

IDAHO ADMINISTRATIVE BULLETIN

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November 3, 2010 -- Volume 10-11

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Preface

The Idaho Administrative Bulletin is a monthly publication of the Office of the Administrative Rules Coordinator, Department of Administration, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. All official rulemaking notices, official rule text, executive orders of the Governor, all legislative documents affecting rules, and any other documents required by law are published in the Bulletin.

State agencies are required to provide public notice of all proposed rulemaking actions and must invite public input once proposed rulemaking has been initiated. The public receives notice of proposed rulemaking actions through the Idaho Administrative Bulletin and a Public Notice (legal notice) that publishes in specific newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties can submit written comments to the agency or request public hearings of the agency if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual "Notice of Rulemaking" for each proposed rule that is published in the Bulletin. After the comment period closes, the agency considers fully all information submitted regarding the proposed rule. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin **09-1** refers to the first Bulletin issued in calendar year **2009**; Bulletin **10-1** refers to the first Bulletin issued in calendar year **2010**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **10-1** refers to January 2010; Volume No. **10-2** refers to February 2010; and so forth. Example: The Bulletin published in January 2010 is cited as Volume **10-1**. The December 2009 Bulletin is cited as Volume **09-12**.

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 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 only published in the Bulletin and **not** printed in the Administrative Code.

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a “Notice of Intent to Promulgate - Negotiated Rulemaking” in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed or temporary rule, or both.

PROPOSED RULEMAKING

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

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority 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) a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) the text of the proposed rule prepared in legislative format;
- e) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- f) 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;
- g) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- h) the deadline for public (written) comments on the proposed rule.

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

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

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, even when published in conjunction with a temporary rule, and therefore, is not enforceable. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially stops the formal rulemaking process.

TEMPORARY RULEMAKING

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

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

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

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

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

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

PENDING RULEMAKING

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

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

- a) a statement giving the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- (e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- (f) a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or

accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the 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 Rulemaking" is published.

FINAL RULEMAKING

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

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 an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule reviewed by the legislature and not rejected, amended or modified becomes 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 that is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

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

SUBSCRIPTIONS AND DISTRIBUTION

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

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

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

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

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 38.05.01.200.02.c.ii.

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

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

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

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

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

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

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

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

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a “DOCKET NUMBER.” The “Docket Number” is a series of numbers separated by a hyphen “-”, (**38-0501-1001**). 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 number:

“DOCKET NO. 38-0501-1001”

“**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**).

“**1001**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2010**. A subsequent rulemaking on this same rule chapter in calendar year 2010 would be designated as “**1002**”. The docket number in this scenario would be 38-0501-**1002**.

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 of a rule that is part of the same rule, a typical internal citation may appear as follows:

“...as found in Section 201 of these rules.” OR “...in accordance with Subsection 201.06.c. of these rules.”

The citation may also include the IDAPA, Title, or Chapter number, 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 rule.

“01” denotes the Chapter number of the rule.

“201” denotes the main Section number of the rule to which the citation refers.

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 2010

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
10-1	January 2010	*November 13, 2009	January 6, 2010	January 27, 2010
10-2	February 2010	January 8, 2010	February 3, 2010	February 24, 2010
10-3	March 2010	February 5, 2010	March 3, 2010	March 25, 2010
10-4	April 2010	March 5, 2010	April 7, 2010	April 28, 2010
10-5	May 2010	April 2, 2010	May 5, 2010	May 26, 2010
10-6	June 2010	May 7, 2010	June 2, 2010	June 23, 2010
10-7	July 2010	June 4, 2010	July 7, 2010	July 28, 2010
10-8	August 2010	July 2, 2010	August 4, 2010	August 25, 2010
10-9	September 2010	July 30, 2010	September 1, 2010	September 22, 2010
10-10	October 2010	**August 27, 2010	October 6, 2010	October 27, 2010
10-11	November 2010	October 1, 2010	November 3, 2010	November 24, 2010
10-12	December 2010	November 5, 2010	December 1, 2010	December 22, 2010

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2011

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
11-1	January 2011	*November 19, 2010	January 5, 2011	January 26, 2011
11-2	February 2011	January 14, 2011	February 2, 2011	February 23, 2011
11-3	March 2011	February 11, 2011	March 2, 2011	March 23, 2011
11-4	April 2011	March 4, 2011	April 6, 2011	April 27, 2011
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11-8	August 2011	July 8, 2011	August 3, 2011	August 24, 2011
11-9	September 2011	August 5, 2011	September 7, 2011	September 28, 2011
11-10	October 2011	**August 31, 2011	October 5, 2011	October 26, 2011
11-11	November 2011	October 7, 2011	November 2, 2011	November 23, 2011
11-12	December 2011	November 4, 2011	December 7, 2011	December 28, 2011

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

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

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2010-09

**ASSIGNMENTS OF ALL-HAZARD MITIGATION, PREPAREDNESS, RESPONSE
AND RECOVERY FUNCTIONS TO STATE AGENCIES IN SUPPORT OF LOCAL
AND STATE GOVERNMENT RELATING TO EMERGENCIES AND DISASTERS**

WHEREAS, widespread property damage, personal injury and loss of life from manmade and natural disasters is an ever present possibility in Idaho; and

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

WHEREAS, local government is the principal provider of emergency response in Idaho and local volunteers deliver nearly 85% of the emergency services within the State; and

WHEREAS, the role of state government is 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 proactively identifying functions that would be performed during such emergencies and the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State 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 Homeland Security

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 Homeland Security.
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. Draw upon existing advisory committees, commissions and councils to form a Homeland Security Coordination Group in order to exchange information and coordinate preparedness efforts. Assign management and oversight of the Coordination Group to the Director, Bureau of Homeland Security.

B. Bureau of Homeland Security

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 resources.

2. *Establish and maintain the Idaho Emergency Operations Center for directing the coordination of emergency and disaster 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 collaborative efforts with other state governments 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 State Administering Agency for the federal State Homeland Security Grant Program (SHSGP). Ensure that Idaho meets national standards and criteria established by the U. S. Department of Homeland Security.*

II. GENERAL ASSIGNMENTS

Each state agency will:

- A. Prepare for and respond to emergencies or disasters within the State of Idaho in a manner consistent with the National Incident Management System (NIMS) using management structure consistent with the Incident Command System (ICS). Agency employees expected to respond to emergencies or disasters within Idaho will have NIMS and ICS training commensurate with their expected roles in response to such emergencies or disasters.*
- B. 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 Homeland Security.*
- C. Develop and maintain an agency emergency operations plan to carry out the agency's response and recovery support functions. Agency plans will assign disaster emergency duties to all subdivisions and personnel and will provide capability to support the Idaho Emergency Operation Center (IDEOC), Emergency Support Functions (ESF), and the National Incident Management System (NIMS) as required by the Idaho Emergency Operation Plan and the National Response Plan. Such support includes:*
 1. *Assigning an ESF coordinator to interface with the IDEOC;*
 2. *Providing situation reports, incident action plans, resource status, financial status, geospatial data, and organization/staffing/contact information to the IDEOC;*
 3. *Providing personnel and resources to staff the ESF;*

4. *Providing personnel to staff the IDEOC, this may also require involvement of agency directors and emergency coordinators;*
5. *Providing personnel and resources for field deployment; and*
6. *Accepting IDEOC mission assignments to provide resources for response and recovery actions.*

Plans will be kept current and an electronic copy provided to the Bureau of Homeland Security.

D. Develop and maintain Continuity of Operations Plan (COOP) to (a) address how the agency will provide essential services to citizens during response and recovery, and (b) return the agency to normal operations. An electronic copy of the current COOP will be kept on file at the Bureau of Homeland Security.

E. Agencies will notify the Bureau of Homeland Security of any significant event, incident, emergency or disaster, impacting the ability of government to provide public services within the State of Idaho. The Adjutant General, Chief, Bureau of Homeland Security will notify the Governor's Office.

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. Train personnel to meet state emergency prevention, protection, response and recovery objectives as coordinated by the Bureau of Homeland Security.

H. Support the coordination of emergency services training through the Bureau of Homeland Security Training Advisory Board.

I. Coordinate any agreement or memorandum of understanding that incorporates emergency or disaster mitigation, preparedness, response, and recovery functions with the Bureau of Homeland Security. Such agreements or understandings will be integrated as part of the Idaho Emergency Operations Plan.

J. Public Information Officers of each state agency are collaterally assigned to the State's Public Information Emergency Response (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 under the auspices of the Bureau of Homeland Security. When emergencies and disasters occur, PIER Teams will be deployed, when necessary, to the IDEOC, 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 Bureau of Homeland Security, 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 other state agencies.*
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 Homeland Security when the IDEOC is activated. The Department of Administration may engage administrative support labor through temporary services agencies.*
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 Homeland Security.*

C. DEPARTMENT OF AGRICULTURE

1. *Provide primary support for mitigation, preparedness, response, and recovery activities pertaining to agricultural issues.*
2. *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.*
3. *Coordinate feeding requirements and care arrangements for livestock and other animals evacuated, lost, or abandoned as a result of disaster.*
4. *Coordinate dead animal removal.*
5. *Assist with incident response and recovery activities when chemicals, including pesticides, chemical agents, and biological agents are suspected or involved.*
6. *Provide technical assistance concerning livestock health, disease control, and preventive medicine.*
7. *Facilitate the distribution of medical supplies for livestock and other animals.*
8. *Inspect feed to ensure it is safe for livestock consumption.*
9. *Provide toxicological and other technical data on pesticides, fertilizers, plant and soil amendments, and other chemicals to response personnel and the public.*
10. *Assist with the disposal of unusable pesticides, fertilizers, and plant or soil amendments and help coordinate the transportation of these materials.*
11. *Provide personnel for damage assessments of commodity warehouses, potato storage facilities, livestock waste lagoon, and/or soil sediment pond breaks.*
12. *Provide trained personnel for agricultural and conservation damage survey teams.*

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 Homeland Security any time the disaster emergency account is inadequate to meet obligations and expenses provided by Section 46-1005A, Idaho Code.*

E. DEPARTMENT OF COMMERCE AND LABOR

1. *Provide primary support 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 Homeland Security or other state agencies.*
3. *Provide assistance to local government as coordinated by the Bureau of Homeland Security.*
4. *Report the number of unemployed individuals as a result of a disaster emergency to the Bureau of Homeland Security.*
5. *Provide unemployment insurance claims service for disaster victims.*
6. *Provide re-employment assistance to individuals unemployed as a result of a disaster.*
7. *Provide personnel to support Disaster Recovery Centers with information on disaster unemployment services.*

F. DEPARTMENT OF CORRECTION

1. *Provide personnel (inmates/permanent staff) 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 Bureau of Homeland Security.*
 - d. *Assist in coordinating activities for damage assessments and damage surveys for school facilities.*
 - e. *Coordinate the utilization of school facilities for reception, shelter, and mass feeding during 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 Bureau of Homeland Security, promote mitigation activities to reduce the*

risk from 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 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 hazards.*
 - b. In coordination with the Bureau of Homeland Security, 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. 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.*

I. 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 Assistance, Crisis Counseling and Community Relations programs during a disaster declared by the President under the auspices of the Bureau of Homeland Security.*
- 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 Disaster Recovery Centers. Provide personnel to work in the Disaster Field Office during federally declared disasters.*

6. *Monitor the National Warning System (NAWAS) through State Communications within the Bureau of Emergency Medical Services. Provide emergency communications support as coordinated by the Bureau of Homeland Security.*

J. DEPARTMENT OF ENVIRONMENTAL QUALITY

1. *Assess supplies of potable water and coordinate portable 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. *Idaho National Laboratory-Oversight Program (INL-OP)*
 - a. *Provide overall technical support for mitigation, preparedness, response, and recovery activities pertaining to radiological/nuclear health and safety issues.*
 - b. *Support state and local efforts related to off-site radiological emergency planning at the INL.*
 - c. *Serve as state 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 activities.*
 - d. *Provide radiation protection guidance, training, and information in support of state and local emergency responders.*
 - e. *Conduct radiological monitoring and coordinate radiological sample analysis with Idaho State University.*
 - f. *Maintain the INL Fixed Nuclear Facility Emergency Response Plan as an Annex to the Idaho Emergency Operations Plan.*

K. 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.*

L. DIVISION OF BUILDING SAFETY

1. *Provide personnel for damage assessment and damage survey teams.*
2. *Promote and develop mitigation activities in conjunction with the Department of Administration, the Department of Education, and the Bureau of Homeland Security.*

M. 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 wild land and urban/wild land 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. *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 Homeland Security.*

N.IDAHO STATE POLICE

1. *Develop and direct mitigation, preparedness, response, and recovery 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 Homeland Security 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 Homeland Security, 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 Homeland Security.*
9. *Provide brand inspection personnel to determine ownership of animals.*
10. *Assist in search and rescue operations.*
11. *Provide specially trained officers with radiological monitoring equipment to conduct monitoring as coordinated by Bureau of Homeland Security.*
12. *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 Homeland Security and/or local public officials.*

O.DEPARTMENT OF PARKS AND RECREATION

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

P.STATE TAX COMMISSION

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

Q.IDAHO TRANSPORTATION DEPARTMENT

1. *Provide engineering support to the Bureau of Homeland Security for emergency planning and mitigation for disasters.*

2. *Provide debris removal services and resources as coordinated by the Bureau of Homeland Security.*
3. *Provide engineering services and resources, for the repair and maintenance of state highways, bridges, and airfields.*
4. *Develop, implement, and manage new emergency highway traffic regulations that may be required as a result of the emergency or disaster.*
5. *Coordinate the use of state aviation assets and aviation activities and assist the Bureau of Homeland Security with the coordination of requests for restricted air space over emergency and disaster areas.*
6. *Provide aviation resources for evacuation, search, and rescue operations, and aerial radiological monitoring as coordinated by the Bureau of Homeland Security.*
7. *Activate "Plan Bulldozer" (An agreement with Associated General Contractors to contract for equipment) when requested by the Bureau of Homeland Security.*
8. *Provide specialized heavy construction and transport equipment with operators as coordinated by the Bureau of Homeland Security.*

R. DEPARTMENT OF WATER RESOURCES

1. *Develop mitigation, preparedness, and response programs for flood, drought, and energy shortages in concert with the Bureau of Homeland Security.*
2. *Conduct dam safety inspections and supervise dam safety practices during times of flooding or imminent failure.*
3. *Advise the Bureau of Homeland Security 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 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 Department of Environmental Quality in assuring adequate supplies of potable water are available.*
10. *Provide emergency communications, as coordinated by the Bureau of Homeland Security.*

S. PUBLIC UTILITIES COMMISSION

1. *Assist with energy shortage mitigation, preparedness, response, and recovery.*

T. 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 Homeland Security.*

2. *Coordinate with the Bureau of Homeland Security to determine funding needs for disasters.*
3. *Expedite interim disaster funding for emergency work as part of the Governor's disaster declaration.*

U. 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 Homeland Security of the status of coordination efforts.*

V. 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 Idaho Emergency Operations Center and National Guard Joint Operations Center.*
 - d. *Develop radio communications capability between the state military forces and civilian agencies. Participate in the State Interoperability Executive Committee.*
 - e. *Provide logistical assistance to state damage assessment and damage survey teams, as well as Disaster Field Office operations.*
2. *Bureau of Homeland Security*
 - 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 ongoing validity assessment of the Idaho Emergency Operations Plan and National Response Plan. Provide training for state agency personnel in mitigation, preparedness, response and recovery operations.*
 - d. *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 or man-made disasters, when feasible.*
 - e. *Maintain the State Emergency Communications Using Radio Effectively (SECURE) network for emergencies and disasters communications.*

- f. Regularly review and revise the Idaho Hazardous Materials Incident Command and Response Support Plan used by state agencies to provide state assistance for hazardous materials/WMD emergencies in Idaho.
- g. Coordinate state and federal emergency response efforts for hazardous materials incidents.
- h. Provide technical assistance to emergency response agencies in recovering hazardous materials emergency response costs under state and federal statute.
- i. Administer and coordinate the state-sponsored hazardous materials regional response teams (Coeur d'Alene, Lewiston, Nampa-Caldwell, Boise, Magic Valley, Idaho Falls-Jefferson County, and Pocatello).
- j. Coordinate federal training opportunities for response to Chemical, Biological, Radioactive, Nuclear, and Explosives (CBRNE) incidents.

W.COMMISSION ON AGING

- 1. 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. Coordination 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 Homeland Security. The Chief, Bureau of Homeland Security, 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.



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 16th day of July in the year of our Lord two thousand and ten, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2010-10

**ESTABLISHING AN IDAHO MEDICAL HOME COLLABORATIVE TO IMPLEMENT
A PATIENT-CENTERED MEDICAL HOME MODEL OF CARE (COLLABORATIVE)**

WHEREAS, in 2008, there were an average of 254.5 active physicians per 100,000 people in the US, ranging from a high of 405.4 in Massachusetts to a low of 174.2 in Mississippi; Idaho ranks 49th with 181.8. (American Association of Medical Colleges); and

WHEREAS, the need for a patient-centered approach to health care has become the focus of health care transformation nationally; and

WHEREAS, the importance of decreasing health care costs and increasing efficiency has become significant to Idaho's economy and the maintenance of a high performing health care system; and

WHEREAS, a process to address the transformation of Idaho's health care system to a Patient-Centered Medical Home model is needed by insurers and health care providers; and

WHEREAS, collaboration among public payers, private health carriers, third-party purchasers, and providers to identify appropriate reimbursement methods to align incentives in support of Patient-Centered Medical Homes is in the best interest of the public; and

WHEREAS, the establishment of this collaborative is in response to Idaho's growing need for more affordable and accessible healthcare as recognized by the Governor's Select Committee on Health Care; and

WHEREAS, the Idaho Governor's Select Committee on Health Care recommends working with key stakeholders to align the vision and key elements of a Patient-Centered Medical Home; and

WHEREAS, the Governor's Health Care Implementation Committee has identified the Patient-Centered Medical Home as a priority; and

WHEREAS, the Idaho Governor's Select Committee on Health Care also recommends developing a multi-payer pilot to test the efficacy of the Patient-Centered Medical Home;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order:

- 1. The creation of the Idaho Medical Home Collaborative (Collaborative);*
- 2. The Department of Insurance, an agency of the State of Idaho, will actively supervise and oversee the activities of the Collaborative;*
- 3. Members of the Collaborative shall be appointed by and serve at the pleasure of the Governor and include representatives from the Health Insurance Payers, Primary Care Provider organizations and individuals;*
- 4. The chair of the Collaborative shall be appointed by the Governor from its members;*
- 5. The Collaborative shall make recommendations to the Department of Insurance and Governor on guidelines for a Patient-Centered Medical Home model and the following:*
 - a. The creation of primary care provider qualifications, standards and eligibility criteria;*

- b. *A common definition of a Patient-Centered Medical Home (PCMH);*
 - c. *Appropriate common payment formulas to providers qualified as a PCMH;*
 - d. *Establish methods and procedures to engage patients, employers and providers in the successful implementation of the PCMH;*
 - e. *Guidelines for a model of care coordination and case management to enhance patient and provider involvement, improve health outcomes, and achieve cost savings;*
 - f. *Formulating procedures to exchange data between payers, payers and providers and multiple providers by utilizing electronic means and create reports to evaluate quality, cost and utilization;*
 - g. *Establishing cost measures for practices serving as a Patient-Centered Medical Home; and*
 - h. *Determining quality metrics for monitoring and reporting evidence-based patterns, improved outcomes and quality improvements.*
6. *The Collaborative shall report its progress, through the Department of Insurance to the Governor quarterly.*



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 3rd day of September in the year of our Lord two thousand and ten, and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2010-11

**REVIEWING THE PREPARATION AND ADMINISTRATION OF IDAHO'S PLAN
UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT**

WHEREAS, the State of Idaho, in accordance with the provisions of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. § 5601 ("JJDP"), is required to designate a state agency to supervise and administer Idaho's plan under the JJDP and to establish a state juvenile justice advisory group; and

WHEREAS, the first regular session of the 53rd Idaho Legislature established the Idaho Department of Juvenile Corrections ("Department") and amended existing law to create a juvenile corrections system based on principles of accountability, community protection, and competency development; and

WHEREAS, the purposes and intent of Idaho's Juvenile Corrections Act of 1995 and the JJDP was better served by transferring the Idaho Juvenile Justice Commission ("Commission") to the Department; and

WHEREAS, the Department was designated as the sole agency for supervising the preparation and administration of Idaho's plan under the JJDP, and the Office for Juvenile Justice and Delinquency Prevention was abolished effective July 1, 1995; and

WHEREAS, the Commission was transferred from the Office of the Governor to the Department effective July 1, 1995, and has functioned as the advisory group referenced in Title 42, Section 5633(a)(3), United States Code; and

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me by Article IV, Section 5, of the Idaho Constitution, and Section 67-802, Idaho Code, do hereby order that:

1. The composition of membership of the Commission shall be in conformity with the JJDP. The chairman, vice-chairman, and members of the Commission shall be appointed by, and serve at the pleasure of the Governor. Members shall serve a term of three years, except for the youth members who shall serve a term of one year. The chairman and vice-chairman shall serve in such capacities for three years.
2. The Commission shall perform the following functions:
 - a. Advise the Department on juvenile justice and delinquency prevention issues;
 - b. Participate in the development and review of Idaho's plan under the JJDP;
 - c. Be afforded an opportunity to review and comment on all grant applications under the JJDP submitted by the Department;
 - d. Ensure compliance with the core protections of the JJDP by jurisdictions with public authority in Idaho through education, technical assistance, monitoring and remedial actions for violations;
 - e. Perform such other duties that the JJDP requires to be performed by the advisory group referenced in Title 42, Section 5633(a)(3), United States Code;
 - f. Perform such other duties that the JJDP requires to be performed by the supervisory board referenced in Title 42, Section 5671(c)(1), United States Code, and Title 28, Section 31.102(b), Code of Federal Regulations, until such time as the director of the Department may establish another committee, commission, or board within the Department to perform those duties; and

- g. *Perform such other duties as requested by the director of the Department, which may include submitting reports to the director of the Department and making decisions on grant applications under the JJDPa submitted to the Department.*

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 this 4th day of October in the year of our Lord two thousand and ten and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twentieth.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2010-12

**ESTABLISHING THE IDAHO COUNCIL ON SUICIDE PREVENTION -
REPEALING AND REPLACING EXECUTIVE ORDER NO. 2006-35**

WHEREAS, Idaho is consistently among the states with the highest suicide rates. In 2007 Idaho had the 11th highest suicide rate, 28% higher than the national average; and

WHEREAS, Idaho's suicide rate is consistently higher than that of the United States as a whole; and

WHEREAS, Suicide is the 2nd leading cause of death for Idahoans age 15-34 and for males age 10-14; and

WHEREAS, In 2009, 307 people completed suicide in Idaho; a 22% increase over 2008, and a 40% increase over 2007; and

WHEREAS, suicide is particularly devastating in the rural and frontier areas of Idaho where one suicide significantly impacts entire small communities for years, even generations; and

WHEREAS, suicide attempts cost Idaho \$36 million annually; and

WHEREAS, suicide completion in Idaho cost \$861,431 annually in medical care.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby establish the Idaho Council on Suicide Prevention.

I. The Council's responsibilities shall be:

- A. To oversee the implementation of the Idaho Suicide Prevention Plan;*
- B. To ensure the continued relevance of the Plan by evaluating implementation progress reports and developing changes and new priorities to update the Plan;*
- C. To be a proponent for suicide prevention in Idaho;*
- D. To prepare an annual report on Plan implementation for the Governor and Legislature.*

II. The Governor shall appoint all members of the Council. The Council shall include representatives from:

- A. a representative from the Office of the Governor*
- B. representatives from the Idaho State Legislature*
- C. a representative from the Department of Health and Welfare*
- D. a representative from the Department of Education or School Districts*
- E. a representative from juvenile justice*
- F. a representative adult corrections*
- G. a representative from SPAN Idaho*

- H. a mental health professional*
- I. a representative for The National Alliance for the Mentally Ill or other mental health advocacy group*
- J. Suicide survivors*
- K. a representative from the Idaho Tribes*
- L. a youth representative*
- M. a representative from the Commission on Aging or aging services*
- N. a military member, veteran or a representative from Veterans Affairs*
- O. other members actively engaged in suicide prevention and awareness activities.*

III. Council members shall:

- A. Serve for a term of three (3) years.*
- B. The Governor shall appoint the Chair of the Council.*
- C. The Council shall meet in person annually.*
- D. The Council shall not exceed eighteen (18) members.*



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 27th day of September in the year of our Lord two thousand and ten and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twentieth.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.19 - RULES GOVERNING DOMESTIC CERVIDAE

DOCKET NO. 02-0419-1001

NOTICE OF PUBLIC HEARING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing. The action is authorized pursuant to Section 25-3704, Idaho Code.

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

Wednesday, November 17, 2010 - 6:30 p.m.

**Idaho State Department of Agriculture
2270 Old Penitentiary Rd, Boise, ID 83712
First Floor Conference Rooms**

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 summary of this action is found in [Idaho Administrative Bulletin Vol. 10-10, dated October 6, 2010, pages 25 through 32.](#)

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Dr. Bill Barton, Administrator, (208) 332-8540, Bill.Barton@agri.idaho.gov.

Anyone may submit written comments at the public hearing regarding this rulemaking. Any written comments submitted at a public hearing carry the same weight as oral testimony.

DATED this 22nd day of October, 2010.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
Phone: (208) 332-8500
Fax: (208) 334-2170

IDAPA 04 - OFFICE OF THE ATTORNEY GENERAL

04.11.01 - IDAHO RULES OF ADMINISTRATIVE PROCEDURE OF THE ATTORNEY GENERAL

DOCKET NO. 04-1101-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Office of the Attorney General and is now pending review by the 2011 Idaho Legislature for final approval. This pending rule will become final and effective at the conclusion of the 2011 legislative session, unless it is approved, rejected, amended or modified by concurrent resolution of the Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule will become final and effective upon adoption of the concurrent resolution or upon the date provided in the concurrent resolution.

AUTHORITY: Pursuant to Section 67-5224, Idaho Code, the Office of the Attorney General gives notice that it has adopted a pending rule. This rulemaking is authorized by section 67-5206(2)-(4), Idaho Code.

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

The pending rule is adopted as proposed. The complete text of the proposed rule was published in the [August 4, 2010, Idaho Administrative Bulletin, Vol. 10-8, pages 25 through 32](#). The Office of the Attorney General did not receive any comments to the proposed rule.

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

This pending rule has no significant negative fiscal impact to the general fund. It is possible that it may reduce agencies' mailing costs for service of orders if electronic service is used instead.

