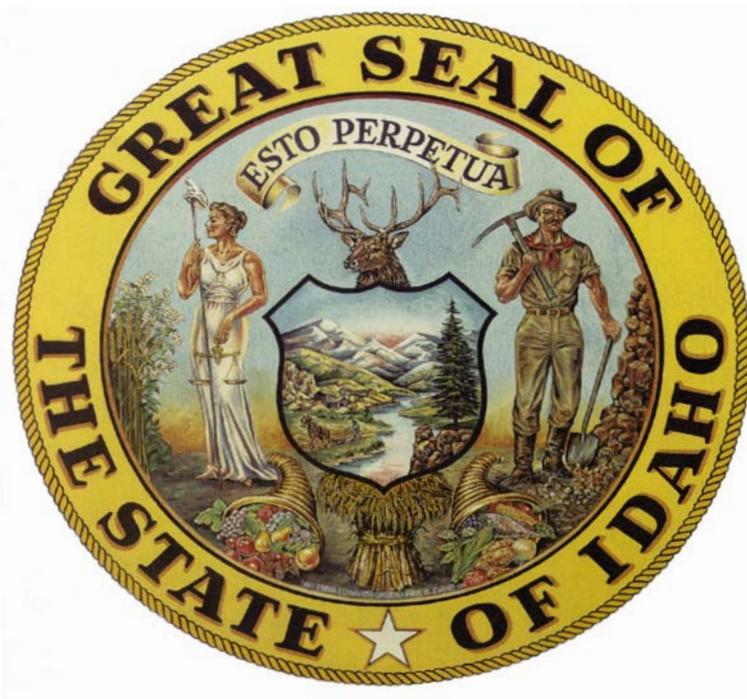


IDAHO ADMINISTRATIVE BULLETIN

January 2, 2013 -- Volume 13-1

Idaho Department of Administration
All Rights Reserved
Printed in the United States of America



The Idaho Administrative Bulletin is published monthly by the Office of Administrative Rules, Department of Administration, Statehouse Mail, Boise, Idaho 83720-0306, pursuant to Title 67, Chapter 52, Idaho Code.

C.L. "Butch" Otter, Governor
Teresa Luna, Director, Department of Administration
Dennis Stevenson, Administrative Rules Coordinator
Edward Hawley, Administrative Rules Specialist
Bradley Hunt, Rules Analyst and Desk-top Publishing Specialist

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

January 2, 2013 -- Volume 13-1

PREFACE	10
IDAPA 01 - BOARD OF ACCOUNTANCY	
01.01.01 - Idaho Accountancy Rules	
Docket No. 01-0101-1201	
Notice of Rulemaking - Adoption of Pending Rule	20
IDAPA 02 - DEPARTMENT OF AGRICULTURE	
02.04.19 - Rules Governing Domestic Cervidae	
Docket No. 02-0419-1201	
Notice of Rulemaking - Adoption of Pending Rule	21
02.04.21 - Rules Governing the Importation of Animals	
Docket No. 02-0421-1201	
Notice of Rulemaking - Adoption of Pending Rule	23
02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law	
Docket No. 02-0602-1201 (Fee Rule)	
Notice of Rulemaking - Adoption of Pending Fee Rule and Amendment to Temporary Rule	25
02.06.31 - Noxious Weed Free Forage and Straw Certification Rules	
Docket No. 02-0631-1201	
Notice of Rulemaking - Adoption of Pending Rule	28
IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION	
08.01.10 - Idaho College Work Study Program	
Docket No. 08-0110-1201	
Notice of Rulemaking - Adoption of Pending Rule	29
08.01.11 - Registration of Post-Secondary Educational Institutions and Proprietary Schools	
Docket No. 08-0111-1201	
Notice of Rulemaking - Adoption of Pending Rule	31
08.01.14 - Idaho Rural Physician Incentive Program	
Docket No. 08-0114-1201 (Chapter Repeal)	
Notice of Rulemaking - Adoption of Pending Rule	33
08.02.01 - Rules Governing Administration	
Docket No. 08-0201-1201	
Notice of Rulemaking - Rescission of Temporary Rule and Vacation of Proposed Rulemaking	34
Docket No. 08-0201-1301	
Notice of Rulemaking - Temporary and Proposed Rule	35
08.02.02 - Rules Governing Uniformity	
Docket No. 08-0202-1201	
Notice of Rulemaking - Adoption of Pending Rule	37

08.02.02 - <i>Rules Governing Uniformity</i>	
Docket No. 08-0202-1202	
Notice of Rulemaking - Adoption of Pending Rule	39
Docket No. 08-0202-1203	
Notice of Rulemaking - Adoption of Pending Rule	40
Docket No. 08-0202-1204	
Notice of Rulemaking - Adoption of Pending Rule	41
Docket No. 08-0202-1205	
Notice of Rulemaking - Vacation of Proposed Rulemaking	44
Docket No. 08-0202-1206	
Notice of Rulemaking - Adoption of Pending Rule	45
08.02.03 - <i>Rules Governing Thoroughness</i>	
Docket No. 08-0203-1201	
Notice of Rulemaking - Adoption of Pending Rule	47
Docket No. 08-0203-1202	
Notice of Rulemaking - Adoption of Pending Rule	48
Docket No. 08-0203-1203	
Notice of Rulemaking - Adoption of Pending Rule	49
Docket No. 08-0203-1204 (Fee Rule)	
Notice of Rulemaking - Adoption of Pending Fee Rule and Amendment to Temporary Rule	59
Docket No. 08-0203-1205	
Notice of Rulemaking - Adoption of Pending Rule	62
Docket No. 08-0203-1206	
Notice of Rulemaking - Adoption of Pending Rule	63
08.02.04 - <i>Rules Governing Public Charter Schools</i>	
Docket No. 08-0204-1201	
Notice of Rulemaking - Adoption of Pending Rule	67
08.03.01 - <i>Rules of the Public Charter School Commission</i>	
Docket No. 08-0301-1201	
Notice of Rulemaking - Adoption of Pending Rule and Amendment to Temporary Rule	68
IDAPA 11 - IDAHO STATE POLICE	
11.02.01 - <i>Rules of the Idaho State Brand Board</i>	
Docket No. 11-0201-1201 (Fee Rule)	
Notice of Rulemaking - Adoption of Pending Fee Rule	72
11.02.02 - <i>Idaho Livestock Dealer Licensing</i>	
Docket No. 11-0202-1201 (Fee Rule)	
Notice of Rulemaking - Adoption of Pending Fee Rule	73
11.03.01 - <i>Rules Governing Alcohol Testing</i>	
Docket No. 11-0301-1201	
Notice of Rulemaking - Adoption of Pending Rule	74
11.05.01 - <i>Rules Governing Alcohol Beverage Control</i>	
Docket No. 11-0501-1101	
Notice of Rulemaking - Adoption of Pending Rule	75

*11.13.01 - Rules Governing Motor Carriers*Docket No. **11-1301-1201**

Notice of Rulemaking - Adoption of Pending Rule76

IDAPA 13 - IDAHO FISH AND GAME COMMISSION*13.01.02 - Rules Governing Hunter Education and Mentored Hunting*Docket No. **13-0102-1201**

Notice of Rulemaking - Adoption of Pending Rule and Adoption of Temporary Rule.....77

*13.01.04 - Rules Governing Licensing*Docket No. **13-0104-1201**

Notice of Rulemaking - Adoption of Pending Rule80

Docket No. **13-0104-1202**

Notice of Rulemaking - Adoption of Pending Rule81

*13.01.07 - Rules Governing the Taking of Upland Game Animals*Docket No. **13-0107-1201**

Notice of Rulemaking - Adoption of Pending Rule82

*13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho*Docket No. **13-0108-1201**

Notice of Rulemaking - Adoption of Pending Rule83

Docket No. **13-0108-1202**

Notice of Rulemaking - Adoption of Pending Rule84

Docket No. **13-0108-1203**

Notice of Rulemaking - Adoption of Pending Rule85

Docket No. **13-0108-1204**

Notice of Rulemaking - Adoption of Pending Rule86

Docket No. **13-0108-1205**

Notice of Rulemaking - Adoption of Pending Rule87

*13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho*Docket No. **13-0109-1201**

Notice of Rulemaking - Adoption of Pending Rule88

Docket No. **13-0109-1202**

Notice of Rulemaking - Adoption of Pending Rule89

Docket No. **13-0109-1203**

Notice of Rulemaking - Adoption of Pending Rule90

Docket No. **13-0109-1204**

Notice of Rulemaking - Adoption of Pending Rule91

*13.01.16 - The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals*Docket No. **13-0116-1201**

Notice of Rulemaking - Adoption of Pending Rule92

*13.01.17 - Rules Governing the Use of Bait for Taking Big Game Animals*Docket No. **13-0117-1201**

Notice of Rulemaking - Adoption of Pending Rule93

**IDAPA 15 - OFFICE OF THE GOVERNOR
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**

15.06.03 - Public Safety Communications Rules

Docket No. **15-0603-1201 (Fee Rule - New Chapter)**
 Notice of Rulemaking - Adoption of Pending Fee Rule 94

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.02 - Emergency Medical Services (EMS) Physician Commission

Docket No. **16-0202-1201**
 Notice of Rulemaking - Adoption of Pending Rule 96

16.03.04 - Rules Governing the Food Stamp Program In Idaho

Docket No. **16-0304-1201**
 Notice of Rulemaking - Adoption of Pending Rule 97

Docket No. **16-0304-1202**
 Notice of Rulemaking - Adoption of Pending Rule 98

16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)

Docket No. **16-0305-1201**
 Notice of Rulemaking - Adoption of Pending Rule and Temporary Rule 99

Docket No. **16-0305-1202**
 Notice of Rulemaking - Adoption of Pending Rule 101

16.03.09 - Medicaid Basic Plan Benefits

Docket No. **16-0309-1204**
 Notice of Rulemaking - Adoption of Pending Rule 102

Docket No. **16-0309-1205**
 Notice of Rulemaking - Adoption of Pending Rule and Temporary Rule 106

Docket No. **16-0309-1206**
 Notice of Rulemaking - Adoption of Pending Rule 120

16.03.10 - Medicaid Enhanced Plan Benefits

Docket No. **16-0310-1201**
 Notice of Rulemaking - Adoption of Pending Rule 121

Docket No. **16-0310-1202**
 Notice of Rulemaking - Adoption of Pending Rule and Amendment to Temporary Rule 123

Docket No. **16-0310-1203**
 Notice of Rulemaking - Adoption of Pending Rule 126

Docket No. **16-0310-1205**
 Notice of Rulemaking - Adoption of Pending Rule and Amendment to Temporary Rule 128

16.04.02 - Idaho Telecommunication Service Assistance Program Rules

Docket No. **16-0402-1201**
 Notice of Rulemaking - Adoption of Pending Rule 130

16.05.01 - Use and Disclosure of Department Records

Docket No. **16-0501-1201**
 Notice of Rulemaking - Adoption of Pending Rule 131

16.05.06 - Criminal History and Background Checks

Docket No. **16-0506-1201 (Fee Rule)**
 Notice of Rulemaking - Adoption of Pending Fee Rule 132

16.06.01 - Child and Family Services
 Docket No. **16-0601-1202**
 Notice of Rulemaking - Adoption of Pending Rule 134

16.06.08 - Rules and Minimum Standards for DUI Evaluators
 Docket No. **16-0608-1201 (Chapter Repeal)**
 Notice of Rulemaking - Adoption of Pending Rule 135

16.07.01 - Behavioral Health Sliding Fee Schedules
 Docket No. **16-0701-1201**
 Notice of Rulemaking - Adoption of Pending Rule 136

16.07.17 - Alcohol and Substance Use Disorder Services
 Docket No. **16-0717-1201**
 Notice of Rulemaking - Adoption of Pending Rule 137

*16.07.20 - Alcohol and Substance Use Disorders Treatment and Recovery Support Services
 Facilities and Programs*
 Docket No. **16-0720-1201**
 Notice of Rulemaking - Adoption of Pending Rule 139

IDAPA 17 - INDUSTRIAL COMMISSION

17.02.04 - Administrative Rules of the Industrial Commission Under the Workers' Compensation Law - Benefits
 Docket No. **17-0204-1201**
 Notice of Rulemaking - Adoption of Pending Rule 142

17.02.09 - Medical Fees
 Docket No. **17-0209-1201**
 Notice of Rulemaking - Adoption of Pending Rule 143

IDAPA 20 - DEPARTMENT OF LANDS

20.02.01 - Rules Pertaining to the Idaho Forest Practices Act
 Docket No. **20-0201-1201**
 Notice of Rulemaking - Adoption of Pending Rule 147

*20.03.14 - Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation,
 and Communication Site Leases*
 Docket No. **20-0314-1201**
 Notice of Rulemaking - Adoption of Pending Rule 155

20.03.15 - Rules Governing Geothermal Leasing On Idaho State Lands
 Docket No. **20-0315-1201**
 Notice of Rulemaking - Adoption of Pending Rule 158

IDAPA 22 - BOARD OF MEDICINE

*22.01.01 - Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery
 and Osteopathic Medicine and Surgery in Idaho*
 Docket No. **22-0101-1201**
 Notice of Rulemaking - Adoption of Pending Rule 161

22.01.02 - Rules of the Board of Medicine for the Registration of Externs, Interns and Residents
 Docket No. **22-0102-1201 (Fee Rule)**
 Notice of Rulemaking - Adoption of Pending Fee Rule 162

22.01.03 - *Rules for the Licensure of Physician Assistants*
 Docket No. **22-0103-1201 (Fee Rule)**
 Notice of Rulemaking - Adoption of Pending Fee Rule 163

22.01.11 - *Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho*
 Docket No. **22-0111-1201**
 Notice of Rulemaking - Adoption of Pending Rule 164

22.01.12 - *Rules Relating to Health Care Workers*
 Docket No. **22-0112-1201 (Chapter Repeal)**
 Notice of Rulemaking - Adoption of Pending Rule 165

22.01.13 - *Rules for the Licensure of Dietitians*
 Docket No. **22-0113-1201 (Fee Rule)**
 Notice of Rulemaking - Adoption of Pending Fee Rule 166

22.01.14 - *Rules Relating to Complaint Investigation*
 Docket No. **22-0114-201**
 Notice of Rulemaking - Adoption of Pending Rule 167

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.27.01 - *Rules of the Idaho State Board of Massage Therapy*
 Docket No. **24-2701-1201 (Fee Rule - New Chapter)**
 Notice of Rulemaking - Adoption of Pending Fee Rule 168

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - *Rules of the Idaho State Board of Pharmacy*
 Docket No. **27-0101-1201**
 Notice of Rulemaking - Adoption of Pending Rule 170

Docket No. **27-0101-1202**
 Notice of Rulemaking - Adoption of Pending Rule 173

Docket No. **27-0101-1203**
 Notice of Rulemaking - Adoption of Pending Rule 174

Docket No. **27-0101-1204**
 Notice of Rulemaking - Adoption of Pending Rule 177

Docket No. **27-0101-1205 (Fee Rule)**
 Notice of Rulemaking - Adoption of Pending Fee Rule 178

Docket No. **27-0101-1207**
 Notice of Intent to Promulgate Rules - Negotiated Rulemaking 182

IDAPA 28 - IDAHO DEPARTMENT OF COMMERCE

28.02.05 - *Rural Community Block Grant Program (RCBG)*
 Docket No. **28-0205-1201**
 Notice of Rulemaking - Adoption of Pending Rule 183

28.02.06 - *Idaho Small Business Federal Funding Assistance Act Rules*
 Docket No. **28-0206-1201 (New Chapter)**
 Notice of Rulemaking - Correction to Pending Rule 184

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

*31.41.01 - Customer Relations Rules for Telephone Corporations Providing Services in Idaho
Subject to Customer Service Regulation by the Idaho Public Utilities Commission
(The Telephone Customer Relations Rules)*

Docket No. **31-4101-1201**
Notice of Rulemaking - Adoption of Pending Rule187

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.01 - Income Tax Administrative Rules

Docket No. **35-0101-1201**
Notice of Rulemaking - Adoption of Pending Rule188

Docket No. **35-0101-1202**
Notice of Rulemaking - Adoption of Pending Rule189

35.01.02 - Sales Tax Administrative Rules

Docket No. **35-0102-1201**
Notice of Rulemaking - Adoption of Pending Rule190

Docket No. **35-0102-1301**
Notice of Intent to Promulgate Rules - Negotiated Rulemaking191

35.01.03 - Property Tax Administrative Rules

Docket No. **35-0103-1202**
Notice of Rulemaking - Adoption of Pending Rule193

Docket No. **35-0103-1203**
Notice of Rulemaking - Adoption of Pending Rule195

Docket No. **35-0103-1204**
Notice of Rulemaking - Adoption of Pending Rule196

Docket No. **35-0103-1205**
Notice of Rulemaking - Adoption of Pending Rule197

Docket No. **35-0103-1207**
Notice of Rulemaking - Adoption of Pending Rule198

35.01.09 - Table and Kitchen Wine Tax Administrative Rules

Docket No. **35-0109-1201**
Notice of Rulemaking - Adoption of Pending Rule199

35.01.10 - Idaho Cigarette and Tobacco Products Tax Administrative Rules

Docket No. **35-0110-1201**
Notice of Rulemaking - Adoption of Pending Rule200

35.01.12 - Idaho Beer Tax Administrative Rules

Docket No. **35-0112-1201**
Notice of Rulemaking - Adoption of Pending Rule201

35.02.01 - Administration and Enforcement Rules

Docket No. **35-0201-1201**
Notice of Rulemaking - Adoption of Pending Rule202

IDAPA 37 - DEPARTMENT OF WATER RESOURCES

37.03.03 - Rules and Minimum Standards for the Construction and Use of Injection Wells

Docket No. **37-0303-1201**
Notice of Rulemaking - Adoption of Pending Rule203

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.12 - *Rules Governing Issuing of Certificates of Title and Bonded Certificates of Title*
 Docket No. **39-0212-1201**
 Notice of Rulemaking - Adoption of Pending Rule219

39.02.60 - *Rules Governing License Plate Provisions*
 Docket No. **39-0260-1201**
 Notice of Rulemaking - Adoption of Pending Rule220

39.02.61 - *Rules Governing License Plates for Governmental Agencies and Taxing Districts*
 Docket No. **39-0261-1201**
 Notice of Rulemaking - Adoption of Pending Rule221

39.02.71 - *Rules Governing Driver’s License Violation Point System*
 Docket No. **39-0271-1201**
 Notice of Rulemaking - Adoption of Pending Rule222

39.03.04 - *Rules Governing Movement of Disabled Vehicles*
 Docket No. **39-0304-1201**
 Notice of Rulemaking - Adoption of Pending Rule223

39.03.10 - *Rules Governing When an Overlegal Permit Is Required*
 Docket No. **39-0310-1201**
 Notice of Rulemaking - Adoption of Pending Rule224

39.03.41 - *Rules Governing Traffic Control Devices*
 Docket No. **39-0341-1201**
 Notice of Rulemaking - Adoption of Pending Rule225

39.03.42 - *Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way*
 Docket No. **39-0342-1201 (Fee Rule)**
 Notice of Rulemaking - Adoption of Pending Fee Rule and Amendment to Temporary Rule226

39.04.02 - *Rules Governing Marking of Hazards to Air Flight*
 Docket No. **39-0402-1201**
 Notice of Rulemaking - Adoption of Pending Rule235

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - *Rules of the Idaho Division of Vocational Rehabilitation*
 Docket No. **47-0101-1202**
 Notice of Rulemaking - Adoption of Pending Rule236

IDAPA 52 - IDAHO STATE LOTTERY

52.01.03 - *Rules Governing Operations of the Idaho State Lottery*
 Docket No. **52-0103-1203**
 Notice of Rulemaking - Adoption of Pending Rule238

SECTIONS AFFECTED INDEX 239

LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS 243

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES 244

SUBJECT INDEX 262

Preface

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

State agencies are required to provide public notice of all proposed rulemaking actions and must invite public input once formal rulemaking procedures have been initiated. The public receives notice that an agency has initiated formal rulemaking procedures through the Idaho Administrative Bulletin and a Public Notice of Intent (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 may submit written comments to the agency or request public hearings of the agency if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking” for each proposed rule that is published in the Bulletin.

