of Performance for New Stationary Sources, 40 CFR Part 60, revised as of July 1, ~~1999~~ 2000. (4-5-00)( )
- i. National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, revised as of July 1, ~~1999~~ 2000. (4-5-00)( )
- j. National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63, revised as of July 1, ~~1999~~ 2000. (4-5-00)( )
- k. Compliance Assurance Monitoring, 40 CFR Part 64, revised as of July 1, ~~1999~~ 2000. (4-5-00)( )
- l. Permits, 40 CFR Part 72, revised as of July 1, ~~1999~~ 2000. (4-5-00)( )
- m. Sulfur Dioxide Allowance System, 40 CFR Part 73, revised as of July 1, ~~1999~~ 2000. (4-5-00)( )
- n. Protection of Stratospheric Ozone, 40 CFR Part 82, revised as of July 1, ~~1999~~ 2000. (4-5-00)( )
- o. Clean Air Act, 42 U.S.C. Sections 7401 through 7671g (1997). (3-19-99)
- p. ~~63 Fed. Reg. 32,743-53 (June 16, 1998) (to be codified at 40 CFR Part 60), amending 40 CFR Part 60, Subparts Cc and WWW. Determining Conformity of Federal Actions to State or Federal Implementation Plans: Conformity to State or Federal Implementation Plans of Transportation Plans, Programs and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws, 40 CFR Part 93, Subpart A, Sections 100 through 104 and 106 through 129, revised as of July 1, 2000.~~ (4-5-00)( )
- q. ~~64 Fed. Reg. 9,257-62 (February 24, 1999) (to be codified at 40 CFR Part 60), amending 40 CFR Part 60, Subparts Cc and WWW.~~ (4-5-00)

**(BREAK IN CONTINUITY OF SECTIONS)**

**563. --574. (RESERVED) TRANSPORTATION CONFORMITY.**

The purpose of Sections 563 through 574 is to adopt and implement Section 176(c) of the Clean Air Act (CAA), as amended [42 U.S.C. 7401 et seq.], and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects developed, funded, or approved by the United States Department of Transportation (USDOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). These sections set forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to an applicable implementation plan developed pursuant to Section 110 and Part D of the CAA. The publications referred to or incorporated by reference in Sections 563 through 574 are available from the IDEQ. ( )

**564. INCORPORATION BY REFERENCE.**

With the exception of Section 105, 40 CFR Part 93, Subpart A, Sections 100-129, are incorporated by reference into these rules at Section 107 of these rules. ( )

**565. ABBREVIATIONS.**

- 01. CAA.** Clean Air Act, as amended. ( )

- 02.** CFR. Code of Federal Regulations. ( )
- 03.** CO. Carbon Monoxide. ( )
- 04.** EPA. Environmental Protection Agency. ( )
- 05.** FHWA. Federal Highway Administration of USDOT. ( )
- 06.** FTA. Federal Transit Administration of USDOT. ( )
- 07.** HPMS. Highway Performance Monitoring System. ( )
- 08.** ICC. Interagency Consultation Committee. ( )
- 09.** IDEO. Idaho Department of Environmental Quality. ( )
- 10.** ITD. Idaho Transportation Department. ( )
- 11.** LHTAC Local Highway Technical Assistance Council. ( )
- 12.** LRTP. Long Range Transportation Plan. ( )
- 13.** MPO. Metropolitan Planning Organization. ( )
- 14.** NAAQS. National Ambient Air Quality Standards. ( )
- 15.** NEPA. National Environmental Policy Act, as amended. ( )
- 16.** O3. Ozone. ( )
- 17.** PM. Particulate matter. ( )
- 18.** PM<sub>x</sub>. Particles with an aerodynamic diameter less than or equal to a nominal X micrometers, where X denotes any size fraction number regulated by the NAAQs (e.g.: 10, 2.5). ( )
- 19.** STIP. Statewide Transportation Improvement Program. ( )
- 20.** TCM. Transportation Control Measure. ( )
- 21.** TIP. Transportation Improvement Program. ( )
- 22.** USDOT. United States Department of Transportation. ( )
- 23.** VMT. Vehicle Miles Traveled. ( )

**566. DEFINITIONS FOR THE PURPOSE OF SECTIONS 563 THROUGH 574.**

Terms used but not defined in Sections 563 through 574 shall have the meaning given them by the CAA, Titles 23 and 49 U.S.C., other Environmental Protection Agency (EPA) regulations, or other USDOT regulations, in that order of priority. For the purpose of Sections 563 through 574: ( )

**01. Applicable Implementation Plan.** Applicable Implementation Plan is defined in Section 302(q) of the CAA and means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under Section 110 of the CAA, or promulgated under Section 110(c) of the CAA, or promulgated or approved pursuant to regulations promulgated under Section 301(d) of the CAA and which implements the relevant requirements of the CAA. ( )

**02. Consult Or Consultation.** The lead agency confers with other ICC members and persons on the

distribution list and considers their views prior to taking actions relating to transportation conformity. The lead agency shall distribute all appropriate information necessary to make a conformity determination and, prior to making a conformity determination, shall consider the views of such parties and shall provide a timely, written response to those views. Such views and written responses shall be included in the record of decision or action. Consultation shall not occur with respect to a transportation plan or transportation improvement program (TIP) revision that merely adds or exempts projects listed in 40 CFR 93.126. ( )

**03. Distribute.** Make available relevant documents and information by electronic and manual means, whichever is more appropriate, to all ICC members and persons on the distribution list. Electronic distribution may include existing and future technological applications, such as electronic mail, internet web-site posting including downloadable files, or the use of an electronic mail reply system based on the distribution list. Manual distribution may include the United States Postal Service, the state internal mail system, a facsimile machine, or any commercially available mail service provider. ( )

**04. Distribution List.** A list containing the names and addresses of ICC members and any person(s) expressing an interest in receiving information and material pertaining to ICC meetings. To express interest, a person may contact the lead agency by postal mail, electronic mail, telephone or in person, and inform the ICC member of their interest in being on the distribution list for information and material pertaining to ICC meetings. ( )

**05. Exempt Projects.** Projects exempt from conformity requirements based on the general criteria of safety, mass transit, and other factors, as described in 40 CFR 93.126. ( )

**06. Lead Agency.** The transportation or air quality agency responsible for conducting the consultation process, as identified in Subsections 568.01 through 568.03. ( )

**07. Lead Air Quality Agency.** An agency designated pursuant to Section 174 of the CAA as responsible for developing an applicable implementation plan, or alternatively the agency designated by the Governor as the lead air quality agency for a county, region, or any jurisdiction. ( )

**08. Local Highway Jurisdiction.** A county with jurisdiction over a highway system, a city with jurisdiction over a highway system, or a highway district, as defined by Section 40-113(3), Idaho Code. ( )

**09. Local Highway Technical Assistance Council (LHTAC).** The public agency created in Chapter 24, Title 40, Idaho Code. ( )

**10. Maximum Priority.** ( )

a. All possible actions must be taken to shorten the time periods necessary to complete essential steps in TCM implementation - for example, by increasing the funding rate - even though timing of other projects may be affected. It is not permissible to have prospective discrepancies with the applicable implementation plan's TCM implementation schedule due to: ( )

i. Lack of funding in the TIP; ( )

ii. Lack of commitment to the project by the sponsoring agency; ( )

iii. Unreasonably long periods to complete future work due to lack of staff or other agency resources; ( )

iv. Lack of approval or consent by local governmental bodies; or ( )

v. Failure to have applied for a permit where necessary work preliminary to such application has been completed. ( )

b. Where statewide and metropolitan funding resources, planning, and management capabilities are fully consumed within the flexibility of the Transportation Equity Act of 1998 (TEA-21), Pub. L. No. 105-178, 112 Stat 107, as amended by Pub. L. No. 105-206, 112 Stat 685, or future federal omnibus transportation funding bills,

with responding to damage from natural disasters, civil unrest, or terrorist acts, TCM implementation can be determined to be timely without regard to the above, provided reasonable efforts are being made. ( )

**11. Metropolitan Planning Organization (MPO).** The organization designated as being responsible, together with the State, for conducting the continuing cooperative and comprehensive transportation planning process under 23 U.S.C. 134 and 49 U.S.C. 5303 and 23 CFR 450. It is the forum for cooperative transportation decision-making. ( )

**12. Public Notice.** Distribution of the meeting times, location, duration and agenda, to all the ICC members and persons on the distribution list. ( )

**13. Recipient Of Funds Designated Under Title 23 U.S.C. Or The Federal Transit Laws.** Any agency at any level of state, county, city, or regional government that routinely receives Title 23 U.S.C. or Federal Transit Laws funds to construct FHWA/FTA projects, operate FHWA/FTA projects or equipment, purchase equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners, developers, contractors, or entities that are only paid for services or products created by their own employees. ( )

**14. Regionally Significant Project.** A transportation project, other than an exempt project, that is on a facility which serves regional transportation needs (such as access to and from the area outside the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including, at a minimum: ( )

- a. All principal arterial highways; ( )
- b. All fixed guideway transit facilities that offer an alternative to regional highway travel; and ( )
- c. Any other facilities determined to be regionally significant through Section 570, interagency consultation. ( )

**15. Transportation Agency.** The public agency responsible for one (1) or more of the following transportation modes: ( )

- a. Air; ( )
- b. Rail; ( )
- c. Water; ( )
- d. Highway; ( )
- e. Bicycle and pedestrian paths; and ( )
- f. Transit. ( )

**16. Transit Agency.** Any agency involved in providing mass transportation services by bus, rail, or other conveyance providing general or special service to the public on a regular and continuing basis. The term "Transit Agency" does not include school buses or charter or sightseeing services. ( )