ASSISTANCE ON TECHNICAL QUESTIONS: Persons seeking technical assistance on this pending rule may contact Michael S. Gilmore at (208) 334-4130 or at mike.gilmore@ag.idaho.gov.

Dated this 13th day of September, 2010.

Michael S. Gilmore
Deputy Attorney General
Statehouse
PO Box 83720
Boise, Idaho, 83720-0010

DOCKET NO. 04-1101-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the [Idaho Administrative Bulletin, Volume 10-8, August 4, 2010, pages 25 through 32](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 05 - IDAHO DEPARTMENT OF JUVENILE CORRECTIONS

05.01.05 - RULES FOR REINTEGRATION PROVIDERS

DOCKET NO. 05-0105-1001 (NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 1, 2010.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 20-504(9), 20-504(11), and 20-531(4), 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 November 17, 2010.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Currently IDJC does not have rules that apply to providers of independent living or reintegration services for juveniles in custody who are nearing program completion. These rules are needed to provide oversight of the providers of these services to older juveniles to ensure the juveniles' safety and well-being.

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

New chapter is proposed that would govern providers of independent living and reintegration services, and is necessary to protect public health and safety by ensuring that these juveniles are properly supervised while in IDJC custody.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: None.

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

Fiscal impact should be minimal, as the department is already reviewing contract providers for compliance.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted but a meeting of stakeholders was held September 14, 2010.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule or the temporary rule, contact Nancy S. Bishop, Deputy Attorney General, Idaho Department of Juvenile Corrections (208) 334-5100 x.421.

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 November 24, 2010.

DATED this 1st day of October, 2010.

Nancy S. Bishop
Deputy Attorney General
Idaho Dept. of Juvenile Corrections
954 W. Jefferson St.
PO Box 83720, Boise, Idaho 83720-0285
(208) 334-5100 Phone/ (208) 334-5120 Fax

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
FOR DOCKET NO. 05-0105-1001**

IDAPA 05
TITLE 01
CHAPTER 05

05.01.05 - RULES FOR REINTEGRATION PROVIDERS

000. LEGAL AUTHORITY.

01. Section 20-504(9), Idaho Code. Pursuant to Section 20-504(9), Idaho Code, the department shall establish minimum standards for the operations of all private juvenile offender and non-juvenile offender facilities and programs which provide services to juvenile offenders. (12-1-10)T

02. Section 20-504(11), Idaho Code. Pursuant to Section 20-504(11), Idaho Code, the department shall have authority to adopt such administrative rules pursuant to the procedures provided in Chapter 52, Title 67, Idaho Code, as are deemed necessary or appropriate for the functioning of the department and the implementation and administration of the Juvenile Corrections Act. (12-1-10)T

03. Section 20-545(1), Idaho Code. Pursuant to Section 20-545(1), Idaho Code, the department shall have the power to adopt rules for the state juvenile corrections centers as may be required by the Juvenile Corrections Act. (12-1-10)T

04. Interstate Compact on Juveniles. By the provisions of Sections 16-1901, et seq., Idaho Code, the "Interstate Compact on Juveniles," the department is authorized to promulgate rules and regulations to carry out more effectively the terms of the compact. (12-1-10)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 05.01.05, "Rules for Reintegration Providers," IDAPA 05, Title 01, Chapter 05. (12-1-10)T

02. Scope. These rules are established to ensure that the juvenile corrections system in Idaho will be consistently based on the following principles: accountability; community protection; and competency development. (12-1-10)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has written statements which pertain to the interpretations of these rules. The document is available for public inspection and copying at cost at the Idaho

Department of Juvenile Corrections, 954 W. Jefferson St., P.O. Box 83720, Boise, Idaho 83720-0285. (12-1-10)T

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for providers. (12-1-10)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. (12-1-10)T

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

The Idaho Department of Juvenile Corrections is located at 954 W. Jefferson St., P.O. Box 83720, Boise, Idaho 83720-0285. Business hours are typically 8 a.m. to 5 p.m., Monday through Friday, excluding holidays. Mail regarding the Idaho Department of Juvenile Corrections' rules should be directed to P.O. Box 83720, Boise, Idaho 83720-0285. The telephone number of the office is (208) 334-5100 and the telecommunications relay service of the office is 1 800 377-1363 or 711. The facsimile number of the office is (208) 334-5120. (12-1-10)T

006. PUBLIC RECORDS ACT COMPLIANCE.

The records associated with the providers are juvenile records of the Idaho Department of Juvenile Corrections, and are subject to the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (12-1-10)T

007. REGIONAL FACILITY CONTACT INFORMATION.

01. Region 1 Facility. The Juvenile Corrections Center at Lewiston may be contacted at (208) 799-3332. (12-1-10)T

02. Region 2 Facility. The Juvenile Corrections Center at Nampa may be contacted at (208) 465-8443. (12-1-10)T

03. Region 3 Facility. The Juvenile Corrections Center at St. Anthony may be contacted at (208) 624-3462. (12-1-10)T

008. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this chapter: (12-1-10)T

01. Actual Cost. The actual amount paid for materials or services from an independent contractor, which must be documented by a receipt or invoice. Actual costs do not include the time of any staff employed by the provider. (12-1-10)T

02. Adult. A person eighteen (18) years of age or older. (12-1-10)T

03. Assessment. The process of gathering information to determine risk and program needs for the purpose of guiding placement decisions and to develop the service plan. (12-1-10)T

04. Clinical Supervisor. A person who supervises juvenile services coordinators and clinicians in assigned regions. This person is responsible for recommending releases from department custody and approving transfers in collaboration with the regional superintendent. This responsibility also includes oversight of the regional observation and assessment process, and assists in the maintenance and development of treatment programs. (12-1-10)T

05. Commit. Commit means to transfer legal custody to the Idaho Department of Juvenile Corrections. (12-1-10)T

06. Community Treatment Team. A team including the juvenile services coordinator, provider case manager, juvenile probation officer, family, and others, as necessary, who work together to provide input into each juvenile offender's service implementation plan, implement their respective sections of that plan, and monitor and report progress on treatment goals. (12-1-10)T

07. **Contraband.** Any item not issued or authorized by the provider. (12-1-10)T
08. **Confidential Information.** Information that may only be used or disclosed as provided by state or federal law, federal regulations, or state rule. (12-1-10)T
09. **Court.** District court or magistrate's division thereof. (12-1-10)T
10. **Criminogenic Needs.** Assessed juvenile offender risk factors or attributes of juvenile offenders that are directly linked to criminal behavior and, when changed, influence the probability of recidivism. (12-1-10)T
11. **Department.** The Idaho Department of Juvenile Corrections. (12-1-10)T
12. **Detention.** Detention means the temporary placement of juveniles who require secure custody for their own or the community's protection in physically restricting facilities. (12-1-10)T
13. **Direct Care Service Provider.** A provider who provides service(s) directly to the juvenile offender, such as a provider of sex offender or substance abuse treatment or counseling services. (12-1-10)T
14. **Director.** The director of the Idaho Department of Juvenile Corrections. (12-1-10)T
15. **Education Plan.** A written plan for general education students outlining the coursework they will complete each year towards meeting the Idaho Achievement Standards and recommended coursework for their grade level and based on assessed academic, emotional, developmental and behavioral needs, and competencies. Students qualifying for Individuals with Disabilities Education Act (IDEA) services will have an Individual Education Plan (IEP) in lieu of an education plan. (12-1-10)T
16. **Escape.** Attempting to leave or leaving a facility without permission, or attempting to leave or leaving the lawful custody of any officer or other person without permission. (12-1-10)T
17. **Facility.** The physical plant associated with the operation of juvenile offender or non-juvenile offender programs. (12-1-10)T
18. **Facility Treatment Team.** The group of staff employed by the department or by the provider who have input into developing the juvenile offender's service implementation plan; who provide direct services to juvenile offenders; and who monitor and report on the progress on meeting the goals in that plan. The facility treatment team is responsible for working with the community treatment team to develop and implement the service implementation plan. (12-1-10)T
19. **General Education Student.** A student who does not qualify for special education services under the IDEA. (12-1-10)T
20. **Group Juvenile Offender Facility.** A facility in which juvenile offenders are living in a group setting. (12-1-10)T
21. **Health Assessment.** The purpose of a health assessment is to thoroughly review and determine a juvenile offender's comprehensive health needs. This information is used to develop the medical terms of a juvenile offender's service plan. (12-1-10)T
22. **Health Screening.** The purpose of a health screening is to quickly identify a juvenile offender's immediate health needs and to determine if there are any immediate needs related to a chronic health condition. (12-1-10)T
23. **Health Services.** Health services are defined as including, but not limited to, routine and emergency medical, dental, optical, obstetrics, mental health, or other related health service. (12-1-10)T
24. **Incident Report.** A written document reporting any occurrence or event, or any other incident

which threatens the safety and security of staff, juvenile offenders or others, or which threatens the security of the program and which requires a staff response. (12-1-10)T

25. Independent Living Services. Services that increase a juvenile offender's ability to achieve independence in the community. (12-1-10)T

26. Individual Education Plan (IEP). A written document (developed collaboratively by parents and school personnel) which outlines the special education program for a student with a disability and is based on assessed academic, emotional, developmental and behavioral needs, and competencies. This document is developed, reviewed, and revised at an IEP meeting at least annually. (12-1-10)T

27. Individual Service Plan (ISP). A written document produced during the observation and assessment period following commitment to the department that defines the juvenile offender's criminogenic needs and risks, strengths, goals, and recommendations for family and reintegration services. The service plan addresses the relevant needs and services for each juvenile offender in areas such as mental health, medical, education, substance abuse, and social skills. (12-1-10)T

28. Interns. A paraprofessional staff who is pursuing a degree and who, as a part of documented coursework with a college or university, may provide counseling or other services to juvenile offenders in the department's custody or their families, under direct supervision of qualified staff. (12-1-10)T

29. Judge. A district judge or a magistrate. (12-1-10)T

30. Juvenile. A person less than eighteen (18) years of age or who was less than eighteen (18) years of age at the time of any act, omission or status bringing the person within the purview of the Juvenile Corrections Act. (12-1-10)T

31. Juvenile Offender. A person under the age of eighteen (18), committed by the court to the custody, care and jurisdiction of the department for confinement in a secure facility following adjudication for a delinquent act which would constitute a felony or misdemeanor if committed by an adult. (12-1-10)T

32. Juvenile Records. Information concerning the juvenile offender's delinquent or criminal, personal, and medical history and behavior and activities while in custody, including but not limited to commitment papers, court orders, detainer, personal property receipts, visitors' lists, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, and miscellaneous correspondence. (12-1-10)T

33. Juvenile Services Coordinator. An individual employed by the department who is responsible for the monitoring of therapeutic or rehabilitative treatment services to juvenile offenders participating in a treatment program. This responsibility includes monitoring service plans and progress reports and sharing information with family, community, courts, and with other department employees. (12-1-10)T

34. Legal Custody. The relationship created by the court's decree which imposes upon the custodian responsibilities of physical possession of the juvenile offender, the duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care. (12-1-10)T

35. Legal Guardian. A person appointed as guardian of a minor under the laws of Idaho. For the purposes of this chapter, legal guardian does not include and shall not be construed to include the owner, operator or the agent of an owner or operator of a detention center, observation and assessment center, secure facility, juvenile offender facility or other facility having temporary or long-term physical custody of the juvenile offender. (12-1-10)T

36. Mechanical Restraints. Any method of physical control of a juvenile offender which involves the use of devices to restrict physical activity. (12-1-10)T

37. Mental Health Assessment. The purpose of a mental health assessment is to thoroughly review and determine a juvenile offender's comprehensive mental health needs. This information is used to develop the medical terms of a juvenile offender's service plan. (12-1-10)T

- 38. Mental Health Screening.** The purpose of mental health screening is to quickly identify a juvenile offender's immediate mental health needs and to determine if there are any immediate needs related to a chronic mental health condition. (12-1-10)T
- 39. Nonresidential Offender Programs.** Programs providing services to juveniles in the custody of the department and their families in which the juvenile offender continues to live with a parent or guardian and not in a juvenile offender care facility. (12-1-10)T
- 40. Observation and Assessment Program.** A residential or nonresidential program designed to complete assessments of juveniles in the custody of the department. (12-1-10)T
- 41. Physical Restraint.** Any method of physical control of a juvenile offender which involves staff touching or holding a juvenile offender to limit or control the juvenile offender's actions. (12-1-10)T
- 42. PREA.** Prison Rape Elimination Act of 2003. (12-1-10)T
- 43. Progress Report.** Documents in a clear and concise way the progress being made toward achieving the reintegration goals and specific terms of the service implementation plan (SIP). The status of progress must be clearly communicated to all of the stakeholders, including the court, community providers and potential providers, the family and to the juvenile. (12-1-10)T
- 44. Provider.** Provides reintegration and independent living skills and coordinates needed supportive services identified in an individualized reintegration plan. Also called Reintegration Service Provider. (12-1-10)T
- 45. Quality Improvement Unit.** Department employees responsible for overseeing providers' compliance with contract terms and these rules. (12-1-10)T
- 46. Region.** Subunits of the department organized by geographical areas and including all services and programs offered by the department in that area. (12-1-10)T
- 47. Regional Facility.** Department operated juvenile correctional centers located in each region of the state. (12-1-10)T
- 48. Regional Superintendent.** The administrator of a state operated juvenile offender commitment facility for juvenile offenders and who provides supervision to the regional clinical supervisors. (12-1-10)T
- 49. Reintegration Placement.** Refers to the placement of a juvenile offender receiving independent living and reintegration skills services from the provider. This placement may be with a host family, in a group setting, or in an apartment. (12-1-10)T
- 50. Reintegration Plan.** That part of the juvenile offender's service implementation plan which specifically addresses the terms, conditions and services to be provided as the juvenile offender moves to a lower level of care or leaves the custody of the department. (12-1-10)T
- 51. Release from Department Custody.** Refers to the termination of the department's legal custody of a juvenile. (12-1-10)T
- 52. Restitution.** Financial payment or service work intended to reimburse victims for the cost of damage or harm caused by a juvenile offender. Restitution must be court ordered. (12-1-10)T
- 53. Restricted Clinical Information.** Any record, document or other information legally protected from dissemination to the general public by statute or rule, such as psychological evaluations, therapy notes, therapy journals, sex histories, polygraph results, and psychological testing, or other legally confidential information. (12-1-10)T
- 54. Room Confinement.** Instances in which juvenile offenders are confined in the room in which they usually sleep, rather than being confined in an isolation room. (12-1-10)T

55. Separation or Isolation. Any instance when juvenile offenders are confined alone for over fifteen (15) minutes in a room other than the room in which they usually sleep. (12-1-10)T

56. Service Implementation Plan. A written document produced and regularly updated by a regional facility or provider with input from the community treatment team within five (5) days of arrival at provider. This plan describes interventions and objectives to address the service plan goals including the areas of community protection, accountability, and competency development. (12-1-10)T

57. Sexual Misconduct. Sexual misconduct includes all instances, types, and occurrences, of sexual contact between juvenile offenders, or any sexual behavior between staff/volunteers and juvenile offenders, regardless of any express or perceived consent. (12-1-10)T

58. Staffing. Regularly scheduled meetings of the community and facility treatment team members to review progress on treatment goals and objectives identified in each juvenile offender's service implementation plan. (12-1-10)T

59. Strip Search. An examination of the juvenile offender's naked body for weapons, contraband, injuries, or vermin infestations. This also includes a thorough search of all the juvenile offender's clothing while such is not being worn. (12-1-10)T

60. Suicide Risk Assessment. An evaluation performed by a mental health professional to determine the level of immediate risk of a juvenile offender attempting suicide, and to apply this information in developing a safety plan for the juvenile offender. (12-1-10)T

61. Suicide Risk Screening. An evaluation that is used to quickly determine, based upon known history and current behavior, whether a juvenile offender presents any identifiable risk of immediate suicidal behavior, and to call in a mental health professional to complete a suicide risk assessment. (12-1-10)T

62. Transfer. Any movement of a juvenile offender in the custody of the department from one (1) facility to another, including a regional facility, without a release from department custody. (12-1-10)T

63. Transfer Progress Report. Provide the reintegration provider, all of the members of the treatment team, including the juvenile and family, with a concise summary and overview of gains and strengths and includes the Reintegration Plan. The Transfer Progress Report also identifies remaining challenges with respect to the issues that resulted in commitment and plan for continued treatment/services. The transfer progress report is due no longer than two weeks before the actual date of release or transfer. (12-1-10)T

64. Treatment. Any program of planned services developed to meet risks and needs of juvenile offenders and their families, as identified in an assessment, and as related to activities designed to teach alternate behaviors and to support change in the beliefs that drive those behaviors. Treatment as referenced in this context also includes the maintenance of conditions that keep juvenile offenders, staff and the community safe. (12-1-10)T

65. Vocational Services. Any service provided related to assessment, education, guidance or training in the area of work or basic living skills. (12-1-10)T

66. Volunteer. A person from the community who freely chooses to do or provide direct or indirect services to juvenile offenders or staff at a facility, through a provider or at a juvenile correctional center. This person is not compelled to do so and is not compensated for the services. (12-1-10)T

67. Waiver. The non-application of one (1) or more of these rules based upon a request by the provider and a written decision issued by the department. (12-1-10)T

68. Work Program. A public service work project which employs juveniles at a reasonable wage for the purpose of reimbursing victims of juveniles' delinquent behavior. (12-1-10)T

011. -- 099. (RESERVED).

100. INITIATION OF SERVICES.

Juveniles are committed to the department under the provisions of the Juvenile Corrections Act (Sections 20-501 through 20-547, Idaho Code) and the Interstate Compact on Juveniles (Sections 16-1901 through 16-1910, Idaho Code). (12-1-10)T

101. WAIVER OR VARIATION.

Minimum program standards established herein shall apply to all services provided by the provider. Any waiver or variation from the standards stated in these rules must receive prior written approval from the department and must be attached as a formal amendment to the contract. (12-1-10)T

102. APPLICABILITY.

This chapter applies to providers of reintegration and independent living skills that coordinate needed supportive services identified in individual reintegration plans. (12-1-10)T

103. -- 199. (RESERVED).

200. AUTHORITY TO INSPECT.

01. Inspections. The department shall have the authority to conduct reviews of programs, program operations, juvenile offender placements and facilities to ensure the provider's compliance with these rules. The provider shall cooperate with the department's review, and must provide access to the facility and all juvenile records for juveniles in department custody, as deemed necessary by the department. The department may access individual juvenile records of juveniles who have received services funded by the department but are not in the custody of the department. However, in order to more fully assess the operation of the program; aggregate data and information for all juveniles must be made available. (12-1-10)T

02. Quarterly Reports. In order to assist the department in monitoring contract programs for key areas of operational performance, each provider will be required to submit a written, quarterly report to the department's quality improvement staff. These reports may be submitted by facsimile, mail, or electronically within thirty (30) calendar days of the end of each quarter. The reports shall include, at a minimum, the following information: (12-1-10)T

- a. Changes made in the population served; (12-1-10)T
- b. Changes in program design or functioning; (12-1-10)T
- c. Changes in program curriculum; (12-1-10)T
- d. Changes in organizational chart; (12-1-10)T
- e. All staff turnover during the quarter; (12-1-10)T
- f. Copies of all incident reports; (12-1-10)T
- g. Number of reportable incidents of the type listed below: (12-1-10)T
 - i. Assaults against juvenile offenders; (12-1-10)T
 - ii. Assaults against staff; (12-1-10)T
 - iii. Behavioral and psychiatric emergencies; (12-1-10)T
 - iv. Contraband; (12-1-10)T
 - v. Escapes; (12-1-10)T

- vi. Injuries or illness requiring significant medical attention; (12-1-10)T
- vii. Restraints; (12-1-10)T
- viii. Separation or isolation; (12-1-10)T
- ix. Sexual misconduct; and (12-1-10)T
- x. Suicide precautions. (12-1-10)T
- h.** Number of hours and topics included in staff training for the quarter; (12-1-10)T
- i.** Personal funds, earned income, and restitution for each juvenile in department custody according to Section 211 of these rules; (12-1-10)T
- j.** A copy of juvenile offender grievances and resolutions according to Section 244 of these rules; (12-1-10)T
- k.** Number of department referrals made and accepted; and (12-1-10)T
- l.** Number of department referrals made and rejected. (12-1-10)T

03. Additional Reporting Requirements. In situations where the department has determined that the safety, security, or order of a program are at risk, more frequent and more detailed reporting will be required by the director, or designee. The department has a responsibility at all times to monitor the overall safety, security, and order of a facility or program for the protection and well-being of the juvenile offenders. For these reasons, the provider shall report to the department any and all incidents of the type normally requiring immediate notice to the department, as identified in Section 262, that occur in their program or facility regardless of whether or not the juveniles involved are in the department's custody. Any such reports regarding juveniles not in department custody shall include the type and scope of the incident without any information identifying the juvenile shall be made to the department's quality improvement staff. (12-1-10)T

04. Financial Audit. Provider shall furnish an annual financial audit of juveniles' personal funds accounts which must be attached to one of the quarterly reports. The financial audit shall be conducted by an accountant. (12-1-10)T

201. COMPLIANCE WITH STATE AND LOCAL CODES AND ORDINANCES.

The provider shall maintain compliance with all state and local building, life safety, and zoning requirements. Documentation of compliance shall be made available to the Idaho Department of Juvenile Corrections. (12-1-10)T

202. ACCESSIBILITY, GENERAL SAFETY AND MAINTENANCE OF BUILDINGS AND GROUNDS.

01. Access. The program buildings, parking lots and other facilities shall provide access as required by the Americans with Disabilities Act and other federal and state laws and regulations. (12-1-10)T

02. Maintenance. The provider shall ensure that all structures and apartments used for juvenile offender purposes are maintained in good repair and are free from hazards to health and safety. The facility grounds shall also be maintained and shall be free from any hazard to health and safety. (12-1-10)T

03. Written Plan. The program shall have a written plan for preventive and ongoing maintenance of the juvenile offender facility. (12-1-10)T

04. Safety Program. Each provider of group juvenile offender facilities shall be responsible for the safety program at the facility. The provider shall conduct routine inspections of the facility monthly, with copies of the inspections kept on file for review by the department, to identify: (12-1-10)T

- a.** Fire safety; (12-1-10)T

- b. Existing hazards; (12-1-10)T
 - c. Potential hazards; and (12-1-10)T
 - d. The corrective action that should be taken to address these hazards. (12-1-10)T
- 05. Emergency Procedures.** The provider will utilize and maintain a current emergency procedure manual which shall include, at a minimum, procedures pertaining to: (12-1-10)T
- a. Fire safety and escape; (12-1-10)T
 - b. Emergency medical care; (12-1-10)T
 - c. Notification and filing charges on escape; (12-1-10)T
 - d. Incidents of violence within the facility; (12-1-10)T
 - e. Suicide prevention; (12-1-10)T
 - f. Child abuse reporting; and (12-1-10)T
 - g. Sexual abuse disclosures. (12-1-10)T
- 06. Site Visit.** A juvenile service coordinator or designee shall conduct site visits prior to occupancy by the juvenile offender. (12-1-10)T

203. VEHICLES.

- 01. Condition.** Vehicles used to transport juveniles must be mechanically sound, in good repair, and meet the department's requirements for insurance coverage. (12-1-10)T
- 02. Compliance with Applicable Laws.** All vehicles must possess current state licenses and shall comply with all applicable state laws. When in use, all vehicles must carry a standard first aid kit and a fire extinguisher. (12-1-10)T
- 03. Maintenance and Equipment Checklist.** The provider shall have a vehicle maintenance and equipment checklist, which shall include a listing of all critical operating systems and equipment inspections, the date of the last inspection, and the type of service or action taken. All repairs required to critical operating systems, such as brakes, headlights, shall be made immediately. All worn or missing critical equipment shall be replaced immediately, such as tires, jacks, seat belts. (12-1-10)T

204. TRANSPORTATION.

- 01. Transportation for Service Plan.** It shall be the responsibility of the provider to provide all transportation associated with the juvenile offender's service implementation plan. The juvenile offender's family, staff, or volunteers may be relied upon to provide transportation for passes and some other community contacts as long as this does not present any undue risk or burden to the juvenile offender, family, or to the community. Provider is responsible to ensure that any person transporting the juvenile has a valid driver's license and proof of insurance. (12-1-10)T
- 02. Transportation and Notification for Court Proceedings.** It is the responsibility of the department to assure the juvenile offender's appearance in all court proceedings and to arrange transportation as indicated. It is the provider's responsibility to immediately notify the juvenile offender's juvenile services coordinator of court dates and appearances. Providers may provide transportation under this section in consultation with the juvenile services coordinator. (12-1-10)T

03. Arrangements. Arrangements for transportation related to court appearances as well as related to transfer or release of juveniles from department custody shall be made between the provider and the department's regional transport coordinator located in the provider's region. This communication is facilitated through the juvenile services coordinator. (12-1-10)T

04. Juvenile Offender Driving. Juvenile offenders may have the ability to drive on an individualized basis upon developing a driving plan with the provider, and with prior approval from the clinical supervisor. Juveniles must obtain a valid state issued permit or license and proof of insurance before operating any motor vehicle. (12-1-10)T

205. JUVENILE RECORDS.

01. Case Management Documents. The provider shall maintain individual files on all juvenile offenders which shall include: (12-1-10)T

- a.** A copy of the signed contract and Referral Acceptance/Denial Form; (12-1-10)T
- b.** Provider's service implementation plans as referred to in Subsection 010.56 of these rules; (12-1-10)T
- c.** Progress reports as referred to in Subsections 010.43 and 270.05 of these rules; (12-1-10)T
- d.** IDJC Progress Assessment/Reclassification documents; (12-1-10)T
- e.** Provider's incident reports as referred to in Section 262 of these rules; (12-1-10)T
- f.** Court documents and dispositions; (12-1-10)T
- g.** Professional correspondence; (12-1-10)T
- h.** Identifying information and physical descriptions; (12-1-10)T
- i.** Last known parent or guardian address and telephone number; (12-1-10)T
- j.** Date of admittance and projected release from department custody; (12-1-10)T
- k.** A copy of the most recent progress report from the sending facility which includes the written reintegration plan; and (12-1-10)T
- l.** Records of juvenile offenders' earnings and restitution payments. (12-1-10)T

02. Confidentiality. (12-1-10)T

a. Sections 20-525 and 9-340(2)(b), Idaho Code, and Idaho Court Administrative Rule 32 require confidentiality, under certain conditions, of records that contain information about juvenile offenders, which the provider is to observe. (12-1-10)T

b. All matters relating to confidentiality of juvenile offender files shall also comply with the federal Health Insurance Portability and Accountability Act (HIPAA) and 42 CFR Chapter 1, Sub-Chapter A, Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records." (12-1-10)T

c. Restricted clinical information, as defined, and education and medical records, if required to be kept by the provider under Subsection 010.52, must each be filed separately and stored in a secured area. These file folders must be stamped "confidential" on the cover or outside folder. (12-1-10)T

d. For providers that serve sex offenders, individual treatment assignments, such as journals, detailed sexual histories, must be destroyed at the time the juvenile offender is transferred or released from the program.