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **11-1** refers to the first Bulletin issued in calendar year **2011**; Bulletin **12-1** refers to the first Bulletin issued in calendar year **2012**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **12-1** refers to January 2012; Volume No. **12-2** refers to February 2012; and so forth. Example: The Bulletin published in January 2011 is cited as Volume **11-1**. The December 2011 Bulletin is cited as Volume **11-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies 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 normally results in the formulation of a proposed rule and the initiation of formal rulemaking procedures. One result, however, may also be that formal rulemaking is not initiated and no further action is taken by the agency. The rulemaking effectively stops before it gets started.

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.

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

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can be accessed on a 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 adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially stops the formal rulemaking process.

TEMPORARY RULEMAKING

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

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

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

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

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

PENDING RULEMAKING

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

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

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

- (f) a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

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

FINAL RULEMAKING

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

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

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

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

SUBSCRIPTIONS AND DISTRIBUTION

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

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

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

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

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

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

IDAPA 38.05.01.200.02.c.ii.

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

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

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

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

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

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

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

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

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1201**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1201”

“**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**).

“**1201**” 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 2012**. A subsequent rulemaking on this same rule chapter in calendar year 2012 would be designated as “**1202**”. The docket number in this scenario would be 38-0501-**1202**.

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

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2012

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
12-1	January 2012	*November 25, 2011	January 4, 2012	January 25, 2012
12-2	February 2012	January 13, 2012	February 1, 2012	February 22, 2012
12-3	March 2012	February 10, 2012	March 7, 2012	March 28, 2012
12-4	April 2012	March 9, 2012	April 4, 2012	April 25, 2012
12-5	May 2012	April 6, 2012	May 2, 2012	May 23, 2012
12-6	June 2012	May 4, 2012	June 6, 2012	June 27, 2012
12-7	July 2012	June 8, 2012	July 4, 2012	July 25, 2012
12-8	August 2012	July 6, 2012	August 1, 2012	August 22, 2012
12-9	September 2012	August 3, 2012	September 5, 2012	September 26, 2012
12-10	October 2012	**August 31, 2012	October 3, 2012	October 24, 2012
12-11	November 2012	October 5, 2012	November 7, 2012	November 28, 2012
12-12	December 2012	November 2, 2012	December 5, 2012	December 26, 2012

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2013

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
13-1	January 2013	*November 30, 2012	January 2, 2013	January 23, 2013
13-2	February 2013	January 11, 2013	February 6, 2013	February 27, 2013
13-3	March 2013	February 8, 2013	March 6, 2013	March 27, 2013
13-4	April 2013	March 8, 2013	April 3, 2013	April 24, 2013
13-5	May 2013	April 5, 2013	May 1, 2013	May 22, 2013
13-6	June 2013	May 10, 2013	June 5, 2013	June 26, 2013
13-7	July 2013	June 7, 2013	July 3, 2013	July 24, 2013
13-8	August 2013	July 5, 2013	August 7, 2013	August 28, 2013
13-9	September 2013	August 2, 2013	September 4, 2013	September 25, 2013
13-10	October 2013	**August 30, 2013	October 2, 2013	October 23, 2013
13-11	November 2013	October 4, 2013	November 6, 2013	November 27, 2013
13-12	December 2013	November 8, 2013	December 4, 2013	December 25, 2013

****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.***

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 01	Accountancy , Board of
IDAPA 38	Administration , Department of
IDAPA 44	Administrative Rules Coordinator , Office of the
IDAPA 02	Agriculture , Idaho Department of
IDAPA 40	Arts , Idaho Commission on the
IDAPA 03	Athletic Commission
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 07	Building Safety , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
IDAPA 43	Canola and Rapeseed Commission , Idaho
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Board of
IDAPA 19	Dentistry , Board of
IDAPA 08	Education , State Board of and State Department of
IDAPA 10	Engineers and Land Surveyors , Board of Professional
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Department of
IDAPA 13	Fish and Game , Department of
IDAPA 14	Geologists , Board of Registration for Professional

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 15	Governor, Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Liquor Division (15.10) Idaho Emergency Communications Commission (15.06) Emergency Response Commission (15.13)
IDAPA 48	Grape Growers and Wine Producers Commission, Idaho
IDAPA 16	Health and Welfare, Department of
IDAPA 41	Health Districts, Public
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission
IDAPA 18	Insurance, Department of
IDAPA 05	Juvenile Corrections, Department of
IDAPA 09	Labor, Idaho Department of
IDAPA 20	Lands, Department of
IDAPA 30	Libraries, Commission for
IDAPA 52	Lottery Commission, Idaho State
IDAPA 22	Medicine, Board of
IDAPA 23	Nursing, Board of

**ALPHABETICAL INDEX OF STATE AGENCIES
AND CORRESPONDING IDAPA NUMBERS**

IDAPA 24	Occupational Licenses, Board of (24.20) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Barber Examiners, Board of (24.02) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho (24.21) Cosmetology, Board of (24.04) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board, Idaho State (24.22) Midwifery, Idaho Board of (24.26) Morticians, State Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, State Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, State Board of (24.11) Psychologist Examiners, Idaho State Board of (24.12) Real Estate Appraiser Board (24.18) Residential Care Facility Administrators, Board of Examiners of (24.19) Social Work Examiners, State Board of (24.14) Speech and Hearing Services Licensure Board (24.23)
IDAPA 25	Outfitters and Guides Licensing Board
IDAPA 50	Pardons and Parole, Commission for
IDAPA 26	Parks and Recreation, Department of
IDAPA 27	Pharmacy, Board of
IDAPA 11	Police, Idaho State
IDAPA 29	Potato Commission, Idaho
IDAPA 55	Professional-Technical Education, Division of
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 56	Rangeland Resources Commission, Idaho
IDAPA 33	Real Estate Commission, Idaho
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board
IDAPA 49	Shorthand Reporters Board, Idaho Certified
IDAPA 60	Soil and Water Conservation Commission, Idaho State

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 54	Treasurer, Office of the State
IDAPA 21	Veterans Services, Division of
IDAPA 46	Veterinary Medical Examiners, Board of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission

IDAPA 01 - BOARD OF ACCOUNTANCY

01.01.01 - IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on 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 54-204(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 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 October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 22 and 23](#).

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: None

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kent A. Absec, Executive Director, at 208-334-2490.

DATED this 13th day of November, 2012.

Kent A. Absec, Executive Director
Idaho State Board of Accountancy
3101 W. Main Street, Suite 210
P.O. Box 83820
Boise, Idaho 83720-0002
Phone: 208-334-2490
Fax: 208-334-2615
Email: kent.absec@isba.idaho.gov

DOCKET NO. 01-0101-1201 - 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 12-10, October 3, 2012, pages 22 and 23](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.19 - RULES GOVERNING DOMESTIC CERVIDAE

DOCKET NO. 02-0419-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-221, 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:

Amend section 011.04. The acronym AZA, defined as the American Zoological Association, is incorrect. The correct definition for AZA is the Association of Zoos and Aquariums.

Amend section 450.01 to allow the Administrator to grant exemptions to the change of ownership tuberculosis (TB) testing requirement for domestic cervidae on a case-by-case basis, based upon individual circumstances. This would allow cervidae farms that maintain their herd to conform to all TB testing requirements to be sold to another producer without losing their test status. The new owner of the herd may then be granted an exemption as the herd test status will not have changed, only the ownership of the animals.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, page 28 and 29](#).

IDAHO CODE SECTION 22-101A 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.

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

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

ISDA does not anticipate any fiscal impact from the changes to be made to this Rule during this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Scott Leibsle, Deputy Administrator, 208-332-8540.

DATED this 29th day of November, 2012.

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

DOCKET NO. 02-0419-1201 - 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 12-10, October 3, 2012, page 28 and 29.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS
DOCKET NO. 02-0421-1201
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on 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 25-221, 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:

Amend section 011.03. The acronym AZA, defined as the American Zoological Association, is incorrect. The correct definition for AZA is the Association of Zoos and Aquariums.

Amend section 601.01. To more clearly define the current brucellosis testing requirement as a single blood sample from which two (2) different diagnostic tests for brucellosis shall be performed. This will clarify that the producers need only work their elk once to collect blood.

Amend section 601.02. To expand the list of testing exemptions for Red Deer Gene Factor (RDGF) to include any state or province that has implemented an approved RDGF prevention program for domestic cervidae. The existing rule identifies Montana as the only state that would qualify for a testing exemption because at the time the original rule was written, Montana was the only state to have implemented an approved RDGF program.

Amend section 606. To expand the tuberculosis (TB) testing exemptions to include any cervidae moving between the Association of Zoos and Aquariums accredited facilities and those facilities that have a USDA exhibitor permit. The existing rule requirements are redundant to require TB testing for movement between these facilities which are both federally regulated for TB prevention. The change would prevent a producer from having to re-test an animal that is moving between these types of facilities.

Clarify and condense portions of the rule for purposes of simplification and maintaining consistency.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 30 through 34](#).

IDAHO CODE SECTION 22-101A 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.

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

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

ISDA does not anticipate any fiscal impact from the changes to be made to this Rule during this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Scott Leibsle, Deputy Administrator, 208-332-8540.

DATED this 29th day of November, 2012.

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

DOCKET NO. 02-0421-1201 - 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 12-10, October 3, 2012, page 30 through 34.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-1201 (FEE RULE)

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

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 29, 2012. This pending fee rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule and amended a temporary rule. The action is authorized pursuant to Section 25-2710, 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:

Add a section, 011. Exemptions, to define those feed products that will be exempt from registration. Exemptions are being added to the Rule in an effort to align with what is currently outlined in statute, and to provide a more transparent process in the future should exemptions need to be added or discontinued to meet changes in the feed industry or state needs. Based on public comment, ISDA chose to add Subsection 011.08 -- Byproducts or Production Waste in the exemptions. Such an exemption has previously existed in statute.

Add a section, 020. Registration & Fees, to set in rule a fee of \$40 per product. This increase in the registration fee will support a shift in program operating revenue from the termination of previously collected tonnage fees. This shift allows ISDA to better align revenue collection and services provided to registrants with the per-product regulatory activity expenses of the Commercial Feed Program. The revised fee was originally set at \$45 with a \$1,000,000 cap on the dedicated fund balance; after consideration of public comment, ISDA chose to decrease the fee to \$40 and remove the dedicated fund cap language. The dedicated fund cap would be difficult to manage in a timely and responsive manner outside the appropriation or rulemaking process.

Add a section 050.01.H, Inclusion of statements and promotion on company websites or other internet based customer interfaces into the definition of "labeling." Including websites and other internet based customer interfaces into the definition of "labeling" allows ISDA to ensure consistent and truthful information is disseminated by registrants where consumers are able to obtain decision-influencing information. This change also ensures that the Rules are consistent with the Commercial Feed Law.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 5, 2012 Idaho Administrative Bulletin, [Vol. 12-9, pages 17 through 21](#).

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger. This fee or charge is being imposed pursuant to Section 25-2704(2), Idaho Code. The following is a specific description of the fee or charge imposed or increased:

The registration fee included in this temporary rule is authorized in Section 25-2704(2), Idaho Code which authorizes the Director to set a registration fee in rule. This authorization is the result of SB 1236, which was passed by the 2012 Idaho Legislature. Changes to the statute included the authorization to set the registration fee in rule, as well as the elimination of the tonnage fee.

The registration fee is set at \$40 per product. This is an increase in the per product registration fee from \$5 or \$25. The new registration fee also replaces the former tonnage fee requirement.

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

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

The commercial feed program is a dedicated fund program and there is no impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule, contact Kathryn Mink, Section Manager Feed, Fertilizer & Seed at (208) 332-8620.

DATED this 29th day of November, 2012.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8503
Fax: (208) 334-2170

**DOCKET NO. 02-0602-1201 - ADOPTION OF PENDING FEE RULE
AND AMENDMENT TO TEMPORARY RULE**

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

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, [Volume 12-9, September 5, 2012, pages 17 through 21.](#)

This rule has been adopted as a pending fee rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

**THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR FEE DOCKET NO. 02-0602-1201**

011. EXEMPTIONS.

Exemptions from product registration shall include:

(9-5-12)T

[New Subsection 011.08]

08. **Byproducts or Production Waste.** Processing byproducts or production waste, which do not undergo further processing, received by the end user directly from the fuel or food processor, when not adulterated within the meaning of Section 25-2707, Idaho Code, or misbranded within the meaning of Section 25-2707, Idaho Code. This may include wet or pressed beet pulp, pea screenings, and beet discard molasses. (11-29-12)T

020. REGISTRATION AND FEES.

[Subsection 020.01]

01. **Product Registration Fee.** Whenever a commercial feed is registered for distribution in the state of Idaho, a fee of forty ~~five~~ dollars (\$450) per product shall be collected. (9-5-12)T(11-29-12)T

[Paragraph 020.01.b.]

b. The fee shall be set by the Department such that all costs associated with the commercial feed program will be covered by the registration fee without the need for additional state general or dedicated funding. A dedicated fund balance of not more than one million dollars (\$1,000,000) will be maintained. The registration fee will be reduced or increased by the Department in order to maintain this balance. (9-5-12)T(11-29-12)T

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.31 - NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION RULES

DOCKET NO. 02-0631-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on 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 22-2403, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 46 through 55](#).

IDAHO CODE SECTION 22-101A 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: 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: ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dan Safford, Program Specialist, (208)-332-8592.

DATED this 29th day of November, 2012.

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

DOCKET NO. 02-0631-1201 - 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 12-10, October 3, 2012, page 46 through 55](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.01.10 - IDAHO COLLEGE WORK STUDY PROGRAM

DOCKET NO. 08-0110-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is 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 33-105 and 33-4402, Idaho Code.

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

The proposed changes to IDAPA 08.01.10 will amend the formula used to determine the allocation of funds, streamline the administrative processes, and eliminate redundant sections of rule that are already outlined in Idaho code.

During the comment period, Board staff met with staff from some of Idaho's non-profit proprietary postsecondary educational institutions, as a result it was determined that some of the changes would adversely affect their work study programs. Amendments have been made to the rule reinstating language regarding the educational need requirements in Sections 101 and 107.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 115 through 118](#).

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

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

DATED this November 30, 2012.

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

DOCKET NO. 08-0110-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 115 through 118.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0110-1201

101. INSTITUTIONAL PARTICIPATION.

Eligible postsecondary institutions are defined by statute. In order to participate in the program during a specific fiscal year, eligible institutions shall: (7-1-93)

[Subsection 101.03 - Text will remain as currently codified.]

03. Educational Need. Eligible postsecondary institutions participating in the educational need, work experience portion of the work study program shall submit to the Office of the State Board of Education, on or before August 1 preceding the beginning of the academic year, requirements for determining educational need, in accordance with Section 33-4405, Idaho Code, and Section 8 of this chapter. (7-1-93)

[Section 107 - Proposed changes have been withdrawn. Text will remain as currently codified.]

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

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

DOCKET NO. 08-0111-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is 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 33-105, 33-2402, and 33-2403, Idaho Code.

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

The proposed changes to IDAPA 08.01.11 change the reporting year for establishing the gross Idaho tuition revenue from the previous registration year to the previous tax reporting year and adds language requiring institutions to provide information to students regarding the availability and location of clinical and internship positions for those programs that require clinical or internships as part of the course or courses of study.

The only change to the rule is additional language in Section 200 aligning the notification requirement to students.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 119 through 126](#).

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

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

DATED this November 30, 2012.

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

DOCKET NO. 08-0111-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 119 through 126.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0111-1201

200. REGISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.

09. Information Required. (3-29-12)

a. An application must include all the information requested on the application form, as well as the following information: (3-29-12)

[New Subparagraph 200.09.a.vi.]

vi. All advertising, pamphlets, and other literature used to solicit students and all contract forms must accurately represent the purpose of the school, its courses or courses of study, and other relevant information to assist students in making an informed decision to enroll. Institutions offering courses or courses of study which require clinical, practicum or internship components must provide students in writing information regarding the number of clinical, practicum or internship positions available and the location of said positions. Institutions with courses or courses of study that have not been fully accredited must disclose to prospective students in these courses or courses of study the accreditation status of the program and anticipated date for full accreditation. ()

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.01.14 - IDAHO RURAL PHYSICIAN INCENTIVE PROGRAM

DOCKET NO. 08-0114-1201 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, and Chapter 37 Title 33, 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 October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, page 127](#).

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

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

DATED this November 30, 2012.

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

DOCKET NO. 08-0114-1201 - 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 12-10, October 3, 2012, page 127.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1201

**NOTICE OF RULEMAKING -
RESCISSION OF TEMPORARY RULE AND VACATION OF PROPOSED RULEMAKING**

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the proposed rulemaking previously initiated under this docket and is rescinding the temporary rule previously adopted under this docket. The action is authorized pursuant to Sections 33-105, 33-107, and 33-1612, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for the rescission and vacation of this rulemaking:

The temporary and proposed rule, adopted under this Docket No. 08-0201-1201 by the State Board of Education, was published in the August 1, 2012 Administrative Bulletin, **Vol. 12-8 pages 19 through 21**. This Notice of Rulemaking hereby rescinds the temporary rules, effective June 21, 2012 and vacates the proposed rulemaking.

The temporary and proposed rulemaking was done in order to allow for the proper implementation of Fractional ADA, including specifying the basis for fractional ADA calculations, the timing of payments from students' home school districts and public charter schools to course providers and the determination of what constitutes an overload course. The rule also allows school districts and public charter schools serving dual-enrolled students to receive funding according to an agreed upon plan for sharing student ADA for the 2012-2013 school year.

Therefore, this Notice of Rulemaking rescinds the temporary rule, effective June 21, 2012 and vacates the proposed rulemaking to Fractional ADA to be effective on November 19, 2012.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of proposed rulemaking and rescission of temporary rule, contact Jason Hancock, State Department of Education, jhancock@sde.idaho.gov, 208-332-6853.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1301

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 13, 2012.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 33-105, Idaho Code, Section 33-107, Idaho Code, and Section 33-1612, Idaho Code and 33-118.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 16, 2013.

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

DESCRIPTIVE SUMMARY: The following is 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:

In 2011, the State Board of Education approved, and the Idaho Legislature subsequently approved, a rulemaking promulgated under Docket 08-0201-1101 that clarified aspects of collective bargaining and negotiations found in the Students Come First laws. On November 6, 2012, Idaho voters repealed the Students Come First laws. This rule change removes the language codified under Docket 08-0201-1101.

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

On November 6, 2012, Idaho voters repealed the Students Come First laws. Because the authorizing statutes are no longer in existence, these administrative rules are now in conflict and must be repealed immediately. These changes comply with the amendments made to governing law.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the need for temporary rulemaking.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this temporary and proposed rule, contact: Luci Willits at lbwillits@sde.idaho.gov or 208-332-6814.

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 January 23, 2013.

DATED this 21st Day of December 13, 2012.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027
(208) 332-6812; fax (208) 334-2228

THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0201-1301

151. NEGOTIATIONS.

~~01. **Open Meeting.** For the purposes of Section 33-1273A, Idaho Code, all open meeting negotiations shall adhere to Sections 67-2340 through 67-2344 and 67-2346 through 67-2347, Idaho Code, including posting notices and agendas. In addition, notices and agendas shall be posted on the main page of the school district's website. (3-29-12)~~

~~02. **Collective Bargaining Limited to Compensation and Benefits.** Items that may be included in master contracts or negotiated agreements shall be limited to the specific items defined under the terms "Compensation" and "Benefits" under Section 33-1272, Idaho Code. For the purposes of the definition of "Compensation" as stated in Section 33-1272, Idaho Code, the term "salary" means: (3-29-12)~~

~~a. Any monies provided through public funding that are paid to an employee pursuant to an employment contract, the form of which is approved by the Superintendent of Public Instruction pursuant to Section 33-513, Idaho Code; and (3-29-12)~~

~~b. The process by which the school district board of trustees will determine local student achievement share awards pursuant to Section 33-1004I, Idaho Code. (3-29-12)~~

~~c. The inclusion of any other items in a master contract or negotiated agreement is hereby prohibited. Any items included in violation of this provision are hereby declared null, void and of no force or effect. (3-29-12)~~

152. -- 199. (RESERVED)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(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:

No public comments were received during the proposed rule public comment period regarding the clarifications for IDAPA 08.02.02.023.10, "Endorsements E - L Health (6-12 or K-12)," 08.02.02.024.07, "Endorsements M - Z Physical Education (PE) (6-12 or K-12)," or for the proposed amendment to IDAPA 08.02.02.028.02, "Generalist Endorsement (K-12)," therefore the Professional Standards Commission has adopted these amendments as originally proposed and is submitting this pending rule for final approval by the Legislature.