**567. AGENCIES AFFECTED BY CONSULTATION.**

This Section identifies those agencies and other entities (federal, tribal, state and local) involved in the consultation process and those general actions requiring consultation. ( )

**01. Interagency Consultation Committee.** A committee of representatives shall be formed in each nonattainment or maintenance area of the state, to convene on conformity determinations, as necessary, and shall be called the Interagency Consultation Committee (ICC) for that nonattainment or maintenance area. The ICC shall

undertake consultation procedures, as applicable, in preparing for and before making conformity determinations in developing long-range transportation plans (LRTP), transportation improvement programs (TIP), and applicable implementation plans. ( )

- 02. ICC Members.** The ICC shall consist of the following agencies or entities, as applicable: ( )
- a. A Metropolitan Planning Organization (MPO) where one exists; ( )
  - b. The Idaho Transportation Department (ITD); ( )
  - c. The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) divisional office; ( )
  - d. The Idaho Department of Environmental Quality (IDEQ); ( )
  - e. Affected Local Highway Jurisdictions involved in transportation. ( )
  - f. Affected Transit agency(ies); ( )
  - g. The Local Highway Technical Assistance Council (LHTAC); ( )
  - h. Indian Tribal governments with transportation planning responsibilities; and ( )
  - i. The United States Environmental Protection Agency (EPA). ( )

- 03. Agencies Entitled To Participate.** Agencies which may be affected by the consultation process and which are entitled to participate in the consultation process include: ( )
- a. Any local transit agency or provider, local highway jurisdiction, and any city or county transportation or air quality board or agency where the nonattainment or maintenance area is located; and ( )
  - b. Any other state or federal or tribal organization in the state responsible under state or federal law for developing, submitting or implementing transportation related provisions of an implementation plan. ( )

**04. More Than One Pollutant.** Areas that are nonattainment for more than one (1) pollutant may conduct consultation, as specified in this section, through a single committee for all pollutants. ( )

**05. Open To The Public.** All meetings of the ICC shall be open to the public. ( )

**06. Delegation.** An ICC member may delegate its role or responsibility in the consultation process to another entity pursuant to applicable state law. An ICC member making such delegation shall notify all other ICC members in writing when the delegation occurs. The written notice shall provide the name, address, and telephone number of one (1) or more contact persons representing the entity accepting the delegated role or responsibility. ( )

**07. General Actions Requiring Consultation.** The ICC shall undertake the consultation process prior to the development of the following: ( )

- a. The implementation plan(s), including the emission budget and list of TCMs in the applicable implementation plan(s), prepared by the lead air quality agency in a nonattainment or maintenance area; ( )
- b. All other conformity determinations for transportation plans, projects, and programs; and ( )
- c. Revisions to the preceding documents which may directly or indirectly affect conformity determinations. ( )

**568. ICC MEMBER ROLES IN CONSULTATION.**

The lead agency as identified in this section is the ICC member responsible for initiating the consultation process, preparing the initial and final drafts of the document or decision, and assuring the adequacy of the consultation process for all conformity processes and procedures. ( )

**01. Designated Lead Air Quality Agency.** IDEQ or the MPO, as the designated lead air quality agency, shall be the lead agency for the development of the implementation plan, the associated emission budgets, and the list of Transportation Control Measures (TCMs) in the plan. The concurrence of IDEQ on each applicable implementation plan is required before IDEQ adopts the plan and submits it to EPA for inclusion in the applicable implementation plan. ( )

**02. Areas With An MPO.** For areas in which an MPO has been established, the designated MPO shall be the lead agency responsible for conformity determinations, development of the LRTP, development of the TIP, and project level documentation under 23 CFR 450. ( )

**03. Areas Without An MPO.** For areas in which an MPO has not been established, ITD shall be the lead agency for preparing the final document on conformity determinations, the development of the statewide transportation plan, the development of the STIP, and project level documentation under 23 CFR 450. ( )

**569. ICC Member Responsibilities In Consultation.**

This Section identifies the specific responsibilities of ICC members. ( )

**01. Designated Lead Air Quality Agency Responsibilities.** The designated lead air quality agency shall be responsible for developing or providing and distributing draft and final documentation, data and analyses for: ( )

- a. Air emission inventories; ( )
- b. Emission budgets; ( )
- c. Attainment and maintenance demonstrations; ( )
- d. Control strategy implementation plan revisions; ( )
- e. Updated motor vehicle emission factors; ( )
- f. Proposal and evaluation of TCMs; and ( )
- g. Public outreach on draft air quality plans pursuant to 40 CFR Part 51. ( )

**02. Designated MPO Responsibilities.** The designated MPO shall be responsible for: ( )

- a. Conformity determinations corresponding to LRTPs and TIPs; ( )
- b. Making conformity determinations for the entire nonattainment or maintenance area, including areas beyond the boundaries of the MPO, where no agreement is in effect as required by 23 CFR 450.310(f); ( )
- c. Identify regionally significant projects through the consultation process; ( )
- d. Implementing TCMs in air quality nonattainment and/or maintenance areas, as applicable; ( )
- e. Providing technical and policy input on emissions budgets; ( )
- f. Performing transportation modeling, regional emissions analyses, and project level analysis, as necessary; ( )

- g. Documenting timely implementation of TCMs, as required, for determining conformity; and ( )
- h. Distributing relevant draft and final project environmental documents to ICC members and persons on the distribution list per the schedule in Subsection 570.01.c. ( )
- 03. Non-MPO Area Responsibilities.** In areas without an established MPO, ITD shall be responsible for: ( )
- a. Conformity determinations corresponding to STIPs and project-level analyses; ( )
- b. Providing technical and policy input on proposed revisions to motor vehicle emissions factors and to emission budgets; ( )
- c. Distributing relevant draft and final project environmental documentation prepared by, or for ITD, to ICC members and persons on the distribution list per the schedule in Subsection 570.01.c.; ( )
- d. Convening air quality technical review meetings on specific projects when requested by other ICC members, or as needed; ( )
- e. Convening interagency consultation meetings required for purposes of making conformity determinations in nonattainment or maintenance areas, outside of MPO boundaries, as necessary; and ( )
- f. Making conformity determinations in nonattainment or maintenance areas, outside of MPO boundaries, as necessary; and ( )
- g. Implementing TCMs in air quality nonattainment and/or maintenance areas, as applicable. ( )
- 04. FHWA And FTA Responsibilities.** FHWA and FTA shall be responsible for: ( )
- a. Assuring timely action on final findings of conformity for transportation plans, TIPs, and federally funded projects, including the basis for those findings after consultation with other agencies as provided in Section 569 and 40 CFR 93.105; and ( )
- b. Providing guidance on conformity and the transportation planning process to ICC members. FHWA and FTA may rely solely on the consultation process initiated by ITD or the MPO, where one exists, and shall not be required to duplicate that process. ( )
- 05. EPA Responsibilities.** EPA shall be responsible for providing policy and technical guidance on conformity criteria to ICC members. ( )
- 06. Responsibility To Disclose Potentially Regionally Significant Projects.** ITD, the local highway jurisdiction, transit agency, or transportation project sponsor shall be responsible for disclosing potentially regionally significant projects within air quality nonattainment and maintenance areas to the ICC in a timely manner. ( )
- a. Local Highway Jurisdictions shall disclose of potentially regionally significant projects upon written request of ITD within fourteen (14) days of such request, or when annual local and MPO project lists are due to ITD District Offices as part of the annual STIP development process; ( )
- b. In an MPO area, to help assure timely disclosure, the sponsor of any potentially regionally significant project shall disclose such projects to the MPO annually on or before March 1 of that calendar year; and ( )
- c. In MPO nonattainment and maintenance areas, the TIP and associated conformity demonstration shall be deemed to be incomplete if any regionally significant project has not been disclosed to the ICC in a timely manner. Therefore, such a TIP shall be considered to be non-conforming to applicable implementation plan(s). ( )

**570. GENERAL CONSULTATION PROCESS.**

Section 570 provides the general procedures for interagency consultation (federal, tribal, state, and local) and public participation for transportation conformity determinations in air quality nonattainment and maintenance areas in the state of Idaho. ( )

**01. Lead Agency In Consultation.** The following are the responsibilities of the lead agency at each stage of the consultation process: ( )

a. Initiating the consultation process by notifying other ICC members of the document or decision that must undergo the consultation process and by scheduling and convening consultation meetings and agendas; ( )

b. Developing and maintaining a distribution list of all ICC members and any other persons expressing an interest in receiving information and materials pertaining to ICC meetings; ( )

c. Distributing an agenda and all supporting material, including minutes of ICC meetings, to ICC members and persons on the distribution list as follows: ( )

i. Fourteen (14) days in advance of an ICC meeting if there are non-technical issues to be resolved by the ICC; ( )

ii. Thirty (30) days in advance of an ICC meeting if there are technical issues to be resolved by the ICC; or ( )

iii. If distribution of technical material pursuant to Subsection 570.01.c.ii. is not feasible thirty (30) days prior to an ICC meeting, then the lead agency shall notify the ICC members and persons on the distribution list in writing at least thirty (30) days prior to the ICC meeting. Together with the notification, the lead agency shall distribute and disclose all available material and documentation to the ICC members and persons on the distribution list, informing them of the nature, purpose, and details of possible program changes that are expected to occur from earlier analyses of the actions. All technical material and documentation shall be distributed at a minimum of fourteen (14) days prior to the ICC meeting; ( )

d. Conferring with other agencies and persons not on the distribution list that have expressed an interest in the document or decision to be developed; ( )

e. Providing ICC members and persons on the distribution list access to all information needed for meaningful input; ( )

f. Soliciting early and continuing input from other ICC members and persons on the distribution list; ( )

g. Following the public consultation procedures outlined in Section 574; ( )

h. Providing an opportunity for informal question and answer on the draft document or proposed decision; ( )

i. Considering the views of ICC members and persons on the distribution list and responding in writing to significant comments in a timely and substantive manner prior to finalizing or taking any final action on those documents or determinations enumerated in Section 567.07.a. through 567.07.c.; and ( )

j. Assuring all comments and written responses of ICC members and persons on the distribution list are made part of the record of any action. ( )