(12-1-10)T

e. The provider shall coordinate services, and will not receive or maintain copies of medical, mental health, substance abuse, sex offender, or any other treatment records from direct care service providers unless the provider is providing direct services to the juvenile offender. (12-1-10)T

f. All medical, mental health, substance abuse, sex offender, or any other treatment progress notes will be sent directly to the juvenile services coordinator by the direct care service provider. (12-1-10)T

03. Automated Records. Automated records shall include a procedure to ensure confidentiality and be in compliance with any state or federal privacy laws pertaining to those records. The procedure shall also include provisions for backing up automated records. (12-1-10)T

04. Policies and Procedures. The provider shall have written policies and procedures to address the confidentiality of juvenile offender records. In compliance with HIPAA's privacy regulations, written procedures shall designate a privacy officer who will: (12-1-10)T

a. Supervise the maintenance of identifiable personal health care information; (12-1-10)T

b. Serve as custodian of all confidential juvenile offender records; and (12-1-10)T

c. Determine to whom records may be released. (12-1-10)T

05. Restrictions to Records Access. (12-1-10)T

a. Access to personal health information shall be limited to: (12-1-10)T

i. Employees of the department and the reintegration service provider to the extent necessary to perform normal business functions, including health treatment, and other functions designed to maintain the good order, safety and security of the juvenile offenders or facility; (12-1-10)T

ii. Individuals participating in a staffing for a juvenile offender, who have a direct need to know the information, and who are obligated to or promise to maintain the confidentiality of information disclosed. These individuals may include employees or representatives of law enforcement, the department, the provider, probation officer, medical or mental health professionals and other appropriate individuals; (12-1-10)T

iii. Law enforcement members, emergency medical personnel, the Idaho Department of Health and Welfare and similar court or government officials, as necessary to perform their duties, and only if not otherwise prohibited by state or federal law or rule. (12-1-10)T

b. Access to all other confidential juvenile offender records shall be limited to the following authorized persons: (12-1-10)T

i. Staff authorized by the reintegration service provider and members of the administrative staff of the provider's parent agency; (12-1-10)T

ii. A parent or guardian or the juvenile offender, to the extent that disclosure is not privileged and is clinically appropriate; (12-1-10)T

iii. Appropriate staff of the department; (12-1-10)T

iv. Counsel for the juvenile offender with signed consent form; (12-1-10)T

v. Judges, prosecutors, juvenile probation officers, and law enforcement officers, when essential for official business; (12-1-10)T

vi. Individuals and agencies approved by the department to conduct research and evaluation or

statistical studies; or (12-1-10)T

vii. Schools, as appropriate. (12-1-10)T

06. Withholding of Information. If the department, the provider or the direct care service provider believes that information contained in the record would be damaging to the juvenile offender's treatment or rehabilitation, that information may be withheld from the juvenile offender, or his parent, or guardian, or others, except under court order. (12-1-10)T

07. Requests for Information. Requests for information of any kind about juvenile offenders in department custody, following their release or transfer from a provider's program must be directed to the juvenile correctional center in Nampa. (12-1-10)T

206. RELEASE FORMS.

01. Release of Nonmedical Information. Except in the case of emergency, the juvenile offender, and a department representative shall sign a release of information and consent form before information about the juvenile offender is released to any non-juvenile justice entity. A copy of the consent form shall be maintained in the juvenile offender's file at the program and in the case management file maintained by the department. (12-1-10)T

02. Release of Medical Information. Release of medical information requires more specific authorization according to Subsection 321.02, of these rules. (12-1-10)T

03. Minimum Information. The release of information and consent form shall, at a minimum, include the following: (12-1-10)T

a. Name of person, agency or organization requesting information; (12-1-10)T

b. Name of person, agency or organization releasing information; (12-1-10)T

c. The specific information to be disclosed; (12-1-10)T

d. The date consent form is signed; (12-1-10)T

e. Signature of the juvenile offender; (12-1-10)T

f. The signature of the person witnessing the juvenile offender's signature; and (12-1-10)T

g. Effective and expiration dates. (12-1-10)T

04. Document Reproduction. The provider agrees that no documents provided by the department shall be reproduced or distributed without the written permission of the department. (12-1-10)T

207. JUVENILE OFFENDER PHOTOGRAPHS.

01. Limitations. No juvenile offender in the custody of the department shall be used in person or by photograph or any other visual image for the express purpose of any fund raising efforts. (12-1-10)T

02. Department Authorization. Permission to release or use the photographs and any other visual image of juvenile offenders in the custody of the department shall require written authorization from the department director or designee. (12-1-10)T

208. ADMINISTRATIVE RECORDS.

01. Documentation Retention. The provider shall document and retain documentation of all information related to the following items: (12-1-10)T

- a.** Program consultation provided at the facility, such as technical assistance on program design and implementation; (12-1-10)T
- b.** Training provided to staff; (12-1-10)T
- c.** All alleged instances of child abuse; (12-1-10)T
- d.** Fiscal and program audits or reviews, including corrective actions required and taken; (12-1-10)T
- e.** Reports of sexual abuse disclosures to Idaho Department of Health and Welfare or law enforcement, (12-1-10)T
- f.** Juvenile offender and staff grievances; and (12-1-10)T
- g.** Copies of all completed incident reports. (12-1-10)T
- 02. Employee Files.** Employee personnel files shall contain the following: (12-1-10)T

 - a.** Minimum qualifications for the job held; (12-1-10)T
 - b.** Hiring information; (12-1-10)T
 - c.** Copies of all required licenses or certificates related to the job function; (12-1-10)T
 - d.** Copies of academic credentials, driving record and criminal background checks; (12-1-10)T
 - e.** Current training records; and (12-1-10)T
 - f.** Annual performance evaluations and copies of personnel actions, such as disciplinary action taken, grievances involving staff, and acknowledgements of outstanding performance. (12-1-10)T

209. CLOTHING AND PERSONAL ITEMS.

01. Clothing in Independent Living Programs. Provider must ensure that the juvenile offender has sufficient clothing. The provider may require the juvenile offender to purchase clothing as part of the independent living program. Any requirement that the juvenile offender purchase clothing must be documented as part of the independent living program. (12-1-10)T

02. Release. All clothing and incidentals become the property of the juvenile offender upon release. The provider will ensure the juvenile is providing proper care and cleaning of clothing in the juvenile offender's possession. (12-1-10)T

210. FOOD SERVICE.

Meal preparation, planning and proper nutrition will be part of the independent living skills but the reintegration provider will not be responsible for monitoring what the juvenile actually eats once they are living independently. Provider shall ensure that the juvenile has sufficient food at all times. (12-1-10)T

211. PERSONAL FUNDS.

01. Funds Handled by a Provider. The provider will follow generally accepted accounting practices in managing personal funds of juvenile offenders and shall be able to demonstrate appropriate measures of internal fiscal controls related to the juvenile's personal funds. (12-1-10)T

a. A provider shall be required to deposit all personal funds collected for the juvenile offender in a public banking institution in an account in the juvenile's name. The provider shall maintain a reconciled ledger showing each juvenile offender's deposits and withdrawals within the juvenile's account and copies of current bank statements. (12-1-10)T

b. All withdrawals by a juvenile offender, or expenditures made on behalf of a juvenile offender by the provider, shall be documented, signed, and dated by the juvenile offender. This documentation shall be reconciled to the juvenile offender's ledger monthly. (12-1-10)T

c. A provider may limit the amount of any withdrawal. (12-1-10)T

d. A provider shall not require juvenile offenders, parents, or guardians to pay for services and supplies that are to be provided by the provider. (12-1-10)T

e. There can be no commingling of juvenile personal funds with provider funds. Borrowing or moving funds between juvenile personal accounts is prohibited. (12-1-10)T

02. Personal Funds Reporting Requirements. A report shall be filed quarterly with the department's quality improvement staff as part of the report in Subsection 200.02 of these rules. The personal funds report shall show a list of all juvenile offender account balances, date of admission and, if appropriate, the date of transfer or release from department custody. The personal fund account is subject to review and audit by the department or its representatives at any time. Any discrepancies in juvenile offender accounts shall be resolved within fourteen (14) calendar days of notification. Copies of the monthly personal funds report shall also be sent to the juvenile services coordinator. (12-1-10)T

03. Transfer of Personal Funds. When a juvenile offender is released from department custody or transferred to another program, the balance of the juvenile offender's account shall be given to or mailed to the juvenile offender within five (5) business days and documented on the Provider Juvenile Check-Out Form supplied by the department. (12-1-10)T

04. Juvenile Offenders with Earned Income. The provider is responsible for maintaining and accounting for any money earned by a juvenile offender. All funds are to be deposited in the juvenile's individual funds account. Additionally, there shall be a plan for the priority use of the juvenile offender's earned income to pay court ordered restitution and a specific allocation for daily incidental expenses. (12-1-10)T

a. The provider shall establish a written plan for the juvenile offender to save at least ten percent (10%) of net earnings, to be deposited into the juvenile's personal funds account. The plan shall specify the purpose for which the funds saved will be used at program completion, such as paying deposits on utilities and housing or the purchasing of tools necessary for employment. (12-1-10)T

b. The provider shall establish a written plan and budget for a juvenile offender in independent living program, as part of the service implementation plan, for the juvenile offender's use of these funds. The plan shall specify how the funds will be used as part of the independent living program. (12-1-10)T

05. Written Description of Charges. A written description of all charges of the provider and a written description of all services or items for which a juvenile offender may be charged must be approved by the department and provided to a juvenile offender or his responsible agent prior to admission and upon request thereafter. The provider must maintain a record of all financial transactions between the juvenile offender and the provider or between the juvenile offender and the provider's personnel. (12-1-10)T

06. Juvenile Offenders Not Required to Purchase Goods and Services from Provider. The provider cannot require the juvenile offenders to purchase goods and services from the provider. (12-1-10)T

212. RESTITUTION.

A provider shall create a plan for the juvenile offender to submit a portion of a juvenile offender's personal funds or earned income for the payment of restitution to victims as described in this section, or for program damages according to these rules. (12-1-10)T

01. Restitution for Damages. Restitution for damages at the program will not be paid to the exclusion of victim or court ordered restitution. The provider shall not access the juvenile offender's personal funds for program damages. Restitution for damages must begin with a plan for repair by the juvenile offender. Monetary restitution

may only be sought through a court order when a juvenile offender has damaged or destroyed property, has caused or attempted to cause injury to himself, other juvenile offenders or staff which results in a non-reimbursed actual expense to the provider. (12-1-10)T

02. Disciplinary Process. All juvenile offenders shall be afforded an administrative hearing in accordance with the disciplinary procedure of the provider and standards set forth in these rules. (12-1-10)T

213. PROHIBITED CONTACT AND PRISON RAPE ELIMINATION ACT COMPLIANCE (PREA).

01. Sexual Misconduct. The provider, in accordance with PREA, shall have written policy and procedures that promote zero tolerance of sexual activity among juvenile offenders or between juvenile offenders and staff or volunteers, regardless of any express or perceived consent. The policy and procedures shall contain, at a minimum, the following provisions: (12-1-10)T

a. The provider shall inform juvenile offenders of the means available to safely report rape and sexual activity and shall document this notice to juvenile offenders; (12-1-10)T

b. The provider shall provide two (2) or more avenues for a juvenile offender to report rape and sexual activity; (12-1-10)T

c. The provider shall have a process that requires reporting and documentation of any instance of sexual misconduct among juvenile offenders or between juvenile offenders and staff or volunteers, according to Section 262 of these rules; (12-1-10)T

d. The provider staff shall treat all information regarding sexual misconduct with confidentiality; (12-1-10)T

e. The provider shall have a process in place for an initial internal investigation when sexual misconduct is reported; (12-1-10)T

f. The provider shall separate the accused perpetrator from the victim juvenile offender, who was the subject of alleged sexual misconduct, until the investigation is complete; (12-1-10)T

g. The provider shall document any and all steps taken to ensure the safety of both the alleged juvenile offender perpetrator and the juvenile offender victim; (12-1-10)T

h. The provider shall report alleged, sexual misconduct to either law enforcement or the appropriate licensing authority for external investigation when sexual misconduct is suspected; (12-1-10)T

i. The provider shall provide, at a minimum, one (1) hour of annual training for staff and juvenile offenders concerning the zero tolerance for, detection of, and response to sexual misconduct with a juvenile offender, including criminal prosecution. (12-1-10)T

j. Sexual contact with a juvenile offender constitutes a felony in the state of Idaho. (12-1-10)T

02. Reporting of Sexual Misconduct. Acts of sexual misconduct shall be reported to the department on the form provided by the department. (12-1-10)T

03. Survey on Sexual Violence. If the provider is identified to receive the yearly "Survey on Sexual Violence" from the Bureau of Justice Statistics, the provider shall timely complete and submit the survey and supply the department with copies. (12-1-10)T

214. -- 219. (RESERVED).

220. CONSULTANTS AND SUBCONTRACTORS.

It is the responsibility of the provider to notify the department's quality improvement staff promptly, in writing, of any proposed changes in the use of consultants or subcontractors in the operations of a program. Any services offered

by consultants and subcontractors, or interns, and not included in the terms of the existing contract, require the prior approval of the department. It is the responsibility of the provider to ensure that any consultant, subcontractor, or staff meets at least the minimum staff qualifications and terms of the original contract and these rules. The provider shall maintain a list of subcontracted service providers, interns, and their qualifications. Documentation of services provided by subcontractors shall include the number of units of service provided per program area. (12-1-10)T

221. STAFF QUALIFICATIONS.

01. Licenses. All individuals providing services to juveniles in the custody of the department must possess all licenses or certifications for their particular position as required by statute, rule, or by the Idaho Department of Health and Welfare, as applicable. (12-1-10)T

02. Education or Experience. All individuals providing services must be qualified to do so, on the basis of knowledge, skills, and abilities. In addition, certain program and professional caregivers must meet specific minimum standards for education or experience. These standards shall constitute, in part, the basis for determining the adequacy of program and professional services delivered under contractual agreement with the department. (12-1-10)T

03. Written Position Descriptions. Providers shall maintain written position descriptions for every job class established in the organization. In all cases, minimum qualifications for professional level staff must meet licensure and certification requirements. In all cases, the particular job titles used by the provider to provide counseling, therapy, direct care, and supervision of juvenile offenders, as well as staff supervision and management, must be specifically cross-referenced with the job titles in these rules. (12-1-10)T

222. POSITION DESCRIPTIONS DEFINED AND QUALIFICATION CRITERIA.

01. Clinician, Counselor, or Therapist. An individual who conducts a comprehensive assessment of the psychological, behavioral, social, or familial deficits or dysfunctions presented by the juvenile offender, then establishes and implements a plan for therapeutic services. The plan must specify diagnosis and treatment of problems to be addressed, an estimate of the time needed, and a schedule of the frequency and intensity of the services to be provided. The individual may also provide individual, group, or family counseling. At a minimum, the individual must have a master's degree and be currently licensed by the state of Idaho as a Licensed Professional Counselor (LPC), Licensed Marriage and Family Counselor (LMFT), Licensed Master Social Worker (LMSW), or certified school psychologist. (12-1-10)T

02. Juvenile Services Coordinator or Social Worker. An individual who is responsible for the assessment of treatment progress, and the provision and monitoring of therapeutic or rehabilitative treatment services to juvenile offenders participating in a treatment program. Individuals providing this function must possess at a minimum, a bachelor's degree from a fully accredited college or university in social work, psychology, or counseling and must be licensed as a social worker in the state of Idaho. (12-1-10)T

03. Recreational Specialist. An individual who develops and implements an individualized and goal-directed recreational plan for a juvenile offender in connection with the overall service implementation plan. The individual providing this function must possess a bachelor's degree in recreational therapy, health and physical education, or a related field, or have a high school diploma and two (2) years related experience in providing recreational services to juvenile offenders. (12-1-10)T

04. Rehabilitation Specialist or Case Manager. An individual, under direct supervision, who assists the juvenile offender in implementing the service implementation plan, evaluates the juvenile offender, and maintains the case record with respect to all nonclinical matters. The rehabilitation specialist or case manager also assists in presenting the case in staffing, communicates with appropriate individuals, including community interests, regarding the juvenile offender, and prepares written communications, under supervision, including discharge reports. The rehabilitation specialist or case manager may also serve as the social worker if properly licensed in the state of Idaho. Individuals providing this function must possess, at a minimum, a bachelor's degree from a fully accredited college or university in the social sciences or a related field. (12-1-10)T

05. Rehabilitation Technician or Direct Care Worker. An individual who is responsible for

providing individual or group rehabilitative therapeutic services, supervising juvenile offenders' day-to-day living activities and performing such duties as preparing nutritious meals, supervising and training juvenile offenders in basic living skills, and providing some community transportation. Such individual must have a high school diploma or its equivalent. (12-1-10)T

06. Special Education Teacher. An individual who provides a modified curriculum for those students who are eligible for services under the IDEA. This individual must hold a valid standard exceptional child certificate with an endorsement as a generalist. (12-1-10)T

07. Teacher. An individual who provides basic educational services as required by state and federal statutes. This individual must hold a valid teaching credential in the appropriate instructional field. (12-1-10)T

223. PROGRAM STAFFING REQUIREMENTS.

01. General Staffing Ratios. The provider shall ensure that an adequate number of qualified staff are present at all times to provide rehabilitation and treatment services, supervise juvenile offenders, and provide for their health, safety and treatment needs. Staffing ratios for reintegration programs will be identified in the service implementation plan. Staffing patterns shall ensure that professional staff is available to juvenile offenders at times when they are in the program or facility. The provider staff should provide consistency and stability so that the juvenile offenders know the roles of each staff member. The staffing ratios shall be determined in each service implementation plan and shall be based on the level of intervention of the program and the risk level of the juvenile offender population. (12-1-10)T

02. Emergency Staffing Ratios. At all times at least one (1) staff member on duty in a group juvenile offender facility must be currently certified to administer first aid and cardiopulmonary resuscitation (CPR). (12-1-10)T

03. Safety Checks for Independent Residences. If a juvenile offender is living in an apartment, or living independently in a similar situation, the provider shall perform safety checks on the juvenile as defined in the service implementation plan but no less than every five (5) days. (12-1-10)T

224. GENERAL REQUIREMENTS FOR TRAINING.

01. Training Plan. Training for staff and volunteers shall be conducted in accordance with a written plan approved by management and coordinated by a designated staff member. The training plan shall include: (12-1-10)T

- a.** Annual in-service training for all staff; (12-1-10)T
- b.** Those areas requiring current certification; (12-1-10)T
- c.** Prior to being assigned sole responsibility for supervision of juvenile offenders, rehabilitation technicians or direct care staff shall have training in the following areas: (12-1-10)T
 - i.** Principles and practices of juvenile care and supervision; (12-1-10)T
 - ii.** Program goals and objectives; (12-1-10)T
 - iii.** Juvenile offender rights and grievance procedures; (12-1-10)T
 - iv.** Procedures and legal requirements concerning the reporting of abuse and critical incidents and compliance with the PREA; (12-1-10)T
 - v.** Medical emergency procedures, first aid, and CPR; (12-1-10)T
 - vi.** Incident reporting; (12-1-10)T

- vii. How to recognize and respond to suicidal behavior; (12-1-10)T
- viii. How to access emergency health and mental health care; (12-1-10)T
- ix. Appropriate response to health-related emergencies; (12-1-10)T
- x. Training to meet the requirements of federal educational regulations; and (12-1-10)T
- xi. Training on the appropriate and safe transportation of all juvenile offenders. (12-1-10)T
- d.** In-service training for all first-year staff shall include: (12-1-10)T
 - i. Program policies and procedures; (12-1-10)T
 - ii. Job responsibilities; (12-1-10)T
 - iii. Juvenile offender supervision; (12-1-10)T
 - iv. Safety and security emergency procedures (fire, disaster, etc.); (12-1-10)T
 - v. Confidentiality issues; (12-1-10)T
 - vi. Juvenile offender rights and grievance procedures; (12-1-10)T
 - vii. Communicable diseases, blood borne pathogens, and universal precautions; and (12-1-10)T
 - viii. Signs and symptoms of chemical use or dependency. (12-1-10)T
- 02. Trainer Qualifications.** (12-1-10)T
 - a.** Individuals who provide instruction in areas of life, health, and safety, including but not limited to, first aid, CPR, physical intervention techniques, shall have appropriate certification which must be documented in their personnel or training file. (12-1-10)T
 - b.** Individuals who provide instruction in treatment shall have appropriate training, education, and experience which must be documented in their personnel or training file. (12-1-10)T
- 03. Documentation of Training.** Staff training records shall be kept by a designated staff person. Separate training records shall be established for each staff member and volunteer and shall include: (12-1-10)T
 - a.** Name; (12-1-10)T
 - b.** Job title; (12-1-10)T
 - c.** Employment beginning date; (12-1-10)T
 - d.** Annual training hours required; and (12-1-10)T
 - e.** A current chronological listing of all training completed. (12-1-10)T
- 04. Training Records.** Training records may be kept separately within each individual personnel file or in a separate training file. Copies of curriculum materials must be maintained. (12-1-10)T

225. VOLUNTEERS AND INTERNS.

Programs should consider soliciting the involvement of volunteers and may utilize interns to enhance and expand their services. However, volunteers or interns recruited to supplement and enrich a program, may not be substituted for the activities and functions of facility staff. Neither volunteers nor interns shall be assigned sole supervision of

juvenile offenders. (12-1-10)T

226. VOLUNTEER AND INTERN PLAN.

01. Written Plan. Programs that utilize volunteers and interns regularly shall have a written plan that includes stipulations for their use and training. Training provided must include all of the information necessary for the volunteers and interns to successfully perform their roles within the program. (12-1-10)T

02. Volunteer and Intern Requirements. The plan shall include: (12-1-10)T

a. Volunteers and interns must be at least twenty-one (21) years of age, of good character, and sufficiently mature to handle the responsibilities involved in the position; (12-1-10)T

b. Volunteers and interns who perform professional services must be licensed or certified as required by state law or rule; (12-1-10)T

c. Volunteers and interns must agree to background and criminal record checks as prescribed by state law prior to volunteering. Volunteers or interns with a criminal history must be approved in advance by the provider and IDJC. Registered sex offenders may not act as volunteers or interns. (12-1-10)T

03. Documentation. Provider shall maintain individual personnel files for each volunteer or intern working in the program. The files shall contain all documentation as described in Section 208 of these rules. (12-1-10)T

227. CRIMINAL BACKGROUND CHECKS.

All providers providing services to the department shall ensure that all employees, interns, and volunteers, as required by law, have undergone a criminal background check in the manner and form required by IDAPA 16.05.06, "Criminal History Checks and Background Checks." In addition to the crimes listed resulting in unconditional denial, any crime not specified there that requires registration on the sex offender registry in Idaho or any other state, will also result in an unconditional denial of employment for direct care or services, or where the employee would have any opportunity to have contact with a juvenile offender in the provider's care. Documentation of appropriate requests and responses shall be kept in confidential employee personnel files. (12-1-10)T

228. DRIVERS.

All drivers of vehicles transporting a juvenile offender, including volunteers, interns, and staff, must possess a valid Idaho driver's license and the proper licenses and insurance required by state law for the type of motor vehicle operated. Volunteer or intern personnel files must contain evidence of training to transport a juvenile offender as well as other appropriate documentation. The provider must also include IDJC as a named insured on its own insurance policy. (12-1-10)T

229. -- 239. (RESERVED).