Multiple public comments were received in opposition to the proposed amendment to IDAPA 08.02.02.026.03, "Director of Special Education and Related Services Endorsement (Pre-K-12)." The Professional Standards Commission discussed the opposing comments during their October 2012 meeting and agreed that this proposed amendment should not be brought forward in this pending rule for final approval by the Legislature. The proposed amendment to this subsection is being removed from the pending rule and the rule will remain as currently codified.

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 July 4, 2012, Idaho Administrative Bulletin, [Vol. 12-7 Pages 32 through 39](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Christina Linder at clinder@sde.idaho.gov or phone 208-332-6886.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

DOCKET NO. 08-0202-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 12-7, July 4, 2012, pages 32 through 39.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0202-1201

[The proposed amendment to Subsection 026.03 has been withdrawn from the pending rule, therefore, Section 026 remains unchanged and as currently codified.]

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2012, Idaho Administrative Bulletin, [Vol. 12-8, pages 22 and 23](#).

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

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Luci Willits, Chief of Staff, State Department of Education, Boise, Idaho, 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720, Boise, Idaho 83720-0027
Phone: 208-332-6800 / Fax: 208-334-2228

DOCKET NO. 08-0202-1202 - 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 12-8, August 1, 2012, pages 22 and 23](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(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.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 128 and 129](#).

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

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Christina Linder, State Department of Education, Boise, Idaho, 208-332-6886.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

DOCKET NO. 08-0202-1203 - 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 12-10, October 3, 2012, pages 128 and 129](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1204

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(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:

At the request of the State Board of Education, the definition of Teacher Leader was added to ensure clarity as the state moves into a new era of supporting and acknowledging teacher leadership through earned endorsements, IDAPA 08.02.02.007.10.

Public comments were received requesting clarification on the proposed amendment to IDAPA 08.02.02.016.03, "Idaho Educator Credential Renewal Requirement – Comprehensive Literacy." The pending rule has been revised to more clearly align with other credential renewal requirements and to more clearly reflect the intent of the requirement.

No public comments were received on the proposed amendments to IDAPA 08.02.02.021, 022, 023, 024, or 029 during the public comment period. As a result, the pending rule has been adopted as originally proposed.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 130 through 139](#).

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

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Christina Linder by email at clinder@sde.idaho.gov, or by phone at 208-332-6886, or at the address listed below.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

DOCKET NO. 08-0202-1204 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 130 through 139.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0202-1204

[Changes to Section 007 were not shown at the proposed stage, therefore, the entire section is being printed here.]

007. DEFINITIONS.

01. Active Teacher. K-12 teacher with a valid Idaho certificate who is currently teaching in an Idaho K-12 classroom/school. (3-16-04)

02. Alternative Routes. Routes to teacher certification designed for candidates who want to enter the teaching profession from non-education professions or the para-educator profession, or for teachers lacking certification in a specific area defined as an emergency district need. (3-16-04)

03. Credential. The general term used to denote the document on which all of a person's educational certificates and endorsements are listed. The holder is entitled to provide educational services in any and/or all areas listed on the credential. (3-16-04)

04. Endorsement. Term used to refer to the content area or specific area of expertise in which a holder is granted permission to provide services. (3-16-04)

05. Idaho Student Achievement Standards. Standards of achievement for Idaho's K-12 students. See IDAPA 08.02.03, "Rules Governing Thoroughness." (3-16-04)

06. Institutional Recommendation. Signed form or written verification from an accredited institution with an approved teacher preparation program stating that an individual has completed the program and is now being recommended for state certification. (3-16-04)

07. Orientation. School district/school process used to acquaint teachers new to district/school on its policies, procedures and processes. (3-16-04)

08. Para-Educator. Aides and assistants employed by school districts to supplement instruction and provide additional assistance to students. (3-16-04)

09. **Pedagogy.** Teaching knowledge and skills. (3-16-04)

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

016. IDAHO EDUCATOR CREDENTIAL.

The State Board of Education authorizes the State Department of Education to issue certificates and endorsements to those individuals meeting the specific requirements for each area provided herein. (Section 33-1201, Idaho Code)
(3-16-04)

[Subsection 016.02 through new Subsection 016.04]

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

03. **Renewal Requirement - Idaho Comprehensive Literacy Course.** In order to recertify, a state approved Idaho Comprehensive Literacy Course shall be required. Successful completion of a state approved Idaho Comprehensive Literacy course shall be a one-time requirement for renewal of certification for those currently employed in an Idaho school district and shall be included within current requirements for continuing education for renewal. The following individuals listed in Subsection 016.03.a. through 016.03.c. shall successfully complete an Idaho Comprehensive Literacy course in order to recertify: ()

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

b. Each teacher holding a Standard Elementary Certificate (K-8); and ()

c. Each teacher holding a Standard Exceptional Child Certificate (K-12). ()

04. **Out-of-State Applicants - Idaho Comprehensive Literacy Course.** Out-of-state applicants shall take a state approved Idaho Comprehensive Literacy Course as a certification requirement. ()

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1205

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 rulemaking previously initiated under this docket. The action is authorized pursuant to Section 33-514, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

The need for additional time for stake holder input.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact: Luci Willits, lbwillits@sde.idaho.gov, 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1206

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is 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 33-105, 33-107, 33-116, and 33-1612, Idaho Code.

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

The proposed changes to IDAPA 08.02.02 would repeal three sections of rule that expired July 1, 2006 (.039, 040, and 041.) and clarify the alternate route to certification process. The process surrounding the attainment of certification through an alternate route is confusing, especially in the area of para educator to teacher. It has proven to be very difficult for a para professional to attain certification within the allotted five (5) years, as specified under the present conditions. Additionally, the current para educator to teacher process does not meet federal regulation regarding alternate routes to teacher certification. The new language will align the requirements for para professionals and with those of a content specialist and eliminate the para educator to teacher route.

Changes have been made to the rule to further clarify what extenuating circumstances would be acceptable for receiving a waiver under subsection 045.04.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, page 148 through 154](#).

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

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

DATED this November 30, 2012.

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

DOCKET NO. 08-0202-1206 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, 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 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0202-1206

044. ALTERNATIVE AUTHORIZATION -- CONTENT SPECIALIST ~~(EFFECTIVE JULY 1, 2006).~~

The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for three (3) years and is not renewable. (3-20-04)

01. Initial Qualifications. (3-20-04)

[Paragraph 044.01.a.]

a. Prior to application, a candidate must hold a Bachelor's degree or have completed all of the requirements of a Bachelor's degree except the student teaching or practicum portion. ~~(3-20-04)~~ ()

045. COMPUTER-BASED ALTERNATIVE ROUTE TO TEACHER CERTIFICATION.

An individual may acquire interim certification as found in Section 015 of these rules through a computer-based alternative route certification program. (4-6-05)

[Subsection 045.04]

04. Interim Certificate. Upon completion of the computer-based certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the term of the interim certificate, teaching by the individual must be done in conjunction with a two (2) year teacher mentoring program approved by the Board. The individual must ~~start~~ complete the mentoring program during the term of the interim certificate ~~and it may be completed after standard certification is granted.~~ In the case where teachers start their mentoring program in the third year of their interim certificate, they must apply to the State Department of Education Teacher Certification Department for a waiver to complete the final year of their mentoring program for full certification. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. ~~(4-6-05)~~ ()

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-107, 33-116, and 33-1612, 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 June 6, 2012 Idaho Administrative Bulletin, [Vol. 12-6, pages 17 and 18](#).

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

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

DATED this November 30, 2012.

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

DOCKET NO. 08-0203-1201 - 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 12-6, June 6, 2012, pages 17 and 18](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2012, Idaho Administrative Bulletin, [Vol. 12-8, pages 24 and 25](#).

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

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Shannon Page, ICASDV Policy Consultant, 300 E. Mallard Dr. Ste. 1300 Boise, Idaho, 83706, 208-861-1567.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

DOCKET NO. 08-0203-1202 - 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 12-8, August 1, 2012, pages 24 and 25](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(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:

On November 6, 2012, Idaho Code, Chapter 33, Section 1627 which directed the State Board of Education to promulgate rules for an online learning requirement for the class of 2016 and beyond was overturned through Proposition 3. The rejection of Proposition 3 does not automatically remove the online graduation requirement because the Board has the ability to create state graduation requirements. However, the State Board of Education voted to remove the requirement for students to take an online course and the associated definitions.

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 1, 2012, Idaho Administrative Bulletin, [Vol. 12-8, pages 26 through 35](#).

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

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Luci Willits, Chief of Staff, State Department of Education, Boise, Idaho, 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

DOCKET NO. 08-0203-1203 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-8, August 1, 2012, pages 26 through 35.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0203-1203

007. DEFINITIONS A - G.

01. Achievement Standards. Define “below basic,” “basic,” “proficient,” and “advanced” achievement levels on the Idaho Standards Achievement Tests (ISAT) and “beginning,” “advanced beginning,” “intermediate,” “early fluent” and “fluent” on the Idaho English Language Assessment (IELA) by setting scale score cut points. These cut scores are paired with descriptions of how well students are mastering the material in the content standards. These descriptions are called performance level descriptors or PLDs, and are provided by performance level, by content area, and by grade. (4-2-08)

02. Advanced Opportunities. Are defined as Advanced Placement courses, Dual Credit courses, Tech Prep, or International Baccalaureate programs. (4-11-06)

03. Advanced Placement® (AP) - College Board. The Advanced Placement Program is administered by the College Board at <http://www.collegeboard.com>. AP students may take one (1) or more college level courses in a variety of subjects. AP courses are not tied to a specific college curriculum, but rather follow national College Board curricula. While taking the AP exam is optional, students can earn college credit by scoring well on the national exams. It is up to the discretion of the receiving college to accept the scores from the AP exams to award college credit or advanced standing. (4-11-06)

04. All Students. All students means all public school students, grades K-12. (4-11-06)

05. Alternative Assessment (Other Ways of Testing). Any type of assessment in which students create a response to a question rather than choose a response from a given list, as with multiple-choice or true/false. Alternative assessments can include short-answer questions, essays, oral presentations, exhibitions, and portfolios. (4-5-00)

06. Assessment. The process of quantifying, describing, or gathering information about skills, knowledge or performance. (4-5-00)

07. Assessment Standards. Statements setting forth guidelines for evaluating student work, as in the “Standards for the Assessment of Reading and Writing.” (4-5-00)

08. Asynchronous Course. An online course in which an online platform is used to deliver all curricula. The majority of communication exchanges occur in elapsed time and allow students and teachers to participate according to their schedule. Asynchronous courses do not prohibit the use of a paraprofessional, certificated staff or other staff member being present at the physical location during instructional periods where

instruction takes place, such as a school computer lab.

~~(3-29-12)~~()

09. Authentic. Something that is meaningful because it reflects or engages the real world. An “authentic task” asks students to do something they might really have to do in the course of their lives, or to apply certain knowledge or skills to situations they might really encounter. (4-5-00)

10. Basic Educational Skills Training. Instruction in basic skills toward the completion/attainment of a certificate of mastery, high school diploma, or GED. (4-5-00)

[Subsection 007.11 through Paragraph 007.11.c.]

~~**11. Blended Course.** A blended course, sometimes called hybrid course, consists of a course having between fifty-one percent (51%) and seventy-nine percent (79%) of the course content delivered through the use of technology, and may include the following models: (3-29-12)~~

~~**a. Flex Model.** Features an online platform that delivers most of the curricula. Teachers provide on-site support on a flexible and adaptive, as needed basis through in-person tutoring sessions and small group sessions. (3-29-12)~~

~~**b. Online Lab Model.** Programs rely on an online platform to deliver the entire course but in a brick-and-mortar lab environment. Paraprofessionals or other staff supervise but offer little content expertise. (3-29-12)~~

~~**c. Rotation Model.** Students rotate on a fixed schedule between learning online in a self-paced environment and sitting in a classroom with a traditional face-to-face teacher. (3-29-12)~~

121. Classic Texts. Literary or other works (e.g., films, speeches) that have been canonized, either continuously or intermittently, over a period of time beyond that of their initial publication and reception. (4-5-00)

132. Content Standards. Describe the knowledge, concepts, and skills that students are expected to acquire at each grade level in each content area. (4-2-08)

143. Context (of a Performance Assessment). The surrounding circumstances within which the performance is embedded. For example, problem solving can be assessed in the context of a specific subject (such as mathematics) or in the context of a real-life laboratory problem requiring the use of mathematics, scientific, and communication skills. (4-5-00)

154. Cooperative Work Experience. Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op. (4-5-00)

165. Criteria. Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become rubrics or scoring guides. (4-5-00)

176. Cues. Various sources of information used by readers to construct meaning. The language cueing systems include the graphophonic (also referred to as graphophonemic) system, which is the relationship between oral and written language (phonics); the syntactic system, which is the relationship among linguistic units such as prefixes, suffixes, words, phrases, and clauses (grammar); and semantic system, which is the study of meaning in language. Reading strategies and language cueing systems are also influenced by pragmatics-the knowledge readers have about the ways in which language is understood by others in their culture. (4-5-00)

187. “C” Average. A combined average of courses taken on a four (4) point scale with “C” equal to two (2) points. (4-11-06)

198. Decode. (4-5-00)

- a. To analyze spoken or graphic symbols of a familiar language to ascertain their intended meaning. (4-5-00)
- b. To change communication signals into messages, as to decode body language. (4-5-00)

2019. Dual Credit. Dual credit allows high school students to simultaneously earn credit toward a high school diploma and a postsecondary degree or certificate. Postsecondary institutions work closely with high schools to deliver college courses that are identical to those offered on the college campus. Credits earned in a dual credit class become part of the student's permanent college record. Students may enroll in dual credit programs taught at the high school or on the college campus. (4-11-06)

210. Emergent Literacy. Development of the association of print with meaning that begins early in a child's life and continues until the child reaches the stage of conventional reading and writing. (4-5-00)

221. Employability Skills. Work habits and social skills desirable to employers, such as responsibility, communication, cooperation, timeliness, organization, and flexibility. (4-5-00)

232. Entry-Level Skills. The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. (4-5-00)

243. Evaluation (Student). Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. (4-5-00)

254. Experiential Education (Application). Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. (4-5-00)

265. Exploratory Experience (Similar to a Job Shadow). An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. (4-5-00)

276. Fluency. The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily. (4-5-00)

287. Genre (Types of Literature). A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (4-5-00)

298. Graphophonic/Graphophonemic. One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). (4-5-00)

008. DEFINITIONS H - S.

01. Interdisciplinary or Integrated Assessment. Assessment based on tasks that measures a student's ability to apply concepts, principles, and processes from two (2) or more subject disciplines to a project, issue, or problem. (4-5-00)

02. International Baccalaureate (IB) - Administered by the International Baccalaureate Organization, the IB program provides a comprehensive liberal arts course of study for students in their junior and senior years of high school. IB students take end-of-course exams that may qualify for college credit. Successful completion of the full course of study leads to an IB diploma. (4-11-06)

03. Laboratory. A laboratory science course is defined as one in which at least one (1) class period each week is devoted to providing students with the opportunity to manipulate equipment, materials, specimens or develop skills in observation and analysis and discover, demonstrate, illustrate or test scientific principles or concepts. (4-11-06)

04. Learning Plan. The plan that outlines a student's program of study, which should include a rigorous academic core and a related sequence of electives in academic, professional-technical education (PTE), or humanities aligned with the student's post graduation goals. (4-11-06)

05. Narrative. Text in any form (print, oral, or visual) that recounts events or tells a story. (4-5-00)

06. Norm-Referenced Assessment. Comparing a student's performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.) (4-5-00)

07. On-Demand Assessment. Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand assessment. (4-5-00)

[Subsections 008.08 through 008.10]

~~**08. Online Course.** A course in which at least eighty percent (80%) of the course content is delivered over the Internet or through the use of technology. An online course may be asynchronous or synchronous. Online teachers may perform the course work from an alternate location while a paraprofessional or other school staff member supervises students in a computer lab environment. (3-29-12)~~

~~**09. Online Learning.** Education in which the majority of course content is delivered online or through the use of technology. Courses may be delivered in an asynchronous or synchronous course format and may include blended or hybrid course models or fully online course models. (3-29-12)~~

~~**a.** Online learning does not include printed-based correspondence education, broadcast television or radio, videocassettes, and stand-alone education software programs that do not have a significant internet based instructional component. (3-29-12)~~

~~**b.** Online learning is not simply computer based instruction, but rather requires that the online teacher and the student have ongoing access to one another for purposes of teaching, evaluating, and providing assistance to the student throughout the duration of the course. (3-29-12)~~

~~**c.** All online learning must meet the Idaho content standards. (3-29-12)~~

~~**10. Online Teacher (Instructor).** The teacher of record who holds an appropriate Idaho certification and provides the primary instruction for an online course. (3-29-12)~~

108. Performance Assessment. Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (4-5-00)

109. Performance-Based Assessment. The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

130. Performance Criteria. A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (4-5-00)

141. Phonics. Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (4-5-00)

152. Portfolio. A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize

their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (4-5-00)

163. Print Awareness. In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (4-5-00)

174. Professional-Technical Education. Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (4-11-06)

185. Proficiency. Having or demonstrating a high degree of knowledge or skill in a particular area. (4-5-00)

196. School-to-Work Transition. A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (4-5-00)

2017. Service Learning. Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others. (4-5-00)

218. Skill Certificate. Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by twenty-two (2) contractors. (4-5-00)

2219. Standards. Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards. (4-2-08)

230. Standardization. A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (4-5-00)

241. Standards-Based Education. Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress. (4-5-00)

252. Structured Work Experience. A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-based instruction with worksite experiences. Structured work experience involves written training agreements between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite employer to offer regular employment to the student subsequent to the experience. (4-5-00)

263. Student Learning Goals (Outcomes). Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which

enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (4-5-00)

274. Synchronous Course. A course in which the teacher and students interact at the same time. May be applied to both traditional and technology based courses. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

105. HIGH SCHOOL GRADUATION REQUIREMENTS.

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

01. Credit Requirements. The State minimum graduation requirement for all Idaho public high schools is forty-two (42) credits. The forty-two (42) credits must include twenty-five (25) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. All credit-bearing classes must be aligned with state high school standards in the content areas for which standards exist. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, the minimum graduation requirement will be forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-29-12)

a. Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

b. Mastery. A student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-10)

c. Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

d. Mathematics. Four (4) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. For all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) semester credits are required. For such students, secondary mathematics includes instruction in the following areas: (3-29-10)

i. Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

ii. Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

iii. Two (2) credits of mathematics of the student's choice. (3-29-10)

iv. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school. (3-29-10)

v. Students who have completed six (6) credits of math prior to the fall of their last year of high

school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking math during their last year of high school. ()

e. Science. Four (4) credits are required, two (2) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (3-29-10)

i. Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later, six (6) credits will be required. (3-29-10)

ii. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Idaho Interdisciplinary Humanities Content Standards. (3-29-10)

h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. (3-29-10)

[Paragraph 105.01.i. through Subparagraph 105.01.i.i.(2).(c).]