**02. Public Comment Period To Satisfy Thirty Day Document Distribution Requirement.** A lead agency may use all or any part of another public comment period established for public outreach procedures pursuant to 23 CFR 450 for a transportation plan, program, or project to satisfy the thirty (30) day advance distribution requirement for technical issues, and shall notify all ICC members and other persons on the distribution list when so

doing fourteen (14) days prior to commencement of the public comment period. ( )

**03. Separate Times Or In Combination.** The above actions may be conducted at separate times or in combination, as required, to enhance the efficiency of the process. ( )

**04. Final Document Distribution.** A lead agency, upon completion of a final document subject to the consultation process under Sections 563 through 574 of these rules (including any federal agency), shall distribute each final document to all other ICC members and persons on the distribution list within thirty (30) days of adopting or approving such document or making such determination. ( )

**05. Use Of Checklist For Distribution Of Material.** The lead agency may supply a checklist of available supporting information to ICC members and persons on the distribution list to be used to request all or part of the supporting information, in lieu of generally distributing all supporting information. ( )

**06. Use Of Other Meetings For Consultation.** A meeting that is scheduled or required for another purpose may be used for the purposes of consultation only if the public notice for the meeting identifies consultation as an agenda item. ( )

**571. CONSULTATION PROCEDURES.**

The consultation process among ICC members and persons on the distribution list shall be undertaken for the following specific major activities (federal, tribal, state, and local), specific routine activities and specific air quality related activities, in accordance with the procedures in Section 570. Participating agencies shall be all ICC members unless otherwise specified in Subsections 571.01 through 571.04. ( )

**01. Specific Major Activities.** The consultation process shall be undertaken for the following specific major activities. The lead agency for each activity shall be the designated MPO or ITD in the absence of an MPO. ( )

a. Evaluating and choosing each air quality model and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses including vehicle miles traveled forecasting. The hot-spot analyses shall be performed consistent with procedures described in 40 CFR 93.116 and 40 CFR 93.123 and regional emissions analysis shall be performed using procedures outlined on 40 CFR 93.122. ( )

b. Determining which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis, in addition to those functionally classified as principal arterial or higher or fixed guideway transit systems or extensions that offer an alternative to regional highway travel. ( )

c. Evaluating whether projects otherwise exempted from meeting the requirements of Sections 563 through 574 of these rules should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason per 40 CFR 93.126 and 127. ( )

d. Making a determination as to whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This consultation procedure shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs with other emission reduction measures. ( )

e. Identifying projects located at sites in PM nonattainment or maintenance areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM hot-spot analysis. In case a method for quantitative hot-spot analysis has not been formally adopted by EPA, a sound qualitative analysis developed in conjunction with FHWA may be used for the same. ( )

f. Making a determination whether the project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, and whether the project's design concept and

scope have changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility. ( )

g. For areas in the state with no MPOs, making a determination whether a project has undergone project-level analysis and whether the project's design concept and scope have changed significantly from those which were included in the project-level analysis, or in a manner which would significantly impact use of the facility. ( )

h. Establishing appropriate public participation opportunities for project-level conformity determinations, as applicable, in the manner specified by Section 574, to be initiated by the recipient of the funds designated under 23 U.S.C. or the Federal Transit Act. ( )

i. Choosing conformity tests and methodologies for isolated and rural nonattainment and maintenance areas as required by 40 CFR 93.109(g)(2)(iii). ( )

**02. Specific Routine Activities.** The consultation process shall be undertaken for the following specific routine activities. The lead agency shall be the MPO or ITD in the absence of an MPO. ( )

a. Evaluating events that will trigger new conformity determinations in addition to those triggering events established in 40 CFR 93.104. Participating agencies shall be the MPO and state, tribal, regional, and local air quality planning agencies. ( )

b. Consulting on emissions analysis for transportation activities that cross the borders of MPOs or nonattainment or maintenance areas. Participating agencies shall be the MPO and state, tribal, regional, and local air quality planning agencies. ( )

c. Determining whether the project sponsor or MPO has demonstrated that the requirements are satisfied without a particular mitigation, such as emissions offsets or other control measures, or determining that a conforming project approved with mitigation no longer requires mitigation. ( )

d. Assuring that plans for construction of regionally significant projects that are not FHWA/FTA projects, including projects for which alternative locations, design concept and scope, or the no-build option are still being considered, are disclosed to the MPO or ITD in the absence of an MPO on a regular basis, and assuring that any changes to those plans are immediately disclosed. ( )

e. Determining whether a project, which was previously found to conform, has or will have a significant change in design concept and scope since the project plan and TIP conformity determination. ( )

f. Designing, scheduling, and funding of research and data collection effort pertaining to transportation or air quality planning with implications for transportation conformity. ( )

g. Reviewing and recommending regional transportation model development by the MPO (e.g., household/travel transportation surveys). ( )

h. Development of transportation improvement programs. ( )

i. Development of regional transportation plans. ( )

j. Consulting when the metropolitan planning area does not include the entire nonattainment area or maintenance area, for planning requirements which may fall under the jurisdiction of more than one MPO or the MPO and ITD. ( )

**03. Specific Air Quality Related Activities.** The consultation process shall be undertaken when preparing an applicable implementation plan that includes the revision or addition of a motor vehicle emissions inventory and budget activities in accordance with the procedures in Section 570. Consultation is not required for administrative amendments that do not affect conformity. The lead agency for each activity shall be IDEQ or the MPO. In addition to the Section 570 consultation process, the lead agency shall undertake the following: ( )

a. Scheduling consultation meetings early in the process of decision on the applicable implementation plan, and prior to making a final recommendation to their management, committees, boards or commissions, for a final decision on such documents; ( )

b. Arranging for technical committees or teams to assist ICC members in reviewing documents provided by the lead agency. The lead agency may convene technical meetings as necessary; and ( )

c. Scheduling and conducting meetings of the ICC at regularly scheduled intervals, no less frequently than quarterly. ( )

d. The ICC may appoint subcommittees to address specific issues pertaining to applicable implementation plan development. Any recommendations of a subcommittee shall be considered by the ICC. ( )

**04. Notification Process.** The designated MPO, or ITD in the absence of an MPO, shall notify ICC members and persons on the distribution list of a transportation plan or TIP revisions that merely add or delete exempt projects listed in 40 CFR 93.126 early in the process of decision, and by supplying all relevant documents and information to the same. ( )

**572. FINAL CONFORMITY DETERMINATIONS BY USDOT.**

Section 572 establishes the process USDOT shall follow when making final determinations on proposed or anticipated transportation actions subject to transportation conformity. ( )

**01. Final Conformity Determination Process.** USDOT will make making final determinations on proposed or anticipated STIP or transportation plan or project conformity by: ( )

a. Distributing a draft conformity determination to EPA for review and comment. USDOT shall allow a maximum of thirty (30) days for EPA to respond; and ( )

b. USDOT shall respond in writing to any significant comments raised by EPA within fourteen (14) days of receipt in writing before making a final decision. ( )

**02. New Or Revised Information.** If USDOT requests any new or revised information to support a STIP, TIP or transportation plan or project conformity determination, then USDOT shall either return the conformity determination for additional consultation pursuant to Section 570, or USDOT shall distribute the new information to the ICC members and persons on the distribution list for review and comment; ( )

a. When USDOT distributes such new or additional information to ICC members and persons on the distribution list, USDOT shall allow for a maximum of thirty (30) days for the lead agency to respond to any new or revised supporting information; and ( )

b. USDOT shall distribute a written response within fourteen (14) days of receipt to any significant comments raised by the ICC members and persons on the distribution list on the new or revised supporting information before making a final decision. ( )

**573. RESOLVING CONFLICTS.**

Conflicts between state agencies or between state agencies and the MPO regarding a determination of conformity, applicable implementation plan submittal, or other policy decision under Sections 563 through 574, shall be resolved in the following manner. ( )

**01. Conflict Resolution At The Level Of IDEQ Regions And ITD Districts.** Every effort shall be made to resolve any conflicts among state agencies or between state agencies and an MPO at the regional level. The regional administrator of IDEQ, the District Engineer of ITD and the other agency managers at the regional level of the affected jurisdictions, or their designated representatives shall be involved in conflict resolution at the regional level. ( )

**02. Conflict Resolution At The Level Of IDEQ And ITD Headquarters.** If conflict(s) are not

resolved at the regional level, the issue shall be raised to the level of agency directors for resolution. ( )

**03. Conflict Resolution At The Governor's Level.** If conflict(s) are not resolved through Subsection 569.02, then IDEQ shall raise the conflict to the Governor, as follows: ( )

a. The IDEQ administrator shall request in writing that ITD or the MPO provide IDEQ with written notification of resolution of IDEQ's comments. ITD or the MPO shall provide IDEQ with the requested written notification within fourteen (14) days of receipt of IDEQ's written request. ( )

b. Within fourteen (14) days of its receipt of the requested written notification, IDEQ may appeal the conformity determination in writing to the Governor. If IDEQ appeals to the Governor, then the final conformity determination must have the concurrence of the Governor. If IDEQ does not appeal in writing to the Governor within fourteen (14) days of its receipt of written notification of resolution of its comments, then the lead transportation agency may proceed with the final conformity determination. ( )

c. The fourteen (14) days shall start on the date when the IDEQ administrator receives notification of the written resolution of his comments regarding a determination of conformity, applicable implementation plan submittal, or other decision under Sections 563 through 574. ( )

**04. Process For Conflict Resolution At The Governor's Level.** The Governor may delegate to another independent official or agency within the state his or her role in this process. The Governor may not delegate his or her role to the head or staff of the state air quality agency or any local air quality agency, ITD, a state transportation commission or board, any agency that has responsibility for any one (1) of these functions, or an MPO. ( )

**574. PUBLIC CONSULTATION PROCEDURES.**

Affected agencies making conformity determinations on transportation plans, programs, and projects shall establish a proactive public involvement process which provides opportunity for public review and comment by, at a minimum, providing at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, reasonable public access to technical and policy information considered by the agency, and consistent with these requirements and those of 23 CFR 450. Any charges imposed for public inspection and copying should be consistent with the fee schedule contained in 49 CFR 7.95. In addition, these agencies must specifically address, in writing, all public comments relating to known plans for a regionally significant project, which is not receiving FHWA or FTA funding, or approval. This is especially important if the project's emissions have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law. ( )

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS**  
**DOCKET NO. 58-0108-0001**  
**NOTICE OF PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized by Chapter 1, Title 39, Idaho Code and Chapter 21, Title 37, Idaho Code. In addition, states which have primary enforcement responsibility for the Safe Drinking Water Act are required by 40 CFR 142.10(a) and 40 CFR 142.12(a) to adopt, within two years of promulgation, national primary drinking water regulations that are no less stringent than the federal regulations in effect under 40 CFR Part 141.