240. JUVENILE OFFENDER RIGHTS AND RESPONSIBILITIES.

01. Provider Obligations. The provider must observe, and not infringe upon, the rights of each juvenile offender in its facility or program. The provider shall also be responsible for understanding the rights and responsibilities of juveniles in custody, and knowing which rights have been forfeited as a result of being placed in custody. (12-1-10)T

02. Religious Services and Special Needs. Each juvenile offender will be advised of the obligation of the provider to allow access to appropriate religious services, and to make reasonable accommodations for any disabilities, language barriers, or other special needs. (12-1-10)T

03. Juvenile Offender Program Responsibilities. The provider shall inform each juvenile offender, upon admission to its program, of his responsibilities during the program. Additionally, each juvenile offender shall have an understanding of the following program expectations: (12-1-10)T

- a. Requirements needed to complete program; (12-1-10)T
- b. How to access medical services; (12-1-10)T
- c. How to file a grievance; (12-1-10)T
- d. How to report incidents of sexual misconduct between juvenile offenders or between staff and juvenile offenders; and (12-1-10)T
- e. How to contact his juvenile services coordinator and juvenile probation officer. (12-1-10)T

241. DISCIPLINE OF JUVENILE OFFENDERS.

01. Written Policies and Procedures. All providers offering treatment services shall have comprehensive written discipline policies and procedures, which shall be explained to all juvenile offenders, families, and staff. These policies shall include positive responses for appropriate behavior. They shall include a provision for notice to the juvenile offender being disciplined, a mechanism for a fair and impartial hearing by a disciplinary board, and a process for appeal. (12-1-10)T

02. Problem Resolution. Disciplinary actions are not the same as the consequences that are spelled out as a part of a service implementation plan for the juvenile offender. A provider shall make every effort to resolve problems with the least amount of formal disciplinary activity possible. Efforts should be made first to instruct and counsel the juvenile offender. Any restriction of a juvenile offender's participation in a program resulting from a formal disciplinary action must be reported in an incident report. (12-1-10)T

242. FORMAL DISCIPLINARY PROCESS.

01. Prior to and upon Initiating a Formal Disciplinary Action. Prior to and upon initiating a disciplinary action, careful attention should be given to the program rules to determine the seriousness of the misbehavior and the appropriate type of discipline. (12-1-10)T

02. Control of Juvenile Offenders. Staff will make every effort to maintain control of juvenile offenders through positive methods. (12-1-10)T

03. Discipline. Discipline will be administered in a way to create a learning experience for the juvenile offender, and never in a way that degrades or humiliates a juvenile offender. A juvenile offender shall not be assessed a monetary fine as a disciplinary measure. (12-1-10)T

04. Other Juvenile Offenders. No juvenile offender shall supervise nor carry out disciplinary actions over another juvenile offender. (12-1-10)T

05. Denial of Services. Denial of the following are prohibited as disciplinary responses: (12-1-10)T

- a. Educational and vocational services; (12-1-10)T
- b. Employment; (12-1-10)T
- c. Health or mental health services; (12-1-10)T
- d. Access to family, juvenile probation officer, and legal counsel; and (12-1-10)T
- e. Religious services. (12-1-10)T

243. APPEAL OF FORMAL DISCIPLINARY PENALTIES.

Each provider shall have a formal written process through which a juvenile offender can appeal a disciplinary action and receive a review of his case. The provider shall explain to the juvenile offender how to use the appeal process. The juvenile services coordinator must be involved in the disciplinary process. (12-1-10)T

244. GRIEVANCE PROCEDURES.

01. Written Procedures. Each program shall have a written grievance procedure for juvenile offenders, which includes the right to appeal disciplinary actions against them if a separate disciplinary grievance procedure is not available. It shall be written in a clear and simple manner and shall allow juvenile offenders to make complaints without fear of retaliation. (12-1-10)T

02. Grievance Forms. The grievance procedure shall be explained to the juvenile offender by a staff member who shall enter a note into the juvenile offender's file confirming the explanation. Grievance forms shall be in a location accessible to juvenile offenders without having to request such a form from staff. Completed forms should be placed in a secure area until collected and processed weekly. A copy of the grievance and the resolution of that grievance must be attached to the quarterly report as specified in Section 208 of these rules. (12-1-10)T

245. LETTERS.

01. Restrictions. Juvenile offenders shall be allowed to send and receive letters from approved persons, which may include persons in other programs or institutions, unless specifically prohibited by the department or by court order. All other restrictions of mail must be discussed with the community treatment team, approved in writing by the juvenile services coordinator, and documented in the juvenile offender's service implementation plan. There shall be no general restrictions on the number of letters written, the length of any letter, or the language in which a letter may be written. However, juvenile offenders will be provided with sufficient stationery, envelopes, and postage for all legal and official correspondence, and for at least two (2) personal letters each week. (12-1-10)T

02. Reading of Letters. Routine reading of letters by staff is prohibited. The department or court may determine that reading of a juvenile offender's mail is in the best interest of the juvenile offender, and is necessary to maintain security, order or program integrity. However, such reading of mail must be documented and unless court ordered, must be specifically justified and approved by the juvenile services coordinator. Under no circumstances shall a juvenile offender's privileged mail be read. (12-1-10)T

246. PACKAGES.

Packages may be inspected for contraband but only in front of the juvenile offender. (12-1-10)T

247. PUBLICATIONS.

Books, magazines, newspapers and printed matter which may be legally sent to juvenile offenders through the postal system shall be approved, unless deemed to constitute a threat to the security, integrity, or order of the programs. (12-1-10)T

248. DISTRIBUTION OF MAIL.

The collection and distribution of mail is never to be delegated to a juvenile offender. Staff shall deliver mail within twenty-four (24) hours, excluding weekends and holidays, to the juvenile offender to whom it is addressed unless the juvenile is living independently. (12-1-10)T

249. VISITATION IN A GROUP JUVENILE OFFENDER FACILITY.

The provider shall develop written rules governing visiting at the facility and shall provide a copy to each juvenile offender, his parent or guardian, and the juvenile services coordinator. Visitation policy must include specific restrictions on those under the influence of alcohol or drugs. In all cases, the provider will work with the juvenile services coordinator and juvenile probation officer to identify and approve potential visitors in accordance with the provider's criteria. The provider is responsible for developing and implementing policy concerning visitation which protects the safety of visitors, staff, and juvenile offenders. This may restrict visitation below an established age or provide for higher levels of supervision in circumstances where safety may be at risk. (12-1-10)T

250. PERSONAL SAFETY.

01. Responsibility. Every juvenile offender has the fundamental right to feel safe. Providers have the responsibility to ensure that a juvenile offender is safe while in their care. Every juvenile offender shall be informed

of procedures whereby a professional staff person can be contacted on a twenty-four (24) hour basis if the juvenile offender does not feel safe. (12-1-10)T

02. Periodic Contacts. The provider shall make periodic contact with juvenile offenders in the program to determine if they feel safe and are comfortable when interacting with peers and staff. (12-1-10)T

251. RESEARCH.

01. Written Policies. Juvenile offender and non-juvenile offender programs shall have written policies regarding the participation of juvenile offenders in research projects. Participation in medical or pharmaceutical testing for experimental or research purposes is prohibited. (12-1-10)T

02. Voluntary Participation. However, juvenile offenders shall not participate in any nonmedical and non-pharmaceutical research programs without prior written approval from the director or designee. (12-1-10)T

252. -- 259. (RESERVED).

260. PROGRAMMING.

01. Basic Program Requirements. Providers offering residential and nonresidential programs for juvenile offenders must provide opportunities and services for juvenile offenders to improve their educational and vocational competence, to effectively address underlying behavior problems, and to prepare them for responsible lives in the community. Programs provided must be research-based, gender equitable, gender specific, and culturally competent. The ultimate treatment goal for juvenile offenders involved in these programs is the successful return of juvenile offenders to the community without committing further crimes. (12-1-10)T

02. General Requirements. (12-1-10)T

a. Providers must provide or coordinate a range of program services specifically designed to address the characteristics of the target population identified in the comprehensive program description and in the admission policy. (12-1-10)T

b. Programs that serve a special needs population, such as developmentally delayed or seriously emotionally disturbed juvenile offenders, and those programs serving sexually abusive juvenile offenders, must be able to demonstrate that the program services offered are supported by research. (12-1-10)T

c. Programs serving female juvenile offenders must be able to demonstrate that the services provided include elements of a program specific to the unique situations and circumstances facing female juvenile offenders. These elements must be clearly identified and described within the program description. (12-1-10)T

d. Program services for individual juvenile offenders must be designed based upon a documented assessment of strengths, as well as needs and risks, and must target behaviors, needs, or circumstances stated in their reintegration plan. These services must be clearly identified and described within the program description. (12-1-10)T

e. Professional level services offered as a part of the program must be provided by staff or outside provider meeting the requirements set forth in Sections 221 and 222, of these rules. (12-1-10)T

f. Progress made by individual juvenile offenders in each service area, that is a portion of the service implementation plan, must be documented in at least bi-weekly progress notes and reported in written progress reports at least every month. (12-1-10)T

g. Programs that contract with the department to serve juvenile offenders and their families must: (12-1-10)T

i. Provide humane, disciplined care and supervision; (12-1-10)T

- ii. Provide opportunities for juvenile offenders' development of competency and life skills; (12-1-10)T
 - iii. Hold juvenile offenders accountable for their delinquent behavior through means such as victim-offender mediation, restitution, and community service; (12-1-10)T
 - iv. Seek to involve juvenile offenders' families in treatment, unless otherwise indicated for the safety and benefit of the juvenile offenders or other family members; (12-1-10)T
 - v. Address the principles of accountability to victims and to the community, competency development, and community protection in case planning and reporting; (12-1-10)T
 - vi. Participate fully with the department and the community treatment team in developing and implementing service plans for juvenile offenders they serve; (12-1-10)T
 - vii. Provide juvenile offenders with educational services based upon their documented needs and abilities; and (12-1-10)T
 - viii. To the fullest extent possible, provide balance in addressing the interests of the victim, community, and the juvenile offender. (12-1-10)T
 - h.** Reintegration services include all aspects of case planning and service delivery designed to facilitate successful return of the juvenile offender to the community. All juveniles committed to the department shall have a written reintegration plan developed as a part of their service implementation plan. (12-1-10)T
- 03. Comprehensive and Current Program Description.** Providers must provide, and keep current with the department, a program description detailing the range of services to be provided and the methods for providing these services. The current program description will be attached to the contract. At a minimum, this program description must include: (12-1-10)T
- a.** Target population and specific admission criteria; (12-1-10)T
 - b.** Primary and secondary treatment modalities; (12-1-10)T
 - c.** Outline of daily schedules for juvenile offenders and staff; (12-1-10)T
 - d.** Description of educational services provided, including full compliance with all applicable federal and state law and rules for special education and Title I services; (12-1-10)T
 - e.** Description of emergency and routine health and mental health services, including psychotropic medication monitoring, unless this population is specifically excluded from admission to the program; (12-1-10)T
 - f.** Description of religious services, recreation services, and other specialized services provided as indicated by the needs of the identified target population; (12-1-10)T
 - g.** Plans for the use of volunteers to provide for support elements of the program; (12-1-10)T
 - h.** Written criteria for successful completion of the program and written criteria for termination from the program prior to completion; (12-1-10)T
 - i.** A thorough description of all services offered as a part of the program, including a description of the frequency of service delivery, and accounting for the costs of all services provided by consultants and subcontractors; (12-1-10)T
 - j.** A detailed description of each individual treatment intervention or service area provided, such as treatment group, psycho-educational group, cognitive restructuring group, and peer group including: (12-1-10)T

- i. The total length of the specific treatment intervention or service area; (12-1-10)T
- ii. The overall goals of the treatment intervention or service area; (12-1-10)T
- iii. The number of sessions in the treatment intervention or service area; (12-1-10)T
- iv. The average length of each session; (12-1-10)T
- v. The facilitator education and training requirements; (12-1-10)T
- vi. The specific curriculum used in the treatment intervention or service area; and (12-1-10)T
- vii. The number of hours per week an individual juvenile offender will participate in the treatment intervention or service area. (12-1-10)T
- k. A detailed description of the behavior management component of the program; and (12-1-10)T

04. Advance Notice of Program or Population Changes. Providers shall notify the department as soon as possible, but no later than thirty (30) calendar days, before there is a change in the name of the organization, type of service, characteristics of juveniles being served, changes in the licensed capacity of the facility, closure of the facility, changes in ownership or in the organizational structure. (12-1-10)T

261. PROGRAM POLICY REQUIREMENTS.

01. Written Policies. Programs must have, at a minimum, the following written policies concerning program operations available at the program site. (12-1-10)T

a. The provision of (or referral for) emergency and routine health and mental health services for the population. (12-1-10)T

b. The prevention and monitoring of suicidal behavior. The policy at a minimum shall require that: (12-1-10)T

i. A suicide risk screening be completed within no more than two (2) hours of a juvenile offender's admission into a facility or program. The screening is done to identify an immediate threat of suicide or self-harm and the need for a suicide risk assessment. Further, the screening is a system of structured and documented observation, interview and review of behavioral, medical, and mental health information. (12-1-10)T

ii. A suicide risk assessment, if appropriate, be completed by a mental health professional for the purpose of determining the level of immediate risk of a juvenile offender attempting suicide. A suicide risk assessment is a system of structured and documented observation, interview and review of behavioral and mental health information. It comprises a thorough review of recent behavioral and mental health information, interviews of staff and the juvenile offender concerning the behavior that seems to present the threat of self-harm or suicide and the development and dissemination of a safety plan to address the risk as it is determined to exist. A suicide risk assessment typically involves an assessment of the juvenile offender's determination to act on his intentions of self-harm, a determination of the depth of his planning for making the attempt, the availability of the items or situations necessary for him to act on that plan and the lethality of the plan as expressed. Reassessment of suicide risk is made at a time determined by the mental health professional completing the assessment and is ideally completed by that same mental health professional. (12-1-10)T

c. Behavior management within the program, including use of points and levels, restraints, separation, detention and other types of special management. (12-1-10)T

d. Supervision of juvenile offender's policy shall include managing juvenile offender movement within the program, including the timely transfer of behavioral information about juvenile offenders. (12-1-10)T

e. Administrative coverage in emergency situations, after regular work hours (juvenile offender only).

- (12-1-10)T
- f. Documentation and reporting of critical incidents to program administrators, the department and others on the community treatment team. (12-1-10)T
 - g. Grievances. (12-1-10)T
 - h. Visitation. (12-1-10)T
 - i. Emergency procedures in the event of a natural disaster. (12-1-10)T
 - j. Searches of staff, juvenile offenders, and visitors. (12-1-10)T
 - k. Providers shall have written policy and procedures prohibiting the sexual contact by any employee with a juvenile offender. (12-1-10)T
 - l. Providers, in accordance with the PREA, shall have written policy and procedures that promote zero tolerance toward sexual misconduct with or among juvenile offenders in their care and zero tolerance toward the sexual assault of juvenile offenders by staff or by other juvenile offenders. (12-1-10)T

02. Documented Staff Training. Documented staff training on these policies must also be available for review by the department. (12-1-10)T

262. PROGRAM OPERATIONAL REQUIREMENTS AND CASE MANAGEMENT.

- 01. General Requirements.** (12-1-10)T
- a. Programs should provide vigorous programming that minimizes periods of idle time, addresses behavioral problems of juvenile offenders, and teaches and promotes healthy life choices. Programs should specifically address those factors in juvenile offenders' lives that contribute to delinquency and that can be realistically changed. (12-1-10)T
 - b. Programs must be open to the community by encouraging appropriate telephone and mail contact between juvenile offenders and their families, by encouraging visitation, and by involving volunteers in support of the program. (12-1-10)T
 - c. Providers must structure and document services offered in the program so that continuity in case planning is obvious. Health, mental health, substance abuse, social skills, educational, vocational, independent living, and other special needs identified in the reintegration plan must be clearly addressed in the service implementation plan. Services provided to address those needs must be documented regularly. (12-1-10)T
 - d. Programs may not, under any circumstances, involve juvenile offenders in plethysmographic assessments. The use of polygraphs for juvenile offenders adjudicated for or documented to have demonstrated sexually abusive behavior, shall only be undertaken by court order or with the specific written authorization of the department's regional clinical supervisor, and then only with the full, informed consent of the juvenile offender, and if he is a minor, his parent or guardian. Providers shall not make treatment decisions solely on the results of a polygraph. Polygraphers used in this process must be able to provide documentation of specific training in the use of polygraphy with sexually abusive juvenile offenders. (12-1-10)T

02. Incidents Requiring Immediate Notice to Parent or Guardian and Department. All notifications under this Section shall be made to the regional facility in the region where the contract provider is located. Out-of-state contract providers shall notify the Region 2 facility. Contract providers must ensure that a detailed, written incident report is completed and signed by involved staff before the end of the shift during which the incident took place. If any of the following events occur, the contract provider must immediately notify the juvenile offender's parent or guardian, juvenile services coordinator, juvenile probation officer, and the department's regional facility by telephone (not by facsimile). A written incident report shall also be transmitted within twenty-four (24) hours to the juvenile offender's parent or guardian, juvenile services coordinator, and the juvenile probation officer,

unless notification to the juvenile offender's parent or guardian would endanger the juvenile. Transmission may be electronic or by facsimile. (12-1-10)T

a. Health and mental health emergencies, including but not limited to: (12-1-10)T

i. Every instance of emergency room access; (12-1-10)T

ii. Refusal of medications, treatment recommended by a physician, or food for two (2) days; (12-1-10)T

b. Major incidents such as death of a juvenile offender, suicide, attempted suicide or threat of suicide, attempted escape, sexual misconduct among juvenile offenders or by staff including, but not limited to, incidents reportable under PREA, criminal activity resulting in arrest, detention, or filing a report with local law enforcement, or any relevant report made to the Idaho Department of Health and Welfare; (12-1-10)T

c. Any incident of restraint which involves the use of medications, chemicals, or mechanical devices of any kind; (12-1-10)T

d. Incidents of alleged or suspected abuse or neglect of juvenile offenders; and (12-1-10)T

e. Incidents involving major disasters affecting location or well-being of the juveniles; (12-1-10)T

03. Escapes Also Require Immediate Notice to Parent or Guardian and Department. In all instances of escape, the contract provider must immediately notify the juvenile correctional center in Nampa first, followed by the regional facility, juvenile offender's parent or guardian, juvenile services coordinator, and juvenile probation officer by telephone (not by facsimile). A written incident report shall also be transmitted within twenty-four (24) hours to the juvenile offender's parent or guardian, juvenile services coordinator, and the juvenile probation officer, unless notification to the juvenile offender's parent or guardian would endanger the juvenile offender. Transmission may be electronic or by facsimile. Upon apprehension, all of the same parties must be notified immediately. (12-1-10)T

a. Clothing and other personal belongings shall be secured immediately and maintained in a secure place until returned to the department. (12-1-10)T

b. The contract provider shall not transfer a juvenile offender at the time of an escape. The juvenile offender shall continue to be assigned to the program, although not physically present for up to forty-eight (48) hours. The program will be reimbursed for the days the juvenile offender was on escape status up to forty-eight (48) hours. Should the program choose to transfer the juvenile offender after returning, then the procedures outlined in Subsection 275.04 of these rules, shall apply. If the juvenile offender is apprehended, the contract provider shall contact the juvenile services coordinator to plan for transfer of the juvenile offender to a regional facility for an updated assessment and for a placement decision. (12-1-10)T

04. Incidents Requiring Immediate Notice to Department and Ten Day Notice to Parent or Guardian. The following incidents require immediate notice to the department and other parties in the manner described in Subsection 262.02, and require notice within ten (10) days to parent or guardian of the juveniles involved. (12-1-10)T

a. Any use of separation or isolation for more than two (2) hours: (12-1-10)T

b. Incidents involving the disclosure of criminal behavior by juvenile offenders; (12-1-10)T

c. Instances of physical assault or fighting; (12-1-10)T

d. Major misconduct by one (1) or more staff against a juvenile offender; (12-1-10)T

e. Discovery of contraband that represents an immediate threat to safety and security such as weapons or drugs; (12-1-10)T

f. Other than incidents described in Subsection 262.02 significant property damage resulting from misconduct, negligence, or incidents such as explosions, fires, floods, or other natural disasters; (12-1-10)T

g. Any pattern of restraint of a juvenile, which is defined as (3) or more restraints within a twenty-four (24) hour period. (12-1-10)T

05. Incidents Requiring Notice within Ten Days to the Department. (12-1-10)T

a. Contract providers must ensure that a detailed, written incident report is completed and signed by involved staff before the end the shift during which the incident took place. A copy of the completed incident report must be submitted to the juvenile services coordinator no later than ten (10) business days after the incident. (12-1-10)T

b. A detailed incident report is also required for each incident of juvenile offender misconduct that is not reportable under Subsection 262.02 and results in any type of: (12-1-10)T

i. Instances of lost keys, equipment, or tools; (12-1-10)T

ii. Discovery of contraband not posing an immediate risk; (12-1-10)T

iii. A pattern of refusal of program participation that rises to point of raising questions about the appropriateness of the placement. (12-1-10)T

c. A detailed incident report is also required for each incident of staff misconduct relating to juvenile care that is not reportable under Subsection 262.02 and results in any type of: (12-1-10)T

i. Any physical restraint that does not involve the use of medications, chemicals, or mechanical devices of any kind; or (12-1-10)T

ii. Separation, isolation, or room confinement for less than two (2) hours. (12-1-10)T

d. A detailed incident report is also required for each incident of staff misconduct relating to juvenile care that is not reportable under Subsection 262.02 and results in any type of: (12-1-10)T

i. Suspension from work; (12-1-10)T

ii. Termination from work; (12-1-10)T

iii. Revocation or suspension of professional licenses; or (12-1-10)T

iv. Revocation or suspension of driver's license of any staff who transports juveniles. (12-1-10)T

06. Incident Report Content. Providers may elect to use the department's standard incident report form or may use another form as long as all of the following information is included: (12-1-10)T

a. Juvenile offender's assigned unit; (12-1-10)T

b. Date, location, and time of the incident; (12-1-10)T

c. Witnesses and other staff and juvenile offenders involved; (12-1-10)T

d. Persons notified with date and time of notice; (12-1-10)T

e. Type of incident by category, such as assault on staff, assault on juvenile offender, injury or illness, property damage, contraband, suicide attempt or threat, escape or attempted escape, or other misconduct; (12-1-10)T

- f.** Action taken by category, such as physical restraint, separation, isolation, or room confinement with times in and out, suicide precautions, or escape precautions initiated; (12-1-10)T
- g.** Brief narrative description of the incident; (12-1-10)T
- h.** Signature of staff and reviewing supervisor, which may be affixed electronically; (12-1-10)T
- i.** Documentation of injury and medical attention provided; and (12-1-10)T
- j.** If the incident involves sexual misconduct, the incident report must include a description of action taken to:

 - i.** Keep the alleged victim(s) safe from intimidation of further abuse and maintain confidentiality; (12-1-10)T
 - ii.** Address any immediate trauma, either physical or emotional; (12-1-10)T
 - iii.** Address long-term medical or mental health needs related to the alleged abuse; (12-1-10)T
 - iv.** Notify responsible licensing, regulatory, and law enforcement agencies and preserve evidence; (12-1-10)T
 - v.** Conduct an internal investigation of the incident and as necessary request that an external investigation be completed; and (12-1-10)T
 - vi.** Prevent repetition of the abusive situation. (12-1-10)T

07. Monitoring the Location of Juvenile Offenders. The provider must have and strictly follow a comprehensive policy covering the supervision of juvenile offenders, including a plan for monitoring all movement of those juvenile offenders both in the facility and, as appropriate, within the community. Provider must be aware of the location of every juvenile offender assigned to that program at all times. (12-1-10)T

08. Nonresidential Absences. Nonresidential programs shall make reasonable efforts to ensure that the juvenile offenders attend their program daily or as otherwise specified in the service implementation plan. The non-juvenile offender program shall inform the juvenile services coordinator of daily attendance and all attendance problems. (12-1-10)T

263. SEARCHES FOR CONTRABAND.

01. Periodic Searches. In order to ensure the safety of juvenile offenders, staff, and visitors, periodic searches for contraband shall be conducted. Searches shall be conducted by staff trained in appropriate search techniques. Searches called by the staff can be limited to specific areas or juvenile offenders. Juvenile offenders' belongings shall be disturbed no more than necessary during the search. The search shall be documented in terms of who conducted the search, what areas were searched, and what type of contraband was found, if any. If a search yields contraband, the juvenile services coordinator will be notified and it shall be reported according to the requirements of the department. If necessary, the appropriate law enforcement agency should be notified. (12-1-10)T

02. Policies and Procedures Governing Consequences. The provider shall have written policies and procedures establishing the consequences for juvenile offenders found with contraband. Juvenile offenders should acknowledge, with their signature, that they were informed of what constitutes contraband and also the consequences for its possession. (12-1-10)T

03. Visitor Searches. (12-1-10)T

a. Prior to visitors being allowed in the facility, they shall be given rules established by the provider that govern their visit and advised that they may be subject to a search. They shall sign a statement of receipt of these rules and it shall be placed in the facility's file. Visitors may be required to submit packages, handbags, and briefcases

for inspection by trained staff. If there is reason to believe that additional searches are necessary, admission to the facility shall be denied. (12-1-10)T

b. All visitor searches shall be documented in the facility log. When contraband is found, a written report shall be completed and submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency will be notified. (12-1-10)T

264. CONTRABAND DISPOSAL.

All contraband found in the possession of juvenile offenders, visitors, or staff shall be confiscated by staff and secured under lock and key in an area inaccessible to juvenile offenders. Local law enforcement shall be notified in the event illegal drugs, paraphernalia, or weapons are found. It shall be the responsibility of the facility director, in consultation with the department, to dispose of all contraband not confiscated by police. Visitors who bring in items that are unauthorized, but not illegal, will have these items taken and locked in an area inaccessible to the juvenile offenders during the visit. These items will be returned to the visitors upon their exit from the facility. (12-1-10)T

265. SEARCHES OF PERSONAL ITEMS.

Routine searches of suitcases or personal items being introduced into the facility will be conducted by facility staff prior to the juvenile offender taking possession of his property, or when the juvenile offender is returning to the facility from an individual community pass. Search of a juvenile offender's belongings may be done at any time and shall be minimally intrusive. All searches shall be documented in the facility log and, if contraband is found, a written incident report must be submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency shall be notified. (12-1-10)T

266. JUVENILE OFFENDER PAT DOWN SEARCHES.

01. Necessity. Pat down searches and visual inspections of juvenile offenders may be conducted whenever the contract provider believes it is necessary to discourage the introduction of contraband into the facility, or to promote the safety of staff, juvenile offenders, and visitors. A pat down search or visual inspections may be used when a juvenile offender is returning from a visit, or outside appointment, or activity. (12-1-10)T

02. Pat Down Searches. Pat down searches shall be conducted in the manner required by the rules of the Idaho Department of Health and Welfare under IDAPA 16.06.02, "Standards for Child Care Licensing." Pat down searches of juvenile offenders will be conducted by staff of the same gender as the juvenile offender. Pat down searches will be conducted using the quadrant search method that consists of dividing the juvenile's body in four (4) quadrants and conducting a pat down search outside the juvenile's clothing on each quadrant. The staff member must have had appropriate training in conducting pat down searches. (12-1-10)T

03. Visual Inspections. Body cavity searches of juveniles will not be performed by staff, interns, or volunteers under any circumstances. Looking into a juvenile's mouth does not constitute a body cavity search. Visual inspections beyond those performed during an initial search using the quadrant method may only be performed by staff with appropriate training. Visual inspection must be based upon a reasonable belief that the juvenile is concealing contraband. (12-1-10)T

04. Documentation. All pat down searches and visual inspections shall be documented in the facility log. A written report shall be completed when contraband is found and shall be submitted to the juvenile services coordinator. If necessary, the appropriate law enforcement agency shall be notified. (12-1-10)T

267. STRIP SEARCHES.

Juvenile strip searches are prohibited. (12-1-10)T

268. DRUG SCREENS OF JUVENILE OFFENDERS.

Drug screens may be done randomly or on an as needed basis at the provider's expense with the approval of the provider's director. A record shall be kept of all drug screens and results. A positive drug screen shall immediately be reported to the juvenile services coordinator supervising the case. (12-1-10)T

269. DISPOSITION OF REFERRALS FROM THE DEPARTMENT.

01. Accepting Referral. Upon receipt of a complete referral packet from the department, the provider has two (2) business days in which to decide whether to accept or decline the referral. Upon acceptance, the Referral Acceptance/Denial Form, attached to the referral packet, must be completed and signed. By accepting the referral, the provider agrees to address the identified treatment goals and the anticipated length of stay. Once the acceptance has occurred, the juvenile offender's transportation will be made. (12-1-10)T

02. Declining Referral. Providers shall not, without just cause, deny admission to any juvenile offender who meets the specific admission criteria set forth in the program description. If a provider denies a referral, the specific reason for denial must be documented on the department's Referral Acceptance/Denial Form and the form returned to the regional referral coordinator. The provider shall then shred the referral packet. (12-1-10)T

03. Change in Admission Criteria. Any change in the provider's admission criteria must be reflected in the admission policy and requires a written amendment to the contract with the department. Temporary exceptions are covered under Section 101, of these rules. (12-1-10)T