~~i. Online Learning Requirement. (Effective for all students who enter the ninth grade in the fall of 2012 or later.) Two (2) credits are required: one credit shall be from an asynchronous online course and the second credit may be an online course or blended course credit, either asynchronous or synchronous. (3-29-12)~~

~~i. A student who has taken a one (1) credit asynchronous online course and failed to earn the credit may appeal to the school district or LEA and will be given an opportunity to demonstrate proficiency of the technology content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not earned the credits to meet the online learning requirement prior to the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the Board for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. (3-29-12)~~

~~(1) Before entering an alternate measure, the student must be: (3-29-12)~~

~~(a) Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-29-12)~~

~~(b) Has been identified as eligible to receive services under Section 504 of the Federal Rehabilitation Act of 1973; or (3-29-12)~~

~~(c) Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less. (3-29-12)~~

~~(2) The alternate plan must: (3-29-12)~~

~~(a) Contain multiple measures of student achievement; (3-29-12)~~

~~(b) Be aligned at a minimum to Idaho technology content standards; and (3-29-12)~~

~~(c) Be valid and reliable. (3-29-12)~~

02. Content Standards. Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

03. College Entrance Examination. (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) (3-29-12)

a. A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: COMPASS, ACCUPLACER, ACT or SAT. Scores must be included in the Learning Plan. (3-29-12)

b. A student may elect an exemption in their 11th grade year from the college entrance exam requirement if the student is: (3-29-12)

i. Enrolled in a special education program and has an Individual Education Plan (IEP) that specifies accommodations not allowed for a reportable score on the approved tests; or (3-29-12)

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less. (3-29-12)

04. Senior Project. (Effective for all public school students who enter high school at the 9th grade level in Fall 2009 or later.) A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. (3-29-10)

05. Middle School. If a student completes any required high school course with a grade of C or higher before entering grade nine (9), and if that course meets the same standards that are required in high school, then the student has met the high school content area requirement for such course. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. in addition to the courses completed in middle school. (3-29-12)

06. Proficiency. Each student must achieve a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test (ISAT) in math, reading and language usage in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the school district or LEA, and will be given an opportunity to demonstrate proficiency of the content standards through some other locally established plan. School districts or LEAs shall adopt an alternate plan and provide notice of that plan to all students who have not achieved a proficient or advanced score on the Grade 10 Idaho Standards Achievement Test by the fall semester of the student's junior year. All locally established alternate plans used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. Alternate plans must be promptly re-submitted to the Board whenever changes are made in such plans. (4-7-11)

a. Before entering an alternate measure, the student must be: (4-2-08)

i. Enrolled in a special education program and have an Individual Education Plan (IEP); or (3-20-04)

ii. Enrolled in an Limited English Proficient (LEP) program for three (3) academic years or less; or (3-20-04)

iii. Enrolled in the fall semester of the senior year. (3-20-04)

b. The alternate plan must: (4-7-11)

i. Contain multiple measures of student achievement; (4-7-11)

ii. Be aligned at a minimum to tenth grade state content standards; (4-7-11)

- iii. Be aligned to the state content standards for the subject matter in question; (4-7-11)
- iv. Be valid and reliable; and (4-7-11)
- v. Ninety percent (90%) of the alternate plan criteria must be based on academic proficiency and performance. (4-7-11)
- c. A student is not required to achieve a proficient or advanced score on the ISAT if: (5-8-09)
 - i. The student received a proficient or advanced score on an exit exam from another state that requires a standards-based exam for graduation. The state's exit exam must approved by the State Board of Education and must measure skills at the tenth grade level and be in comparable subject areas to the ISAT; (5-8-09)
 - ii. The student completes another measure established by a school district or LEA and received by the Board as outlined in Subsection 105.06; or (3-29-10)
 - iii. The student has an IEP that outlines alternate requirements for graduation or adaptations are recommended on the test; (5-8-09)
 - iv. The student is considered an LEP student through a score determined on a language proficiency test and has been in an LEP program for three (3) academic years or less; (5-8-09)
- 07. Special Education Students.** A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)
- 08. Foreign Exchange Students.** A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1204 (FEE RULE)

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

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 19, 2012. This pending fee rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule and amended a temporary rule. The action is authorized pursuant to Section 33-1511(2), 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:

Section 33-118, Idaho Code authorizes the Board by rule to determine the process by which the Department Reviews and approves online courses, pursuant to section 33-1627, Idaho Code. This section of code also authorizes the establishment of a fee to defray the cost of said review. With the rejection of Proposition 3, Section 33-1627, Idaho Code is null and void. In response the Department has amended Docket 08-0203-1204, removing subsection 128.06 Online Course Review and Approval Process. The only other change between the Proposed and Pending rule is the correction of the title of the Division of Vocational Education to the Division of Professional-Technical Education.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 1, 2012, Idaho Administrative Bulletin, **Vol. 12-8, pages 36 through 38**.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger. This fee or charge is being imposed pursuant to Section 33-118, Idaho Code. The following is a specific description of the fee or charge imposed or increased:

The SDE will continue to charge \$60 per textbook or equal to the price of the textbook and will charge per online course submissions and for digital content review.

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

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

The approval process for curricular review has been a fee-based system. For approval of curricular materials, there will be no additional fiscal impact, merely a codification of existing practice. The changes to the selection committee and review process will increase efficiency. This will represent an ongoing cost savings for the State of Idaho in the curriculum materials review process. The clarification of 'textbook' to 'curricular materials' represents a more accurate description of current practices.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Luci Willits, Chief of Staff, State Department of Education, Boise, Idaho, 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

DOCKET NO. 08-0203-1204 - ADOPTION OF PENDING FEE RULE
AND AMENDMENT TO TEMPORARY RULE

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

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Volume 12-8, August 1, 2012, pages 36 through 38.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR FEE DOCKET NO. 08-0203-1204

[Section 128]

128. CURRICULAR MATERIALS SELECTION ~~AND ONLINE COURSE APPROVAL~~ (SECTIONS 33-118; 33-118A, IDAHO CODE).

The State Board of Education will appoint a committee to select curriculum materials. Committee appointments will be for a period of five (5) years. *The membership of the committee will include one (1) representative from each of the state's institutions of higher education (Boise State University, Idaho State University, Lewis Clark State College, and University of Idaho); two (2) Idaho public school administrators; two (2) Idaho public school elementary classroom teachers; two (2) Idaho public school secondary classroom teachers; one (1) person who is not a public school educator nor a public school trustee, one (1) person (parent, teacher, or administrator) representing Idaho's private/parochial schools, who will not be a public school educator or trustee; one (1) public school trustee; three (3) parents and one (1) curriculum consultant from the Division of Instruction of the State Department of Education and one (1) from the Division of Vocational Education whose appointment will be for one (1) year. Committee appointments shall consist of not less than ten (10) total members from the following stakeholder groups: certified Idaho classroom*

teachers, Idaho public school administrators, Idaho higher education officials, parents, trustees, local board of education members, members of the Division of Vocational Professional Technical Education, and State Department of Education personnel from the content group in the 21st Century Classroom Division. The Executive Secretary will be an employee of the State Department of Education and will be a voting member of the committee. The State Department of Education shall charge publishers submission fees of sixty dollars (\$60) or equal to the retail price of each textbook, whichever is greater, to defray the costs incurred in the curricular material review and adoption process. ~~(3-20-04)~~~~(6-21-12)T~~(11-19-12)T

01. Subject Areas. Curricular materials are adopted by the State Board of Education for a period of six (6) years in the following subject areas: reading, English, spelling, speech, journalism, languages other than English, art, drama, social studies, music, mathematics, business education, career education and counseling, vocational/technical education, science, health, handwriting, literature, driver education, limited English proficiency. (4-11-06)

02. Multiple Adoptions are Made in Each Subject Area. (4-5-00)

03. Bids. Each publisher must deliver, according to the committee schedule, a sealed bid on all curricular materials presented for adoption. (4-5-00)

04. Depository. The State Board will appoint a depository for the state-adopted curricular materials. Resource materials are a local option. (4-5-00)

05. Local Policies. School districts will follow their own policies for adoption in subject areas offered by a school district for which materials are not covered by the state curriculum materials committee. (4-5-00)

~~**06. Online Course Review and Approval Process.** *The State Department of Education shall administer the review and approval of online course providers and courses. Reviewers shall be certified Idaho classroom teachers. Online course providers are approved for a period of four (4) years. The State Department of Education shall charge online course providers submission fees based on the number of courses offered, not to exceed the actual costs incurred in the online course and course provider review and approval process.* ~~(6-21-12)T~~~~

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1205

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 155 through 157](#).

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

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Luci Willits, Chief of Staff, State Department of Education, Boise, Idaho, 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

DOCKET NO. 08-0203-1205 - 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 12-10, October 3, 2012, pages 155 and 157](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1206

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-1511(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:

The definition in the proposed rule was crafted in order to define a holistic approach to professional development that is well planned and administered to develop and promote effective instructional practices. The definition ensures the incorporation of high academic standards, data driven analysis and review, individualized course offerings or opportunities, and developing professional learning communities.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10 Page 159 through 162](#).

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

These changes result in no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact: Luci Willits by email at lbwillits@sde.idaho.gov, or by phone at 208-332-6814.

DATED this 19th day of November, 2012.

Tom Luna
Idaho Superintendent of Public Instruction
State Department of Education
650 West State Street
Boise, Idaho 83720-0027
Phone: 208-332-6800
Fax: 208-334-2228

DOCKET NO. 08-0203-1206 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 159 through 162.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 08-0203-1206

008. DEFINITIONS H - S.

[Proposed changes to new Subsection 008.08 have been withdrawn]

08. Online Course. A course in which at least eighty percent (80%) of the course content is delivered over the Internet or through the use of technology. An online course may be asynchronous or synchronous. Online teachers may perform the course work from an alternate location while a paraprofessional or other school staff member supervises students in a computer lab environment. (3-29-12)

09. Online Learning. Education in which the majority of course content is delivered online or through the use of technology. Courses may be delivered in an asynchronous or synchronous course format and may include blended or hybrid course models or fully online course models. (3-29-12)

a. Online learning does not include printed-based correspondence education, broadcast television or radio, videocassettes, and stand-alone education software programs that do not have a significant internet-based instructional component. (3-29-12)

b. Online learning is not simply computer based instruction, but rather requires that the online teacher and the student have ongoing access to one another for purposes of teaching, evaluating, and providing assistance to the student throughout the duration of the course. All online learning must meet Idaho content standards. (6-21-12)T

10. Online Teacher (Instructor). The teacher of record who holds an appropriate Idaho certification and provides the primary instruction for an online course. (3-29-12)

11. Performance Assessment. Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (4-5-00)

12. Performance-Based Assessment. The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (4-5-00)

13. Performance Criteria. A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric

or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (4-5-00)

14. Phonics. Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (4-5-00)

15. Portfolio. A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (4-5-00)

16. Professional Development. A comprehensive, sustained, timely, and intensive process to improve effectiveness of teachers and administrators in raising student achievement, which: ()

a. Aligns with rigorous state academic achievement standards, local educational agency goals, school improvement goals, effective technology integration, and Common Core standards. ()

b. Utilizes data driven instruction using a thorough review and continual evaluation of data on teacher and student performance to define clear goals and distinct outcomes. ()

c. Provides opportunities that are individualized enough to meet distinct and diverse levels of need for teachers and administrators. ()

d. Is facilitated by well-prepared school administrators, coaches, mentors, master teachers, lead teachers, or third-party providers under contract with the State Department of Education, school district, or charter school, and supported by external research, expertise, or resources. ()

e. Fosters a collective responsibility by educators within the school for improved student performance and develops a professional learning community. ()

167. Print Awareness. In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (4-5-00)

178. Professional-Technical Education. Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the baccalaureate level. (4-11-06)

189. Proficiency. Having or demonstrating a high degree of knowledge or skill in a particular area. (4-5-00)

1920. School-to-Work Transition. A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (4-5-00)

201. Service Learning. Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others. (4-5-00)

212. Skill Certificate. Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by twenty-two (2)

contractors. (4-5-00)

223. Standards. Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and achievement standards. (4-2-08)

234. Standardization. A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (4-5-00)

245. Standards-Based Education. Schooling based on defined knowledge and skills that students must attain in different subjects, coupled with an assessment system that measures their progress. (4-5-00)

256. Structured Work Experience. A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-based instruction with worksite experiences. Structured work experience involves written training agreements between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite employer to offer regular employment to the student subsequent to the experience. (4-5-00)

267. Student Learning Goals (Outcomes). Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (4-5-00)

278. Synchronous Course. A course in which the teacher and students interact at the same time. May be applied to both traditional and technology based courses. (3-29-12)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.04 - RULES GOVERNING PUBLIC CHARTER SCHOOLS

DOCKET NO. 08-0204-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-5203 and 33-5210, 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 October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 163 through 177](#).

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

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

DATED this November 30, 2012.

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

DOCKET NO. 08-0204-1201 - 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 12-10, October 3, 2012, pages 163 through 177.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.03.01 - RULES OF THE PUBLIC CHARTER SCHOOL COMMISSION

DOCKET NO. 08-0301-1201

**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 August 16, 2012. This pending rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 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 33-105 and 33-5212, Idaho Code.

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

The proposed changes update the petition and revision submission requirement to reflect updated technology, and to amend the rule to coincide with the 2012 statutory changes and improve administrative efficiency for both schools and authorizers. Minor technical changes have been made to the rule and four (4) items have been reordered but not altered.

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 State Board of Education amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 178 through 185](#).

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

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

DATED this November 30, 2012.

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

**DOCKET NO. 08-0301-1201 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE**

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

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 178 through 185.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 08-0301-1201

300. PETITION -- SUBMISSION.

[Subsection 300.01]

01. **Number of Copies.** Petitioners shall submit a petition consisting of an *unbound original application package and twelve (12) unbound, three (3) hole punched, copies of the application package to the Commission and an* electronic copy of the petition in Microsoft® Word format. *Appendices to the petition must be submitted as a single document and may be in Adobe® format (PDF).* ~~(4-11-06)(8-16-12)T(8-16-12)T~~

401. PETITION -- FORMAT.

All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section. (4-11-06)

[Subsection 401.04]

04. **Tab 2.** The petitioner's information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided, and the potential civil liability effects upon the public charter school and upon the authorized chartering entity. *See Section 33-5205(4), Idaho Code.* ~~(4-11-06)(8-16-12)T~~

05. **Tab 3.** (4-11-06)

[Paragraphs 401.05.a. through 401.05.d.]

ba. A description of what it means to be an "educated person" in the twenty-first century, and how learning best occurs. *See Section 33-5205(3)(a), Idaho Code.* ~~(4-11-06)(8-16-12)T~~

ab. A description of the public charter school's educational program and goals, including how each of the educational thoroughness standards, as defined in Section 33-1612, Idaho Code, shall be fulfilled. *See Section 33-5205(3)(a), Idaho Code.* ~~(4-11-06)(8-16-12)T~~

c. The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act. ~~See Section 33-5205(3)(g), Idaho Code.~~ (4-11-06)(8-16-12)T

d. The plan for working with parents who have students who are dually enrolled pursuant to Section 33-203(7), Idaho Code. ~~See Section 33-5205(3)(r), Idaho Code.~~ (4-11-06)(8-16-12)T

06. Tab 4. (4-11-06)

[Paragraphs 401.06.a. through 401.06.d.]

a. The measurable student educational standards the public charter school will use. ~~See Section 33-5205(3)(b), Idaho Code.~~ (4-11-06)(8-16-12)T

b. The method by which student progress in meeting the identified student educational standards is to be measured. ~~See Section 33-5205(3)(c), Idaho Code.~~ (4-11-06)(8-16-12)T

c. A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students. ~~See Section 33-5205(3)(d), Idaho Code.~~ (4-11-06)(8-16-12)T

d. A provision that ensures that the public charter school shall be state accredited as provided by rule of the Board. ~~See Section 33-5205(3)(e), Idaho Code, and IDAPA 08.02.02, "Rules Governing Uniformity," Section 140.~~ (4-11-06)(8-16-12)T

e. A provision describing the school's plan if it is ever identified as an in need of improvement school as outlined in the No Child Left Behind Act. (4-11-06)

07. Tab 5. (4-11-06)

[Paragraphs 401.07.a. through 401.07.e.]

a. A description of the governance structure of the public charter school including, but not limited to, the persons or entity who shall be legally accountable for the operation of the public charter school. ~~See Section 33-5205(3)(f), Idaho Code.~~ (4-11-06)(8-16-12)T

b. A description of the ethical standards to which the governing board of the public charter school will adhere. (8-16-12)T

c. A plan for the initial and ongoing training of the governing board of the public charter school. (8-16-12)T

d. The process to be followed by the public charter school to ensure parental involvement. ~~See Section 33-5205(3)(f), Idaho Code.~~ (4-11-06)(8-16-12)T

e. The manner in which an annual audit of the financial and programmatic operations of the public charter school will be conducted. ~~See Section 33-5205(3)(k), Idaho Code.~~ (4-11-06)(8-16-12)T

08. Tab 6. (4-11-06)

[Paragraphs 401.08.a. through 401.08.h.]

a. The qualifications to be met by individuals employed by the public charter school. This should include a requirement for all staff members to submit to a criminal history check, as required by Section 33-130, Idaho Code, and that all instructional staff shall be certified teachers, as required by the Board. ~~See Section 33-5205(3)(g), Idaho Code.~~ (4-11-06)(8-16-12)T

b. The procedures that the public charter school will follow to ensure the health and safety of students and staff. ~~See Section 33-5205(3)(h), Idaho Code.~~ (4-11-06)(8-16-12)T

c. The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. (8-16-12)T

d. The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and re-enrolled. (8-16-12)T

ee. A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance. ~~See Section 33-5205(3)(m), Idaho Code.~~ (4-11-06)(8-16-12)T

ff. A description of the transfer rights of any employee choosing to work in a public charter school authorized by the Commission and the rights of such employees to return to any public school in the school district after employment at such public charter school. ~~See Section 33-5205(3)(o), Idaho Code.~~ (4-11-06)(8-16-12)T

gg. A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. ~~See Section 33-5205(3)(p), Idaho Code.~~ (4-11-06)(8-16-12)T

hh. A statement that all teachers and administrators will be on written contract as required by Section 33-5206(4), Idaho Code. (4-11-06)

09. Tab 7. (4-11-06)

[Paragraphs 401.09.a. through 401.09.e.]

a. Admission procedures, including provision for over enrollment. ~~See Section 33-5205(3)(j), Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools," Section 203.~~ (4-11-06)(8-16-12)T

b. ~~The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and reenrolled. See Section 33-5205(3)(l), Idaho Code.~~ (4-11-06)

e. ~~The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances.~~ (4-11-06)

db. The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. ~~See Section 33-5205(3)(n), Idaho Code.~~ (4-11-06)(8-16-12)T

ec. The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. ~~See Section 33-5205(3)(s), Idaho Code.~~ (4-11-06)(8-16-12)T

fd. A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. ~~See Section 33-5205(3)(i), Idaho Code.~~ (4-11-06)(8-16-12)T

ge. The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (4-11-06)

13. Appendices. (8-16-12)T

[Paragraph 401.13.b.]

b. Signatures of at least thirty (30) qualified electors of the proposed charter school's service area. Proof of qualification of electors must be attached. ~~See Section 33-5205(1)(a), Idaho Code.~~ (8-16-12)T(8-16-12)T

IDAPA 11 - IDAHO STATE POLICE

11.02.01 - RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section 67-2901, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and 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 November 7, 2012 Idaho Administrative Bulletin, [Vol. 12-11 pages 22 through 24](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 25-1145, 25-1146, and 25-1122, Idaho Code.

The fees being increased in this rulemaking are as follows: the Transfer of Brand Fee is increased to \$50; the Renewal of a Recorded Brand (every 5 years) is increased to \$100; and the Ownership and Transportation Certificate fee is increased to \$35.

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

This rule change has the potential to increase revenue approximately \$107,000. The increase in revenue will help cover the rising personnel benefit costs, fuel costs, and mileage reimbursement for private vehicle use.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Larry Hayhurst, Brands Inspector, 884-7071 or larry.hayhurst@isp.idaho.gov.

DATED this 7th day of December, 2012.

Col. G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Dr.

Meridian, ID 83642
Phone: 208-884-7003
Fax: 208-884-7090

DOCKET NO. 11-0201-1201 - ADOPTION OF PENDING FEE 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 12-11, November 7, 2012, pages 22 through 24](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

11.02.02 - IDAHO LIVESTOCK DEALER LICENSING

DOCKET NO. 11-0202-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section 67-2901, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and 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 November 7, 2012 Idaho Administrative Bulletin, **Vol. 12-11, pages 25 through 27.**

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 25-3303, Idaho Code:

The enactment of House Bill 101 after the conclusion of 2011 legislative session increased the caps on certain fees charged by the Idaho Brand Board. During the June 29, 2010 Board meeting, the Board voted to increase certain fees and HB 101 was drafted to put those increases into state law.