**PUBLIC HEARING SCHEDULE:** No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before July 19, 2000. If no such written request is received, a public hearing will not be held.

**DESCRIPTIVE SUMMARY:** The proposed rule incorporates by reference into the state rules the revisions to the 1991 Lead and Copper Rule, 40 CFR Part 141, Subparts E and I, as well as 40 CFR Part 142 regarding primacy requirements. The changes will involve the following: demonstration of optimal corrosion control measures, lead service line replacement, public education, monitoring, analytical methods, reporting and record keeping, and special primacy issues. All owners and operators of community water systems and nontransient noncommunity water systems in addition to state and health district staff responsible for implementing the Lead and Copper Rule including these revisions are potentially affected.

In addition, Subsection 002.02 will be corrected to reflect the exceptions between state definitions and those definitions included in the federal regulations incorporated by reference.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, the Idaho Department of Environmental Quality (DEQ) intends to present the final proposal to the Board of Environmental Quality in November 2000 for adoption of a pending rule. The rule is expected to be final and effective upon the conclusion of the 2001 session of the Idaho Legislature.

**NEGOTIATED RULEMAKING:** Negotiated rulemaking was not conducted. The state must adopt rules according to 40 CFR 142.10(a) that are no less stringent than the federal regulations and the Idaho State Legislature requires DEQ to adopt rules that are no more stringent than the federal regulations. Therefore, unless the federal regulations specifically allow the state latitude in writing their own regulations, there is little, if any, room for negotiation. Federal regulations did not allow any such latitude for this rule.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.state.id.us/deq](http://www.state.id.us/deq).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rulemaking, contact Howard Woods at (208)373-0502, [hwoods@deq.state.id.us](mailto:hwoods@deq.state.id.us), or Jerri Henry at (208)373-0502, [jhenry@deq.state.id.us](mailto:jhenry@deq.state.id.us).

Anyone can submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. The Department will consider all written comments received by the undersigned on or before July 26, 2000.

DATED this 1st day of May, 2000.

Paula Junae Saul  
Environmental Quality Section  
Attorney General's Office  
1410 N. Hilton  
Boise, Idaho 83706-1255  
Fax No. (208)373-0481  
psaul@deq.state.id.us

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 58-0108-0001**

**002. INCORPORATION BY REFERENCE.**

Any reference in these rules to requirements, procedures, or specific forms contained in any section or subsection of the Code of Federal Regulations (CFR), Title 40, Parts 141, ~~142~~ and 143, revised as of July 1, ~~1999~~ 2000, shall constitute the full adoption by reference of that section or subsection, ~~including~~ any notes and appendices therein, unless expressly provided otherwise in these rules. Any reference in these rules to procedures, methods, standards, or construction criteria contained in a published technical manual shall constitute the full adoption by reference of the part of the technical manual that pertains to the procedure, method, standard, or construction criterion as it appears in the manual. (~~4-5-00~~)(    )

**01. Availability Of Specific Referenced Material.** Copies of specific documents adopted by reference throughout these rules are available in the following locations: (12-10-92)

a. All federal regulations: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Telephone (202)783-3238, or U.S. Government Bookstore, Room 194, Federal Bldg., 915 Second Ave., Seattle, WA 98174, (206) 553-4270; and (7-1-97)

b. All documents herein incorporated by reference: Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255, (208) 373-0502. (7-1-97)

c. Recommended Standards for Water Works: a committee report of the Great Lakes -- Upper Mississippi River Board of Department of Public Health and Environmental Health Managers, published by Health Education Services, P.O. Box 7823, Albany, New York, 19927, Telephone (518) 439-7286. (~~7-1-97~~)(    )

d. Manual of Individual Water Supply Systems (EPA-430/9-74-007), published by the U.S. Environmental Protection Agency, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.20402, Telephone (202) 782-3238. (12-10-92)

e. U.S. Department of Commerce, National Bureau of Standards Handbook, No. 69, "Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure" as amended in 1963, NCRP Publications, P.O. Box 20175, Washington, D.C. 20014. (12-10-92)

f. Rules of the Idaho Water Resources Board, IDAPA 37.03.09, "Well Construction Standards Rules," July 1993, available at the Idaho Department of Water Resources, 1301 North Orchard, P.O. Box 83720, Boise, Idaho 83720-0098, Telephone (208) 327-7900. (7-1-97)

g. USEPA Guidance Manual, Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources, March 1991 Edition, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Telephone (202) 782-3238. (12-10-92)

h. NSF 53 -- 1992, Drinking Water Treatment Units -- Health Effects, available from the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106, Telephone (313) 769-8010. (10-1-93)

i. NSF 58 -- 1992, Reverse Osmosis Drinking Water Treatment Systems, available from the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106, Telephone (313) 769-8010. (10-1-93)

j. American Water Works Association (AWWA) Standards, Edition effective July 23, 1992, available from the AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235, Telephone (800) 926-7337. (7-1-97)

k. ANSI/NSF 60 -- 1988, Drinking Water Treatment Chemicals -- Health Effects, available from the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106, Telephone (313) 769-8010. (12-10-92)

l. ANSI/NSF 61 -- 1991, Drinking Water System Components -- Health Effects, available from the National Sanitation Foundation, 3475 Plymouth Road, P.O. Box 1468, Ann Arbor, Michigan 48106, Telephone (313) 769-8010. (10-1-93)

**02. Federal Regulations.** 40 CFR 141.2 is herein incorporated by reference, except for the definition of the terms action level, disinfection, noncommunity water system, and "person". (~~10-1-93~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. SPECIAL REGULATIONS.**

**01. Inorganic And Organic Chemical Special Monitoring.** 40 CFR 141.40 is herein incorporated by reference. (10-1-93)

**02. Sodium Special Monitoring.** 40 CFR 141.41 is herein incorporated by reference. (10-1-93)

**03. Special Monitoring For Corrosively Characteristics.** 40 CFR 141.42 is herein incorporated by reference. (10-1-93)

**04. Lead Prohibition.** 40 CFR 141.43, revised as of July 1, 2000, is herein incorporated by reference. (~~10-1-93~~)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**350. CONTROL OF LEAD AND COPPER.**

**01. General Requirements.** 40 CFR 141.80, revised as of July 1, 2000, is herein incorporated by reference. (~~10-1-93~~)( )

**02. Applicability Of Corrosion Control Treatment Steps To Small, Medium-Size, And Large Water Systems.** 40 CFR 141.81, revised as of July 1, 2000, is herein incorporated by reference. (~~10-1-93~~)( )

**03. Description of Corrosion Control Treatment Requirements.** (12-1-92)

a. 40 CFR 141.82, revised as of July 1, 2000, is herein incorporated by reference. (~~10-1-93~~)( )

b. The Department may modify its determination of the optimal corrosion control treatment or optimal water quality control parameters where it concludes that such changes are necessary to optimize corrosion control treatment as specified in 40 CFR 141.82(h) and as referred to in Subsection 350.03. The Department may also modify its determination of the optimal corrosion control treatment or water quality control parameters where it finds such changes will provide equivalent or improved treatment in a manner which is simpler or less costly to operate.  
(12-10-92)

**04. Source Water Treatment Requirements.** 40 CFR 141.83, revised as of July 1, 2000, is herein incorporated by reference. The Department may modify its determination of optimal source treatment or maximum permissible lead and/or copper concentrations where it concludes that such changes are necessary as specified in 40 CFR 141.83(b)(6).  
(10-1-93)( )

**05. Lead Service Line Replacement Requirements.** 40 CFR 141.84, revised as of July 1, 2000, is herein incorporated by reference.  
(10-1-93)( )

**06. Public Education And Supplemental Monitoring Requirements.** 40 CFR 141.85, revised as of July 1, 2000, is herein incorporated by reference.  
(10-1-93)( )

**07. Monitoring Requirements For Lead And Copper In Tap Water.** 40 CFR 141.86, revised as of July 1, 2000, is herein incorporated by reference.  
(10-1-93)( )

a. Systems with insufficient tier one (1), two (2), or three (3) sampling sites shall complete their sampling pools from "tier four (4) sampling sites" consisting of buildings or multiple family residences that contain copper pipes with lead solder installed before 1983, or if these are not available, any other sampling sites acceptable to the Department. Any community water system which includes tier four (4) sites in its sampling pool shall submit a letter to the Department indicating why it was unable to locate sufficient tier one (1), two (2), or three (3) sites.  
(10-1-93)

b. Nontransient noncommunity water systems with insufficient tier one (1) and pre-1983 lead solder containing copper pipe sampling sites shall complete its sampling pool with other sampling sites acceptable to the Department. A nontransient noncommunity water system which includes sampling sites other than tier one (1) in its sampling pool, shall submit a letter to the Department indicating why it was unable to locate sufficient tier one (1) sites.  
(12-10-92)