270. ONGOING TREATMENT AND CASE MANAGEMENT.

The juvenile offender must always be aware of the status of his progress within the program and what remains to be done to complete the program. Providers must assure that the basic norms and expectations of the program are clearly presented to the juvenile offender and that they are understood. Any points, levels or phases that are a fundamental part of a program must be clearly understood by the juvenile offender in the program. Each juvenile offender's progress, or lack of progress, through these levels must be clearly documented and must be related to documented behavior. Recommendations for release from department custody or transfer should be substantiated by a documented pattern of behavioral change over a period of time. Recommendations for transfer to a higher level of custody must be substantiated by a documented lack of progress over time, or by a serious or violent incident which threatens the safety of others or the stability of the overall program. (12-1-10)T

01. Service Implementation Plan. Within five (5) business days of the juvenile offender's admission into the program, a written service implementation plan must be developed. The service implementation plan must address the specific goals identified in the most recent progress report and reintegration plan from the sending facility. The service implementation plan shall address the needs and areas in the reintegration plan. (12-1-10)T

02. Family Involvement. Each juvenile offender and, to the fullest extent possible, the family should be involved in developing the service implementation plan, and in adjusting that plan throughout the course of commitment. (12-1-10)T

03. Service Implementation Plan Adjustments. The service implementation plan should be adjusted throughout placement with the concurrence of the juvenile services coordinator following communication with the community treatment team. Specifically, the service implementation plan should be adjusted as new needs are identified, as goals are achieved, and as plans for reintegration are finalized. (12-1-10)T

04. Progress Notes. Bi-weekly progress notes must be filed recording each juvenile offender's progress toward completing the service implementation plan and submitted to the juvenile service coordinator. (12-1-10)T

05. Progress Report. The progress report should focus on areas of positive change in behavior and attitudes, as well as on the factors required for a successful program completion (progress in community protection, competency development, and accountability). Areas of need that were included in the service implementation plan and identified in Subsection 270.01, of these rules, should also be referenced in the progress report. Each progress report should also note any changes or further development of the reintegration plan and should detail the level of involvement of the parent or guardian in treatment. A written progress report must be submitted to the juvenile services coordinator at least every month, and shall include current bank statements and reconciled monthly budget. (12-1-10)T

06. Report Distribution. Copies of the progress report shall be distributed by the provider to the juvenile offender and the juvenile services coordinator. The juvenile services coordinator will review and forward the progress report to the juvenile probation officer, appropriate court, and parent or guardian, unless the juvenile offender's family has been excluded from treatment by the juvenile services coordinator and the respective clinical

supervisor for some well documented reason. (12-1-10)T

271. OVERNIGHT COMMUNITY PASSES.

Any pass involving an overnight stay away from the facility, or involving special circumstances such as a sexual victim in the home, requires a written plan detailing supervision and safety measures to be taken, an itinerary for the visit, transportation plan, and must be approved in writing five (5) business days in advance by the juvenile services coordinator. Each time a juvenile offender leaves on and returns from an overnight community pass, the provider must notify the juvenile correctional center in Nampa of this movement, promptly at the time that the juvenile offender leaves and at the time he returns. (12-1-10)T

01. Potential Risk to Public Safety. If the pass is to the home of a parent or guardian, providers must provide parents or guardians with clearly written guidelines for approved passes, which must be signed by parents or guardians indicating their understanding and willingness to comply with those guidelines. The department's pass form may be used for this purpose. If the department's form is not used, the form signed and agreed to by the individual assuming responsibility for supervision, the pass must contain at least the following information: (12-1-10)T

- a. The juvenile offender's name and date of birth; (12-1-10)T
- b. The name, address and telephone number of the individual assuming responsibility; (12-1-10)T
- c. Authorized days, dates and times for the pass, including the specific date and time of departure and of return; (12-1-10)T
- d. A complete listing of the anticipated locations and activities in which the juvenile offender is expected to be involved; (12-1-10)T
- e. Specific plans for supervision and telephone checks to verify compliance with the pass conditions; (12-1-10)T
- f. A complete listing of the activities required during the pass; (12-1-10)T
- g. Specific stipulations prohibiting:
 - i. The use of alcohol and drugs; (12-1-10)T
 - ii. Involvement in any illegal activity, or association with others who may be or have been involved in illegal behavior; (12-1-10)T
 - iii. Participation in sexual relations of any kind; (12-1-10)T
 - iv. Possession of any kind of firearm or weapon; (12-1-10)T
 - v. Any violation of the terms of probation; and (12-1-10)T
- h. Specific stipulations about search and drug testing upon return, and the possible consequences for violation of any of the terms of the pass agreement. (12-1-10)T

02. Frequency. Frequency of passes shall be consistent with the terms of the juvenile offender's reintegration plan and provider's contract with the department. (12-1-10)T

03. Documentation. Documentation of the exact date and time of the juvenile offender's departure from the program for a pass, and his return, must be maintained along with complete information about the individual assuming physical custody, transportation, and supervision during the pass. (12-1-10)T

272. ACTIVITY APPROVAL.

01. Recreational Activities. A pass authorizing the participation of juvenile offenders in outdoor recreational or work activities with an increased risk or overnight trips must be signed by the juvenile services coordinator and juvenile probation officer prior to the activity. Any proposed activity that involves rafting, boating, rappelling, rock climbing, or higher risk activity must also have the prior approval, in writing, of the regional superintendent (12-1-10)T

02. Staff Requirements for Group Activities. (12-1-10)T

a. A basic first aid kit and current Red Cross First Aid Manual will be taken with the group. At least one (1) person certified in first aid and CPR shall accompany the group. (12-1-10)T

b. Swimming, boating, or rafting will only be allowed when a staff in attendance has certification in basic rescue and water safety, water safety instruction, or Red Cross life saving, or if a lifeguard is on duty. All juvenile offenders involved in boating or rafting activities must wear an approved personal flotation device. (12-1-10)T

c. A staff to juvenile offender ratio of one to six (1:6) will be adhered to as a minimum unless there is a reason to require more staff. The risk level of the activity, as well as any physical disabilities, high client irresponsibility, or mental deficiencies are some reasons to consider additional staff. (12-1-10)T

d. All participants will be recorded in the activity plan and identified as program clients, staff, or volunteers. The individual staff or volunteer satisfying the above first aid and CPR requirements must be identified in the plan. (12-1-10)T

03. Consent Forms. Recreational activities identified as presenting a higher risk require prior written approval in accordance with Sections 271 and 272 of these rules. Each juvenile offender must have prior written consent from the regional superintendent. Consent shall include: (12-1-10)T

a. Permission for the juvenile offender's participation; (12-1-10)T

b. Acknowledgement of planned activities; and (12-1-10)T

c. Permission for the provider to seek or administer necessary medical attention in an emergency. (12-1-10)T

04. Consumption. There will be no consumption of alcoholic beverages or illicit drugs by staff or juvenile offenders, volunteers, or interns. (12-1-10)T

273. ACTIVITY REPORTS.

At the conclusion of each overnight or high risk recreational activity pass, the provider shall determine whether any problems occurred or other significant positive or negative events transpired while the juvenile offender was on pass. This information shall be documented in the juvenile offender's file and included in the monthly progress report. Any unusual occurrences shall be reported to the juvenile services coordinator and documented on an incident report. A drug screening urinalysis may be conducted on each returning juvenile offender, at the expense of the provider, and the results of that exam reported to the juvenile services coordinator. (12-1-10)T

274. OUT-OF-STATE TRAVEL.

When a provider is planning an out-of-state trip for any of its juvenile offenders, the provider shall obtain prior written authorization from the regional clinical supervisor or regional superintendent. The necessary sequence of action and approval is as follows: (12-1-10)T

01. Notification. The provider shall notify the juvenile services coordinator in writing two (2) weeks in advance of the scheduled trip with the following: (12-1-10)T

a. Dates of the scheduled trip; (12-1-10)T

b. Location of the trip; (12-1-10)T

- c. Purpose of the trip; (12-1-10)T
- d. Transportation arrangements; (12-1-10)T
- e. Where the juvenile offender will be staying if overnight accommodations are required (address and phone number); and (12-1-10)T
- f. Who is going, such as juvenile offender, and name and position of staff. (12-1-10)T
- 02. Prior Approval.** The provider shall obtain all necessary approvals prior to authorizing travel. (12-1-10)T

275. PLANNING FOR REINTEGRATION.

Each area of continuing need as identified in the service and reintegration plan must be specifically addressed. (12-1-10)T

01. Written Recommendation. Providers shall provide to the juvenile services coordinator a written recommendation for release from department custody or transfer at least thirty (30) calendar days prior to the juvenile offender's anticipated completion of the program. This recommendation shall include: (12-1-10)T

- a. A current summary of the juvenile offender's progress; (12-1-10)T
- b. A summary of the efforts to reach the juvenile offender's goals and objectives, including education; (12-1-10)T
- c. Any unresolved goals or objectives; (12-1-10)T
- d. Recommendation for continuing services, including education, in the home community; (12-1-10)T
- e. The current address of the juvenile. (12-1-10)T

02. Reintegration Staffing. The juvenile services coordinator shall convene a reintegration staffing which will include the juvenile offender's probation officer, the provider, the juvenile offender's parent or guardian if applicable, and the juvenile offender. Based upon the results of that staffing, the department will make the final decision regarding transfer or release from department custody. At a minimum, the reintegration staffing must consider and, to the extent possible, solidify plans to address any ongoing health, mental health, substance abuse, social skills, education, vocation, independent living, and other special needs. (12-1-10)T

03. Check-Out Procedures. Prior to the release from department custody or transfer, the provider must have completed a Provider Juvenile Check-Out Form supplied by the department. The form shall be dated, signed by the juvenile offender, and forwarded to the juvenile services coordinator on the actual date that the juvenile offender leaves the program. (12-1-10)T

a. The provider shall immediately provide the juvenile offender's medication, prescriptions and Medicaid card, if applicable, to the individual or agency authorized to transport the juvenile offender. (12-1-10)T

b. Within two (2) business days after a juvenile offender leaves the facility or program, the provider shall send any available dental or medical records to the privacy officer at the nearest department regional facility. All school records available from school(s) the juvenile offender attended while in the program shall be sent to the juvenile correctional center in Nampa. (12-1-10)T

c. Within two (2) business days after a juvenile offender leaves the facility or program, the provider shall send a report showing the juvenile offender's total hours, credits, and associated grades directly to the juvenile correctional center in Nampa. The provider shall maintain adequate documentation to support the submitted education reports. Timely receipt of these records is critical to assist the transition of the juvenile offender to another

educational facility. If contracted facilities choose to utilize the department's software programs provided by the department for course enrollment and grading, the contract facility education staff will enter final grades into the department's software program prior to transfer. An e-mail notification to the education records manager at the juvenile correctional center in Nampa will be required once the final grades have been entered. The hard copy of the education files shall be mailed within two (2) business days of the juvenile offender's transfer. (12-1-10)T

04. Termination Prior to Completion. (12-1-10)T

a. When a provider believes a juvenile offender is at risk for transfer prior to program completion, the juvenile services coordinator must be notified as far in advance as possible so that a staffing with the regional clinical supervisor and, if necessary, the regional superintendent, may be held. The purpose of this staffing is to consider the circumstances which may require the transfer, and to make every effort to address the concerns with the provider to avoid the necessity of making another placement. The provider must document these efforts at problem solving. The department will make a decision about transfer based upon the results of this staffing and any subsequent work agreed upon with the provider. The provider can request transfer of a juvenile offender in the following circumstances:

(12-1-10)T

- i. A pattern of documented behavior clearly indicating a lack of progress; or (12-1-10)T
- ii. Commission of one (1) or more serious or violent incidents that jeopardize the safety and security of individuals or the program. (12-1-10)T

b. In matters involving life, health, and safety of any juvenile in department custody, the department shall remove the juvenile offender immediately. (12-1-10)T

c. A comprehensive summary shall include, at a minimum, a report on progress or lack of progress on all service implementation plan areas, and recommendations for follow-up. The summary shall be forwarded to the juvenile services coordinator within twenty-four (24) hours of release from department custody or transfer prior to program completion. (12-1-10)T

d. In cases of all releases from department custody and transfers, the provider shall send any available dental or medical records to the privacy officer at the nearest department regional facility. All school records available from school(s) the juvenile offender attended while in the program shall be sent to the juvenile correctional center in Nampa. (12-1-10)T

e. The summary shall be forwarded to the department within five (5) business days of the date of transfer or release from department custody, if the juvenile offender has completed the program. (12-1-10)T

276. RESERVATION OF PROGRAM SLOTS.

When a program slot is to be reserved, the department shall contact the provider and request that the slot be reserved. Unless the regional superintendent or designee gives specific approval, the maximum time for which a program slot may be reserved and the provider continues to receive payment is forty-eight (48) consecutive hours. (12-1-10)T

277. GUIDELINES FOR SPECIFIC SERVICES.

01. Counseling Services. (12-1-10)T

a. All counseling services provided to juvenile offenders, whether individual, group or family, must be performed by a clinician, counselor, or therapist as defined in these rules, if provided by the provider. (12-1-10)T

b. Counseling should be planned and goal directed. (12-1-10)T

c. Notes must be written for each service provided. The notes must be dated, clearly labeled either individual, group or family counseling, and each entry must be signed by the clinician, counselor, or therapist performing the service. (12-1-10)T

d. The methods and techniques applied in counseling and the frequency and intensity of the sessions

should be determined by the reintegration plan. (12-1-10)T

e. Counseling should be reality oriented and directed toward helping juvenile offenders understand and solve specific problems; discontinue inappropriate, damaging, destructive or dangerous behaviors; and fulfill individual needs. (12-1-10)T

f. The minimum standard for the frequency of counseling services shall be specified in the comprehensive program description attached to the contract with the department. (12-1-10)T

g. There should be a mechanism developed to monitor and record incremental progress toward the desired outcome of counseling services. (12-1-10)T

h. Programs should be able to demonstrate that counseling interventions are shared in general with other program service providers, and there is broad mutual support for the goals of counseling in all service areas of the program. (12-1-10)T

i. Programs must provide crisis intervention counseling if warranted by the reintegration plan and circumstances. (12-1-10)T

j. The provider must furnish adequate space for conducting private interviews and counseling sessions at the facility if provided by the provider. (12-1-10)T

k. Family counseling services must be available as a part of the juvenile offender's service implementation plan, to the extent that this is supported by the assessment. If the assessment indicates a need for these services, family counseling should specifically address issues that, directly or indirectly, resulted in the juvenile offender's removal from his home and the issue of his eventual reintegration back into the family unit. A statement of goals to be achieved or worked toward by the juvenile offender and his family should be part of the service implementation plan. (12-1-10)T

02. Substance Abuse Treatment Services. As a minimum standard, providers must coordinate substance abuse education for all juvenile offenders, and substance abuse treatment services as determined by the reintegration plan. Substance abuse treatment services must have direct oversight by a certified alcohol and drug counselor, or master's level clinician with three (3) years experience in the substance abuse field. (12-1-10)T

03. Suicide Prevention and Risk Management. In addition to the policy required in Paragraph 261.01.e., of this rule, providers must be able to demonstrate that they: (12-1-10)T

a. Train staff regularly to identify, document and appropriately respond to behavior that may indicate a risk of suicide; (12-1-10)T

b. Utilize medical or other staff trained by a mental health professional to review history, and interview and observe juvenile offenders new to the program in order to complete suicide risk screening within two (2) hours of admission; (12-1-10)T

c. Utilize a mental health professional to complete a suicide risk assessment on a juvenile offender who has been identified by staff as presenting a risk of suicide; (12-1-10)T

d. Utilize mental health professionals to help develop a safety plan for each juvenile offender identified as presenting a risk for suicide, and to determine when that risk is reduced enough to reduce or terminate suicide precautions; and (12-1-10)T

e. Prohibit the use of separation and isolation of juvenile offenders identified as presenting a suicide risk, unless constant one-on-one (1 on 1) staff supervision is provided and that all juvenile offenders in separation or isolation are closely monitored to reduce the risk of suicidal behaviors. (12-1-10)T

04. Health Services. Programs must be able to demonstrate compliance with the required policy concerning access to routine and emergency health and mental health care and Providers must provide and document

a suicide risk screening of each juvenile offender within two (2) hours of admission into the program. (12-1-10)T

05. Vocational and Prevocational Services. Programs must be able to demonstrate that each juvenile offender's vocational interests and needs have been assessed and an appropriate level of services has been provided. These services may range from a specific vocational skills curriculum, offered on site or in the community, to a prevocational skills component, which at a minimum, involves juvenile offenders in assessing their vocational interests and strengths. (12-1-10)T

06. Basic Life Skills and Independent Living. Programs must be able to demonstrate that juvenile offenders are taught basic life skills and that age-appropriate juvenile offenders are involved in independent living skills consistent with their age and needs. This program should include, at a minimum, instruction in: (12-1-10)T

- a. Hygiene and grooming skills; (12-1-10)T
- b. Laundry and maintenance of clothing; (12-1-10)T
- c. Appropriate social skills; (12-1-10)T
- d. Housekeeping; (12-1-10)T
- e. Use of recreation and leisure time; (12-1-10)T
- f. Use of community resources; (12-1-10)T
- g. Handling personal finances, and issues such as leases, contracts, cell phone usage and agreements, insurance, banking and credit management with some support and intervention; (12-1-10)T
- h. Use of public transportation, where available; (12-1-10)T
- i. Budgeting and shopping; (12-1-10)T
- j. Cooking; (12-1-10)T
- k. Punctuality, attendance and other employment-related matters; (12-1-10)T
- l. Vocational planning and job finding skills; (12-1-10)T
- m. Wears clothing appropriate for the weather and activity; (12-1-10)T
- n. Takes own medication, as prescribed; (12-1-10)T
- o. Obtains and produces identification, as needed; and (12-1-10)T
- p. Travels to and from necessary destinations. (12-1-10)T

278. EMPLOYMENT OF JUVENILE OFFENDERS.

01. Employment. If juvenile employment away from the program site is a part of the program, written policy and procedure must provide that program resources and staff time are devoted to helping employable juvenile offenders locate employment. Programs must ensure that each employment opportunity meets all legal and regulatory requirements for juvenile employment. The provider shall make periodic checks on the job-site to ensure the juvenile offender is working under acceptable conditions. The juvenile offender's employer shall be consulted regularly by the provider concerning the juvenile offender's work abilities and performance on the job-site. Under no circumstances should staff or the families of staff benefit financially, or otherwise, from work done by juvenile offenders in the program. Providers must make every reasonable effort to assure that each juvenile offender's transportation to and from a job-site is safe. (12-1-10)T

02. Employment Opportunities. Every reasonable effort shall be made to select employment opportunities that are consistent with the individual interests of the juvenile offender to be employed. Preference will be given to jobs that are related to prior training, work experience, or institutional training, and may be suitable for continuing post-release employment. Reasonable effort must be made to provide a juvenile offender with the highest paying job possible. Income earned by a juvenile offender shall be handled consistent with Sections 211 and 212, of these rules. (12-1-10)T

279. RELIGIOUS SERVICES.

Programs must ensure that attendance at religious services is voluntary. No juvenile offender shall be required to attend religious services, and no juvenile offender shall be penalized for not attending nor given privileges for certain attendance. (12-1-10)T

01. Voluntary Practice. All juvenile offenders must be provided the opportunity to voluntarily practice their respective religions in a manner and to the extent that will not compromise the safety, security, emotional, or physical well-being of the juvenile offenders in the facility. (12-1-10)T

02. Attendance. Juvenile offenders may be permitted to attend religious services of their choice in the community as long as community safety is ensured. (12-1-10)T

03. Transportation. Programs must, when reasonably possible, arrange transportation for those juvenile offenders who desire to take part in religious activities of their choice in the community, subject to Sections 204, 225, and 226 volunteers and interns may transport juvenile offenders to religious activities or services. (12-1-10)T

04. Risk to Community. If the juvenile offender cannot attend religious services in the community because staff has reason to believe he would attempt to escape, or otherwise present a risk to the safety of the community, the provider must make every reasonable effort to ensure that he has the opportunity to participate in religious services of his choice at the facility. (12-1-10)T

05. Visits. Juvenile offenders shall be permitted to receive visits from representatives of their respective faiths. (12-1-10)T

280. -- 299. (RESERVED).

300. EDUCATION SERVICES.

01. Appropriate Services. The provider shall ensure that each juvenile offender is given appropriate educational and vocational services that are consistent with the juvenile offender's abilities and needs, taking into consideration age, level of functioning, and any educational requirements specified by state or federal law. Providers must assure that educational services provided as a part of an overall program play an integral part in the process of reclaiming juvenile offenders to responsible roles in society. Educational services must strive to facilitate positive behavior change by helping juvenile offenders to develop abilities in academic, workplace, and technological areas; to restructure harmful or limiting cognitive patterns; and, to adopt appropriate social interactions skills. Educational services provided by providers must use whatever combination of approaches and motivations that will best facilitate the learning process in conjunction with the service implementation plan. All educational services provided must meet all mandates of the No Child Left Behind Act (NCLB), the IDEA, the Family Educational Rights and Privacy Act (FERPA), and Section 504, Rehabilitation Act of 1973 (Section 504). (12-1-10)T

02. Mandatory Enrollment. Providers must ensure that all juvenile offenders involved in their programs who are of mandatory school age, or who have not yet obtained a General Educational Development (GED) or high school diploma, are enrolled in a school system or in a program approved and certified by the Idaho Department of Education to provide both special education and other services. For those who have obtained a GED or high school diploma, an appropriate educational and vocational service shall be provided in accordance with the service implementation plan. The department shall provide providers access to the department's software programs to record courses and grades. When providers choose to use these software programs, they need not send the department report cards; they need only assure all grades are entered through the software program at the end of each grading period. (12-1-10)T

301. -- 319. (RESERVED).

320. PRIVACY OF MEDICAL RECORDS AND INFORMATION.

To the extent the provider has medical information, confidentiality of personal health information of each juvenile offender shall be maintained in accordance with the Privacy Regulations promulgated under HIPAA of 1996 or, if more stringent, the laws of the state of Idaho. Compliance with these regulations is the responsibility of the provider. Staff shall be provided information about a juvenile offender's medical condition only when that knowledge is necessary for the performance of their job duties. (12-1-10)T

01. Privacy Officer. The provider shall appoint a privacy officer to oversee that the control and maintenance of all juvenile offender health and medical records is in compliance with the federal Privacy Regulations, 45 Code of Federal Regulations Sections 160 and 164. (12-1-10)T

02. Separate Records. All juvenile offender medical and health records shall be kept in files that are physically separated from other juvenile offender files and information, and under a system of security against unauthorized access. (12-1-10)T

321. PROVISION OF MEDICAL SERVICES.

01. Medical Care. Each juvenile offender shall be provided with medical, dental, optical, mental health, emergency or any other related health services while in the provider's care. Each provider shall have access, on a twenty-four (24) hour basis, to a licensed general hospital, clinic or physician, psychiatrist, and dentist to provide juvenile offenders with professional and qualified physical or mental health services, including medications. Suicide risk screening must be provided within two (2) hours of a juvenile offender's admission to a program. (12-1-10)T

02. Medical Consent. As part of the admission process, the provider must have a copy of the department's Release of Information and Consent form signed by a juvenile offender over eighteen (18) years of age, a parent, guardian, or committing authority. The consent form shall be filed in the juvenile offender's case file maintained by the provider. (12-1-10)T

03. Emergency Medical Treatment. In cases of emergency medical treatment requiring signed authorization for juveniles in the custody of the department, the authorization may be signed by the department's regional R.N. or designee. This does not restrict the provider from taking action in life and death situations. (12-1-10)T

04. Reimbursement Sources. The provider shall utilize private insurance or Medicaid, if available, for funding medical, dental, optical, mental health, or related services, and pharmaceutical products for any juvenile offender. The provider shall not seek reimbursement from private insurance or Medicaid for health services that are the fiscal responsibility of the provider pursuant to its contract with the department. Any health services not listed in these rules, other than emergency treatment, which was not approved in advance by the department's regional R.N. or designee, will be at the expense of the provider. (12-1-10)T

322. ADMISSION AND ANNUAL HEALTH SERVICES AND TREATMENT RECORDS.

01. Prior Approval. Prior approval or review from the department's regional R.N. is required for all health services, other than emergency services. Prior approval may be given for up to five routine, pre-scheduled medical appointments. (12-1-10)T

02. Medical Records. Any time a juvenile offender receives treatment under this section or for any health related service, the provider shall retain a copy of the signed approval from the department's regional R.N. The provider shall coordinate services, and will not receive or maintain copies of medical records from direct care service providers. (12-1-10)T

03. Medical Billing. The direct care provider shall submit medical bills directly to the department's regional R.N. that approved the provision of services. (12-1-10)T

323. NOTIFICATION OF CRITICAL HEALTH INCIDENTS.

The provider shall immediately report critical health incidents according to Subsection 262.02, of these rules.

(12-1-10)T

324. COMMUNICABLE DISEASES.

01. Policies. The provider shall establish policies and procedures for serving juvenile offenders with infectious diseases such as tuberculosis, hepatitis, and HIV or AIDS. These policies and procedures should address the management of communicable diseases, provide an orientation for new staff and juvenile offenders concerning the diseases, and ongoing education for staff and juvenile offenders regarding these diseases. Policies and procedures should be updated as new information becomes available. Individual health information or counseling will be made available by a qualified health professional for juvenile offenders diagnosed with a communicable disease.

(12-1-10)T

02. HIV Testing. In accordance with law, a juvenile offender over age fourteen (14) may request that he be tested for the presence of HIV. Any such juvenile offender requesting to be tested should be taken to a public health facility or, if available, a facility which accepts Medicaid reimbursement for administration of the test.

(12-1-10)T

03. Examinations. Examinations shall be performed on any juvenile offender by medical professionals for all symptomatic cases of communicable diseases such as tuberculosis, ova and parasites, infectious hepatitis, and sexually transmitted diseases. Juvenile offenders will be tested and, if indicated, treated.

(12-1-10)T

04. Confidentiality. Confidentiality shall be maintained.

(12-1-10)T

325. PREGNANCY.

01. Individual Medical Plan. Within the individual medical plan, specific goals and objectives will be developed when a pregnancy has been diagnosed. The plan shall be based on the orders of the juvenile offender's community obstetric physician and shall include special care, location for delivery, regular medical check-ups, and special dietary and recreational needs. A copy of the individual medical plan will be sent to the department's regional R.N.

(12-1-10)T

02. Parenting Classes. Parenting classes shall be an integral part of the individual medical plan for all pregnant female juvenile offenders. This service should also be offered as a priority to male juvenile offenders in department custody who are already fathers or whose spouse or girlfriend is expecting a child.