The fees were increased in this rulemaking are as follows: The Livestock Dealer Fees are increased from \$40 to \$100; and Livestock Dealer Representative Fees increased from \$15 to \$35.

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

This rule change has the potential to increase revenue approximately \$12,000. The increase in revenue will help cover the rising personnel benefit costs, fuel costs, and mileage reimbursement for private vehicle use.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Larry Hayhurst, Brands Inspector, 884-7071 or larry.hayhurst@isp.idaho.gov.

DATED this 7th day of December, 2012.

Col. G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Dr.

Meridian, ID 83642
Phone: 208-884-7003
Fax: 208-884-7090

DOCKET NO. 11-0202-1201 - ADOPTION OF PENDING FEE 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 12-11, November 7, 2012, pages 25 through 27.**

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

11.03.01 - RULES GOVERNING ALCOHOL TESTING

DOCKET NO. 11-0301-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on 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 67-2901, 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 November 7, 2012 Idaho Administrative Bulletin, **Vol. 12-11, pages 28 through 30**.

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 Matthew Gamette, ISPFS Quality Manger, 884-7217 or matthew.gamette@isp.idaho.gov.

DATED this 4th day of December, 2012.

Col. G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642
Phone: 208-884-7003
Fax: 208-884-7090

DOCKET NO. 11-0301-1201 - 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 12-11, November 7, 2012, pages 28 through 30**.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-1101

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on 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 23-901, 23-932, 23-1330, and 23-1408, 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 November 7, 2012 Idaho Administrative Bulletin, [Vol. 12-11, pages 31 through 34](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lt. Bob Clements 208-884-7062 or Robert.clements@isp.idaho.gov.

DATED this 4th day of December, 2012.

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

DOCKET NO. 11-0501-1201 - 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 12-11, November 7, 2012, pages 31 through 34](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

11.13.01 - RULES GOVERNING MOTOR CARRIERS

DOCKET NO. 11-1301-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is acted on 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 67-2901, 67-2901A, and 49-901, 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 Nov. 7, 2012 Idaho Administrative Bulletin, [Vol. 12-11 pages 35 through 37](#).

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 Lt. Jim Eavenson, 884-7048 or james.eavenson@isp.idaho.gov.

DATED this 4th Day of December, 2012.

Colonel G. Jerry Russell
Director
Idaho State Police
700 S. Stratford
P. O. Box 700
Meridian, ID 83680-0700
208-884-7000, Fax 208-884-7090

DOCKET NO. 11-1301-1201 - 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 12-11, November 7, 2012, pages 35 through 37](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.02 - RULES GOVERNING HUNTER EDUCATION AND MENTORED HUNTING

DOCKET NO. 13-0102-1201

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

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 36-104(b)(16), 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 will establish a Mentored Hunting Program for persons interested in trying hunting. Rules are needed to create a special authorization to take wildlife, describe a mentee, and describe a mentor for the Mentored Hunting Program.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 214 through 216**.

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

The temporary rule complies with an amendment to the governing law and confers a benefit to certain hunters.

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 and temporary rule, contact Sharon Kiefer (208) 287-2780.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0102-1201 - 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 12-10, October 3, 2012, pages 214 through 216.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

Pursuant to Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin.

This rule has been adopted as a temporary rule and is effective **January 1, 2013.**

THE FOLLOWING IS THE TEMPORARY RULE OF DOCKET NO. 13-0102-1201

IDAPA 13, TITLE 01, CHAPTER 02

13.01.02 - RULES GOVERNING ~~PUBLIC SAFETY~~ HUNTER EDUCATION AND MENTORED HUNTING

000. LEGAL AUTHORITY.

The Idaho Fish and Game Commission is authorized under Sections 36-103, 36-104(b) and 36-412, Idaho Code, to adopt rules concerning education programs in hunting and archery. [The Idaho Fish and Game Commission is authorized to adopt rules concerning a mentored hunting program under Idaho Code Section 36-1508\(b\).](#)
~~(3-20-04)~~(1-1-13)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited in full as IDAPA 13.01.02.000, et seq., Rules of the Idaho Fish and Game Commission, IDAPA 13.01.02, "Rules Governing ~~Public Safety~~ [Hunter Education and Mentored Hunting.](#)"
~~(3-20-04)~~(1-1-13)T

02. Scope. These rules establish criteria for education programs in hunting and archery, [and for mentored hunting.](#)
~~(3-20-04)~~(1-1-13)T

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. Accompanied. The term "accompanied" as used in the requirement for a Youth Hunter Education Graduate License holder or Youth Small Game License holder [or the Mentored Hunting program](#) shall mean close enough to be within normal conversation or hearing range without shouting or the aid of electronic devices.
~~(3-20-04)~~(1-1-13)T

(BREAK IN CONTINUITY OF SECTIONS)

101. MENTORED HUNTING PROGRAM.

Nothing in this section shall be construed as altering the requirements of Section 36-411, Idaho Code, to obtain a valid hunting license, or any other statutory or rule requirements for the take of wildlife. (1-1-13)T

01. Hunting Passport. A Hunting Passport is a special authorization for any person to take wildlife when they are accompanied by a mentor and participating in the Mentored Hunting Program. (1-1-13)T

a. Any person must obtain a Hunting Passport from the Department or a licensed vendor to participate as a mentee in the Mentored Hunting Program. (1-1-13)T

b. Hunter education certification is not required for any person to possess a hunting passport. (1-1-13)T

c. A Hunting Passport shall expire December 31 of the year for which it is valid. (1-1-13)T

d. Any person who has possessed a Hunter Passport may not apply for a Hunter Passport in any subsequent year. (1-1-13)T

02. Eligibility of Mentee. (1-1-13)T

a. Any person who has not previously possessed a hunting license or equivalent license in any other state may possess a Hunting Passport to participate in the Mentored Hunting Program as a mentee. (1-1-13)T

b. Any mentee possessing a Hunting Passport is eligible to possess general big game, turkey, and sandhill crane tags if the mentee is qualified to participate in the hunt. (1-1-13)T

c. Any mentee possessing a Hunting Passport is not eligible to possess a control hunt tag but may be designated for a Landowner controlled hunt tag if the mentee is qualified to participate in the hunt. (1-1-13)T

d. Any mentee with a Hunting Passport shall be twelve (12) years of age to hunt big game. (1-1-13)T

e. Any mentee with a Hunting Passport must be accompanied by a mentor as provided in Subsection 101.03.a. (1-1-13)T

f. Any person shall be eight (8) years or older to possess a Hunting Passport. (1-1-13)T

g. Any mentee must possess on his person a hunting passport while hunting and produce the same for inspection upon request of a conservation officer or any other person authorized to enforce fish and game laws. (1-1-13)T

03. Eligibility of Mentor. (1-1-13)T

a. Any person who possesses a valid Idaho hunting license and who is eighteen (18) years or older may participate in the Mentored Hunting Program as a mentor. (1-1-13)T

b. A mentor may not accompany more than two (2) mentees at one (1) time that are participating in the Mentored Hunting Program. (1-1-13)T

c. A mentor may hunt while participating in the Mentored Hunting Program if the mentor is qualified to participate in the hunt. (1-1-13)T

~~1012.~~ -- 999. (RESERVED)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-408(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:

2012 Senate Bill No. 1256 created the Governor's Wildlife partnership Tags. A portion of these rules address these new auction tags. Address a rule change that allows for equitable adjustments in resident and nonresident elk tag allocation where resident demand exceeds tag availability and nonresident tags are under subscribed. Address a rule change to sell leftover nonresident deer or elk tags as a second tag to residents and nonresidents earlier than September 1.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 217 through 221](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0104-1201 - 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 12-10, October 3, 2012, pages 217 through 221](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

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

The Commission has received comments about the equitable distribution of Landowner Appreciation Tags. The proposed rules make the following changes: 1) implement a one year waiting period for antlered deer and elk LAP hunts oversubscribed by a ratio of 2:1 or greater; 2) cap LAP allocation to an additional 10% of regular controlled hunt permit levels in all LAP hunts; and 3) define "designated agent(s)" as referenced in Idaho Code Section 36-104(b)(5)(B) as immediate family, youth, disabled veterans, and/or direct employees as valid designations.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 222 through 226](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0104-1202 - 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 12-10, October 3, 2012, pages 222 through 226](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.07 - RULES GOVERNING THE TAKING OF UPLAND GAME ANIMALS

DOCKET NO. 13-0107-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

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

Rescind the Motorized Hunting Rule for these species.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 227 and 228](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0107-1201 - 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 12-10, October 3, 2012, pages 227 and 228](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

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

Allow the use of a rimfire weapon to dispatch a wolf in a trap or snare, and allow that wolves may be dispatched in a trap or snare outside of big game hunting hours. Address what trap sets are legal for wolf trapping. Clean up some rules to allow consolidation of wolf trapping rules in another rules chapter.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 229 through 232](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0108-1201 - 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 12-10, October 3, 2012, pages 229 through 232](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b)2, 36-405(c)(2)(B), and 36-409(c), 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:

New laws (2012 House Bill 457 and House Bill 525) allow rules for controlled hunt tag designation to a minor child or grandchild, and for tag exemption for a disabled hunter companion assisting a disabled hunter with taking certain wildlife. These rules set the process for designating any controlled hunt tag to a minor child or grandchild, and exempt a disabled hunting companion from possessing a valid game tag when assisting a disabled hunter with a valid tag taking wildlife.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 233 through 240](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0108-1202 - 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 12-10, October 3, 2012, pages 233 through 240](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b)(2) and 36-408(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:

Rules are needed to govern use of new Governor's Wildlife Partnership Tags (auction controlled hunt tags) to describe control hunt use, eligibility, and other limitations.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 241 through 246](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0108-1203 - 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 12-10, October 3, 2012, pages 241 through 246](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1204

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

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

Amendments to improve clarity and outreach to help both hunters and other motorized recreationalists understand the Motorized Hunting Rule. Definitions are clarified, and the rule provides for unit application rather than hunt designation.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 247 through 249](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0108-1204 - 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 12-10, October 3, 2012, pages 247 and 249](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1205

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

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

The Commission has received comments about the equitable distribution of Landowner Appreciation Tags. This proposed rule make the following change: implement a one year waiting period for antlered deer and elk LAP hunts oversubscribed by a ratio of 2:1 or greater.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 250 through 255](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0108-1205 - 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 12-10, October 3, 2012, pages 250 and 255](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b)2, 36-405(c)(2)(B), and 36-409(c), 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:

New laws (2012 House Bill 457 and House Bill 525) allow rules for controlled hunt tag designation to a minor child or grandchild, and for tag exemption for a disabled hunter companion assisting a disabled hunter with taking certain wildlife. These rules set the process for designating any controlled hunt tag to a minor child or grandchild, and exempt a disabled hunting companion from possessing a valid game tag when assisting a disabled hunter with a valid tag taking wildlife.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 256 to 259](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0109-1201 - 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 12-10, October 3, 2012, pages 256 through 259](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b), 36-1101, and 36-1102(b), 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:

Specify that sandhill crane tags must be validated by removing the notches for month and day of kill (similar to the requirement for turkey tags).

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 260 through 262](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0109-1202 - 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 12-10, October 3, 2012, pages 260 through 262](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

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

Change the WMA Permit marking requirement to require non-erasable ink and removal of notch on permits. Require that Eurasian collared doves be left unplucked while in the field or in transport to their final place of consumption to improve identification. Allow an exception to the Hagerman WMA hunting closure for Department sponsored waterfowl hunts.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 263 through 267](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0109-1203 - 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 12-10, October 3, 2012, pages 263 through 267](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO

DOCKET NO. 13-0109-1204

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

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

Rescind the Motorized Hunting Rule for these species.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 268 and 269](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0109-1204 - 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 12-10, October 3, 2012, pages 268 and 269](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.16 - THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

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

Allow trapping on Wildlife Management Areas with number of trappers to be limited by Regional Supervisors. Clean up a rule to allow consolidation of wolf trapping rules in another rules chapter.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 270 through 273](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0116-1201 - 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 12-10, October 3, 2012, pages 270 through 273](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.17 - RULES GOVERNING THE USE OF BAIT FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b) and 36-1101, Idaho Code.

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

Consolidate bear baiting and wolf trapping rules into one rules chapter. Establish gray wolf trapping requirements and methods of take. Allow the use of legally salvaged road kill as bait for trapping wolves. Allow the use of a trapped wolf carcass without the hide attached as bait. Eliminate requirements in Units 10 and 12 to remove bear baits from the field between the summer dog training season and fall season.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 274 through 279](#).

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 W. Dallas Burkhalter (208) 334-3715.

DATED this 21st day of November, 2012.

W. Dallas Burkhalter
Deputy Attorney General
Natural Resources Division/Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707

DOCKET NO. 13-0117-1201 - 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 12-10, October 3, 2012, pages 274 through 279](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 15 - OFFICE OF THE GOVERNOR
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY

15.06.03 - PUBLIC SAFETY COMMUNICATIONS RULES

DOCKET NO. 15-0603-1201 (FEE RULE - NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section 31-4816 (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:

Public Safety Communications has not increased its fees for services to its customers for many years, the costs of doing business, goods and services have increased significantly. Public Safety Communication in order to continue to provide high technology services and products to its customers must increase the fees it charges.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 280 through 286](#).

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

Fleet Communication Services

1. Fleet Vehicle Equipment Installation:	Minimum Charges
1. Standard Enforcement Package	\$1,500.00
2. Special, Unmarked, or Disguise Package	\$1,300.00
3. Standard Vehicles – High Tier Radio	\$ 500.00
4. Standard Vehicles – Low / Mid Tier Radio	\$ 325.00
5. Standard Vehicles- Multi-Band	\$ 750.00
6. Non-Standard Fleet Packages	<i>(Will bid on individual fleets as needs arise)</i>
2. Time and Materials Rate	\$ 45.00/hr.
(Minimum 2-hour charge for any labor or travel costs)	
1. Travel Time & Mileage	Per Board of Examiners
2. Parts	Cost + Shipping + Processing

Emergency Communication Services

1. Microwave Communication Services	
A. Leased Lines and Analog Circuit Rates	
1. Radio Control Circuit	\$ 200.00
2. DS1 Circuit (T-1)	\$ 300.00
3. Ethernet Access Fee (Per Meg)	\$ 200.00
B. Build Space Rental	
(Equipment operating from mountaintop communications site)	
1. One customer provided equipment rack, occupying no more than 6 cubic feet of space - \$125.00/mo.	

2. Radio Communication Services

A. Maintenance Fees for Agency-Owned Equipment

- | | |
|--|--|
| 1. Portables – Tier I – (16 channel or less) | \$ 17.50 |
| 2. Portables – Tier II – (greater than 16 channels or groups) | \$ 36.50 |
| 3. Mobile – Tier I – (16 channel –non split mount) | \$ 25.50 |
| 4. Mobile – Tier II – (greater than 16 channel and/or remote mount) | \$ 37.50 |
| 5. Mobile – Trunking – (trunking radio with multiple groups / zones) | \$ 45.00 |
| 6. Base Control – Local | \$ 60.00 |
| 7. Base Control – Mountain Top (per transmitter) | \$ 95.00 |
| 8. Repeater – Mountain Top (per transmitter) | \$ 95.00 |
| 9. Console Desktop – Local | \$ 60.00 |
| 10. Console – Multi-Channel – Small System – Single Position | \$ 165.00 |
| 11. Console – Multi-Channel – Large System – Per operator position | \$ 250.00 |
| 12. Miscellaneous Equipment Maintenance | <i>(Negotiated as determined)</i> |
| 13. User Site Management Fees | <i>(Based on site fees, license, & administrative costs)</i> |
| 14. Other related systems or items will be quoted as needed | |

B. Radio Communication Equipment Space Rental

(Equipment operating from mountaintop communication site)

1. One customer provided 72 x 19 inch equipment rack, (typically 1 radio transmitter per rack)
\$ 125/month

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

By increasing the fees currently being charged by Public Safety Communications there would be a positive cash flow to PSC. This would have a negative effect on those agencies who are currently customers of Public Safety Communications by a like amount. It is important to note the PSC has not increased its price for services for several years and the costs of doing business have increase significantly.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule, contact Robert A. Wells, Special Assistant to the Director of the Idaho Bureau of Homeland Security, at 208-422-3041 or bwells@bhs.idaho.gov.

DATED this 30th Day of November, 2012.

Robert A. Wells
Special Assistant to the Director
Idaho Bureau of Homeland Security
4040 West Guard St., Building 600
Boise, Idaho 83705-5004
208-422-3041 / 208-422-3040 FAX

DOCKET NO. 15-0603-1201 - ADOPTION OF PENDING FEE 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 12-10, October 3, 2012, pages 280 through 286.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.02 - EMERGENCY MEDICAL SERVICES (EMS) PHYSICIAN COMMISSION

DOCKET NO. 16-0202-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice, the pending rule will become final and effective on **July 1, 2013**, after review by the legislature, 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 affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

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 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. Also, minor amendments were proposed for the text of the rule itself to bring it into alignment with changes in the Standards Manual approved in the 2012 Legislative Session.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 4, 2012, Idaho Administrative Bulletin, **Vol. 12-7, pages 44 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: N/A

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

DATED this 21st day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0202-1201 - 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 12-7, July 4, 2012, pages 44 and 47.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-1201
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-203, Idaho Code, and 7 CFR Part 273.1(c).

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 regarding food stamp benefits for a child who resides in two households is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 287 and 288](#).

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

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

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0304-1201 - 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 12-10, October 3, 2012, pages 287 and 288](#).**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

DOCKET NO. 16-0304-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202 and 56-203, Idaho Code, and 7 CFR, Part 273.

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 rules aligning the Food Stamp Program with state law and federal regulations are being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 289 through 294](#).

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

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

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

DOCKET NO. 16-0304-1202 - 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 12-10, October 3, 2012, pages 289 through 294](#).**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 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. 16-0305-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE
AND TEMPORARY RULE

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

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a concise explanatory statement of the reasons for adopting the pending rule:

The Department is aligning the asset transfer penalties for Medicaid applicants under the home and community based services (HCBS) with applicants who reside in a nursing facility. By providing this benefit to HCBS applicants, the disparity between the Nursing Home and Home Community Based Services (HCBS) participants will be removed. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, **Vol. 12-10, pages 295 and 296**.

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

This rule change confers a benefit to Home and Community Based Services (HCBS) participants that previously was not available under these rules.

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

The Department considers this rule change to be cost neutral. The intent of this change is for eligible participants to receive the most cost-effective level of service and to be able to stay in the community rather than be forced into a nursing facility.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule or temporary rule, contact Shannon Epperley at (208) 334-5969.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0305-1201 - 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 12-10, October 3, 2012, pages 295 and 296.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

**Pursuant to Section 67-5226, Idaho Code, the full text of
the temporary rule is being published in this Bulletin.**

This rule has been adopted as a temporary rule and is effective [January 1, 2013](#).