**08. Monitoring Requirements For Water Quality Parameters.** 40 CFR 141.87, revised as of July 1, 2000, is herein incorporated by reference.  
(10-1-93)( )

**09. Monitoring Requirements For Lead And Copper In Source Water.** 40 CFR 141.88, revised as of July 1, 2000, is herein incorporated by reference.  
(10-1-93)( )

**10. Analytical Methods.** 40 CFR 141.89, revised as of July 1, 2000, is herein incorporated by reference.  
(10-1-93)( )

**11. Reporting Requirements.** 40 CFR 141.90, revised as of July 1, 2000, is herein incorporated by reference.  
(10-1-93)( )

**12. Recordkeeping Requirements.** 40 CFR 141.91, revised as of July 1, 2000, is herein incorporated by reference.  
(10-1-93)( )

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**58.01.09 - RULES REGULATING SWINE AND POULTRY FACILITIES**

**DOCKET NO. 58-0109-0001**

**NOTICE OF NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation in an informal, negotiated rulemaking process prior to the initiation of formal rulemaking procedures by the agency. This action is authorized by Chapter 1, Title 39, Idaho Code. Section 39-104A, Idaho Code, (amended by House Bill 696) contains explicit authorization for requiring financial assurances for swine and poultry facilities.

**MEETING SCHEDULE:** Persons interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting:

**July 19, 2000, 9 a.m. to noon,  
Department of Environmental Quality, Conference Room A,  
1410 N. Hilton, Boise, Idaho.**

The meeting site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the meeting. For arrangements, contact the undersigned at (208) 373-0418.

**DESCRIPTIVE SUMMARY:** The purpose of this rulemaking is to amend the "Rules Regulating Swine and Poultry Facilities" to set forth requirements for financial assurances. Section 39-104A, Idaho Code provides that permittees of swine and poultry facilities shall provide financial assurances for the operation, closure and remediation of their facilities. The specific requirements for financial assurances are to be determined by the Department of Environmental Quality (DEQ) in rule. This rule change only affects those swine and poultry facilities that are required to be permitted under the Rules Regulating Swine and Poultry Facilities. It does not affect existing facilities that are required to be registered under those rules.

This rule will be developed by DEQ in conjunction with an advisory committee made up of persons having interests in swine and poultry facilities. The goal of the negotiated rulemaking process will be to develop by consensus the text of a recommended rule. If a consensus is reached, a draft of the rule, incorporating the consensus and any other appropriate information, recommendations, or materials, will be transmitted to DEQ for consideration and use in the formal rulemaking process. If a consensus is unable to be achieved on particular issues, the negotiated rulemaking process may result in a report specifying those areas on which consensus was and was not reached, together with arguments for and against positions advocated by various participants. At the conclusion of the negotiated rulemaking process, DEQ intends to present a rule to the Board of Environmental Quality (Board) for temporary adoption and, at the same time, commence formal rulemaking with the publication of a proposed rule, using and taking into consideration the results of the negotiated rulemaking process. DEQ intends to present the rule to the Board for temporary adoption in November 2000.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.state.id.us/deq](http://www.state.id.us/deq).

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the negotiated rulemaking, contact Susan Burke at (208) 373-0502 or [sburke@deq.state.id.us](mailto:sburke@deq.state.id.us).

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposal to initiate negotiated rulemaking. All written comments must be received by the undersigned on or before July 26, 2000.

DATED this 31st day of May, 2000.

Paula Junae Saul, Environmental Quality Section  
Attorney General's Office, 1410 N. Hilton  
Boise, Idaho 83706-1255  
Fax No. (208)373-0481, [psaul@deq.state.id.us](mailto:psaul@deq.state.id.us)

**IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO**

**59.01.03 - CONTRIBUTION RULES OF PERSI**

**DOCKET NO. 59-0103-9902**

**NOTICE OF RESCISSION OF TEMPORARY RULE**

**AUTHORITY:** In compliance with Sections 67-5221, 67-5224, and 67-5226, Idaho Code, notice is hereby given that this agency has rescinded the temporary rule previously initiated under this docket. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a summary of the reasons for the rescission:

This temporary rule is rescinded effective July 1, 2000. The Retirement Board has established new rates effective July 1, 2000, as set forth in docket number 59-0103-0001, published in this Bulletin. The new rates reflect contribution rates necessary to fund the system after legislative changes.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rescission, contact Alan H. Winkle, Executive Director of PERSI, 334-3365.

DATED this 26th day of April, 2000.

Alan H. Winkle  
Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8<sup>th</sup>, Boise, ID 83702  
P.O. Box 83720, Boise, ID 83720-0078  
Phone: 208-334-3365  
FAX: 208-334-3804

**IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO**

**59.01.03 - CONTRIBUTION RULES FOR PERSI**

**DOCKET NO. 59-0103-9903**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** The pending rule has been adopted by the agency and is now pending review by the 2001 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The original text of the temporary and proposed rule was published in the December 1, 1999 Idaho Administrative Bulletin, Volume 99-12, pages 136 and 137.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan H. Winkle, Executive Director, 334-2451.

DATED this 24th day of May, 2000.

Alan H. Winkle, Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8<sup>th</sup> St., Boise, ID 83702  
P.O. Box 83720, Boise, ID 83720-0078  
Phone: (208) 334-2451 FAX: (208) 334-3804

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**IDAPA 59  
TITLE 01  
Chapter 03**

**CONTRIBUTION RULES FOR THE PUBLIC EMPLOYEE  
RETIREMENT SYSTEM OF IDAHO (PERSI)**

**There are no substantive changes from the proposed rule text.**

**The complete text of the proposed rule was published in the Idaho Administrative  
Bulletin, Volume 99-12, December 1, 1999, pages 136 and 137.**

**This rule has been adopted as a pending rule by the Agency and is now pending  
review and adoption by the 2001 Idaho State Legislature as a final rule.**

**IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)**

**59.01.03 - CONTRIBUTION RULES OF PERSI**

**DOCKET NO. 59-0103-0001**

**NOTICE OF TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2000.

**AUTHORITY:** In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 59-1314(1) and 72-1405 Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 19, 2000.

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

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

Section 59-1322(1), Idaho Code requires the Retirement Board to establish contribution rates within certain constraints. Due to legislative changes the Board has reviewed and determined, based on actuarial valuation of reserves and liabilities, the contributions necessary to fund the level of benefits authorized by the plan. Temporary rules published in docket number 59-0103-9902, which would have raised rates effective November 1, 2000, are being rescinded by a separate notice in this volume of the Idaho Administrative Bulletin. These rules continue the current rates until further modified by the Board. In addition, Rule 176 is amended to be consistent with 1999 legislative changes to Section 59-1325, Idaho Code, related to the timing for transmitting contributions to PERSI.

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

The rule change will confer a benefit on PERSI employees and employers and is necessary to comply with deadlines imposed by amendments made to governing law by the legislature.

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

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the retirement board has exclusive fiduciary responsibility for plan operations.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Alan Winkle, Executive Director, 334-3365.

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 July 26, 2000.

DATED this 24th day of April, 2000.

Alan H. Winkle, Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8<sup>th</sup> St., Boise, ID 83702  
P.O. Box 83720, Boise, ID 83720-0078  
Phone: (208) 334-3365 FAX: (208) 334-3804

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 59-0103-0001**

**026. PERSI EMPLOYER GENERAL MEMBER CONTRIBUTION RATE (Rule 26).**

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, shall be nine point seventy-seven percent (9.77%) of payroll ~~effective with salaries paid on or after November 1, 1997 through October 31, 2000. Effective for salaries paid on or after November 1, 2000, the PERSI employer contribution rate for general members shall be eleven point zero one percent (11.01%) unless further modified~~ until next determined by the Board.

Statutory Reference: Sections 59-1302(16), 59-1391, 59-1394, and 59-1397, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00)

~~(10-1-99)F(7-1-00)T~~

**027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (Rule 27).**

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

**01. Option I And II Firefighters.** For option I and II firefighters hired before October 1, 1980, thirty-five point ninety percent (35.90%) of payroll, as follows::

<b>Option I And II Firefighters</b>	
PERSI Employer Contribution Rate:	Ten point zero-one percent (10.01%) <del>for salaries paid on or after November 1, 1997 through October 31, 2000. Effective for salaries paid on or after November 1, 2000 the rate will be eleven point twenty five percent (11.25%) unless further modified</del> until next determined by the Board.
Additional Employer Rate:	One percent (1.00%)
Social Security Rate:	Seven point sixty-five percent (7.65%)
Excess Merger Costs:	Seventeen point twenty-four percent (17.24%) <del>for salaries paid on or after November 1, 1997 through October 31, 2000. Effective for salaries paid on or after November 1, 2000 the rate will be sixteen percent (16.00%) unless further modified</del> until next determined by the Board.
TOTAL Contribution:	Thirty-five point ninety percent (35.90%)

~~(10-1-99)F(7-1-00)T~~

**02. Class D Firefighters.** For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund) twenty-seven point twenty-five percent (27.25%) of payroll, as follows:

<b>Class D Firefighters</b>	
PERSI Employer Contribution Rate:	Ten point zero-one percent (10.01%) <del>for salaries paid on or after November 1, 1997 through October 31, 2000. Effective for salaries paid on or after November 1, 2000 the rate will be eleven point twenty five percent (11.25%) unless further modified</del> until next determined by the Board.
Excess Merger Costs:	Seventeen point twenty-four percent (17.24%) <del>for salaries paid on or after November 1, 1997 through October 31, 2000. Effective for salaries paid on or after November 1, 2000 the rate will be sixteen percent (16.00%) unless further modified</del> until next determined by the Board.
TOTAL Contribution:	Twenty-seven point twenty-five percent (27.25%)

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross

References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00)  
~~(10-1-99)F(7-1-00)T~~

**028. PERSI EMPLOYER CLASS II CONTRIBUTION RATE (Rule 28).**

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, for an employee classified as a police member excluding those listed in Rule 29 of this chapter and firefighters excluding those listed in Rule 27 of this chapter shall be ten point zero-one percent (10.01%) of payroll ~~effective with salaries paid on or after November 1, 1997 through October 31, 2000. Effective for salaries paid on or after November 1, 2000, the PERSI employer contribution rate shall be eleven point twenty five percent (11.25%) unless further modified~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00)  
~~(10-1-99)F(7-1-00)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**100. PERSI EMPLOYEE GENERAL MEMBER CONTRIBUTION RATE (Rule 100).**

The PERSI employee contribution rate as provided in Section 59-1333, Idaho Code, for all members not classified as police members or firefighters, shall be five point eighty-six percent (5.86%) of salary ~~effective with salaries paid on or after November 1, 1997 and through October 31, 2000. Effective for salaries paid on or after November 1, 2000, the PERSI employee contribution rate for general members shall be six point six zero percent (6.60%) unless further modified~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00)  
~~(10-1-99)F(7-1-00)T~~

**101. PERSI EMPLOYEE CLASS II CONTRIBUTION RATE (Rule 101).**

The employee contribution rate as provided in Section 59-1334, Idaho Code, for an employee classified as a police member is seven point twenty-one percent (7.21%) of salary ~~effective with salaries paid on or after November 1, 1997 through October 31, 2000. Effective for salaries paid on or after November 1, 2000, the PERSI employee contribution rate shall be eight point one zero percent (8.10%) unless further modified~~ until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00)  
~~(10-1-99)F(7-1-00)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**176. TRANSFER OF CONTRIBUTIONS TO PERSI (Rule 176).**

Employee and employer contributions shall be calculated and forwarded to PERSI by each employer for each employee that meets the statutory definition of "employee" as defined in Section 59-1302 (14), Idaho Code. All Contributions shall be remitted, together with ~~(1-1-94)~~

~~01- Employer Reporting Of Contributions.~~ All employers will submit an approved report to PERSI no later than the 20th of each month pursuant to twenty (20) days after each pay date as provided in Section 59-1325(1), Idaho Code. ~~(1-1-94)(7-1-00)T~~

**IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO**

**59.01.05 - SEPARATION FROM SERVICE RULES OF PERSI**

**DOCKET NO. 59-0105-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** The pending rule has been adopted by the agency and is now pending review by the 2001 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The original text of the temporary and proposed rule was published in the [December 1, 1999 Idaho Administrative Bulletin, Volume 99-12, pages 138 and 139.](#)

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan H. Winkle, Executive Director, 334-2451.

DATED this 24th day of May, 2000.

Alan H. Winkle, Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8<sup>th</sup> St., Boise, ID 83702  
P.O. Box 83720, Boise, ID 83720-0078  
Phone: (208) 334-2451 FAX: (208) 334-3804

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**IDAPA 59  
TITLE 01  
Chapter 05**

**SEPARATION FROM SERVICE RULES OF PERSI**

**There are no substantive changes from the proposed rule text.**

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-12, December 1, 1999, pages 138 and 139.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and adoption by the 2001 Idaho State Legislature as a final rule.**

**IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO**

**59.01.07 - MISCELLANEOUS RULES OF PERSI**

**DOCKET NO. 59-0107-9901**

**NOTICE OF PENDING RULE**

**EFFECTIVE DATE:** The pending rule has been adopted by the agency and is now pending review by the 2001 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending is being adopted as proposed. The original text of the temporary and proposed rule was published in the [December 1, 1999 Idaho Administrative Bulletin, Volume 99-12, pages 140 and 141](#).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan H. Winkle, Executive Director, 334-2451.

DATED this 24th day of May, 2000.

Alan H. Winkle, Executive Director  
Public Employee Retirement System of Idaho  
607 N. 8<sup>th</sup> St., Boise, ID 83702  
P.O. Box 83720, Boise, ID 83720-0078  
Phone: (208) 334-2451 FAX: (208) 334-3804

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**IDAPA 59  
TITLE 01  
Chapter 07**

**MISCELLANEOUS RULES OF PERSI**

**There are no substantive changes from the proposed rule text.**

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 99-12, December 1, 1999, pages 140 and 141.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and adoption by the 2001 Idaho State Legislature as a final rule.**

# Subjects Affected Index

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## **IDAPA 08 - IDAHO STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION**

### **08.02.03 - RULES GOVERNING THOROUGHNESS**

#### **Docket No. 08-0203-0001**

456. Gifted And Talented Programs. ....	31
457. -- 999. (Reserved). ....	32

## **IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS**

### **46.01.01 - RULES OF THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

#### **Docket No. 46-0101-0001**

100. Certification Of Veterinary Technicians. ....	39
101. Temporary Certification. ....	40
102. Certified Veterinary Technician Mandatory Continuing Education. ....	40
103. Supervising Veterinarians. ....	41
104. Expiration Of Veterinary Technician Certification -- Notice -- Renewal. ....	46
105. Grounds For Discipline Of Veterinary Technicians. ....	47
106. -- 149. (Reserved). ....	49

#### **Docket No. 46-0101-0002**

005. Incorporation By Reference. ....	51
006. -- 009. (Reserved). ....	51
010. License. ....	51
011. License Without Clinical Competency Test (CCT). ....	53
012. License Renewal/Return To Active Status. ....	53
013. Temporary Permits. ....	54
014. Fees. ....	55
015. Mandatory Continuing Veterinary Education. ....	56
016. Eligibility Evaluation – National Examination: ....	57
017. -- 099. (Reserved). ....	59
151. Unprofessional Conduct. ....	59
152. Code Of Professional Conduct. ....	60
153. Standards Of Practice. ....	61
154. Record Keeping Standards. ....	64
200. Euthanasia Task Force. ....	66
201. Methods Of Euthanasia. ....	67
202. Procurement And Administration Of Approved Drugs. ....	67
203. Fees. ....	67
204. Certified Euthanasia Agency. ....	67
205. Certified Euthanasia Technician. ....	70
207. Inspection Deficiencies. ....	77

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

### **58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO**

#### **Docket No. 58-0101-9902 (Originally Published As 16-0101-9902)**

008. Definitions For The Purposes Of Sections 300 Through 386. ....	81
107. Incorporations By Reference. ....	84
563. Transportation Conformity. ....	85
564. Incorporation By Reference. ....	85
565. Abbreviations. ....	85

566. Definitions For The Purpose Of Sections 563 Through 574.....	86
567. Agencies Affected By Consultation.....	88
568. ICC Member Roles In Consultation.....	90
569. ICC Member Responsibilities In Consultation.....	90
570. General Consultation Process.....	92
571. Consultation Procedures.....	93
572. Final Conformity Determinations By USDOT.....	95
573. Resolving Conflicts.....	95
574. Public Consultation Procedures.....	96
 <b>58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS</b>	
Docket No. <b>58-0108-0001</b>	
002. Incorporation By Reference.....	98
200. Special Regulations.....	99
350. Control Of Lead And Copper.....	99
 <b>IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO</b>	
<b>59.01.03 - CONTRIBUTION RULES OF PERSI</b>	
Docket No. <b>59-0103-0001</b>	
026. PERSI Employer General Member Contribution Rate (Rule 26).....	105
027. Firefighter Retirement Fund Employer Rate (Rule 27).....	105
028. PERSI Employer Class II Contribution Rate (Rule 28).....	106
100. PERSI Employee General Member Contribution Rate (Rule 100).....	106
101. PERSI Employee Class II Contribution Rate (Rule 101).....	106
176. Transfer Of Contributions To PERSI (Rule 176).....	106

# Bulletin Summary of Proposed Rulemakings

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## **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 new issue of the state Administrative Bulletin.

### **IDAPA 08 – IDAHO STATE BOARD OF EDUCATION P.O. Box 83720, Boise, ID 83720-0027**

Docket No. **08-0203-0001**, Rules Governing Thoroughness. Requires districts to submit a plan to the State Department of Education describing different components of their gifted and talented program including descriptions of the identification procedure, a screening process, the formal and informal assessment instruments and the sources used to obtain data; plan should also list the certificated staff person who oversees the district gifted and talented program. Comment By: 8/29/00.

### **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE P.O. Box 83720, Boise, Idaho 83720-0036**

Docket No. **16-0405-0001** (Repeal), Rules Governing Respite Care Services. Repeal of chapter. Comment By: 7/26/00.

Docket No. **16-0409-0001** (Repeal), Rules Governing Developmental Disabilities In-Home Financial. Repeal of chapter. Comment By: 6/26/00.

### **IDAPA 46 – BOARD OF VETERINARY MEDICAL EXAMINERS P. O. Box 7249, Boise, ID 83707**

Docket No. **46-0101-0001**, Rules of the State of Idaho Board of Veterinary Medicine. Implements certification program for veterinary technicians and includes application requirements, requirements for temporary certifications, mandatory continuing education, veterinary supervision requirements, requirements for renewal of certifications, and grounds for discipline. Comment By: 7/26/00.