(12-1-10)T

03. Medicaid Reimbursement. Medical services relating to pregnancy shall be provided by a physician and hospital accepting Medicaid reimbursement, unless medical expenses are paid by the juvenile offender's family.

(12-1-10)T

04. Infant Care. When an infant is delivered and the mother continues in department custody, the infant shall be placed with an appropriate family member or in the temporary care of the Family and Children Services Division of the Idaho Department of Health and Welfare, subject to any necessary court approval. At no time shall the infant remain in the provider's facility.

(12-1-10)T

326. REFUSAL OF TREATMENT.

This is an incident requiring immediate notification under Subsection 262.02 of these rules.

(12-1-10)T

01. Refusal of Recommended Treatment by Physician. If a juvenile offender chooses to refuse treatment or medication recommended by a physician, the juvenile offender must sign a detailed statement refusing this care. This refusal form must be sent from the direct care service provider to the regional R.N.

(12-1-10)T

02. Where Refusal Poses Significant Risk. If a juvenile offender refuses a treatment or medication for a condition which poses a significant risk of death or permanent physical impairment, the provider shall issue its approval for the immediate administration of the medical treatment or medication in accordance with standard practice. If danger to the juvenile offender is not imminent, the provider shall contact the regional superintendent and

the department's regional R.N. of the juvenile offender's refusal.

(12-1-10)T

327. USE OF MEDICATIONS.

Policies shall conform to all applicable laws and regulations including, but not limited to, those of the Idaho Department of Health and Welfare.

(12-1-10)T

328. SUICIDE PRECAUTIONS.

All providers must have a written plan for responding to juvenile offenders who present a risk of suicide. The procedure shall, at a minimum, include a process for determination or assessment of suicidal behavior and risk, a procedure for contacting appropriate health authorities and the department, and a plan of direct supervision of a juvenile offender until a suicide crisis has ended. A suicide risk screening must be completed on every juvenile offender within two (2) hours of admission.

(12-1-10)T

329. FIRST AID KITS.

Each provider shall maintain first aid kits. The first aid kits shall be kept locked and shall be placed in areas of the facility readily accessible to staff.

(12-1-10)T

330. -- 999. (RESERVED).

**IDAPA 10 - IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1208, 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 changes between the text of the proposed rule and the text of the pending rule clarify that the Board may disclose the details of the investigation or the adjudication to law enforcement agencies and to clarify that the Board may only disclose the details of the investigation or adjudication to other licensing entities following final disposition of the matter.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the [August 4, 2010 Idaho Administrative Bulletin, Vol. 10-8, pages 49 through 53](#).

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

There will not be any negative fiscal impact on the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact David L. Curtis, P.E., Executive Director at dave.curtis@ipels.idaho.gov or at (208) 373-7210.

DATED this 20th day of September, 2010.

David L. Curtis, P.E.
Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St., Suite 110
Meridian, ID 83642-7993
(208) 373-7210 (Voice)
(208) 373-7213 (Fax)

DOCKET NO. 10-0101-1001 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, **Volume 10-8, August 4, 2010, pages 50 through 53.**

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

[Section 021 (entire section)]

021. RIGHT TO PUBLISH DISCIPLINARY ACTIONS.

The Board office may disclose the filing and the nature of a complaint, but may not disclose the details of an investigation *or the adjudication except to law enforcement agencies. Details of the investigation and the adjudication may be disclosed to licensing entities in other jurisdictions following final disposition of the matter.* Final, formal enforcement shall be public information. Following a hearing or the entry of a consent agreement, the Board may publish a summary of any order issued by it, in a newsletter or newspaper of general circulation or, for a period of up to ten (10) years, may post it on the Internet. *(3-29-10)(_____)*

**IDAPA 10 - IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1208, 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 changes would require that licensees be prompt in statements and written responses to the Board. The changes between the text of the proposed rule and the text of the pending rule are to eliminate the proposed changes to IDAPA 10.01.02.005.04 which the Board has chosen not to pursue at this time.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the [August 4, 2010 Idaho Administrative Bulletin, Vol. 10-8, pages 54 through 56](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There will not be any negative fiscal impact on the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact David L. Curtis, P.E., Executive Director at dave.curtis@ipels.idaho.gov or at (208) 373-7210.

DATED this 20th day of September, 2010.

David L. Curtis, P.E.
Executive Director
Board of Professional Engineers and Professional Land Surveyors
1510 E. Watertower St., Suite 110
Meridian, ID 83642-7993
(208) 373-7210 (Voice)
(208) 373-7213 (Fax)

DOCKET NO. 10-0102-1001 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, **Volume 10-8, August 4, 2010, pages 54 through 56.**

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

The proposed change to Section 005, "Responsibility to the Public," Subsection 04, "Obligation to Communicate Discovery of Discrepancy," is being withdrawn and Section 005 of the rule will remain as currently codified.

IDAPA 11 - IDAHO STATE POLICE

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-0902

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-2901 and 23-901, 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 November 17, 2010.

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

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

This rule change establishes and clarifies differentiating hours of operation for movie theaters that are licensed alcohol beverage premises. The rule establishes when a minor can be within a movie theater and when the alcohol beverage licensee must post its premises as 21 years and over.

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

No fees or charges are being imposed or increased through this rulemaking.

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

There is no negative fiscal impact to the general fund as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because representatives of the affected parties were involved in the drafting and approval of the rule.

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

No documents are incorporated by reference into this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lt. Bob Clements, (208) 884-7060, or robert.clements@isp.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 24, 2010.

DATED this 29th day of September, 2010.

Colonel G. Jerry Russell
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642
Phone: (208) 884-7003
Facsimile: (208) 884-7090

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a Proposed Rule.

This docket has been previously published as a Temporary Rule.
The temporary effective date is September 1, 2009.

The original text of the Temporary Rule was published in the Idaho Administrative Bulletin,
Volume 09-11, November 4, 2009, pages 22 and 23.

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 11-0501-0902

022. AGE RESTRICTION REQUIREMENTS FOR LICENSED MOVIE THEATERS - WHEN MINORS PERMITTED.

01. Minors Prohibited. Persons under twenty-one (21) years of age are prohibited from entering or being in any movie theater licensed to sell alcoholic beverages during the time alcohol is available for sale or consumption in the movie theater. Age restriction signs must be posted as required in subsection 021.02 of these rules at all times alcoholic beverages are sold, served or consumed in the movie theater. ()

02. Minors Permitted. Any person under twenty-one (21) years of age is permitted in a movie theater licensed to sell alcoholic beverages and no age restriction posting is required at any time when all alcohol is secured, locked up and not available for sale or consumption. ()

03. Exemption. Nothing in this rule shall apply to any movie theater that qualifies under Section 23-944(7), Idaho Code. ()

023. -- 999. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.02 - RULES OF THE EMERGENCY MEDICAL SERVICES (EMS) PHYSICIAN COMMISSION

DOCKET NO. 16-0202-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1013A and 56-1023, Idaho Code.

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

To best protect the public's health and safety, the EMS Physician Commission is revising its Standards Manual that is incorporated by reference in this chapter of rules. This revision to rule will ensure that the most recent edition of the manual has the force and effect of law.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [July 7, 2010, Idaho Administrative Bulletin, Vol. 10-7, pages 16 and 17](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dia Gainor at (208) 334-4000.

DATED this 27th day of September, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0202-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-7, July 7, 2010, pages 16 and 17.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.01 - ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-209, 56-236, 56-237, 56-238, 56-239, 56-240, 56-242, 56-250, 56-253, 56-255, and 56-257, Idaho Code, and 42 CFR Part 435.4(1)(B).

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [July 7, 2010 Idaho Administrative Bulletin, Vol. 10-7, pages 18 and 19.](#)

The proposed rule added a definition of a “financially deprived child” and the eligibility criteria for a “financially deprived child” under Section 400, Aid to Families with Dependent Children (AFDC) - Related Budget Unit. The change has no impact on a person’s eligibility, and continues the Department’s current policy in compliance with federal regulations.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kathy McGill at (208) 334-4934.

DATED this 27th day of September, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
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phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0301-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 10-7, July 7, 2010, pages 18 and 19.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED,
BLIND AND DISABLED (AABD)**

DOCKET NO. 16-0305-1001

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

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is July 1, 2010. This pending rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 56-202 and 56-203, Idaho Code.

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

Changes are being made to the proposed rule and amending the temporary rule to clarify and add definitions for “needy” and “Title XVI” of the Social Security Act. Other changes have been made to clarify that a participant living in a Residential Care or Assisted Living Facility (RALF) or a Certified Family Home (CFH) is not eligible for AABD cash payments.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the [June 2, 2010, Idaho Administrative Bulletin, Vol. 10-6, pages 39 through 44.](#)

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

Total cost savings to the state general fund for SFY 2011 for changes made to the AABD cash payment program is anticipated to be \$1,370,608 over a 12-month period.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Callie King at (208) 334-0663.

DATED this 27th day of September, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5564 phone
(208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0305-1001 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE

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

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Volume 10-6, June 2, 2010, pages 39 through 44.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 16-0305-1001

005. DEFINITIONS.

These definitions apply to IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)": (7-1-99)

Subsections 005.16 through 005.26

16. Needy. *A person is considered needy for AABD cash payments if the person meets the nonfinancial requirements of Title XVI of the Social Security Act and the criteria in Section 514 of these rules.* (7-1-10)T

~~17.~~ Participant. An individual applying for or receiving assistance. (7-1-99)

~~18.~~ Partnership Policy. A partnership policy is a qualified long-term care insurance policy as defined in Section 7702B(b) of the Internal Revenue Code of 1986, which meets the requirements of the long-term care insurance model regulation and long-term care insurance model act promulgated by the National Association of Insurance Commissioners (NAIC), as incorporated in 42 USC 1396p(b)(5)(A). (4-2-08)

~~19.~~ Pension Funds. Pension funds are retirement funds held in individual retirement accounts (IRAs), as described by the Internal Revenue Code, or in work-related pension plans, including plans for self-employed individuals sometimes referred to as Keogh plans. (4-2-08)

~~20.~~ Sole Beneficiary. The only beneficiary of a trust, including a beneficiary during the grantor's life, a beneficiary with a future interest, and a beneficiary by the grantor's will. (7-1-99)

~~21.~~ TAFI Rules. Idaho Department of Health and Welfare Rules, IDAPA 16.03.08, "Rules Governing Temporary Assistance for Families in Idaho." (7-1-99)

~~22.~~ **Title XVI.** Title XVI of the Social Security Act, known as “Grants to States for Aid to the Aged, Blind, or Disabled,” is a program for financial assistance to needy individuals who are sixty-five (65) years of age or over, are blind, or are eighteen (18) years of age or over and permanently and totally disabled. (7-1-10)T

~~23.~~ **Title XIX.** Title XIX of the Social Security Act, known as Medicaid, is a medical benefits program jointly financed by the federal and state governments and administered by the states. This program pays for medical assistance for certain individuals and families with low income and limited resources. (3-30-07)

~~24.~~ **Title XXI.** Title XXI of the Social Security Act, known as the State Children's Health Insurance Program (SCHIP). This is a program that primarily pays for medical assistance for low-income children. (3-30-07)

~~25.~~ **Treasury Rate.** The five (5) year security note rate listed in the “Daily Treasury Yield Curve Rate” by the U.S. Treasury on January 1 of each year. The January 1 rate is used for the entire calendar year. (4-2-08)

~~26.~~ **Working Day.** A calendar day when regular office hours are observed by the state of Idaho. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

500. FINANCIAL NEED ~~AND AABD CASH AMOUNT.~~

Subsection 500.01

~~01. **Meet Eligibility for Financial Need.** To be eligible for AABD cash and Medicaid, the participant must have financial need.~~ The participant has financial need if his allowances, as described in Sections 501 through 513 of these rules, are more than his income. ~~The amount of financial need is the amount that the allowances exceed income.~~ (3-29-10)(7-1-10)T(7-1-10)T

(BREAK IN CONTINUITY OF SECTIONS)

514. AABD CASH PAYMENTS.

Only a participant who receives an SSI payment for the month is eligible for an AABD cash payment in the same month. The AABD cash payment amount is based on the participant's living arrangement described in Subsections 514.01 through 514.04 of this rule. An AABD cash payment is the difference between a participant's financial need and his countable income. If the difference is not an even dollar amount, AABD cash is paid at the next higher dollar. AABD cash is paid electronically as provided in IDAPA 16.03.20, “Electronic Payments of Public Assistance, Food Stamps, and Child Support.” (7-1-10)T

Subsection 514.05

~~05. **RALF and CFH.** A participant described in Section 513 of these rules residing in a RALF or CFH is not eligible for an AABD cash payment.~~ (7-1-10)T(7-1-10)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.08 - RULES GOVERNING THE TEMPORARY ASSISTANCE FOR FAMILIES IN IDAHO (TAFI)

DOCKET NO. 16-0308-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 56-202, Idaho Code, 45 CFR Parts 260-265, and Public Law 111-118.

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

These rules were amended to better support Idaho's low-income individuals in need of temporary assistance. These rules were adopted as temporary rules that published in the April 7, 2010, Idaho Administrative Bulletin, Vol. 10-4, pages 16 through 21. The complete text of the proposed rules was published in the [May 5, 2010, Idaho Administrative Bulletin, Vol. 10-5, pages 27 through 32](#). These pending rules are being adopted as proposed.

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

The Career Enhancement (CE) program is 100% federally funded and this rulemaking has no anticipated fiscal impact to the state general fund for excluding this temporary income for TAFI participants. The fiscal impact in federal funds is \$300,000 for CE benefits, and \$24,700 for special immigrants.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Genie Sue Weppner at (208) 334-5656.

DATED this 1st day of October, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
phone (208) 334-5564; fax: (208) 334-6558

P.O. Box 83720
Boise, ID 83720-0036
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0301-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-5, May 5, 2010, pages 27 through 32.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1002

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 56-202(b), Idaho Code, and 2010 Legislation under House Bill 701, the Medicaid appropriations budget.

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 Department of Health and Welfare implemented a selective contract system for the federally mandated non-emergency medical transportation services for Medicaid participants. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [August 4, 2010, Idaho Administrative Bulletin, Vol. 10-8, pages 78 through 85.](#)

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

The estimated cost avoidance for the remaining 10 months for state fiscal year 2011 using a non-emergency medical transportation brokerage contractor is \$434,417. Of this amount, \$99,138 would be state general funds, and \$335,279 would be federal funds using the current federal match rate.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sara Stith at (208) 287-1173.

DATED this 27th day of October, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
(208) 334-5564 phone; (208) 334-6558 fax

P.O. Box 83720
Boise, ID 83720-0036
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0309-1002 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-8, August 4, 2010, pages 78 through 85.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NOS. 16-0309-1005 & 16-0310-1006

NOTICE OF AGENCY ACTION REGARDING THE ADOPTION OF TEMPORARY RULES

AUTHORITY: In compliance with Sections 67-5203 and 67-5226, Idaho Code, notice is hereby given that this agency is rescinding the effective dates assigned to previously adopted temporary rules. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, Idaho Code; and House Bill 701, passed by the 2010 Legislature.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of this notice of agency action relating to the adoption of a temporary rule:

Temporary rules under Docket No. 16-0309-1005 and Docket No. 16-0310-1006 will be published in the December 1, 2010, Administrative Bulletin. The Department of Health and Welfare is rescinding the original effective date of December 1, 2010, and establishing a new effective date of January 1, 2011, for these temporary rules due to operational readiness issues. Many of the temporary rule changes will require computer programming changes to the Medicaid Management Information System used to process claims and the additional month is needed to make those changes. Separate notices of benefit and program changes will be mailed to those impacted prior to implementation.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice, contact Paul Leary at (208) 364-1836.

DATED this 26th day of October, 2010.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-203, 56-250 through 56-257, Idaho Code, and 42 CFR 441.303(e).

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

In order to safeguard the provision of services under the HCBS waiver programs, this rule change aligns these rules with both federal regulations and the CMS-approved HCBS waiver requirements.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [May 5, 2010, Idaho Administrative Bulletin, Vol. 10-5, pages 33 and 34.](#)

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Susan Scheuerer at (208) 287-1156.

DATED this 1st day of October, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

P.O. Box 83720
Boise, ID 83720-0036

DOCKET NO. 16-0310-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-5, May 5, 2010, pages 33 and 34.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1005

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 1, 2010.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202, 56-203, 56-203, 56-250 through 56-257, Idaho Code; also House Concurrent Resolution No. 48 (2006 Legislature).

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

Tuesday, November 9, 2010 2:00 p.m. MDT	Tuesday, November 9, 2010 6:00 p.m. PDT	Tuesday, November 9, 2010 6:00 p.m. MDT
Medicaid Central Office Conference Rms D, East & West 3232 Elder Street Boise, Idaho	H&W Region I Office Large Conference Room 1120 Ironwood Drive, Suite 102 Coeur d'Alene, Idaho	Human Development Center Room 210 421 Memorial Drive Pocatello, Idaho

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rules are in response to House Concurrent Resolution No. 48 from the 2006 Legislature, and are focused on continuing Mental Health program revisions that will help clarify program elements and establish supervision and minimum professional requirements. Based on input from stakeholder work groups, provider qualifications are being revised to more accurately define the clinical training expectations for psychosocial rehabilitation program providers.

The following changes are being made to the PSR specialists qualifications:

1. Incorporate newly defined supervision requirements;
2. Include clarification of PSR specialist "continuing" education requirements; and
3. Revise PSR specialist education requirements.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to protect the health and safety of participants receiving PSR services by increasing the educational requirements specific to PSR components needed to qualify PSR specialist workers providing services to individuals with serious and persistent mental illness.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, informal negotiated rulemaking was conducted with stakeholders.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule or the temporary rule, contact Patricia Guidry at (208) 364-1813.

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 November 24, 2010.

DATED this 1st day of October, 2010.

Tamara Prisock
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450 W. State Street - 10th Floor
P.O. Box 83720
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phone: (208) 334-5564; fax: (208) 334-6558
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
FOR DOCKET NO. 16-0310-1005**

130. PSYCHOSOCIAL REHABILITATIVE SERVICES (PSR) - PROVIDER AGENCY REQUIREMENTS.

Each agency that enters into a provider agreement with the Department for the provision of PSR services must meet the following requirements: (3-19-07)

01. Agency. A PSR agency must be a proprietorship, partnership, corporation, or other entity, employing at least two (2) staff qualified to deliver PSR services under Section 131 of these rules, and offering both direct and administrative services. Administrative services may include such activities as billing, hiring staff, assuring staff qualifications are met and maintained, setting policy and procedure, payroll. (5-8-09)

02. Criminal History Checks. (3-19-07)

a. The agency must verify that all employees, subcontractors, or agents of the agency providing direct care or PSR services have complied with IDAPA 16.05.06, "Criminal History and Background Checks." (3-19-07)

b. Once an employee, subcontractor, or agent of the agency has completed a self-declaration form and has been fingerprinted, he may begin working for the agency on a provisional basis while awaiting the results of the criminal history check. (3-19-07)

c. Once an employee, subcontractor, agent of the agency has received a criminal history clearance, any additional criminal convictions must be reported to the Department when the agency learns of the conviction. (3-19-07)

03. PSR Agency Staff Qualifications. The agency must assure that each agency staff person delivering PSR services meets at least one (1) of the qualifications in Section 131 of these rules and maintains ongoing compliance with the education requirements defined in Subsection 130.09 or Paragraph 131.03.b. of this rule. ~~(3-19-07)~~(11-1-10)T

04. Additional Terms. The agency must have signed additional terms to the general provider agreement with the Department. The additional terms must specify what direct services must be provided by the agency. The agency's additional terms may be revised or cancelled at any time. (5-8-09)

05. Agency Employees and Subcontractors. Employees and subcontractors of the agency are subject to the same conditions, restrictions, qualifications and rules as the agency. (3-19-07)

06. Supervision. The agency must provide staff with adequate supervision to insure that the tasks on a participant's individualized treatment plan can be implemented effectively in order for the individualized treatment plan objectives to be achieved. An agency staff person without a Master's degree must be supervised by ~~an individual with a Master's degree or a higher credential~~ licensed master's level professional, as defined in IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Subsection 715.03. Certified Psychiatric Rehabilitation Practitioners (CPRP) may provide supervision to PSR Specialist applicants who are working toward their CPRP credential when the certified professional is supervised by a Master's level staff person. ~~(5-8-09)~~(11-1-10)T

a. Case-specific supervisory contact must be made weekly, at a minimum, with staff for whom supervision is a requirement. Documentation of supervision must be maintained by the agency and be available for review by the Department. (3-19-07)

b. An agency must assure that clinical supervision, as required in the rules of the Idaho Bureau of Occupational Licenses and the Idaho State Board of Medicine, is available to all staff who provide psychotherapy. The amount of supervision should be adequate to ensure that the individualized treatment plan objectives are achieved. Documentation of supervision must be maintained by the agency and be available for review by the Department. (5-8-09)

c. The licensed physician or other licensed practitioner of the healing arts must review and sign the individualized treatment plan as an indicator that the services are medically necessary and prescribed. (5-8-09)

07. Staff-to-Participant Ratio. The following treatment staff-to-participant ratios for group treatment services must be observed: (5-8-09)

a. For children under four (4) years of age, the ratio must be 1:1. No group work is allowed. (5-8-09)

b. For children four (4) to twelve (12) years of age, the ratio must be 1:6 for groups. Group size must not exceed twelve (12) participants. (5-8-09)

c. For children over twelve (12) years of age, the ratio must be 1:10 for groups. Group size must not exceed twelve (12) participants. (5-8-09)

08. Family Participation Requirement. The following standards must be observed for services provided to children: (5-8-09)

a. For a child under four (4) years of age, the child's parent or legal guardian should be actively involved by being present on the premises and available for consultation with the staff during the delivery of mental health services. The child's parent or legal guardian does not have to participate in the treatment session or be present in the room in which the service is being conducted; (5-8-09)

b. For a child four (4) to twelve (12) years of age, the child's parent or legal guardian should be actively involved. The child's parent or legal guardian does not have to participate in the treatment session, but must be available for consultation with the staff providing the service; (5-8-09)

c. For a child over twelve (12) years of age, the child's parent or legal guardian should be involved, as appropriate. If the interdisciplinary team recommends that the child's parent or legal guardian not be involved in any aspect of the treatment, then the reasons for excluding the child's parent or legal guardian must be documented in the medical record. (5-8-09)

d. For a child whose parent or legal guardian does not participate in the services, the provider must

document efforts made to involve the parent or legal guardian and must make appropriate adjustments to the treatment plan to address the parent or legal guardian's lack of involvement. (5-8-09)

e. Nothing in these rules may interfere with compliance to provisions of Section 16-2428, Idaho Code, regarding confidentiality and disclosure of children's mental health information. (5-8-09)

09. Continuing Education. The agency must assure that all staff complete twenty (20) hours of continuing education annually from the date of hire. Four (4) hours every four (4) years must be in ethics training. Staff who are not licensed must select the discipline closest to their own and use the continuing education standards attached to that professional license. Nothing in these rules will affect professional licensing continuing education standards and requirements set by the Bureau of Occupational Licenses. (3-19-07)

10. Crisis Service Availability. PSR agencies must provide twenty-four (24) hour crisis response services for their participants or make contractual arrangement for the provision of those services. (3-19-07)

11. Restraints and Seclusion. (5-8-09)

a. Restraints and seclusion must not be employed under any circumstances except when an agency staff person employs physical holds as an emergency response to assault or aggression or other immediate safety risks in accordance with the following requirements in Subsections 130.11.a.i. through 130.11.a.iii.: (5-8-09)

i. The agency must have an accompanying policy and procedure that addresses the use of the such holds. (5-8-09)

ii. The physical holds employed must be a part of a nationally recognized non-violent crisis intervention model. (5-8-09)

iii. The staff person who employs the hold technique(s) must have evidence in his personnel record of current certification in the method. (5-8-09)

b. Provider agencies must develop policies that address the agency's response by staff to emergencies involving assault or aggression or other immediate safety risks. All policies and procedures must be consistent with licensure requirements, federal, state, and local laws, and be in accordance with accepted standards of healthcare practice. (5-8-09)

12. Building Standards, Credentialing and Ethics. All PSR agencies must comply with IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Section 712 and Subsection 714.14. PSR agencies whose participants are in the agency building for treatment purposes must follow the rules in IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Subsection 714.15. (5-8-09)

131. PSYCHOSOCIAL REHABILITATIVE SERVICES (PSR) - AGENCY STAFF QUALIFICATIONS. All agency staff delivering direct services must have at least one (1) of the following credentials: (5-8-09)

01. Any of the Professions Listed Under IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Subsection 715.01. (5-8-09)

02. Clinician. A clinician must hold a master's degree, be employed by a state agency and meet the minimum standards established by the Idaho Division of Human Resources and the Idaho Department of Health and Welfare Division of Human Resources. (5-8-09)

03. Psychosocial Rehabilitation (PSR) Specialist. (5-8-09)

a. As of June 30, 2009, persons who are working as PSR Specialists delivering Medicaid-reimbursable mental health services may continue to do so until January 1, 2012, at which time they must have completed a certificate program or earned a certification in psychiatric rehabilitation based upon the population with whom they work in accordance with the requirements set by the USpra ~~be certified as PSR Specialists in accordance with USpra requirements.~~ An applicant who primarily works as a PSR specialist with transitional age

youth between sixteen (16) and eighteen (18) years of age must meet requirements set by USpra.
 (~~5-8-09~~)(11-1-10)T

b. ~~As of July 1, 2009, applicants to become PSR Specialists delivering Medicaid-reimbursable mental health services must have a bachelor's degree from a nationally accredited university in Primary Education, Special Education, Adult Education, Counseling, Human Services, Early Childhood Development, Family Science, Psychology, or Applied Behavioral Analysis. Applicants who have a major in one (1) of these identified subject areas, but have a bachelor's degree in another field, also meet this requirement.~~ PSR Specialist applicants hired as of November 1, 2010, must have a bachelor's degree or higher in any field. Each applicant must be educationally prepared in the core competencies of psychiatric rehabilitation principles as defined by USpra at www.USpra.org. Applicants must have or successfully complete a minimum of sixty (60) approved classroom hours within the thirty (30) month timeline described at 131.03.c. College coursework and post college education offered through a variety of methods, including continuing education, workshops, and distance-learning count toward this requirement. Classroom hours within the following content areas must be used toward a PSR specialist applicant's continuing education requirements as described in Subsection 130.09 of these rules. All USpra-approved classroom hours in the required content areas described in these rules must be successfully completed as evidenced by an applicant's documentation of prior education or according to the following timeline:

TABLE 131.03.b - TIMELINE FOR COMPLETION OF USpra-APPROVED CLASSROOM HOURS	
<u>i. Within ninety (90) days of employment</u>	<u>All applicants must have successfully completed ten (10) classroom hours in Domain I - Interpersonal Competencies: Principles of Psychiatric Rehabilitation and any topic(s) of choice within Domain I. Applicants who intend to work with participants under the age of eighteen (18) must have training addressing children's developmental milestones or have evidence of classroom hours in an equivalent course. Such training must count toward the ten (10) hour requirement for the first ninety (90) days.</u>
<u>ii. Within one hundred eighty (180) days of employment</u>	<u>All applicants must have successfully completed an additional ten (10) classroom hours, for a cumulative total of twenty (20) hours, in Domain II - Professional Role Competencies: USpra Guidelines and any topic(s) of choice within Domain II.</u>
<u>iii. Within two hundred and seventy (270) days of employment</u>	<u>All applicants must have successfully completed an additional ten (10) classroom hours, for a cumulative total of thirty (30) hours, in Domain III - Community Integration: Community Support System Principles and any topic(s) of choice from Domain III.</u>
<u>iv. Within three hundred and sixty (360) days of employment</u>	<u>All applicants must have successfully completed an additional ten (10) hours, for a cumulative total of forty (40) hours in Domain IV - Assessment, Planning, and Outcomes: Psychiatric Rehabilitation Readiness and any topic(s) of choice from Domain IV.</u>
<u>v. After one (1) year of employment</u>	<u>All applicants must successfully complete at least eight (8) classroom hours every one hundred eighty (180) days in order to complete the remaining twenty (20) hours of required classroom training, for a cumulative total of sixty (60) hours in Domain V - Interventions for Goal Achievement: Verbal and Non-verbal Communication and at least one (1) choice of topic(s) in each of the following domains, Domain VI - System Competencies and Domain VII - Diversity and Cultural Competency. All applicants must complete the sixty (60) hours of required classroom training within the thirty (30) month time limit.</u>

(~~5-8-09~~)(11-1-10)T

c. ~~An applicant who meets the educational requirements under Subsection 131.03.b. of this rule PSR specialist applicants who were hired between July 1, 2009 and October 31, 2010 may work as a PSR Specialist for a period not to exceed eighteen (18) months while under the supervision of a staff member with a Master's degree or higher credential or a certified PSR Specialist.~~ In order to continue as a PSR Specialist beyond a total

period of ~~eighteen~~ thirty (~~18~~30) months, the worker must ~~obtain~~ have completed the USPRA ~~certification~~ certificate program or earned a certification in psychiatric rehabilitation based upon the population with whom they work.
(~~5-8-09~~)(11-1-10)T

d. An individual ~~who has been denied licensure or~~ who is qualified to apply for licensure to the Idaho Bureau of Occupational Licenses, in the professions identified under Subsections 131.01 through 131.03 of this rule, who has failed his licensing exam or has been otherwise denied licensure is not eligible to provide services under the designation of PSR Specialist with the exception of those individuals who have obtained the USPRA PSR ~~Specialist~~ certification credential.
(~~5-8-09~~)(11-1-10)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.03.24 - THE MEDICALLY INDIGENT PROGRAM - REQUEST FOR
MEDICAID ELIGIBILITY DETERMINATION**

DOCKET NO. 16-0324-1001 (NEW CHAPTER)

NOTICE OF RULEMAKING

ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is July 1, 2010. This pending rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 31-3503C, Idaho Code.