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 16-0305-1201

835. APPLYING THE PENALTY PERIOD OF RESTRICTED COVERAGE.

Restricted coverage continues until the participant or spouse recovers all the assets, receives fair market value at the time of the transfer for all of the assets, or the period of restricted coverage ends. The penalty continues whether or not the participant is in long-term care. The penalty period for asset transfers is applied as follows: (3-30-07)

01. Penalty Period for Transfer Prior to February 8, 2006. For assets transferred prior to February 8, 2006, there is no penalty if the amount transferred is less than the cost of one (1) month's care. The penalty period begins running the month the transfer took place. The month the transfer took place is counted as one (1) of the penalty months. A penalty period is computed for each transfer. A penalty period must expire before the next begins. Each partial month before the end of consecutive penalty periods is a penalty month. A partial month at the end of consecutive penalty periods is dropped. (3-30-07)

02. Penalty Period for Transfers On or After February 8, 2006. For assets transferred on or after February 8, 2006, the penalty period begins running the first day of the month after the month the transfer took place or was discovered to have taken place, or the date the individual would have been eligible for long-term care services or HCBS, if not for the transfer, whichever date is later in time. The value of all asset transfers made during the look-back period is accumulated for the purpose of calculating the penalty. If an additional transfer is discovered after the penalty has been served, a new penalty period begins the month following timely notice of closure of benefits. When a penalty period ends after the first day of the month, eligibility for long-term care services begins the day after the penalty period ends. ~~(3-30-07)~~(1-1-13)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED, BLIND
AND DISABLED (AABD)

DOCKET NO. 16-0305-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice, the pending rule will become final and effective on **July 1, 2013**, after review by the legislature, 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 affected by concurrent resolution, the concurrent resolution shall specify the effective date of the 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 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 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 rules amending future cost of living allowance increases are being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, **Vol. 12-10, pages 297 through 299**.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Shannon Epperley at (208) 334-5969.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0305-1202 - 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 12-10, October 3, 2012, pages 297 through 299.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1204

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice, the pending rule will become final and effective on **July 1, 2013**, after review by the legislature, 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 affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

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, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

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

In 2011, the Idaho Legislature approved the Children's System Redesign. Under the redesign, the Department is moving from a one-size-fits-all system that was only able to deliver therapy, to a system that provides a continuum of care based on the child's level of need. The new array of benefits replaces developmental therapy and intensive behavioral intervention (IBI) services.

Removing developmental disabilities benefits from the State plan directly impacts the school-based service providers who deliver the same services. Rule changes are needed to incorporate replacement services for school-based providers when developmental therapy and IBI are no longer available starting July 1, 2013.

The Department has worked in collaboration with the State Department of Education, the Idaho Association of School Administrators, and several other school district representatives as part of a School-Based Medicaid Committee, to identify replacement services (both new and existing) that can be used to address children's developmental disabilities needs in the school setting. While developing these services, the committee kept in mind the purpose of Medicaid funding in the schools and regulations that must be followed under the State Plan authority.

Additional changes are being made to the pending rule based on the comments received from school providers during the public hearings and comment period. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 5, 2012, Idaho Administrative Bulletin, **Vol. 12-9, pages 33 through 56**.

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

There is no anticipated fiscal impact to the state general fund. However, because of the change in covered school-based services benefits, schools that continue to deliver the old benefits may see a potential negative impact in federal funding of approximately \$2.8 million.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending rule, contact Lauren Ertz at (208) 287-1169.

DATED this 21st day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0309-1204 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-9, September 5, 2012, pages 33 through 56.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT FOR DOCKET NO. 16-0309-1204

851. SCHOOL-BASED SERVICE: PARTICIPANT ELIGIBILITY.

To be eligible for medical assistance reimbursement for covered services, school districts; and charter schools; ~~and the Idaho Infant Toddler Program~~ must ensure the student is: (3-30-07)()

06. Service-Specific Eligibility. Psychosocial Rehabilitation (PSR), ~~Developmental Therapy, and Intensive Behavioral Intervention (IBI)~~, Behavioral Consultation, and Personal Care Services (PCS) have additional eligibility requirements. (3-30-07)()

b. ~~Developmental Therapy. To be eligible for developmental therapy, the student must meet the criteria for developmental disabilities as identified in Section 66-402(5), Idaho Code, and have documentation to support eligibility using the standards under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 501. Behavioral Intervention and Behavioral Consultation. To be eligible for behavioral intervention and behavioral consultation services, the student must:~~ (3-30-07)()

[Subsection 851.06.b.ii.]

ii. Exhibit maladaptive behaviors that include frequent disruptive behaviors, aggression, self-injury, criminal or dangerous behavior evidenced by a score of at least one point five (1.5) standard deviations from the mean

in at least two (2) behavior domains and by at least two (2) raters familiar with the student, or at least two (2) standard deviations from the mean in one (1) composite score that consists of at least three (3) behavior domains by at least two (2) raters familiar with the student, on a standardized behavioral assessment approved by the Department; and ()

852. SCHOOL-BASED SERVICE: COVERAGE AND LIMITATIONS.

The Department will pay school districts; and charter schools; ~~and the Idaho Infant Toddler Program;~~ for covered rehabilitative and health-related services. Services include medical or remedial services provided by school districts or other cooperative service agencies, as defined in Section 33-317, Idaho Code. (3-30-07)()

03. Reimbursable Services. School districts; and charter schools; ~~and the Idaho Infant Toddler program~~ can bill for the following health-related services provided to eligible students when the services are provided under the recommendation of a physician or other practitioner of the healing arts ~~licensed and approved by the state of Idaho to make such recommendations or referrals~~ for the Medicaid services for which the school district; or charter school; ~~or Idaho Infant Toddler Program~~ is seeking reimbursement. A school district or charter school may not seek reimbursement for services provided prior to receiving a signed and dated recommendation or referral. (3-30-07)()

a. ~~Developmental Therapy and Evaluation. Developmental therapy may be billed, including evaluation and instruction in daily living skills the student has not gained at the normal developmental stages in his life, or is not likely to develop without training or therapy beyond age appropriate learning situations. Developmental therapy does not include tutorial activities or assistance with educational tasks associated with educational needs that result from the student's disability.~~ Behavioral Intervention. Behavioral Intervention is used to promote the student's ability to participate in educational services, as defined in Section 850 of these rules, through a consistent, assertive, and continuous intervention process. It includes the development of replacement behaviors with the purpose to prevent or treat behavioral conditions of students who exhibit maladaptive behaviors. Services include individual or group behavioral interventions. The following staff-to-participant ratios apply: (3-30-07)()

[Subsections 852.03.a.i. through 852.03.a.iii.]

i. There must be at least one (1) qualified staff providing direct services for every three (3) students, unless the student has an assessment score of at least two (2) standard deviations from the mean in one (1) composite score. ()

ii. When intervention is provided by a professional for students with an assessment score of at least two (2) standard deviations from the mean in one (1) composite score, there must be at least one (1) qualified staff for every two (2) students. ()

iii. When intervention is provided by a paraprofessional for students with an assessment score of at least two (2) standard deviations from the mean in one (1) composite score, group intervention is not allowable. ()

853. SCHOOL-BASED SERVICE: PROCEDURAL REQUIREMENTS.

The following documentation must be maintained by the provider and retained for a period of six (6) years: ()

[Subsection 853.02]

02. ~~Referred by a Physician or Other Practitioner of the Healing Arts~~ Evaluations and Assessments. Recommended or referred by a physician or other practitioner of the healing arts such as a nurse practitioner, clinical nurse specialist, or physician's assistant, who is licensed and approved by the state of Idaho to make such recommendations or referrals, for all Medicaid services for which the school district, charter school, or the Idaho Infant Toddler Program is receiving reimbursement. Evaluations and assessments must support services billed to

Medicaid, and must accurately reflect the student's current status. Evaluations and assessments must be completed at least every (3) years. (3-30-07)()

854. SCHOOL-BASED SERVICE: PROVIDER QUALIFICATIONS AND DUTIES.

In addition to the evaluations and maintenance of the plans, the following documentation must be maintained by the provider and retained for a period of six (6) years Medicaid will only reimburse for services provided by qualified staff. The following are the minimum qualifications for providers of covered services: (3-30-07)()

06. ~~Requirements for Cooperation with and Notification of Parents and Agencies~~ Personal Care Services. *Each school district, charter school, or Idaho Infant Toddler Program billing for Medicaid services must act in cooperation with students' parents and with community and state agencies and professionals who provide like Medicaid services to the student.* Personal care services must be provided by or under the direction of a registered nurse licensed by the State of Idaho. (3-30-07)()

[Subsection 854.06.c.]

c. *Other Community and State Agencies.* ~~Upon receiving a request for a copy of the evaluations or the current plan, the school district, charter school, or Idaho Infant Toddler Program must furnish the requesting agency or professional with a copy of the plan or appropriate evaluation after obtaining consent for release of information from the student's parent or guardian.~~ In addition to the RN oversight, the Qualified Intellectual Disabilities Professional (QIDP) as defined in 42 CFR 483.430 provides oversight for students with developmental disabilities when identified as a need on the PCS assessment. Oversight must include: (3-30-07)()

[Subsection 854.06.c.ii.]

ii. Review of the developmental disabilities programs given by the personal assistant through a review of the student's PCS record as maintained by the provider and through on-site observation of the student; and ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1205

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND TEMPORARY RULE

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

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and is also adopting this rule as a temporary rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, 56-260 through 56-266, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a concise explanatory statement of the reasons for adopting the pending rule:

These temporary rules implement a patient-centered medical home model of care that will coexist with the primary care case management structure called Healthy Connections. In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice. The pending rule is being amended for clarity. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, **Vol. 12-10, pages 300 through 313**.

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

To provide better coordination of benefits and services for Medicaid participants by implementation of the Governor's medical home initiative, known as Health Homes.

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:

No fiscal impact to the state general fund is expected as anticipated savings from better coordination of care and reduction in service utilization will offset any additional costs.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact Cindy Brock at (208) 364-1983.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0309-1205 - ADOPTION OF PENDING RULE

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

Pursuant to Section 67-5226, Idaho Code, the full text of
the temporary rule is being published in this Bulletin.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 12-10, October 3, 2012, pages 300 through 313.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.

Pursuant to Section 67-5226, Idaho Code, the full text of
the temporary rule is being published in this Bulletin.

This rule has been adopted as a temporary rule and is effective **January 1, 2013.**

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
AND THE TEMPORARY RULE FOR DOCKET NO. 16-0309-1205**

399. COVERED SERVICES UNDER BASIC PLAN BENEFITS.

Individuals who are eligible for Medicaid Basic Plan Benefits are eligible for the following benefits, subject to the coverage limitations contained in these rules. Those individuals eligible for services under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," are also eligible for the services covered under this chapter of rules, unless specifically exempted. (5-8-09)

01. Hospital Services. The range of hospital services covered is described in Sections 400 through 449 of these rules. (5-8-09)

a. Inpatient Hospital Services are described in Sections 400 through 406. (3-30-07)

b. Outpatient Hospital Services are described in Sections 410 through 416. (3-30-07)

c. Reconstructive Surgery services are described in Sections 420 through 426. (3-30-07)

d. Surgical procedures for weight loss are described in Sections 430 through 436. (3-30-07)

e. Investigational procedures or treatments are described in Sections 440 through 446. (3-30-07)

02. Ambulatory Surgical Centers. Ambulatory Surgical Center services are described in Sections 450 through 499 of these rules. (5-8-09)

03. Physician Services and Abortion Procedures. Physician services and abortion procedures are described in Sections 500 through 519 of these rules. (5-8-09)

a. Physician services are described in Sections 500 through 506. (3-30-07)

- b.** Abortion procedures are described in Sections 510 through 516. (3-30-07)
- 04. Other Practitioner Services.** Other practitioner services are described in Sections 520 through 559 of these rules. (5-8-09)
- a.** Midlevel practitioner services are described in Sections 520 through 526. (3-30-07)
- b.** Chiropractic services are described in Sections 530 through 536. (3-30-07)
- c.** Podiatrist services are described in Sections 540 through 545. (3-29-12)
- d.** Licensed midwife (LM) services are described in Sections 546 through 552. (3-29-12)
- e.** Optometrist services are described in Sections 553 through 556. (3-29-12)
- 05. Primary Care Case Management.** Primary care case management services are described in Sections 560 through 567 of these rules. (5-8-09)
- a.** Healthy Connections services are described in Sections 560 through 566. (1-1-13)T
- b.** Health Home services are described in Sections 570 through 576. (1-1-13)T
- 06. Prevention Services.** The range of prevention services covered is described in Sections 578 through 649 of these rules. (5-8-09)(1-1-13)T
- ~~**a.** Health Risk Assessment services are described in Sections 570 through 576. (3-30-07)~~
- ~~**ba.** Child Wellness Services are described in Sections 580 through 586. (3-30-07)~~
- ~~**eb.** Adult Physical Services are described in Sections 590 through 596. (3-30-07)~~
- ~~**dc.** Screening mammography services are described in Sections 600 through 606. (3-30-07)~~
- ~~**ed.** Diagnostic Screening Clinic services are described in Sections 610 through 616. (3-30-07)(1-1-13)T~~
- e.** Additional Assessment and Evaluation services are described in Section 615. (1-1-13)T
- f.** Health Questionnaire Assessment is described in Section 618. (1-1-13)T
- ~~**fg.** Preventive Health Assistance benefits are described in Sections 620 through 626. (5-8-09)~~
- ~~**gh.** Nutritional services are described in Sections 630 through 636. (3-30-07)~~
- ~~**hi.** Diabetes Education and Training services are described in Sections 640 through 646. (3-30-07)~~
- 07. Laboratory and Radiology Services.** Laboratory and radiology services are described in Sections 650 through 659 of these rules. (5-8-09)
- 08. Prescription Drugs.** Prescription drug services are described in Sections 660 through 679 of these rules. (5-8-09)
- 09. Family Planning.** Family planning services are described in Sections 680 through 689 of these rules. (5-8-09)
- 10. Substance Abuse Treatment Services.** Services for substance abuse treatment are described in Sections 690 through 699 of these rules. (5-8-09)

- 11. Mental Health Services.** The range of covered Mental Health services are described in Sections 700 through 719 of these rules. (5-8-09)
- a.** Inpatient Psychiatric Hospital services are described in Sections 700 through 706. (3-30-07)
 - b.** Mental Health Clinic services are described in Sections 707 through 718~~9~~. ~~(3-30-07)~~**(1-1-13)T**
- 12. Home Health Services.** Home health services are described in Sections 720 through 729 of these rules. (5-8-09)
- 13. Therapy Services.** Occupational therapy, physical therapy, and speech-language pathology services are described in Sections 730 through 739 of these rules. (5-8-09)
- 14. Audiology Services.** Audiology services are described in Sections 740 through 749 of these rules. (5-8-09)
- 15. Durable Medical Equipment and Supplies.** The range of covered durable medical equipment and supplies is described in Sections 750 through 779 of these rules. (5-8-09)
- a.** Durable Medical Equipment and supplies are described in Sections 750 through 756. (3-30-07)
 - b.** Oxygen and related equipment and supplies are described in Sections 760 through 766. (3-30-07)
 - c.** Prosthetic and orthotic services are described in Sections 770 through 776. (3-30-07)
- 16. Vision Services.** Vision services are described in Sections 780 through 789 of these rules. (5-8-09)
- 17. Dental Services.** The dental services covered under the Basic Plan are covered under a selective contract as described in Section 800 through 819 of these rules. (3-29-12)
- 18. Essential Providers.** The range of covered essential services is described in Sections 820 through 859 of these rules. (5-8-09)
- a.** Rural health clinic services are described in Sections 820 through 826. (3-30-07)
 - b.** Federally Qualified Health Center services are described in Sections 830 through 836. (3-30-07)
 - c.** Indian Health Services Clinic services are described in Sections 840 through 846. (3-30-07)
 - d.** School-Based services are described in Sections 850 through 856. (3-30-07)
- 19. Transportation.** The range of covered transportation services is described in Sections 860 through 879 of these rules. (5-8-09)
- a.** Emergency transportation services are described in Sections 860 through 866. (3-30-07)
 - b.** Non-emergency medical transportation services are described in Sections 870 through 876. ~~(3-30-07)~~**(1-1-13)T**
- 20. EPSDT Services.** EPSDT services are described in Sections 880 through 889 of these rules. (5-8-09)
- 21. Specific Pregnancy-Related Services.** Specific pregnancy-related services are described in Sections 890 through 899 of these rules. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

413. OUTPATIENT HOSPITAL SERVICES: PROCEDURAL REQUIREMENTS.

01. Review Prior to Delivery of Outpatient Services. Failure to obtain a timely review from the Department or its quality improvement organization (QIO) prior to delivery of outpatient services, listed on the select procedure and diagnosis list in the QIO Idaho Medicaid Providers Manual and the Hospital Provider Handbook, as amended, for participants who are eligible at the time of service, will result in a retrospective review. The Department will assess a late review penalty, as outlined in Subsection 405.05 of these rules, when a review is conducted due to an untimely request. ~~(3-30-07)~~(1-1-13)T

02. Follow-Up for Emergency Room Patients with Chronic Conditions. Hospitals must establish procedures to refer Medicaid participants with targeted chronic diseases defined in Section 560 of these rules to an Idaho Medicaid Health Home provider, if one is available within a reasonable distance of the participant's residence. Hospitals must coordinate care of patients who already have a Health Home provider with that PCP. (1-1-13)T

(BREAK IN CONTINUITY OF SECTIONS)

SUB AREA: PRIMARY CARE CASE MANAGEMENT
(Sections 560 -- ~~567~~9)

560. HEALTHY CONNECTIONS **AND IDAHO MEDICAID HEALTH HOME: DEFINITIONS.**

For purposes of this Sub Area that includes Sections 560 through 579 of these rules, unless the context clearly requires otherwise, the following ~~words and~~ terms have the following meanings and definitions apply: ~~(3-30-07)~~(1-1-13)T

01. Best Practices Protocol. A regimen of proven, effective and evidence-based practices. (4-2-08)

02. Care Plan. A patient specific document that identifies health care orders for the patient and serves as a guide to care. It can either be written for an individual patient or be retrieved from a computer and individualized. (1-1-13)T

023. Chronic Disease Management. The process of applying best practices protocol to manage a chronic disease in order to produce the best health outcomes for a participant with the targeted chronic disease. (4-2-08)

034. Clinic. Two (2) or more qualified medical professionals who provide services jointly through an organization for which an individual is given authority to act on its behalf. It also includes Federally Qualified Health Centers (FQHCs), Certified Rural Health Clinics, and Indian Health Clinics. (3-30-07)

045. Covered Services. Those medical services and supplies for which reimbursement is available under the State Plan. (3-30-07)

056. Grievance. The formal process by which problems and complaints related to Healthy Connections are addressed and resolved. Grievance decisions may be appealed as provided herein. (3-30-07)

07. Health Home. A primary care provider organization contracted with Medicaid to lead a team approach for chronic disease management. The Health Home provides comprehensive patient centered care management and health promotion services to patients with chronic conditions in accordance with the requirements described in section 560 through 579 of these rules and Section 1945 of the Social Security Act. (1-1-13)T

08. Health Information Technology. Electronic tools utilized to securely exchange or manage health information between two or more entities. (1-1-13)T

~~069.~~ **Healthy Connections.** The provision of health care services through a single point of entry for the purposes of managing participant care with an emphasis on preventative and primary care and reducing inappropriate utilization of services and resulting costs. This is sometimes referred to as managed care. Healthy Connections is a primary care case management model. (4-2-08)

10. Individual or Family Supports. Community based social supports or recovery services available to assist individuals or families in need. (1-1-13)T

11. National Committee for Quality Assurance (NCOA). Accrediting organization which develops health care performance measurements and provides certifications of quality to health care providers. (1-1-13)T

~~07. Pay for Performance.~~ The use of incentives to encourage and reinforce the delivery of evidence-based practices that promote better outcomes as efficiently as possible. (4-2-08)

12. Preventive Care. Medical care that focuses on disease prevention and health maintenance. (1-1-13)T

~~0813.~~ **Primary Care Case Management.** The process in which a primary care provider is responsible for direct care of a participant, and for coordinating and controlling access to or initiating and/or supervising other health care services needed by the participant. (4-2-08)

~~0914.~~ **Primary Care Provider (PCP).** A qualified medical professional who contracts with Medicaid to coordinate the care of certain participants enrolled in the Healthy Connections program. (4-2-08)(1-1-13)T

~~105.~~ **Qualified Medical Professional.** A duly licensed physician in the following specialties: Pediatrics, Internal Medicine, Family Practice, General Practice, General Surgery, Obstetrics/Gynecology, or a physician in any other specialty who chooses to assume the function of primary care case management. It also includes nurse practitioners, and physician assistants. Licenses must be held in the state(s) where services are being rendered. (3-30-07)

16. Quality Improvement Program. A program of organized, ongoing, and systematic efforts to improve and assess the quality of care within a primary care provider practice or organization. (1-1-13)T