Docket No. **46-0101-0002**, Rules of the State of Idaho Board of Veterinary Medicine (Fee Rule). Adds incorporation by reference section; changes licensure qualifications for graduates of certain unaccredited colleges of veterinary medicine outside the US and Canada; provides for temporary permits and licensing, after November 1, 2000, for applicants who have passed the National Board Examination and fulfilled alternative competency requirements in lieu of taking the Clinical Competency Test; changes requirements for conversion from inactive to active license status; adds fee to cover Board's expenses for application reviews for national veterinary examination (NAVLE), clarifies fees for license without the Clinical Competency Test, changes conversion fee to reinstatement fee and license fee to certification fee for Certified Euthanasia Agencies and Technicians, combines late fee with reinstatement fee, and requires official verification for name changes on licenses and certificates; continuing education course providers must supply copies of sign-in and sign-out sheets; allows for an extension of the 3 year continuing education period when necessary; adds new section for eligibility evaluation of candidates taking NAVLE; improper supervision of anesthetized patients by a veterinarian or his employees shall constitute unprofessional conduct; adds to Code of Professional Conduct to include signed consent forms for euthanasia and proper disposal of controlled substances and containers; changes record keeping requirements to clarify ownership and release of medical records and for controlled substances and for issuance of prescription drug orders for prescription and legend veterinary drugs; changes references to the licensing of euthanasia agencies and euthanasia technicians to the certification of these entities; changes definition of certified euthanasia technician to conform to Idaho Code; adds requirements for remote chemical capture training; clarifies certification and renewal requirements, and provides the grounds for disciplinary action against CEAs and CETs; makes housekeeping corrections and technical changes to conform to statutory

changes. Comment By: 7/26/00.

**IDAPA 55 – DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION**  
**P.O. Box 83720, Boise, Idaho 83720-0095**

Docket No. **55-0103-0001**(Repeal), Rules Governing Perkins Title III Secondary Funding Formula Waiver. Repeal of chapter. Comment By: 8/31/00.

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

Docket No. **58-0101-9902**, Rules for the Control of Air Pollution in Idaho. Ensures conformity of transportation plans, programs, and projects to applicable implementation plans; sets forth policy, criteria, and procedures for demonstrating and assuring transportation conformity of specified actions to the applicable implementation plan and provide flexibility in the interagency consultation process for better process efficiency; includes and updates citations incorporated by reference to the Code of Federal Regulations. Comment By: 8/11/00.

Docket No. **58-0108-0001**, Idaho Rules for Public Drinking Water Systems. Incorporates by reference the revisions to the 1991 Lead and Copper Rule in the CFR; includes the demonstration of optimal corrosion control measures, lead service line replacement, public education, monitoring, analytical methods, reporting and record keeping, and special primacy issues. Comment By: 7/26/00.

**IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO**  
**P.O. Box 83720, Boise, Idaho 83720-0078**

Docket No. **59-0103-0001**, Contribution Rules of PERSI. Changes conform to statutory changes and continue the current rates until further modified by the Board; and amends rules to be consistent with 1999 legislative changes related to the timing for transmitting contributions to PERSI. Comment By: 7/26/00.

**NOTICES OF LEGISLATIVE ACTION** – Notices of legislative action affecting State Agency Administrative Rules have been published under the following docket numbers:

- Docket No. **07-0500-0001** – Public Works Contractors License Board, Division of Building Safety
- Docket No. **11-0000-0001** – Idaho State Police
- Docket No. **15-0700-0001** – Division of Veterans Services – Office of the Governor
- Docket No. **58-0000-0001** – Department of Environmental Quality

**PUBLIC HEARINGS** – Public Hearings have been scheduled for the following dockets:

State Board of Education

Docket No. **08-0203-0001**, Rules Governing Thoroughness.

Department of Environmental Quality

Docket No. **58-0101-9902**, Rules for the Control of Air Pollution in Idaho. Comment deadline: 8/11/00.

Docket No. **58-0109-0001**, Rules Regulating Swine and Poultry Facilities (Negotiated Rule)

Please refer to the Idaho Administrative Bulletin, **July 5, 2000, Volume 00-7** for notices and text of all rulemakings, public hearing schedules, Governor's executives orders, and agency contact names.

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**<http://www.state.id.us/>** - from the State of Idaho Home Page select Administration Rules.

**VOLUME 1 - IDAPA 01 THROUGH 15**

**VOLUME 2 - IDAPA 16 THROUGH 19**

**VOLUME 3 - IDAPA 20 THROUGH 59**

# Subject Index

## A

Abbreviations, Used In IDAPA  
58.01.01, Sections 563 through  
574 85

Ability To Practice, Veterinary  
Medicine 60

Abuse Of Chemical Substances,  
Grounds For Discipline - CEAs And  
CETs 75

Adjustment of Renewal Fees 56

Administration Of Approved Drugs  
Without Proper Supervision, Grounds  
For Discipline - CEAs And CETs 75

Administration Of Approved Drugs,  
Certified Euthanasia Agency 67

Administration, Gifted And Talented  
Student Program 32

Affected States, Emissions From A Tier  
I Source 81

Agencies Affected By Consultation,  
Transportation Conformity 88

Agencies Entitled To Participate,  
Interagency Consolation  
Committee 89

Aiding And Abetting, Grounds For  
Discipline - CEAs And CETs 76

Aiding Or Abetting, Grounds For  
Discipline Of Veterinary  
Technicians 49

Aiding Or Abetting, Veterinary  
Medicine 60

Allowance, Phase II Source 81

Analytical Methods 100

Anesthesia Standards, Veterinary  
Medicine 63

Applicability Of Corrosion Control  
Treatment Steps To Small, Medium-  
Size, And Large Water Systems 99

Applicable Implementation Plan 86

Applicable Requirement, Emissions  
Units In A Tier I Source 81

Application For Certification --  
Contents -- Examinations,  
Certification Of Veterinary  
Technicians 39

Application For Certification -- Fee --  
Deadline -- Validity, Certification Of  
Veterinary Technicians 40

Application, Veterinary Medicine  
License 52

Approved Courses, Veterinary  
Education 56

Approved Drugs, Access To Drug  
Storage Cabinet, Certified Euthanasia  
Agency 68

Approved Drugs, Euthanasia 67

Areas With An MPO, ICC Member  
Roles In Consultation 90

Areas Without An MPO, ICC Member  
Roles In Consultation 90

Assessment, Placement Decisions For  
Gifted And Talented Students 31

Association With Illegal Practitioners,  
Veterinary Medicine 59

Association With Others, Accepting  
Fees When Referring Clients 60

Availability Of Specific Referenced  
Material 98

## C

Carbon Monoxide-Induced Euthanasia  
Chambers 67

Certification Of Veterinary  
Technicians 39

Certification Renewal, CET Training  
Every Third Year 74

Certification Renewal, Certified  
Euthanasia Agency 70

Certification Requirements, Temporary  
Certification Of Veterinary  
Technician 40

Certification Standards, CET 71

Certification, CET 73

Certified Euthanasia Agency 67

Certified Euthanasia Agency License  
Fee 55

Certified Euthanasia Technician 70

Certified Euthanasia Technician  
License Fee 55

Certified Veterinary Technician  
Mandatory Continuing  
Education 40

Change Of Address, Veterinary  
Technician Certification 47

Change of Address, Licensed  
Veterinarian 54

Class D Firefighters 105

Code Of Professional Conduct,  
Veterinary Medicine 60

Compensation, CETF Members 66

Confidentiality, Veterinary  
Medicine 61

Conflicting Interests, Veterinary  
Medicine 60

Consent For Transporting 61

Consent Forms, Veterinary  
Medicine 64

Construction Standards, Veterinary  
Facilities 62

Consult Or Consultation, Lead Agency  
Confers With Other ICC  
Members 87

Continuing Education, Grounds For  
Discipline Of Veterinary  
Technicians 49

Control Of Lead And Copper 99

Controlled Substance Registration,  
Certified Euthanasia Agency 67

Controlled Substances, Veterinary  
Medicine 64

Conviction Of A Charge Or Crime,  
Grounds For Discipline - CEAs And  
CETs 76

Conviction Of A Charge Or Crime,  
Grounds For Discipline Of  
Veterinary Technicians 48

Conviction Of Violating Any Federal Or  
State Statute, Rule Or Regulation,  
Grounds For Discipline - CEAs And  
CETs 75

Conviction Of Violating Any Federal Or  
State Statute, Rule Or Regulation,  
Grounds For Discipline Of  
Veterinary Technicians 48

Cooperation With Authorities,  
Veterinarian 61

Credit For Attendance, Continuing  
Veterinary Education 57

Cruelty To Animals, Grounds For  
Discipline Of Veterinary  
Technicians 48

## D

DEA Registration And Controlled  
Substance License 60

DEA Registration, Certified Euthanasia  
Agency 67

Definitions For The Purpose Of  
Sections 563 Through 574 86

Definitions For The Purposes Of  
Sections 300 Through 387 81

Definitions, IDAPA 08.02.03, Section  
456 31

Delegation, ICC Member May Delegate  
Its Role Or Responsibility 89

Description Of Corrosion Control  
Treatment Requirements 99

Designated Lead Air Quality Agency

Responsibilities, ICC Member  
Responsibilities In Consultation 90  
Designated Lead Air Quality Agency,  
ICC Member Roles In  
Consultation 90  
Designated MPO Responsibilities, ICC  
Member Responsibilities In  
Consultation 90  
Designated Representative 82  
Distribute, Documents And Information  
To All ICC Members 87  
Distribution List, Names And Addresses  
Of ICC Members 87  
District Plan, Gifted And Talented  
Education Requirements 31  
Draft Permit, Tier I 82  
Duplicate License and Certificate  
Fee 56  
Duties, CET 74  
Duties, CETF Members 66