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

Changes are being made to the proposed rule and the temporary rule is amended to clarify that when a participant is determined Medicaid eligible, the Department will only notify the participant of eligibility.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the [July 7, 2010, Idaho Administrative Bulletin, Vol. 10-7, pages 28 through 34.](#)

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

This rulemaking has no fiscal impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Callie King at (208) 334-0663.

DATED this 27th day of September, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720, Boise, ID 83720-0036
phone: (208) 334-5564 / fax: (208) 334-6558
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**DOCKET NO. 16-0324-1001 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made to the pending rule.
Italicized text that is underscoring is new text that is being added.
Italicized text that is ~~struck through~~ is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, [Volume 10-7, July 7, 2010, 28 through 34.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 16-0324-1001

[Section 104 - Entire Section]

140. NOTICE OF DECISION ON ELIGIBILITY FOR MEDICAID.

01. Denial on Request Submitted by a Hospital. If the Department determines that an applicant is not eligible for Medicaid, the Department will promptly notify the applicant and the hospital of its determination. The Department will transmit a copy of its determination and a copy of the application to the respective county clerk. The clerk will treat the copy of the Department's determination and the copy of the application as an application for financial assistance under Title 31, Chapter 35, Idaho Code. Denial of Medicaid eligibility is not a determination of medical indigency or eligibility for financial assistance under the county Medically Indigent Program or the Catastrophic Health Care Cost Program. (7-1-10)T

02. Denial on Request Submitted by a County. If the Department determines that an applicant is not eligible for Medicaid, the Department will promptly notify the applicant and the respective county clerk of its determination. Denial of Medicaid eligibility is not a determination of medical indigency or eligibility for financial assistance under the County Medically Indigent Program or the Catastrophic Health Care Cost Program. (7-1-10)T

03. Approval of Medicaid Eligibility. If the Department determines that an applicant is eligible for Medicaid, the Department will act on the request and application as an application for Medicaid and notify the applicant, ~~hospital, and respective clerk of its determination~~ according to provisions in IDAPA 16.03.01, "Eligibility for Health Care Assistance for Families and Children," and IDAPA 16.03.05, "Eligibility for Aid to the Aged, Blind, and Disabled (AABD). (7-1-10)T(7-1-10)T

- ~~04. Notification. The written notice required under this section must include:~~ (7-1-10)T
- ~~a. The applicant's name and identifying information;~~ (7-1-10)T
 - ~~b. A statement of the decision;~~ (7-1-10)T
 - ~~c. A concise statement of the reasons for the decision; and~~ (7-1-10)T
 - ~~d. The process for pursuing an administrative appeal.~~ (7-1-10)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)

DOCKET NO. 16-0612-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 56-202, 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 Department amended these rules to exclude the temporary census income from countable income. This rule was adopted as a temporary rule that published in the [April 7, 2010, Idaho Administrative Bulletin, Vol. 10-4, pages 23 and 24](#). The complete text of the proposed rule was published in the [May 5, 2010, Idaho Administrative Bulletin, Vol. 10-5, pages 35 and 36](#). This pending rule is being adopted as proposed.

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

This program is 100% federally funded and this rulemaking has no anticipated fiscal impact to the state general fund for excluding this temporary income for ICCP participants. The estimated impact to federal funds is \$168,600.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rosie Andueza at (208) 334-5553.

DATED this 1st day of October, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5564; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0612-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 10-5, May 5, 2010, pages 35 and 36.](#)**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2011 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.37 - CHILDREN'S MENTAL HEALTH SERVICES

DOCKET NO. 16-0737-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 16-2404, 16-2406, 16-2423, 16-2433, 56-202(b), 56-203B, 56-204A, 56-1003, 56-1004, and 56-1004A, Idaho Code; and H0715 (2010) - DHW Children's Mental Health budget holdbacks for SFY 2010 and appropriations for SFY 2011.

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

These rule changes allow the Department to limit and prioritize Children's Mental Health Services, including eligibility. This is necessary due to the reductions in appropriations. These changes give the Department the ability to focus the available resources on those who have the greatest clinical and financial needs.

In addition, these rule changes align the Children's Mental Health Services rules with the corresponding rules in IDAPA 16.07.33, "Adult Mental Health Services."

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [June, 2 2010, Idaho Administrative Bulletin, Vol. 10-6, pages 45 through 47.](#)

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

The fiscal impact of the holdback on funds for SFY 2010 and the appropriations for SFY 2011 (both in H0715) reduces the appropriation for SFY 2010 by \$566,000 and by an additional \$190,500 for SFY 2011, for a total reduction of \$756,500. The rule changes will align the rules with the intent language found in H0715 (2010).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Chuck Halligan at (208) 334-6559.

DATED this 1st day of October, 2010.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720

Boise, ID 83720-0036
phone: (208) 334-5564
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0737-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 10-6, June 2, 2010, pages 45 through 47.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.47 - VALUATION OF LIFE INSURANCE POLICIES INCLUDING THE INTRODUCTION AND USE OF NEW SELECT MORTALITY FACTORS

DOCKET NO. 18-0147-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

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

This updates the Rule to agree with the National Association of Insurance Commissioners model regulation #830 to apply the same standards to Idaho insurers offering life insurance products as are imposed by other states that have adopted the model. This Rule permits the recognition of company mortality experience in the development of deficiency reserves and removes some arbitrary limits that had been imposed on the recognition of company experience. It includes a requirement for disclosure by the appointed actuary of possible shortfalls in funding future required reserves.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [September 1, 2010, Idaho Administrative Bulletin, Vol. 10-9, pages 359 through 371](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Georgia Siehl at (208) 334-4314.

DATED this 24th day of September, 2010.

Shad Priest, Deputy Director
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

DOCKET NO. 18-0147-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the [Idaho Administrative Bulletin, Volume 10-9, September 1, 2010, pages 359 through 371](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.53 - CONTINUING EDUCATION

DOCKET NO. 18-0153-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 41, Chapter 2, Idaho Code.

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

This rule sets forth continuing education requirements for insurance producers. The proposed changes remove the requirement that ethics courses be stand alone courses, and add a requirement that persons using self-study materials demonstrate their understanding of the materials by completing questions at the end of each chapter with a score of at least 70% before proceeding to the next chapter.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [September 1, 2010, Idaho Administrative Bulletin, Vol. 10-9, pages 372 and 373.](#)

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Gina McBride at (208)334-4340.

DATED this 24th day of September, 2010.

Shad Priest, Deputy Director
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

DOCKET NO. 18-0153-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin,
[Volume 10-9, September 1, 2010, pages 372 and 373.](#)**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2011 Idaho State Legislature for final adoption.**

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.66 - DIRECTOR'S AUTHORITY FOR COMPANIES DEEMED TO BE IN HAZARDOUS FINANCIAL CONDITION

DOCKET NO. 18-0166-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 41, Chapter 2, Idaho Code.

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

This rule sets forth the standards which the director may use for identifying insurers found to be in such financial condition as to render the continuance of their business hazardous to the public or to holders of their policies or certificates of insurance. The proposed changes provide additional standards for consideration by the director to determine whether the continued operations of an insurer might be deemed hazardous to the policyholders, creditors or the general public. It also gives the director the authority to issue an order to companies deemed to be in hazardous financial condition to take corrective action.

Pursuant to Section 67-5228, Idaho Code, one change has been made to the rule and is being published with this Notice of Rulemaking as part of the pending rule. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. Page. 380, paragraph 012.02.1, language "notwithstanding any other provision of law limiting the frequency or amount of premium rate adjustments" has been deleted. The original text of the proposed rule was published in the [September 1, 2010 Idaho Administrative Bulletin, Vol. 10-9, pages 376 through 380](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Georgia Siehl at (208) 334-4314.

DATED this 24th day of September, 2010.

Shad Priest, Deputy Director
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

DOCKET NO. 18-0166-1001 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-9, September 1, 2010, pages 376 through 380.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 18-0166-1001

012. DIRECTOR'S AUTHORITY.

02. **Issuance of Order.** If the Director determines that the continued operation of the insurer licensed to transact business in this state may be hazardous to the policyholders or creditors or to the general public, then the Director may, upon his a determination, issue an order requiring the insurer to: ~~(10-1-93)~~()

[Paragraph 012.02.1. (deleted text)]

l. Adjust rates for any non-life insurance product written by the insurer that the Director considers necessary to improve the financial condition of the insurer. ()

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.77 - ACTUARIAL OPINION AND MEMORANDUM RULE

DOCKET NO. 18-0177-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

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

This updates the Rule to agree with the National Association of Insurance Commissioners model Regulation #822 to apply the same standards to Idaho insurers offering life insurance products as are imposed by other states that have adopted the model. The rule removes outdated language in actuarial opinions, adds a date to the signature of actuary, provides directions on the rationale for degree of rigor in analyzing different blocks of business, provides directions for criteria for determining asset adequacy, and provides instructions to comment on the impact of the insufficiency of assets to support the payment of benefits.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [September 1, 2010 Idaho Administrative Bulletin, Vol. 10-9, pages 381 through 390.](#)

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Georgia Siehl at (208) 334-4314.

DATED this 24th day of September, 2010.

Shad Priest, Deputy Director
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

DOCKET NO. 18-0177-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-9, September 1, 2010, pages 381 through 390.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.79 - RECOGNITION OF PREFERRED MORTALITY TABLES FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES

DOCKET NO. 18-0179-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 41-211, Idaho Code.

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

This updates the Rule to agree with the National Association of Insurance Commissioners model regulation #815 to apply the same standards to Idaho insurers offering life insurance products as are imposed by other states that have adopted the model. These revisions will allow the preferred mortality tables to be used as a valuation standard for any business issued using the 2001 CSO (Commissioners Standard Ordinary), as the valuation mortality table, with approval of the Director. Mortality tables are developed by studying mortality experience of insured people. The rule also includes a specific limitation related to the accounting used when there is a coinsurance treaty in effect.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [September 1, 2010 Idaho Administrative Bulletin, Vol. 10-9, pages 391 through 393](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Georgia Siehl at (208) 334-4314.

DATED this 24th day of September, 2010.

Shad Priest, Deputy Director
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

DOCKET NO. 18-0179-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the [Idaho Administrative Bulletin, Volume 10-9, September 1, 2010, pages 391 through 393](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.25.01 - RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD

DOCKET NO. 24-2501-0901

NOTICE OF RULEMAKING - VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the proposed rulemaking previously initiated under this docket. The action is authorized pursuant to Section 54-5403, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this proposed rulemaking:

The 2009 legislature passed Senate Bill 1133 which created the State Driving Businesses Licensure Board. The law was codified at Title 54, Chapter 54, Idaho Code, and the Board adopted temporary rules and initiated proposed rulemaking procedures to implement the law. The 2010 legislature amended the law (House Bill 564) to add educational requirements for instructors, including continuing education. Because of these legislative changes the proposed rulemaking under Docket No. 24-2501-0901 is being vacated. A new proposed rule is being promulgated that includes these new requirements and also clarifies ambiguities to insurance requirements, establishes a deadline for the review of applications, and clarifies on-line instruction.

The vacation of this proposed rule does not affect the temporary rule adopted under this same docket number that is currently in effect and enforceable. The temporary rule was published in the [December 2, 2009 Administrative Bulletin, Vol. No. 09-12](#) and was extended by the 2010 legislature. The temporary rule remains in effect until the end of the 2011 legislative session at which time it will expire, unless it is extended by concurrent resolution.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of proposed rulemaking, contact Cherie Simpson at (208) 334-3233.

DATED this 13th day of October, 2010.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph.
(208) 334-3945, fax

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1005

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 30, 2010.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 37-2702 and 37-2715, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The substances listed within this temporary rule pass the Schedule I test found in Section 37-2704, Idaho Code, and are being abused in Idaho. This temporary rule would render the substances found within it Schedule I substances.

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

The substances listed within this temporary rule are being abused in Idaho and their inclusion into the list of Schedule I controlled substances is necessary to protect the public health, safety, and welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Mark Johnston, R.Ph., Executive Director, at (208) 334-2356.

DATED this 15th day of October, 2010.

Mark Johnston, R.Ph., Executive Director
Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

THE FOLLOWING IS THE TEMPORARY TEXT FOR DOCKET NO. 27-0101-1005

434. ~~ARTICLE II, SCHEDULE II~~ **SCHEDULED CONTROLLED SUBSTANCES.**

01. Article II, Schedule I. Unless specifically excepted or unless listed in another schedule, the following substances, their derivatives, salts, isomers, and salts of isomers with similar chemical structure and pharmacological activity, shall be listed in Schedule I, under Article II, Title 37, Chapter 27, Idaho Code. (9-30-10)T

a. CP 47,497 and homologues: 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).

(9-30-10)T

b. HU-210: [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-o1)], also known as 6aR-trans-3-(1,1-Dimethylheptyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol. (9-30-10)T

c. JWH-018: 1-pentyl-3-(1-naphthoyl)indole, also known as Naphthalen-1-yl-(1-pentylindol-3-yl)methanone. (9-30-10)T

d. JWH-073: 1-butyl-3-(1-naphthoyl)indole, also known as Naphthalen-1-yl-(1-butylindol-3-yl)methanone. (9-30-10)T

e. JWH-200: 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole. (9-30-10)T

f. JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, also known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone. (9-30-10)T

g. JWH-250: 1-pentyl-3-(2-methoxyphenylacetyl)indole, also known as 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone. (9-30-10)T

02. Article II, Schedule II. Unless specifically excepted or unless listed in another schedule, any injectable liquid that contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers, shall be listed in Schedule II, under Article II, Title 37, Chapter 27, Idaho Code. ~~(7-1-93)~~ (9-30-10)T

IDAPA 34 - SECRETARY OF STATE

34.05.01 - RULES GOVERNING FARM PRODUCTS CENTRAL FILING SYSTEM

DOCKET NO. 34-0501-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-903(9), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [September 1, 2010 Idaho Administrative Bulletin, Vol. 10-9, pages 394 through 409.](#)

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

The fees that have been removed from Paragraph 303.03.b. are for services that, due to technological improvements over the last 20 years, are no longer requested or provided. There will be no expected fiscal impact on the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeff Harvey, UCC Supervisor, at (208) 332-2849.

DATED this 23rd day of September, 2010.

Jeff Harvey, UCC Supervisor
Office of the Secretary of State
450 N. 4th St.
P. O. Box 83720
Boise, ID 83720-0080
Phone: (208) 332-2849
Facsimile: (208)334-2847

DOCKET NO. 34-0501-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-9, September 1, 2010, pages 394 through 409.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 34 - SECRETARY OF STATE

34.05.02 - RULES GOVERNING LIENS IN CROPS, FOR SEED, AND FARM LABOR

DOCKET NO. 34-0502-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-903(9), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the [September 1, 2010 Idaho Administrative Bulletin, Vol. 10-9, pages 410 through 416](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeff Harvey, UCC Supervisor, at (208) 332-2849.

DATED this 23rd day of September, 2010.

Jeff Harvey, UCC Supervisor
Office of the Secretary of State
450 N. 4th St.
P. O. Box 83720
Boise, ID 83720-0080
Phone: (208) 332-2849
Facsimile: (208)334-2847

DOCKET NO. 34-0502-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-9, September 1, 2010, pages 410 through 416.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.22 - RULES GOVERNING OVERLEGAL PERMITS FOR EXTRA-LENGTH VEHICLE COMBINATIONS

DOCKET NO. 39-0322-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: 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 40-312, Idaho Code.

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

This rulemaking increases the limitations for permitted vehicle combinations on "blue-coded routes," from ninety (90) to ninety-five (95) feet in overall length including load overhang. This still allows the vehicles to operate within the maximum off-tracking limitations. It also eliminates redundant language from Subsection 200.04 regarding connecting devices. With the exception of amendments to Subsection 200.04, this rulemaking was approved by the 2010 Legislature as a Temporary Docket, effective December 1, 2009. It will expire at the end of the 2011 Session to be replaced by this rulemaking.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the [August 4, 2010, Idaho Administrative Bulletin, Volume 10-8, pages 95 through 98](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, 334-8418.

DATED this 23rd day of September, 2010.

Linda L. Emry
Office of Governmental Affairs
Idaho Transportation Department
3311 West State Street
P O Box 7129, Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-332-4107

DOCKET NO. 39-0322-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the [Idaho Administrative Bulletin, Volume 10-8, August 4, 2010, pages 95 through 98](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 44 - OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

44.01.01 - RULES OF THE ADMINISTRATIVE RULES COORDINATOR

DOCKET NO. 44-0101-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Office of the Administrative Rules Coordinator and is now pending review by the 2011 Idaho Legislature for final approval. This pending rule will become final and effective at the conclusion of the 2011 legislative session, unless it is approved, rejected, amended or modified by concurrent resolution of the Legislature in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule will become final and effective upon adoption of the concurrent resolution or upon the date provided in the concurrent resolution.

AUTHORITY: Pursuant to section 67-5224, Idaho Code, the Office of the Administrative Rules Coordinator gives notice that it has adopted a pending rule. This rulemaking is authorized by Section 67-5206(1), Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the [June 2, 2010, Idaho Administrative Bulletin, Vol. 10-6, pages 55 through 63](#).

This rulemaking implements the provisions of House Bills 412 and 413 by clarifying and modifying certain definitions. It also changes references to the publication and purchase of printed and bound volumes to electronic-only versions of the Administrative Code and Administrative Bulletin and adjusts subscription rates. It removes redundant and obsolete language and clarifies ambiguous language. Several non-substantive housekeeping changes that conform the rule to current style requirements have also been made.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this pending rule, contact Dennis Stevenson, Administrative Rules Coordinator, at 208-332-1820 or email at rulescoordinator@adm.idaho.gov.

Dated this 6th day of October, 2010.

Dennis Stevenson
Administrative Rules Coordinator
650 W. State Street, Room 100
PO Box 83720

Boise, Idaho, 83720-0306
Phone: 208-332-1820
Fax: 208-332-1896

DOCKET NO. 44-0101-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-6, June 2, 2010, pages 55 through 63.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR

**IDAPA 35 - STATE TAX COMMISSION
IDAPA 54 - OFFICE OF THE STATE TREASURER**

DOCKET NO. 54-0301-1000

**NOTICE OF LEGISLATIVE ACTION AFFECTING THE OFFICE OF THE STATE TREASURER
AND THE TRANSFER OF THE IDAHO UNCLAIMED PROPERTY ADMINISTRATIVE RULES
FROM THE STATE TAX COMMISSION TO THE STATE TREASURER PURSUANT TO
HOUSE BILL 680, SESSION LAW CHAPTER 202**

EFFECTIVE DATE: The effective date of this legislative action is July 1, 2010.

AUTHORITY: In compliance with and as authorized by Sections 67-5202(2), 67-5202(3), 67-5203, 67-5224, Idaho Code, notice is hereby given that the Office of the Administrative Rules Coordinator has transferred IDAPA 35.01.11, "Idaho Unclaimed Property Administrative Rules" from the State Tax Commission to the Office of the State Treasurer. This chapter will now be designated as IDAPA 54.03.01, "Idaho Unclaimed Property Administrative Rules." This action is authorized pursuant to House Bill 680 (Session Law Chapter 202), Sections 14-532 and 67-5202(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the legislative action affecting this chapter:

House Bill 680 (Session Law Chapter 202) transfers the administration of the Unclaimed Property Division from the State Tax Commission to the Office of State Treasurer. This transfer comes at the request of the State Tax Commission and has been agreed to by the State Treasurer. It is the belief of the Tax Commissioners that Unclaimed Property is a better fit within the jurisdiction of the State Treasurer. Section 14-532, Idaho Code, transfers rulemaking authority for the promulgation of these rules to the State Treasurer.

Pursuant to Section 67-5202(2), Idaho Code, and further complying with the legislative intent of House Bill 680, all non-substantive changes that do not affect the sense, meaning, or intent of the rules will be made to update all references and citations within the rules formerly promulgated under the authority of the State Tax Commission. These include, but are not limited to, the following:

Citations and references to IDAPA 35 relating to the affected chapters under TITLE 01, CHAPTER 11 (IDAPA 35.01.11), are now changed to IDAPA 54, TITLE 03, CHAPTER 01, (IDAPA 54.03.01). All citations and references to this chapter will be corrected in the Administrative Code pursuant to this notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this notice, contact Dennis Stevenson, Administrative Rules Coordinator, 208-332-1820.

DATED this 20th day of September, 2010.

Dennis Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
PO Box 83720
Boise, ID 83720-0306
Phone: (208) 332-1820
Fax: (208) 332-1896

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0904

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the First Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, [August 4, 2010, Vol. 10-8, pages 101 through 138](#). After consideration of public comments, the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/air/58_0101_0904_pending.cfm or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT:

(1) The legislature directs that any rule formulated and recommended by the department to the board which is broader in scope or more stringent than federal law or regulations, or proposes to regulate an activity not regulated by the federal government, is subject to the following additional requirements: the notice of proposed rulemaking and rulemaking record requirements under chapter 52, title 67, Idaho Code, must clearly specify that the proposed rule, or portions of the proposed rule, are broader in scope or more stringent than federal law or regulations, or regulate an activity not regulated by the federal government, and delineate which portions of the proposed rule are broader in scope or more stringent than federal law or regulations, or regulate an activity not regulated by the federal government.

The rule is not more stringent than federal law. The Rules for the Control of Air Pollution in Idaho, IDAPA 58.01.01, incorporate U.S. EPA regulations that address mercury. See IDAPA 58.01.107.03.i. Sources within a source category subject to regulation under federal mercury rules are specifically exempt from this rule. See IDAPA 58.01.01.215.01 and 401.02.b (proposed rule). Thus, the rule does not propose a more stringent standard, emission limit or control technology requirement than specifically prescribed by the federal Clean Air Act or the U.S. EPA. The rule does address mercury emissions from sources whose mercury emissions are not regulated under federal law. It requires that best available control technology be installed on new or modified sources with the potential to emit mercury, or existing sources with actual emissions of mercury, at certain threshold levels. An argument could be made that the rule is broader in scope than federal law, as it does regulate an activity not regulated by federal law.

(2) To the degree that a department action is based on science, in proposing any rule or portions of any rule subject to this section, the department shall utilize:

(a) The best available peer reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

Mercury is widely recognized as a toxic element with significant health effects (particularly neurological effects on developing fetuses). (Clarkston 2006, EPA 2001, EPA 2009) It has been recognized as a hazardous air pollutant by Congress (under the Clean Air Act) and EPA. Regulations have been promulgated at the federal and state level to minimize mercury emissions. (EPA 2005b, NDEP 2006, DNR 2008) Deposition of mercury air emissions can eventually lead to bio-accumulation of mercury (as methylmercury) in fish which can lead to human exposure from fish consumption. (Mason, 1995)

(b) Data collected by accepted methods or best available methods if the reliability of the method and the nature of the decision justify use of the data.

Idaho DEQ has collected data in order to characterize the extent of mercury contamination throughout Idaho. (DEQ 2007b, DEQ 2008, DEQ 2009). All data collection events have followed a Quality Assurance Project Plan. The fish sampling performed by IDEQ has resulted in 19 fish advisories across the state.