17. Quality Measures. A measure of health care performance based on specified dimensions of care and service. (1-1-13)T

~~118.~~ **Referral.** The process by which A documented communication from a participant's primary care provider (PCP) to another Medicaid provider authorizing participants gain access to those specific covered services subject to primary care case management, but that are not provided by the primary care provider participant's PCP. # is the authorization for such services. (3-30-07)(1-1-13)T

19. Risk Factor. A characteristic, condition, or behavior that increases the possibility of disease or injury. (1-1-13)T

~~120.~~ **Targeted Chronic Disease.** One (1) of the diseases included in the chronic disease management pay for performance program. The specific targeted chronic diseases are diabetes, asthma, hypertension, hyperlipidemia, and depression. The Department may change the diseases included in the program after appropriate notification to PCPs. A disease identified by the Department for management under the Idaho Medicaid Health Home program. Specific conditions are identified in the Medicaid Provider Handbook available at www.idmedicaid.com. (4-2-08)(1-1-13)T

21. Transitional Care. The care or services provided by a health care provider to ensure care of the patient as they move between health care settings or between healthcare providers. (1-1-13)T

561. HEALTHY CONNECTIONS: PARTICIPANT ELIGIBILITY.

~~01. Voluntary County. In a county where participation in Healthy Connections is voluntary, the participant will be given an opportunity to choose a PCP. If the participant is unable to choose a provider but wishes to participate, a provider will be assigned by the Department. If a voluntary county subsequently becomes a mandatory county, provider selection and assignment will remain unchanged where possible. (4-2-08)~~

~~021. Mandatory County. In a county where participation~~ **Primary Care Case Management Enrollment.** Each participant in Idaho Medicaid is enrolled in Healthy Connections-is mandatory, unless the participant is granted an exemption by the Department described in Subsections 561.02.a. through 561.02.h. of this rule. Each participant must choose a PCP within the Healthy Connections program. If a participant fails to choose a PCP, one will be assigned if the participant fails to choose a participating provider after given the opportunity to do so to the participant by the Department. Members Participants of the same family do not have to may choose the same different Healthy Connections providers. All participants in the county are required to participate unless individually granted an exception. (1-1-13)T

~~02. Exceptions~~ **Exemption from Participation.** An exemption from participation in a mandatory county are available Healthy Connections may be granted on an individual basis by the Department for a participants (4-2-08)(1-1-13)T
who:

- a. ~~Have to travel more than~~ Is unable to access a Healthy Connections provider within a distance of thirty (30) miles, or within thirty (30) minutes to obtain primary care services; (3-30-07)(1-1-13)T
- b. ~~Have~~s an eligibility period that is less than three (3) months; (3-30-07)(1-1-13)T
- c. ~~Have~~s an eligibility period that is only retroactive; (3-30-07)(1-1-13)T
- d. ~~Are~~ Is eligible only as a Qualified Medicare Beneficiary; (3-30-07)(1-1-13)T
- e. ~~Have~~s an existing relationship with a primary care physician or clinic who is not participating ~~with~~ the in Healthy Connections; ~~or~~ (3-30-07)(1-1-13)T
- ~~f. Has incompatible third party liability. (3-30-07)~~
- ~~g. Are~~ Is enrolled in the Medicare/Medicaid Coordinated Plan; (4-2-08)(1-1-13)T
- ~~g. Resides in a nursing facility or an ICF/ID; or (1-1-13)T~~
- ~~h. Resides in a county where there are not an adequate number of providers to deliver primary care case management services. (1-1-13)T~~

562. HEALTHY CONNECTIONS: COVERAGE AND LIMITATIONS.

01. Exempted Services. All services are subject to primary care case management unless specifically exempted. The following services are exempt: (3-30-07)

- a. Family planning services; (3-30-07)
- b. ~~Treatment for E~~emergency care (as defined by the Department for the purpose of payment and performed in an emergency department) medical conditions defined in Subsection 010.23 of these rules; and (3-30-07)(1-1-13)T
- ~~c. Hospital admissions subsequent to an emergency room visit provided that the patient's discharge is coordinated with a PCP; (1-1-13)T~~
- ~~ed.~~ Dental care; (4-2-08)
- ~~de.~~ Podiatry (performed in the office); (3-30-07)

- ef.** Audiology (hearing tests or screening, does not include ear/nose/throat services); (3-30-07)
- fg.** Optical/Ophthalmology/Optomist services (performed in the office); (3-30-07)
- gh.** Chiropractic (performed in the office); (3-30-07)
- hi.** Pharmacy (prescription drugs only); (3-30-07)
- ij.** Nursing home; (3-30-07)
- jk.** ICF/ID services; (3-30-07)
- kl.** Immunizations (not requiring an office visit); (4-2-08)
- lm.** Flu shots and/or pneumococcal vaccine (not requiring an office visit); (3-30-07)
- mn.** Diagnosis and/or treatment for sexually transmitted diseases; (3-30-07)
- no.** One screening mammography per calendar year for women age forty (40) or older; (3-30-07)
- op.** Indian Health Clinic/638 Clinic services provided to individuals eligible for Indian Health Services; (4-2-08)
- pq.** In-home services, known as Personal Care Services and Personal Care Services Case Management; (4-2-08)
- qr.** Laboratory services, including pathology; (4-2-08)
- rs.** Anesthesiology services; (3-29-12)
- st.** Radiology services; *and* ~~(3-29-12)~~ (1-1-13)T
- tu.** Services rendered at an Urgent Care Clinic when the participant's PCP's office is closed; ~~(3-29-12)~~ (1-1-13)T
- v.** School-based services; (1-1-13)T
- w.** Services managed directly by the Department, as defined in the provider handbook for those services at www.idmedicaid.com; and (1-1-13)T
- x.** Pregnancy related services provided by an obstetrician or gynecologist not enrolled as a Healthy Connections provider. (1-1-13)T

02. Change in Services That Require a Referral. The Department may change the services that require a referral after appropriate notification of Medicaid eligible individuals and providers. (3-30-07)

563. HEALTHY CONNECTIONS: PROCEDURAL REQUIREMENTS.

01. Primary Care Case Management. Under the Healthy Connections model of managed care, each participant obtains medical services through a PCP. This provider either provides the needed service, or makes a referral for needed services. This management function neither reduces nor expands the scope of covered services. (4-2-08)

a. Referrals. The primary care provider is responsible for making all reasonable efforts to monitor and manage the participant's care, providing primary care services, and making referrals for services when medically necessary. All services not specifically exempted in Section 562 of these rules require receipt of a referral prior to delivery of services. Services that require a referral, but are provided without a referral will are not be paid covered.

All referrals must be documented in the participant's patient record.

~~(3-30-07)~~(1-1-13)T

b. Changing PCPs. If a participant is dissatisfied with his PCP, he may change providers ~~effective the first day of any month~~ by contacting his designated Healthy Connections Representative ~~to do so no later than fifteen at least ten (150) days in advance prior to the end of the month. The change is effective the first day of the following month.~~ This advance notice requirement may be waived by the Department. ~~(4-2-08)~~(1-1-13)T

c. Changing Service Areas. ~~A P~~participants who moves from the area where ~~they are~~ he is enrolled must ~~disenroll in the same manner as provided in the preceding paragraph for changing PCPs, and may obtain a referral from their PCP pending the transfer. Such referrals are valid not to exceed thirty (30) days~~ contact his designated Healthy Connections Representative to disenroll from his current PCP and enroll with a new PCP in the area where moving. Enrollment with the new PCP is effective the first day of the month following the request. ~~(4-2-08)~~(1-1-13)T

02. Problem Resolution.

(3-30-07)

a. ~~Intent.~~ To help assure the success of Healthy Connections, the Department ~~intends to~~ provides a mechanism for timely and personal attention to problems and complaints related to the program. ~~(3-30-07)~~(1-1-13)T

b. ~~Local Program Representative.~~ To facilitate problem resolution, ~~each area~~ the Department will have a designated representative who will receive and attempt to resolve all complaints and problems related to the program and function as a liaison between participants and providers. It is anticipated that most problems and complaints will be resolved informally at this level. ~~(4-2-08)~~(1-1-13)T

c. ~~Registering a Complaint. Both A~~ participants ~~and or a~~ providers may register a complaint or notify the Department of a problem related to Healthy Connections either ~~by in~~ writing, electronically, or ~~by~~ telephoning to the ~~local program~~ designated representative. The ~~health~~ designated representative will attempt to resolve conflicts and disputes whenever possible and refer the complainant to alternative forums where appropriate. ~~(3-30-07)~~(1-1-13)T

d. ~~Grievance.~~ If a participant or provider is not satisfied with the resolution of a problem or complaint addressed by the ~~program~~ designated representative, he may file a formal grievance in writing to the representative. The manager of the managed care program may, where appropriate, refer the matter to a review committee designated by the Department to address issues such as quality of care or medical necessity. However, such decisions are not binding on the Department. The Department will respond in writing to grievances within thirty (30) days of receipt. ~~(3-30-07)~~(1-1-13)T

e. ~~Appeal.~~ Decisions in response to grievances may be appealed. Appeals ~~by participants~~ are ~~considered as fair hearings and appeals by providers as contested cases under the Rules Governing Contested Case Proceedings and Declaratory Rulings,~~ governed by the requirements of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings," and must be filed ~~in accordance with~~ according to the provisions of that chapter. ~~(3-30-07)~~(1-1-13)T

~~03. Chronic Disease Management Registration. A participating PCP must initially register each participant eligible for chronic disease management reimbursement with the Department. (4-2-08)~~

~~04. Chronic Disease Management Reporting. A participating PCP must annually report on all identified quality indicators for each targeted chronic disease that he seeks reimbursement as specified in the provider agreement. The reporting schedule is established by the Department in the provider agreement. (4-2-08)~~

564. HEALTHY CONNECTIONS: PROVIDER QUALIFICATIONS AND DUTIES.

01. **Provider Participation Qualifications.** Primary care case management services may be provided by qualified medical professionals, licensed to practice in the state where services are being rendered. (3-30-07)

02. Provider Participation Conditions and Restrictions.

(3-30-07)

- a. Quality of Services. ~~Each P~~provider must: (1-1-13)T
- i. ~~m~~Maintain and provide services in accordance with community standards of care. ~~Provider must:~~ (1-1-13)T
- ii. ~~e~~Exercise his best efforts to effectively control utilization of services. ~~Providers must:~~ and (1-1-13)T
- iii. ~~p~~Provide twenty-four (24) hour coverage by telephone to assure participant access to services. (3-30-07)(1-1-13)T
- b. Provider Agreements. ~~Each independent P~~providers or provider organization participating in primary care case management must: (1-1-13)T
- i. ~~s~~Sign an agreement. ~~Clinics may sign an agreement on behalf of their qualified medical professionals:~~ (1-1-13)T
- ii. Enroll with the Department all primary care providers and all clinic locations participating in the Healthy Connections program; and (1-1-13)T
- iii. ~~Providers participating in the chronic disease management pay for performance program must~~ Sign an addendum to the primary care case management provider agreement when participating in the Idaho Medicaid Health Home program. (4-2-08)(1-1-13)T
- c. Patient Limits. ~~A P~~providers may limit the number of participants ~~they wish to he~~ manage. Subject to this limit, the provider must accept all participants who either elect or are assigned to ~~the~~ provider, unless disenrolled in accordance with Subsection 564.02.d. of this rule. ~~A P~~providers may change the ~~the~~ participant limit effective the first day of any month. ~~by written request~~ The provider must make the request in writing to the Department thirty (30) days prior to the effective date of ~~the~~ change. This advance notice ~~R~~requirement may be waived by the Department. (3-30-07)(1-1-13)T
- d. Disenrollment. ~~Instances may arise where~~ When the provider-patient relationship breaks down due to failure of the participant to follow the ~~plan of~~ care plan or for other reasons. ~~Accordingly,~~ a provider may choose to withdraw as ~~the~~ participant's primary care provider effective the first day of any month. ~~by written notice to~~ The PCP must notify in writing, both the participant and the Department thirty (30) days prior to the date of withdrawal. This advance notice requirement may be waived by the Department. (3-30-07)(1-1-13)T
- e. Record Retention. ~~Each P~~providers must: (1-1-13)T
- i. ~~r~~Retain patient and financial records and provide the Department access to those records for a minimum of six (6) years from the date of service. (1-1-13)T
- ii. Upon the reassignment of a participant to another PCP, the provider must transfer (if a request is made) a copy of the patient's medical record to the new PCP. ~~Provider must also:~~ and (1-1-13)T
- iii. ~~d~~Disclose information required by Subsection 205.01 of these rules, when applicable. (4-2-08)(1-1-13)T
- f. Termination or Amendment of Provider Agreements. The Department may terminate a provider's agreement as provided in Subsection 205.03 of these rules. An agreement may be amended for the same reasons. (3-30-07)

565. **HEALTHY CONNECTIONS: PROVIDER REIMBURSEMENT.**

01. **Case Management Fee.** Reimbursement is as follows: (4-2-08)
- a. A PCP ~~s will be~~ is paid a case management fee for primary care case management services based on

the level of each participant's health care needs ~~and the PCP's availability.~~ (3-29-12)(1-1-13)T

b. A PCPs enrolled in the ~~chronic disease management pay for performance~~ Idaho Medicaid Health Home program ~~will be~~ is paid ~~an enhanced~~ chronic disease case management fee. (4-2-08)(1-1-13)T

c. The amount of the fee~~s~~ is determined by the Department. (3-29-12)(1-1-13)T

d. The amount of the fee is fixed and the same for all participating PCPs. (4-2-08)

02. Primary Care Case Management. Reimbursement is based on: (3-29-12)

a. The number of participants enrolled ~~under~~ with the provider on the first day of each month multiplied by the amount of the case management fee established for participants enrolled in the Basic Plan Benefit package; (3-29-12)(1-1-13)T

b. The number of participants enrolled ~~under~~ with the provider on the first day of each month, multiplied by the amount of the case management fee established for participants enrolled in the Enhanced Plan Benefit package; and (3-29-12)(1-1-13)T

c. ~~The amount of the case management fee is increased by fifty cents (\$.50) per participant~~ An incentive payment is added per participant to the primary care case management fee in Subsection 565.01.a. of this rule when the PCP~~s office~~ offers extended hours of service in one (1) of the following ways: (1-1-13)T

i. The number of hours the PCP's office is available for delivery of service to participants equals ~~to~~ or exceeds ~~ing~~ s forty-six (46) hours per week. The ~~amount of~~ extended hours must be verified by and on file with the Department prior to an increase to the monthly case management fee ~~generation for the increase to be paid;~~ or (3-29-12)(1-1-13)T

ii. The PCP has electronic health records available and accessible for delivery of services at a nearby service location that is within the same Healthy Connections provider organization and makes services available to the participant at least forty-six (46) hours per week. The alternate location and extended hours must be verified by and on file with the Department prior to an increase to the monthly case management fee. (1-1-13)T

d. The number of participants enrolled with an Idaho Medicaid Health Home provider on the first day of the month for services described in Section 572 these rules, multiplied by the case management fee established per participant enrolled in that program. (1-1-13)T

~~03. Chronic Disease Management. Reimbursement is based on:~~ (4-2-08)

~~a. The number of participants who have a targeted chronic disease multiplied by the amount of the enhanced case management fee for patient identification; and~~ (4-2-08)

~~b. The number of instances that the PCP achieved Department specified best practices protocol for the disease being managed multiplied by the amount of the enhanced case management fee for reported quality indicators.~~ (4-2-08)

566. HEALTHY CONNECTIONS: QUALITY ASSURANCE.

The Department will establish performance measurements to evaluate the effectiveness of ~~Chronic Disease Management~~ the primary care case management programs. The performance measurements will be reviewed at least annually and adjusted as necessary to provide quality assurance. (4-2-08)(1-1-13)T

567. -- 569. (RESERVED)

SUB AREA: PREVENTION SERVICES
(Sections 570 -- 649)

[SECTION 570 MOVED TO SECTION 618]

570. IDAHO MEDICAID HEALTH HOME: DEFINITIONS.

For purposes of the Idaho Medicaid Health Home program, the terms and definitions in Section 560 of these rules apply. (1-1-13)T

571. IDAHO MEDICAID HEALTH HOME: PARTICIPANT ELIGIBILITY.

01. Eligibility. A Medicaid participant diagnosed with two (2) targeted chronic diseases, or one (1) targeted chronic disease and one (1) or more risk factors is eligible for enrollment in the Idaho Medicaid Health Home program. (1-1-13)T

02. Eligibility Determination. A participant who meets the diagnostic criteria for health home eligibility is identified by the PCP to the Department. The Department will utilize claims data and other documentation as needed to verify the participant is eligible for Idaho Medicaid Health Home services. (1-1-13)T

572. IDAHO MEDICAID HEALTH HOME: COVERAGE AND LIMITATIONS.

The following services are covered for an eligible participant assigned to a Health Home provider: (1-1-13)T

01. Comprehensive Care Management. A Health Home provider must develop and implement a patient-centered care plan based on an individual's health risk assessment. The care plan must describe how the Health Home provider will coordinate clinical care with other providers as well as non-clinical health care related needs and services. (1-1-13)T

02. Care Coordination and Health Promotion. A Health Home provider must: (1-1-13)T

a. Coordinate the participant's care by sharing clinical information relevant to patient care with other providers; (1-1-13)T

b. Provide educational information and information about health care resources to the participant; (1-1-13)T

c. Have ongoing communication with the participant to encourage compliance with prescribed treatment; and (1-1-13)T

d. Provide other activities necessary to facilitate improved health outcomes for the participant. (1-1-13)T

03. Comprehensive Transitional Care. A Health Home provider must: (1-1-13)T

a. Receive relevant medical information from and share relevant medical information with emergency rooms and inpatient facilities to foster a coordinated approach to preventing avoidable readmissions; and (1-1-13)T

b. Review and update care plans after unplanned admissions to adjust care coordination and management activities to address identifiable causes for the admission. (1-1-13)T

04. Individual, Family, Community, and Social Support Services. A Health Home provider must: (1-1-13)T

a. Coordinate care in a manner that effectively utilizes available individual and family supports to improve and maintain the health of the participant; and (1-1-13)T

b. Provide information on available community and social support services that aid in promoting healthy behaviors and reducing physical and mental health risk factors. (1-1-13)T

573. IDAHO MEDICAID HEALTH HOME: PROCEDURAL REQUIREMENTS.

01. Provider Agreement. A Health Home provider must sign an addendum to the primary care case management provider agreement which identifies the location of the Health Home and other requirements necessary to meet the Health Home service requirements in these rules. (1-1-13)T

02. Data Reporting. Health Home providers must report data to the Department on a periodic basis in keeping with schedules outlined in the provider handbook and the terms of the Health Homes provider agreement. (1-1-13)T

03. Quality Improvement Program. A provider must establish a continuous quality improvement program directed towards improving care for patients with chronic conditions. (1-1-13)T

574. IDAHO MEDICAID HEALTH HOME: PROVIDER QUALIFICATIONS AND DUTIES.

01. Provider Infrastructure and Health Home Assessment. A prospective Health Home provider must complete a Health Home practice assessment in cooperation with the Department to determine the ability of the provider to provide the required services in keeping with a patient-centered medical home model. This assessment must demonstrate that the provider: (1-1-13)T

a. Has identified the qualified medical and mental health professionals and other resources available to provide Health Home services; (1-1-13)T

b. Has the ability to utilize health information technology to coordinate and facilitate communication of health information and to link to services; (1-1-13)T

c. Is able to submit clinical and practice transformation data within six (6) months of the date the provider agreement is signed; and (1-1-13)T

d. Has a chronic disease patient registry in place within three (3) months of the date the provider agreement is signed. (1-1-13)T

02. Qualifications. An Idaho Medicaid Health Home provider must: (1-1-13)T

a. Possess a current NCOA patient-centered medical home level one (1) *recognition*, or demonstrate that the provider is actively pursuing that recognition. A provider that does not achieve this NCOA *recognition* within two (2) years of the initiation date of their Idaho Medicaid Health Home provider agreement will be terminated as a Health Home provider for non-compliance with the provider agreement; (1-1-13)T

b. Be enrolled as a Healthy Connections primary care provider (PCP); (1-1-13)T

c. Sign an addendum to their primary care provider agreement which identifies the location of the enrolled site and indicates reporting schedule and quality measurement requirements; (1-1-13)T

d. Have qualified medical professionals, licensed to practice in the state where services are being rendered; and (1-1-13)T

e. Maintain office hours that allow enhanced access to care as described in Section 565.02 of these rules. (1-1-13)T

03. Provider Duties. A Health Home provider must provide or coordinate the following elements of Health Home services: (1-1-13)T

a. Care Plan. Develop a patient-centered care plan for each participant that coordinates and integrates both clinical and non-clinical health care related needs and services; (1-1-13)T

b. Chronic Disease Management. Provide access to chronic disease management, including self-management support to the participant and the participant's family; (1-1-13)T

c. Individual, Family, and Community Supports. Facilitate access to individual, family, and community supports outlined in the provider's agreement. (1-1-13)T

d. Mental Health & Substance Abuse Services. Facilitate access to mental health and substance abuse services. (1-1-13)T

e. Preventive Care. Coordinate and provide access to preventive and health promotion services, including prevention of mental illness and substance abuse disorders. (1-1-13)T

f. Quality Improvement Program. Establish a continuous quality improvement program and report on quality improvement measures outlined in the provider agreement and the provider handbook. (1-1-13)T

g. Quality of Services. Maintain and provide quality services for each Home Health participant. (1-1-13)T

h. Transitional Care. Coordinate and provide access to comprehensive care management and transitional care from and to inpatient settings and from a pediatric to an adult system of health care. (1-1-13)T

575. (RESERVED)

576. IDAHO MEDICAID HEALTH HOME: QUALITY ASSURANCE.

The Department will establish performance measurements to evaluate the effectiveness of the Idaho Medicaid Health Home program through the collection and reporting of quality measures as specified in Section 1945 of the Social Security Act. (1-1-13)T

577. -- 579. (RESERVED)

SUB AREA: PREVENTION SERVICES
(Sections 5780 -- 649)

(BREAK IN CONTINUITY OF SECTIONS)

616. -- 617. (RESERVED)

570618. HEALTH QUESTIONNAIRE.

The Health Questionnaire assesses the general health status and health behaviors of a participant. The information collected is used to provide customized health education to the participant. The Health Questionnaire is administered at initial program entry and at periodic intervals thereafter. Participant responses to the issues addressed in the Health Questionnaire may identify a participant's interest in the Preventive Health Assistance benefits described in Section 620 of these rules. (3-30-07)

619. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1206

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, 56-260 through 56-266, Idaho Code, Section 1905(r) of the Social Security Act, and 42 CFR Section 441.56.