**E**

EPA Responsibilities, ICC Member  
Responsibilities In Consultation 91  
Education Requirements, Continuing  
Veterinary Education 56  
Emergency, Tier I Source 82  
Employer Reporting Of  
Contributions 106  
Equipment Standards, Veterinary  
Medicine 62  
Equipment Stored, Certified Euthanasia  
Agency 70  
Euthanasia Task Force 66  
Euthanizing Of Animals Without Proper  
Certification, Grounds For Discipline  
- CEAs And CETs 75  
Euthanizing Of Animals Without Proper  
Supervision, Grounds For Discipline  
- CEAs And CETs 75  
Examination, National Board  
Examination Committee For  
Veterinary Medicine 52  
Exempt Projects, Described In 40 CFR  
93.126 87  
Exemptions, Continuing Veterinary  
Education 57  
Expiration And Renewal, Veterinary  
Technician Certification -- Notice --  
Renewal 46  
Expiration Of Veterinary Technician  
Certification -- Notice --  
Renewal 46

Expiration, Veterinary License 55  
Expired Certification Fees, Veterinary  
Technician Certification -- Notice --  
Renewal 47

**F**

FHWA And FTA Responsibilities, ICC  
Member Responsibilities In  
Consultation 91  
Facility Sanitation Standards,  
Veterinary Medicine 63  
Failure To Carry Out Duties, Grounds  
For Discipline - CEAs And CETs 75  
Failure To Cooperate, Grounds For  
Discipline - CEAs And CETs 76  
Failure To Cooperate, Grounds For  
Discipline Of Veterinary  
Technicians 49  
False Testimony 60  
Federal Regulations 99  
Fees, Payment, Refunds, Certified  
Euthanasia Technicians 67  
Fees, Veterinary License 55  
Final Document Distribution, General  
Consultation Process 93  
Final Permit, Tier I 82  
Firefighter Retirement Fund Employer  
Rate 105  
Fraud, Misrepresentation, Or  
Deception, Grounds For Discipline -  
CEAs And CETs 75  
Fraud, Misrepresentation, Or  
Deception, Grounds For Discipline  
Of Veterinary Technicians 47  
Fraud, Veterinary Medicine 60

**G**

General Actions Requiring  
Consultation, By Interagency  
Consolation Committee 89  
General Consultation Process 92  
General Permit, Tier I 82  
Gifted And Talented Programs, State  
Department Of Education 31  
Gross Ignorance, Incompetence Or  
Inefficiency, Veterinary  
Medicine 60  
Grounds For Discipline - CEAs And  
CETs 74  
Grounds For Discipline Of Veterinary  
Technicians 47

**H**

Health Certificate, Animal Must Meet  
Requirements 60

**I**

ICC Member Responsibilities In  
Consultation 90  
ICC Member Roles In Consultation 90  
Improper Disposal Of Approved Drugs  
And Equipment, Grounds For  
Discipline - CEAs And CETs 76  
Improper Drug Preparation, Grounds  
For Discipline - CEAs And CETs 76  
Improper Labeling Of Approved Drugs,  
Grounds For Discipline - CEAs And  
CETs 76  
Improper Record Keeping, Grounds For  
Discipline - CEAs And CETs 76  
Improper Security For Approved Drugs,  
Grounds For Discipline - CEAs And  
CETs 76  
Improper Storage Of Equipment And  
Approved Drugs, Grounds For  
Discipline - CEAs And CETs 76  
Improper Supervision 60  
Incorporation By Reference 98  
Incorporations By Reference, IDAPA  
58.01.01 84  
Inorganic And Organic Chemical  
Special Monitoring 99  
Inspection Deficiencies, CEA Or  
CET 77  
Interagency Consultation Committee,  
Developing LRTP 88

**L**

Late Renewal, Veterinary License 54  
Lead Agency In Consultation, General  
Consultation Process 92  
Lead Agency, For Conducting The  
Consultation Process 87  
Lead Air Quality Agency, Responsible  
For Applicable Implementation  
Plan 87  
Lead Prohibition 99  
Lead Service Line Replacement  
Requirements 100  
Legal Compliance, With Governing  
Gifted And Talented Education  
Requirements 31  
License Renewal/Return To Active  
Status 53  
License Without Clinical Competency

Test (CCT) 53  
License, Veterinary Medicine 51  
Licensing Requirements,  
Veterinary 54  
Limitations On Supervising  
Veterinarians, Veterinary  
Technician 42  
Local Highway Jurisdiction 87  
Local Highway Technical Assistance  
Council (LHTAC) 87

### **M**

Major Facility 82  
Mandatory Continuing Veterinary  
Education 56  
Maximum Priority, Time Periods To  
Complete TCM Implementations 87  
Medical Incompetence, Grounds For  
Discipline Of Veterinary  
Technicians 48  
Medical Records, Veterinary  
Medicine 64  
Methods Of Euthanasia 67  
Metropolitan Planning Organization  
(MPO) 88  
Monitoring Requirements For Lead And  
Copper In Source Water 100  
Monitoring Requirements For Lead And  
Copper In Tap Water 100  
Monitoring Requirements For Water  
Quality Parameters 100

### **N**

Non-MPO Area Responsibilities, ICC  
Member Responsibilities In  
Consultation 91

### **O**

Option I And II Firefighters 105  
Other Site Conditions, CEA 69  
Ownership Of Medical Records 64

### **P**

PERSI Employee Class II Contribution  
Rate 106  
PERSI Employee General Member  
Contribution Rate 106  
PERSI Employer Class II Contribution  
Rate 106  
PERSI Employer General Member  
Contribution Rate 105  
Part 70, Unless Specified Otherwise, 40  
CFR Part 70 Incorporated By  
Reference 83

Passing Score, Veterinary  
Examination 53  
Patient Record 61  
Permit Revision 83  
Phase II Source 83  
Phase II Unit 83  
Physical Abuse-Patient 61  
Physical Or Mental Incompetence,  
Grounds For Discipline Of  
Veterinary Technicians 48  
Preoperative/Postoperative  
Instructions 64  
Preservation Of Patient's Body,  
Veterinarian 61  
Procurement And Administration Of  
Approved Drugs, Certified  
Euthanasia Agency 67  
Proper Labeling, CEA Approved  
Drugs 68  
Proper Sanitation, CEA Approved  
Drugs Storage 69  
Proper Storage, CEA Approved  
Drugs 68  
Proposed Permit 83  
Public Comment Period To Satisfy  
Thirty Day Document Distribution  
Requirement, General Consultation  
Process 92  
Public Education And Supplemental  
Monitoring Requirements 100  
Public Notice, Meeting Times And  
Agendas To All ICC Members 88  
Purchase Of Approved Drugs, Certified  
Euthanasia Agency 67

### **Q**

Qualifications For License,  
Veterinary 51

### **R**

Radiograph Identification And  
Ownership 64  
Recipient Of Funds Designated Under  
Title 23 U.S.C. Or The Federal  
Transit Laws 88  
Record Keeping Standards, Veterinary  
Medicine 64  
Record Keeping, CEA Approved  
Drugs 69  
Recordkeeping Requirements 100  
Refusal To Render Services 61  
Regionally Significant Project,  
Transportation Project 88

Renewal, Active Or Inactive Veterinary  
License 53  
Reporting Requirements, Lead And  
Copper 100  
Responsibility To Disclose Potentially  
Regionally Significant Projects, ICC  
Member Responsibilities In  
Consultation 91  
Responsibility, Temporary  
Licensee 54  
Return To "Active" License Status 53  
Review Of Examination,  
Veterinary 53  
Revocation, Suspension, Limitation Or  
Subjection, Grounds For Discipline -  
CEAs And CETs 76  
Revocation, Suspension, Limitation Or  
Subjection, In Another State,  
Grounds For Discipline Of  
Veterinary Technicians 48

### **S**

Screening, Process For Identifying  
Gifted And Talented Students 31  
Section 502(B)(10) Changes 84  
Separate Times Or In Combination,  
General Consultation Process 93  
Sodium Special Monitoring 99  
Source Water Treatment  
Requirements 100  
Special Monitoring For Corrosively 99  
Special Regulations 99  
Standards Of Practice, Veterinarian  
Medical Ethics 61  
Statement Of Purpose, Continuing  
Veterinary Education 56  
Statement Of Purpose, Supervising  
Veterinarians 41  
Supervising Veterinarians, Of  
Veterinary Technicians 41  
Supervision, Temporary Veterinary  
Permits 54  
Surgical Standards, Veterinary  
Medicine 63

### **T**

Temporary Certification, Veterinary  
Technicians 40  
Temporary Permits, Numbering 54  
Temporary Storage, CEA Approved  
Drugs 69  
Term Of Certification, Veterinary  
Technician 46

Term, Euthanasia Task Force 66  
Tier I Operating Permit 84  
Training And Examinations, Certified  
Euthanasia Technician 70  
Transfer Of Contributions To  
PERSI 106  
Transportation Conformity,  
Purpose 85  
Treatment Records 64

**U**

Unethical Or Unprofessional Conduct,  
Grounds For Discipline - CEAs And  
CETs 75  
Unethical Or Unprofessional Conduct,  
Grounds For Discipline Of  
Veterinary Technicians 47  
Unlawful Practice, Grounds For  
Discipline Of Veterinary  
Technicians 49  
Unprofessional Conduct, Veterinary  
Medicine 59  
Unsanitary Methods Or Procedures,  
Veterinary Medicine 59

**V**

Verbal And Physical Abuse-Client 61  
Veterinarian/Client/Patient  
Relationship 60  
Veterinary Technician Certification  
Fee 56  
Violation Of Any Law, Rules Or Orders,  
Grounds For Discipline - CEAs And  
CETs 76  
Violations Of The Code Of Professional  
Conduct, Veterinary Medicine 59  
Violations Of The Principles Of  
Veterinary Medical Ethics 59