(3) Any proposed rule subject to this section which proposes a standard necessary to protect human health and the environment shall also include in the rulemaking record requirements under chapter 52, title 67, Idaho Code, the following additional information:

(a) Identification of each population or receptor addressed by an estimate of public health effects or environmental effects; and

The population at risk are those who eat fish caught in the state of Idaho. Of particular concern are women of childbearing age, those pregnant, planning to become pregnant, or nursing; and children under the age of 15. (IFCAP 2009) There is also an ecological risk to fish and other species that eat fish.

(b) Identification of the expected risk or central estimate of risk for the specific population or receptor; and

The expected risk from mercury exposure are neurological. This is consistent with recent federal and other state analyses. Several studies have been performed that evaluate the IQ decrements among kids of fish eating populations.

(c) Identification of each appropriate upper bound or lower bound estimate of risk; and

A person's risk depends on a number factors including: the amount of Idaho fish consumed, the size of the fish, and the source of the fish. (IFCAP 2009) There is also risk from eating non-Idaho fish including store-bought fish.

(d) Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty; and

There are three major studies that have documented the health outcomes from eating fish contaminated with methyl mercury. Two of them (Faroe Islands and New Zealand) document evidence of in utero neurological impacts from low level exposures to methyl mercury. (Grandjean 1997, Crump 1998) Another study from the Seychelles does not support this conclusion. (Myers 2003) The National Research Council believes that when all of the data is considered there is still enough evidence to minimize low-level exposure to methyl mercury. (Stern 2004) This is the position taken by EPA when they promulgated CAMR and when they developed an oral reference dose for mercury. (EPA 2005b, EPA 2009) There have also been recent articles that discuss the mitigation of the neurological effects of mercury by selenium. This is an area of active research and no scientific consensus has been determined. (Peterson 2009)

DEQ acknowledges that one cannot technologically conclude that a specific reduction of mercury emissions from a local source will result in a specific reduction of mercury in Idaho's fish. This rule constitutes Idaho's best effort to ensure that significant sources of mercury emissions employ the best available control measures. As a result, the state can conclude it is doing its best to reduce its impact on the global pool of mercury emissions, which do in fact impact Idaho's resources.

(e) Identification of studies known to the department that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.

The studies known to DEQ are listed above. See response to (d) above.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208) 373-0440 or martin.bauer@deq.idaho.gov.

Dated this 7th day of October, 2010.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
Paula.wilson@deq.idaho.gov

DOCKET NO. 58-0101-0904 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

**The complete text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 10-8, August 4, 2010, pages 101 through 138.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2011 Idaho State Legislature for final adoption.**

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1002

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the First Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code. 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.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the [Idaho Administrative Bulletin, August 4, 2010, Vol. 10-8, pages 139 through 147](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/air/58_0101_1002_pending.cfm or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208) 373-0440 or martin.bauer@deq.idaho.gov.

Dated this 7th day of October, 2010.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
Paula.wilson@deq.idaho.gov

DOCKET NO. 58-0101-1002 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the [Idaho Administrative Bulletin, Volume 10-8, August 4, 2010, pages 139 through 147](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1003

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105 and 39-107, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: The negotiated rulemaking meeting will be held as follows. Additional meetings may be scheduled if necessary. For information regarding participation by telephone or scheduling of additional meetings, contact the undersigned. Requests to participate by telephone must be made by December 7, 2010.

**Thursday, December 9, 2010
9:30 a.m. to 12:30 p.m. MDT**

**Department of Environmental Quality
Conference Room A
1410 N. Hilton, Boise, Idaho**

PRELIMINARY DRAFT: By November 3, 2010, a preliminary draft of the rule can be obtained at http://www.deq.idaho.gov/rules/air/58_0101_1003_negotiated.cfm or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

DESCRIPTIVE SUMMARY: The purpose of this rulemaking is to streamline Idaho's Rules for Control of Kraft Pulp Mill by removing requirements that are either obsolete or covered by existing federal rules and by clarifying reporting requirements. Idaho's Rules for Control of Kraft Pulp Mill contain several obsolete requirements which were completed during the 1970's. Other requirements are duplicative or less stringent than existing federal New Source Performance Standards and Maximum Achievable Control Technology for this industry.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Members of the regulated community who may be subject to Idaho's air quality rules as well as special interest groups, public officials, or members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the spring of 2011 and then present the final proposal to the Board of Environmental Quality for adoption of a pending rule in the fall of 2011. If adopted by the Board, the pending rule will be reviewed by the 2012 Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Michael Simon at (208) 373-0212, michael.simon@deq.idaho.gov.

For those who cannot participate by attending the scheduled meeting, written comments may be submitted by mail, fax or e-mail at the address below. Written comments on the preliminary draft rule must be received by December 14, 2010.

For information regarding submission of written comments on subsequent drafts of the negotiated rule, to receive copies of submitted written comments, and to receive the most recent version of the draft negotiated rule, contact the undersigned.

Dated this 28th day of September, 2010.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton, Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
Paula.wilson@deq.idaho.gov

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the First Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, [August 4, 2010, Vol. 10-8, pages 148 through 154](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/haz_waste/58_0105_1001_pending.cfm or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact John Brueck, john.brueck@deq.idaho.gov, (208)373-0458.

Dated this 7th day of October, 2010.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0105-1001 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 10-8, August 4, 2010, pages 148 through 154.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2011 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-1001

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2011 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the First Regular Session of the Sixty-first Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, [August 4, 2010, Vol. 10-8, pages 155 through 220](#). After consideration of public comments, the rule has been revised at Sections 100, 300, 311, 320, 323, and 400. In addition, Sections 514, 531, 541, and 544 have been revised as a result of DEQ review. The remainder of the rule has been adopted as proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/drinking_water/58_0108_1001_pending.cfm or by contacting the undersigned.

IDAHO CODE 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Mike Piechowski at (208) 373-0274, mike.piechowski@deq.idaho.gov.

DATED this 7th day of October, 2010.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

DOCKET NO. 58-0108-1001 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 10-8, August 4, 2010, pages 155 through 220.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2011 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 58-0108-1001

100. MONITORING AND ANALYTICAL REQUIREMENTS.

01. Microbiological Contaminant Sampling and Analytical Requirements. (10-1-93)

[Paragraph 100.01.a.]

a. 40 CFR 141.21, revised as of July 1, ~~2007~~ 2010, is herein incorporated by reference. ~~(5-8-09)~~(____)

[Subsections 100.03 through 100.05]

03. Inorganic Chemical Sampling and Analytical Requirements. 40 CFR 141.23, revised as of July 1, ~~2007~~ 2010, is herein incorporated by reference. ~~(5-8-09)~~(____)

04. Organic Chemicals Other Than Total Trihalomethanes, Sampling and Analytical Requirements. 40 CFR 141.24, revised as of July 1, ~~2007~~ 2010, is herein incorporated by reference. ~~(5-8-09)~~(____)

05. Analytical Methods for Radioactivity. 40 CFR 141.25, revised as of July 1, ~~2007~~ 2010, is herein incorporated by reference. ~~(3-15-02)~~(____)

[Subsection 100.12]

12. Total Trihalomethane Sampling, Analytical and Other Requirements. 40 CFR ~~Part~~ 141.30, ~~Subpart L~~, revised as of July 1, ~~2007~~ 2010, is herein incorporated by reference. ~~(5-8-09)~~(____)

300. FILTRATION AND DISINFECTION.

[Subsection 300.05]

05. Analytical and Monitoring Requirements. 40 CFR 141.74, revised as of July 1, ~~1999~~ 2010, is herein incorporated by reference. ~~(4-5-00)~~(____)

[Section 311 is being printed in its entirety]

311. ENHANCED FILTRATION AND DISINFECTION FOR CRYPTOSPORIDIUM -- LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE.

40 CFR Part 141, subpart W, revised as of July 1, ~~2006~~ 2010, is herein incorporated by reference. (4-2-08)()

01. Cryptosporidium Treatment Credit for Approved Watershed Control Program. The Department shall award 0.5 (zero point five) logs cryptosporidium removal credit to systems that have a Department approved Watershed Control Program. Requirements for a watershed control program are set forth in 40 CFR 141, Subpart W. Guidance on how to develop a watershed control program and obtain Department approval is provided in "Implementation Guidance for the Long Term 2 Enhanced Surface Water Treatment Rule," as referenced in Section 002. (4-2-08)

02. Assessment of Significant Changes in the Watershed. As part of the sanitary survey process set forth in Section 302, the Department, or an agent approved by the Department, shall assess significant changes in the watershed of a surface water system that have occurred since the system conducted source water monitoring. If changes in the watershed have the potential to significantly increase contamination of the source water with cryptosporidium, the Department shall consult with the water system owner on follow-up actions that may be required under 40 CFR 141, Subpart W, including, but not limited to, source water monitoring and/or additional treatment requirements. "Implementation Guidance for the Long Term 2 Enhanced Surface Water Treatment Rule," as referenced in Section 002, provides a description of factors that will be considered by the Department when making an assessment of changes in the watershed. These factors include, but are not limited to the following: (4-2-08)

- a. New NPDES permits or changes in existing NPDES permits that involve increased loading of contaminants. (4-2-08)
- b. Changes in land use patterns. (4-2-08)
- c. Changes in agricultural cropping, chemical application, or irrigation practices. (4-2-08)
- d. Changes in other non-point discharge source activities (such as grazing, manure application, commercial or residential development). (4-2-08)
- e. Stream or riverbed modifications. (4-2-08)
- f. NPDES permit violations at wastewater treatment plants and confined animal feedlot operations. (4-2-08)
- g. Dramatic natural events such as floods, forest fires, earthquakes, and landslides that may transport or expose contaminants. (4-2-08)
- h. Prolonged drought conditions that may warrant special preparatory measures to minimize impacts from waste accumulations that are washed into source waters when precipitation returns. (4-2-08)
- i. Status of the water system's emergency response plan. (4-2-08)
- j. Accidental or illegal waste discharges and spills. (4-2-08)

[Section 320 is being printed in its entirety]

320. DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS.

This Section incorporates 40 CFR Part 141, Subpart L, of the National Primary Drinking Water Regulations, known as the Disinfectants and Disinfection Byproducts Rule. (4-5-00)

01. General Requirements. 40 CFR 141.130, revised as of July 1, 2006, is herein incorporated by reference. (4-2-08)

02. Analytical Requirements. 40 CFR 141.131, revised as of July 1, ~~2006~~ 2010, is herein incorporated

by reference. DPD colorimetric test kits may be used to measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide. ~~(4-2-08)~~()

03. Monitoring Requirements. 40 CFR 141.132, revised as of July 1, 2006, is herein incorporated by reference. (4-2-08)

04. Compliance Requirements. 40 CFR 141.133, revised as of July 1, 2006, is herein incorporated by reference. (4-2-08)

05. Treatment Techniques for Control of Disinfection Byproduct (DBP) Precursors. 40 CFR 141.135, revised as of July 1, 2006, is herein incorporated by reference. (4-2-08)

[Section 323 is being printed in its entirety]

323. GROUND WATER RULE.

40 CFR 141, Subpart S, revised as of July 1, ~~2007~~ 2010, is herein incorporated by reference. "Implementation Guidance for the Ground Water Rule," as referenced in Section 002, provides assistance to public water system owners and operators in understanding and achieving compliance with the requirements of 40 CFR 141, Subpart S. ~~(5-8-09)~~()

01. Monitoring and Compliance Requirements for Membranes. Ground water systems that use membrane filtration (or a combination of membrane filtration and disinfection) to achieve a four (4)-log inactivation/removal of viruses at a ground water source must comply with the following requirements in addition to those specified in 40 CFR 141, Subpart S. (5-8-09)

a. All membrane skids or modules must undergo direct integrity testing a minimum of once each week that the source is contributing water to the distribution system. More frequent direct integrity testing may be required by the Department. Membrane systems shall contain sufficient redundancy to allow for offline direct integrity testing of all skids at the required interval while retaining the capability to supply peak hour demand to the water system. No membrane system shall have fewer than two (2) skids or modules. (5-8-09)

i. The direct integrity test shall have a resolution capable of detecting a response at the absolute molecular weight cut-off or other parameter that describes the exclusion capability of the membrane, as provided by the manufacturer. (5-8-09)

ii. The direct integrity test shall have a sensitivity capable of verifying four (4)-log virus removal (or a lesser Department approved log removal that achieves, in combination with disinfection, a total of four (4)-log virus treatment). (5-8-09)

b. Systems using membrane filtration shall submit a monthly operating report which includes the following information. (5-8-09)

i. Verification of direct integrity testing of each membrane skid or module and action taken in response to a failure of the direct integrity test. (5-8-09)

ii. Records of any monitoring conducted for the purpose of indirect integrity verification. (5-8-09)

iii. Any additional information considered necessary by the Department on a case-specific basis to verify proper operation and maintenance of the membrane filtration process. (5-8-09)

02. Discontinuation of Treatment. Systems that wish to discontinue four (4)-log virus treatment at a ground water source must meet the following criteria. Ground water sources on which treatment has been discontinued shall be subject to the triggered source water monitoring requirements of 40 CFR 141, Subpart S. (5-8-09)

a. Demonstration that any known source of contamination has been removed. (5-8-09)

- b. Demonstration that structural deficiencies of the well have been rehabilitated and no longer exist. (5-8-09)
- c. Provide evidence that the well is drawing from a protected or confined aquifer. (5-8-09)
- d. Submit results of one (1) year of monthly monitoring for a fecal indicator organism during which no positive results occurred. (5-8-09)

03. Chlorine Purging Prior to Triggered Source Sampling. 40 CFR 141.402(e), incorporated by reference into these rules at Section 323, requires that ground water source samples be collected at a location prior to any treatment. Pursuant to this requirement, systems that add chlorine to a source, either in the well bore or near enough to the wellhead that chlorinated water could backflow into the well, shall ensure that all chlorine residual has been purged prior to taking a triggered source water sample. This shall be accomplished by measuring chlorine residual in the source water until a reading of zero is obtained and be recorded in the space provided for chlorine residual on the sample submittal form. (5-8-09)

[Section 400 is being printed in its entirety]

400. SECONDARY MCLS.

- 01. Purpose.** 40 CFR 143.1, revised as of July 1, 2003, is herein incorporated by reference. (3-20-04)
- 02. Definitions.** 40 CFR 143.2, revised as of July 1, 2003, is herein incorporated by reference. (3-20-04)
- 03. Secondary Maximum Contaminant Levels.** 40 CFR 143.3, revised as of July 1, 2003, is herein incorporated by reference. (3-20-04)
- 04. Monitoring.** 40 CFR 143.4, revised as of July 1, ~~2003~~ 2010, is herein incorporated by reference. ~~(3-20-04)~~()

514. FACILITY AND DESIGN STANDARDS: SPRING SOURCES.

Written approval by the Department is required before water from any new or reconstructed spring source may be served to the public. For new spring sources, the Department ~~may~~ shall require a site evaluation report ~~as set forth for wells containing applicable required information listed in Subsection 510.01. This information includes, but is not limited to, the following: an evaluation of the potability and quality of anticipated spring water; an estimate of hydrologic and geologic properties of the aquifer; and a description of potential sources of contamination within five hundred (500) feet of the spring.~~ Any supplier of water for a public water system served by one (1) or more springs shall ensure that the following requirements are met: ~~(3-30-07)~~()

[Subsection 514.01]

01. Protection of the Spring. Springs shall be housed in a permanent structure and protected from contamination including the entry of surface water, animals, and dust. The spring box shall be equipped with a screened overflow. The inlet shall be screened ~~as determined by the Department~~ and located above the floor of the collection chamber. ~~(3-30-07)~~()

531. FACILITY DESIGN STANDARDS: DESIGN STANDARDS FOR CHEMICAL APPLICATION.

- 02. Facility Design.** (3-30-07)

- j. Bulk liquid storage tanks shall comply with the following requirements: (5-8-09)

[Subparagraph 531.02.j.vii.]

vii. Bulk liquid storage tanks shall have an overflow that is turned downward with the end screened with a twenty-four (24) mesh or similar non-corrodible screen, ~~has~~ have a free fall discharge, and ~~is~~ be located where noticeable. (5-8-09)()

541. FACILITY AND DESIGN STANDARDS - PUMPING FACILITIES.

Pumping facilities shall be designed to maintain the sanitary quality of pumped water. (3-30-07)

03. Appurtenances. The following appurtenances shall be provided for all water pumps ~~with the exception of well pumps.~~ The Additional requirements ~~for~~ specific to well pumps are provided in Section 511. (3-30-07)()

[Paragraph 541.03.a. (text deleted)]

a. Pumps shall be ~~adequately~~ protected against freezing and valved to permit satisfactory operation, maintenance, and repair of the equipment. If foot valves are necessary, they shall have a net valve area of at least two and one-half (2.5) times the area of the suction pipe and they shall be screened. Each pump shall have an accessible check valve on the discharge side between the pump and the shut-off valve or a combination valve that performs both control valve and check valve functions. Surge relief measures shall be designed to minimize hydraulic transients. (5-8-09)()

[Subsection 544.06]

The proposed change to Section 544, "Facility And Design Standards: General Design Of Finished Water Storage," Subsection 06, "Overflow," is being withdrawn and Subsection 544.06 of the rule will remain as currently codified.

Sections Affected Index

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

*The written comment submission deadline is November 24, 2010 unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS PO Box 83720, Boise, ID 83720-0285

05-0105-1001, Rules for Reintegration Providers. (Temp & Prop) New chapter provides oversight of independent living and reintegration services providers to juveniles nearing program completion.

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

11-0501-0902, Rules Governing Alcohol Beverage Control. Establishes and clarifies differentiating hours of operation for movie theaters that are licensed alcohol beverage premises, when a minor can be in the movie theater, and when the alcohol beverage licensee must post its premises as 21 years and over.

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

***16-0310-1005, Medicaid Enhanced Plan Benefits.** (*PH) (Temp & Prop) Changes PSR specialist qualifications by eliminating the obsolete "additional terms requirement"; incorporating newly defined supervision requirements; clarifying PSR specialist "continuing" education requirements; and revising PSR specialist education requirements.

NOTICE OF ADOPTION OF TEMPORARY RULE

Board of Pharmacy

27-0101-1005, Rules of the Idaho State Board of Pharmacy (Spice rule)

NOTICE OF PUBLIC HEARING

Idaho State Department of Agriculture

02-0419-1001, Rules Governing Domestic Cervidae

SCHEDULED NEGOTIATED RULEMAKING MEETINGS

Department of Environmental Quality

58-0101-1003, Rules for the Control of Air Pollution in Idaho.

NOTICE OF VACATION OF PROPOSED RULEMAKING

Bureau of Occupational Licenses - Idaho Driving Businesses Licensure Board

24-2501-0901, Rules of the Idaho Driving Businesses Licensure Board.

Please refer to the Idaho Administrative Bulletin, **November 3, 2010, Volume 10-11**, for notices and text of all rulemakings, public hearings and negotiated meeting schedules, Governor's executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at www.adm.idaho.gov/adminrules/.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Fax: 332-1896; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*This online index provides a history of all agency rulemakings from 1993 to the present.
It tracks all rulemaking activities on each chapter of rules and includes negotiated,
temporary, proposed, pending and final rules, public hearing notices,
vacated rulemaking notices, and executive orders of the Governor.*

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

March 29, 2010 -- November 3, 2010

*(eff. *PLR) - Final Rule Adoption Date Pending Legislative Review And Approval*

(eff. date)L - Denotes Adoption by Legislative Action

(eff. date)T - Temporary Rule Effective Date

SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)

*(This Abridged Index includes rules promulgated before March 29, 2010 that have not been
adopted as final rules and all rulemakings being promulgated after March 29, 2010 - Sine Die.)*

IDAPA 02 -- DEPARTMENT OF AGRICULTURE

(Rules of the Idaho State Soil and Water Conservation Commission have been moved from IDAPA 02 and re-indexed under IDAPA 60 pursuant to House Bill 576 - Session Law 279 - 2010 Legislative Session)

60-0000-1001 Notice of Legislative Action Creating the Idaho State Soil and Water Conservation Commission - House Bill 576, Session Law 279, Bulletin Vol. 10-9 (eff. 7-1-10)

02.01.04, Rules Governing the Idaho Preferred™ Promotion Program

02-0104-1001 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 10-7

02-0104-1001 Proposed Rulemaking, Bulletin Vol. 10-10

02.02.14, Rules for Weights and Measures

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02-0214-1001 Adoption of Pending Rule, Bulletin Vol. 10-10

02.04.08, Rules Governing Grade A Milk and Milk Products

02-0408-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-8 (eff. 10-1-10)T

02.04.09, Rules Governing Methods of Making Sanitation Ratings of Milk Shippers

02-0409-1001 Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 10-8 (eff. 10-1-10)T

02.04.10, Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers

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02.04.19, Rules Governing Domestic Cervidae

02-0419-1001 Proposed Rulemaking, Bulletin Vol. 10-10

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02-0421-1001 Notice of Temporary Rulemaking, Bulletin Vol. 10-6 (eff. 4-15-10)T

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02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho

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02.06.33, Organic Food Products Rules

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02.06.41, Rules Pertaining to the Soil and Plant Amendment Act of 2001

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03-0101-1001 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 10-10

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05-0101-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-5 (eff. 3-29-10)T

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11-0301-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-10 (eff. 9-1-10)T

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11-0501-0902 Temporary Rulemaking, Bulletin Vol. 09-11 (9-1-09)T

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11-1101-1001 Temporary Rulemaking, Bulletin Vol. 10-3 (eff. 1-12-10)T

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11-1101-1002 Proposed Rulemaking, Bulletin Vol. 10-10

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11-1106-1001 Proposed Rulemaking (New Chapter), Bulletin Vol. 10-10

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13-0102-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-9 (eff. 7-12-10)T

13.01.04, Rules Governing Licensing

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13-0104-1002 Temporary and Proposed Rulemaking, Bulletin Vol. 10-9 (eff. 7-12-10)T

13.01.06, Classification and Protection of Wildlife

13-0106-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-9 (eff. 7-12-10)T

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

13-0108-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-9 (eff. 7-12-10)T

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13.01.10, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife

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13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

13-0116-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-9 (eff. 7-12-10)T

13-0116-1002 Temporary and Proposed Rulemaking, Bulletin Vol. 10-10 (eff. 8-18-10)T

13.01.17, Rules Governing the Use of Bait for Taking Big Game Animals

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IDAPA 28.01.01, "Rules of the Idaho Personnel Commission" were transferred to the Division of Human Resources and Personnel Commission under the Office of the Governor effective July 1, 1999 and redesignated as IDAPA 15.04.01/

15.04.01, Rules of the Division of Human Resources and Personnel Commission

15-0401-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-8 (eff. 7-1-10)T

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- 16-0203-0901 Temporary and Proposed Rulemaking, Bulletin Vol. 09-10 (eff. 7-1-09)T
- 16-0203-0901 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 126, Bulletin Vol. 10-5
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 - 16-0206-1002* Proposed Rulemaking, Bulletin (Chapter Rewrite) Vol. 10-8
- *Changes chapter name from: "Rules Governing Quality Assurance for Idaho Clinical Laboratories"
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- *Changes chapter name from: "Rules Governing Certification of Idaho Water Quality Laboratories"
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- 16-0301-1001 Adoption of Pending Rule, Bulletin Vol. 10-11 (eff. *PLR 2011)

16.03.04, Rules Governing the Food Stamp Program in Idaho

- 16-0304-0902 Temporary Rulemaking, Bulletin Vol. 09-7 (eff. 6-1-09)T (Expires May 31, 2010)
- 16-0304-0902 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 126, Bulletin Vol. 10-5 (Expires 5-31-10)
- 16-0304-1001 Temporary Rulemaking, Bulletin Vol. 10-7 (eff. 6-1-10)T (Expires May 31, 2011)
- 16-0304-1002 Proposed Rulemaking, Bulletin Vol. 10-10
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16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)

- 16-0305-0904 Temporary and Proposed Rulemaking, Bulletin Vol. 09-12 (eff. (1-1-10)T)
- 16-0305-0904 Adoption of Pending and Amendment to Temporary Rule, Bulletin Vol. 10-4 (eff. (1-1-10)T)
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- 16-0310-0902 Temporary and Proposed Rulemaking, Bulletin Vol. 09-1 (eff. 1-1-09)T
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- 16-0506-1001 Temporary and Proposed Rulemaking, Bulletin Vol. 10-7 (eff. 5-1-10)T - (7-1-10)T
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58-0101-1001 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 10-6
58-0101-0904 Proposed Rulemaking, Bulletin Vol. 10-8
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58.01.02, Water Quality Standards

- 58-0102-1001** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 10-4
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58.01.04, Rules for Administration of Wastewater Treatment Facility Grants

- 58-0104-1001** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 10-10

58.01.05, Rules and Standards for Hazardous Waste

- 58-0105-1001** Proposed Rulemaking, Bulletin Vol. 10-8
58-0105-1001 Adoption of Pending Rule, Bulletin Vol. 10-11 (eff. *PLR 2011)

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- 58-0120-0901** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 09-12 (eff. 12-2-09)T
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- 58-0122-1001** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 10-10

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- 58-0123-0901 Proposed Rulemaking, Bulletin Vol. 09-12
58-0123-0901 Adoption of Pending Rule, Bulletin Vol. 10-6 (eff. *PLR 2011)

IDAPA 59 -- PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

59.01.02, Eligibility Rules of PERSI

- 59-0102-1001 Proposed Rulemaking, Bulletin Vol. 10-8

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- 59-0103-1001 Proposed Rulemaking, Bulletin Vol. 10-8

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- 59-0104-1001 Proposed Rulemaking, Bulletin Vol. 10-8

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- 59-0105-1001 Proposed Rulemaking, Bulletin Vol. 10-8

59.01.06, Retirement Rules of PERSI

- 59-0106-0901 Temporary Rulemaking, Bulletin Vol. 09-3 (eff. 3-1-09)T
59-0106-0901 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 126, Bulletin Vol. 10-5
59-0106-1001 Proposed Rulemaking, Bulletin Vol. 10-8

IDAPA 60 -- IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

(Rules of the Idaho State Soil and Water Conservation Commission have been moved from IDAPA 02 and re-indexed under IDAPA 60. This action is being done pursuant to the legislative intent of House Bill 576 - Session Law 279 - 2010 Legislative Session)

(These rules were formerly indexed under the Department of Lands (IDAPA 20) and the Department of Agriculture (IDAPA 02) and were governed by the Soil Conservation Commission)

- 60-0000-1001 Notice of Legislative Action Affecting the Idaho Soil and Water Conservation Commission - House Bill 576, Session Law 279, Bulletin Vol. 10-9 (eff. 7-1-10)

60.05.04, Rules Governing Allocation of Funds to Conservation Districts

- 60-0504-1001 Temporary Rulemaking (New Chapter), Bulletin Vol. 10-9 (eff. 8-11-10)T

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