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 regarding Idaho's Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT) program is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 314 and 315](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cindy Brock at (208) 364-1983.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0309-1206 - 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 12-10, October 3, 2012, pages 314 and 315](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, 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 text of the pending rule regarding the process for providing cost information to the Department has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 316 through 320](#).

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

The changes in this rulemaking are meant to be budget neutral and have no fiscal impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sheila Pugatch at (208) 364-1817.

DATED this 19th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500
fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0310-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 316 through 320.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT OF PENDING DOCKET NO. 16-0310-1201

037. GENERAL REIMBURSEMENT: PARTICIPANT SERVICES.

The Department will evaluate provider reimbursement rates that comply with 42 U.S.C. 1396a(a)(30)(A). This evaluation will assure payments are consistent with efficiency, economy, and quality of care and safeguards against unnecessary utilization of care and services. Reimbursements will be sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. ()

[Subsection 037.04]

04. Cost Survey. The Department will survey one hundred percent (100%) of providers. Providers that refuse or fail to respond to the periodic state surveys may be disenrolled as a Medicaid provider. The Department will derive reimbursement rates using direct care staff costs, employment related expenditures, program related costs, and indirect general and administrative costs in the reimbursement methodology, when these costs are incurred by a provider. The Department will conduct cost surveys customized for each of the services defined in Section 038 of these rules. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1202

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

EFFECTIVE DATE: The effective date of the temporary rule is **October 1, 2012**. This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, 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:

Medicaid's Adult Developmental Disabilities and Aged and Disabled Home and Community Based Services (HCBS) waivers (also known as 1915(c) waivers) were scheduled to expire on September 30, 2012. In order for Idaho to maintain waiver authority and offer waiver benefits, a new waiver application for each was submitted to, and approved by, the Centers for Medicare and Medicaid Services (CMS). As a result, these rule changes are needed to realign this chapter of rules with the waivers that were renewed and are effective October 1, 2012.

Revisions are being made at the pending stage of the rule process in order to:

1. Make improvements to rules based on written and verbal stakeholder comments; and
2. Better align language regarding provider record requirements for Aged and Disabled waiver providers under IDAPA 16.03.10.328.06 with the Personal Care Services (PCS) record requirements under Subsections 304.04.e. and 304.04.f.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, **Vol. 12-10, pages 321 through 355**.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mark Wasserman at (208) 287-1156.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0310-1202 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE

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

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 321 through 355.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 16-0310-1202

326. AGED OR DISABLED WAIVER SERVICES: COVERAGE AND LIMITATIONS.

02. Adult Residential Care Services. Adult residential care ~~services~~ are those that consist of a range of services provided in a congregate homelike, non-institutional setting that include residential care or assisted living facilities and certified family homes. Payment is not made for the cost of room and board, including the cost of building maintenance, upkeep and improvement. (10-1-12)T

a. Adult residential care services consist of a range of services provided in a congregate setting licensed ~~in accordance with~~ under IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho," that includes: (3-19-07)(10-1-12)T

[Subparagraph 326.02.a.i.]

a.i. Medication ~~management~~ assistance, to the extent permitted under State law; (3-19-07)(10-1-12)T

b. Adult residential care services also consist of a range of services provided in a setting licensed under IDAPA 16.03.19, "Rules Governing Certified Family Homes," that include: (10-1-12)T

[Subparagraph 326.02.b.i.]

i. Monitoring of m~~Medication~~s ~~management~~ assistance, to the extent permitted under State law; (10-1-12)T(10-1-12)T

328. AGED OR DISABLED WAIVER SERVICES: PROCEDURAL REQUIREMENTS.

06. **Provider Records.** Records will be maintained on each waiver participant. (3-19-07)

[New Paragraphs 328.06.d. and 328.06.e.]

d. Record requirements for participants in Residential Care or Assisted Living Facilities are described in IDAPA 16.03.22., "Residential Care or Assisted Living Facilities in Idaho." (10-1-12)T

e. Record requirements for participants in Certified Family Homes are described in IDAPA 16.03.19, "Rules Governing Certified Family Homes." (10-1-12)T

329. AGED OR DISABLED WAIVER SERVICES: PROVIDER QUALIFICATIONS AND DUTIES.

Each provider must have a signed provider agreement with the Department for each of the services it provides. (3-19-07)

[Subsection 329.07]

~~07.~~ **Adult Residential Care Providers.** Adult Residential Care providers will meet all applicable state laws and regulations. In addition, the provider must ensure that adequate staff are provided to meet the needs of the participants accepted for admission. Adult residential care providers who provide direct care or services must satisfactorily complete a criminal history and background check in accordance with IDAPA 16.03.19, "Rules Governing Certified Family Homes," ~~and or~~ IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho." All providers of adult residential care must either own or lease the facility and comply with the Americans with Disabilities Act Accessibility Guidelines, 28 CFR Part 36, Appendix A. (4-2-08)(10-1-12)T (10-1-12)T

~~08.~~ **Home Delivered Meals.** Providers of home delivered meals must be a public agency or private business, and must ~~be capable of~~ exercise supervision to ensure that: (3-19-07)(10-1-12)T

[Paragraph 329.08.d.]

~~ed.~~ Being The agency or business is inspected and licensed as a food establishment by the district health department. under IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments"; (3-19-07)(10-1-12)T (10-1-12)T

705. ADULT DD WAIVER SERVICES: PROVIDER QUALIFICATIONS AND DUTIES.

All providers of waiver services must have a valid provider agreement with the Department. Performance under this agreement will be monitored by the Department. (3-19-07)

10. **Home Delivered Meals.** ~~Services of Home Delivered Meals under this Subsection may only be provided by an agency capable of supervising the direct service and must~~ Providers of home-delivered meals must be a public agency or private business, and must exercise supervision to ensure that: (7-1-11)(10-1-12)T

[Paragraph 705.10.d.]

~~ed.~~ Must be The agency or business is inspected and licensed as a food establishment by the District Health Department under IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments." (3-19-07)(10-1-12)T (10-1-12)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice, the pending rule will become final and effective on **July 1, 2013**, after review by the legislature, 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 affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

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, 56-250 through 56-257, and 56-260 through 56-266, 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 Idaho Department of Health and Welfare implemented the Children's System Redesign on July 1, 2011. Under the redesign, the Department is moving from a one-size-fits-all system that was only able to deliver therapy, to a system that provides a continuum of care based on the child's level of need. The new array of redesign benefits replaces developmental therapy and intensive behavioral intervention (IBI) services currently available under the State Plan.

Additionally, rules pertaining to the children's redesign services were approved by the Idaho Legislature during the 2011 legislative session. To transition children from developmental therapy and IBI to the redesign system, the Legislature approved a phased implementation plan to enroll children into the redesign according to their birthdays. The phased implementation plan has required the Department to operate both the old and new systems concurrently over the span of the transition year. The intent of keeping the old benefits in place (developmental therapy and IBI) was to ensure that families have services until their designated transition time to avoid any gap in services for their child.

To complete the transition to the redesigned system, rule changes are being made to remove the old developmental disability agency services.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The change that was made removes a reference to IBI that should have been removed from the proposed rule as it published in October. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 356 through 410](#).

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

There is no anticipated fiscal impact to the state general fund. This is a cost-neutral program that has been approved the Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Lauren Ertz at (208) 287-1169.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0310-1203 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 356 through 410.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT FOR DOCKET NO. 16-0310-1203

6586. GENERAL STAFFING REQUIREMENTS ~~FOR AGENCIES.~~

01. Standards for Paraprofessionals Providing Developmental Therapy ~~and IBI.~~ When a paraprofessional provides ~~either~~ developmental therapy ~~or IBI~~, the agency must ensure adequate supervision by a qualified professional during its service hours. All paraprofessionals must meet the training requirements under IDAPA 16.03.21, "Developmental Disabilities Agencies (DDA)," Section 410 and must meet the qualifications under Section 6575 of these rules. A ~~paraprofessional providing IBI must be supervised by an IBI professional; a paraprofessional providing developmental therapy must be supervised by a Developmental Specialist. Paraprofessionals providing developmental therapy to children birth to three (3) years of age must work under the supervision of a Developmental Specialist fully qualified to provide services to participants in this age group.~~ For paraprofessionals to provide developmental therapy ~~or IBI~~ in a DDA, the agency must adhere to the following standards: ~~(7-1-11)~~()

[Paragraph 656.01.d.]

~~d. Limitations to Service Provision by an IBI Paraprofessional. IBI provided by a paraprofessional is limited to ninety percent (90%) of the direct intervention time, per individual participant. The remaining ten percent (10%) of the direct intervention time must be provided by the professional qualified to provide and direct the provision of IBI.~~ ~~(7-1-11)~~

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1205

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 **October 1, 2012**. This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 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, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

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

The 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 changes to these rules are for clarification and correction to a reference. The original text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, **Vol. 12-10, pages 411 through 426**.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Robert Kellerman at (208) 364-1994.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0310-1205 - ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

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

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 411 through 426.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 16-0310-1205

270. NURSING FACILITY: SPECIAL RATES.

A special rate consists of a facility's daily reimbursement rate for a patient plus an add-on amount. Section 56-117, Idaho Code, provides authority for the Department to pay facilities an amount in addition to the daily rate when a patient has needs that are beyond the scope of facility services and when the cost of providing for those additional needs is not adequately reflected in the rates calculated ~~pursuant to the principles found in Section 56-265, Idaho Code.~~ This special rate add-on amount for such specialized care is in addition to any payments made in accordance with other provisions of this chapter and is excluded from the computation of payments or rates under other provisions ~~of Section 56-265, Idaho Code, and in~~ these rules. (3-19-07)(10-1-12)T

06. Determination of Payment for Qualifying Residents. Special rate add-on amounts are calculated using one (1) of the methods described in Subsections 270.06.a. through 270.06.d. of ~~these~~ this rules. (3-19-07)(10-1-12)T

c. Ventilator Dependent Residents and Residents Receiving Tracheostomy Care. ~~The facility need not exceed the direct care limit to receive a special rate for ventilator care and tracheostomy care. In the case of residents who are ventilator-dependent and who receive tracheostomy residents care, a two (2) step approach is taken to establish an add-on amount. The first step is the calculation of a staffing add-on for the cost, if any, of additional direct care staff required to meet the exceptional needs of these residents that is higher than the amount indicated on the resident's most recent Medicaid RUG score. The add-on is calculated following the provisions in Subsection 270.06.d. of this rule, adjusted for the appropriate skill level of care staff. The second step is the calculation of an add-on for equipment and non-therapy supplies following the provision in Subsection 270.06.b. of this rule. The combined amount of these two (2) components is considered the special add-on amount to the facility's rate for approved residents receiving this care. the special add-on amount to the facility's rate for approved residents receiving this care, is determined by combining the following two (2) components:~~ (3-4-11)(10-1-12)T

[Subparagraphs 270.06.c.i. and 270.06.c.ii.]

i. ~~Calculation of a staffing add-on for the cost, if any, for additional direct care staff required in meeting the exceptional needs of these residents. The hourly add-on rate is equal to the current WAHR CNA or current WAHR RN wage rate plus a benefits allowance based on annual cost report data, then weighted to remove the CNA minimum daily staffing time adjusted for the appropriate skill level of care staff; and~~ (10-1-12)F(10-1-12)T

ii. ~~Calculation of an add-on for equipment and non-therapy supplies following the provisions in Subsection 270.06.a.b. of this rule.~~ (10-1-12)F(10-1-12)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.04.02 - IDAHO TELECOMMUNICATION SERVICE ASSISTANCE PROGRAM RULES

DOCKET NO. 16-0402-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-901, Idaho Code, and 47 CFR 54.405.

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 changes for telecommunication service assistance are being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 427 through 430](#).

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

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

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0402-1201 - 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 12-10, October 3, 2012, pages 427 through 430.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.01 - USE AND DISCLOSURE OF DEPARTMENT RECORDS

DOCKET NO. 16-0501-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-242, 39-5403, 56-221, 56-222, 56-1003, and 56-1004, Idaho Code (Board authority); the Child Abuse Prevention and Treatment Act (CAPTA) (42 USC 5101, et seq.); and Section 9-340B(7), Idaho Code, (from Senate Bill 1255a(2) (2012)).

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:

Disclosure of information regarding child fatalities is required by the Child Abuse Prevention and Treatment Act (CAPTA) under 42 USC 5106a(b)(2)(B)(x). In accordance with CAPTA, this chapter is being amended to specify and clarify the information regarding child fatalities that the Department can disclose. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2012, Idaho Administrative Bulletin, [Vol. 12-9, pages 57 and 58](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Miren Unsworth at (208) 334-5925.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0501-1201 - 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 12-9, September 5, 2012, pages 57 and 58](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Sections 56-202(b), 56-203(2), 56-204A, 56-1004A, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520 and 39-5604, Idaho Code.

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

The text of the pending fee rule increasing the cost of a Department criminal history and background check is being amended in accordance with Section 67-5227, Idaho Code. Based on the implementation of the fee increase over an extended amount of time, and a discount for automated fingerprint processing, these rules are being amended to clarify the fee increase is up to \$70. 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 July 4, 2012, Idaho Administrative Bulletin, [Vol. 12-7, pages 98 and 99](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 56-1004A, Idaho Code:

The fee amount for a Department fingerprint-based criminal history and background check was increased by \$15.00.

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

The Department's original fiscal impact statement for additional costs to the Department for State Fiscal Year (SFY) 2013 was estimated to be approximately \$36,000 from state general funds. However, due to a phase-in implementation over a one-year period and a discount for automated fingerprint processing, the fiscal impact to state general funds for this rule change is less than \$10,000.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Fernando Castro, at (208) 332-7999.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0506-1201 - ADOPTION OF PENDING FEE RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-7, July 4, 2012, pages 98 through 99.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR FEE DOCKET NO. 16-0506-1201

050. FEES AND COSTS FOR CRIMINAL HISTORY AND BACKGROUND CHECKS.

The fee for a Department fingerprint-based criminal history and background check is *fifty five* up to seventy dollars (~~\$55~~70) for an individual. The applicant is responsible for the cost of the criminal history and background check except where otherwise provided by Department rules. ~~(49.09)~~()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.01 - CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 16-1629, 16-2102, 39-1209 through 1211, 39-5603, 39-7501, 56-202(b), 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code (Board authority); and the Child Protective Act, Idaho Code, Title 16, Chapter 16.

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:

Foster parents and professionals involved in the ongoing care of children in Idaho's child welfare system continue to report to Department personnel that they are not receiving information necessary to carry out their roles and duties in caring for children in Idaho's child welfare system. In order to remedy this, a rule change is being made to clarify what information the Department can and must provide to foster parents and other professionals involved in the ongoing care of children in Idaho's child welfare system. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2012, Idaho Administrative Bulletin, [Vol. 12-9, pages 59 through 62](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Miren Unsworth at (208) 334-5925.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0601-1202 - 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 12-09, September 5, 2012, pages 59 through 62](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.08 - RULES AND MINIMUM STANDARDS FOR DUI EVALUATORS
DOCKET NO. 16-0608-1201 (CHAPTER REPEAL)
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice, the pending rule will become final and effective on **July 1, 2013**, after review by the legislature, 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 affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

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 18-8005(11) and (14), 56-1003 (Director authority), and Section 39-311 (Board authority), 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 Courts and the Department have agreed it is more effective and efficient to end separate licensing for DUI Evaluators and have DUI evaluations conducted at treatment facilities approved under IDAPA 16.07.20, "Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs." Therefore, this chapter of rules will be repealed in its entirety. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the Sept. 5, 2012, Idaho Administrative Bulletin, [Vol. 12-9, pages 63 and 64](#).

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

The repeal of these rules will result in a revenue loss to the Department of approximately \$2,500 per year due to the loss of licensing/renewal fees imposed on DUI Evaluators under this chapter.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 334-6611.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0608-1201 - 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 12-9, September 5, 2012, pages 63 and 64](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.01 - BEHAVIORAL HEALTH SLIDING FEE SCHEDULES

DOCKET NO. 16-0701-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice, the pending rule will become final and effective on **July 1, 2013**, after review by the legislature, 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 affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

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 16-2433, 19-2524, 20-520(i), 20-511A, and 39-3137 Idaho Code (Director's Authority), and Section 39-309, Idaho Code (Board Authority).

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 2006, the Legislature passed House Bill 833 that amended the Alcoholism and Intoxication Treatment Act (AITA) to establish the Interagency Committee on Substance Abuse Prevention and Treatment (ICSA) effective until July 1, 2011. For a five-year period, starting in SFY 2007, budget decisions regarding substance use disorders treatment were made by the Interagency Committee on Substance Abuse Prevention and Treatment (ICSA). In accordance with AITA, ICSA sunsetted at the end of SFY 2011 and is no longer in existence. As result, the reference to ICSA in these rules is being removed. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2012, Idaho Administrative Bulletin, **Vol. 12-9, pages 65 through 69**.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 334-6611.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0701-1201 - 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 12-9, September 5, 2012, pages 65 through 69.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.07.17 - ALCOHOL AND SUBSTANCE USE DISORDER SERVICES
DOCKET NO. 16-0717-1201
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice, the pending rule will become final and effective on **July 1, 2013**, after review by the legislature, 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 affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-304, 39-311, and 56-1003, Idaho Code.

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

In 2006, the Legislature passed House Bill 833. HB 833 (2006) amended the Alcoholism and Intoxication Treatment Act (AITA) to establish the Interagency Committee on Substance Abuse Prevention and Treatment (ICSA) effective until July 1, 2011. For a five-year period, starting in SFY 2007, budget decisions regarding substance use disorders treatment were made by the Interagency Committee on Substance Abuse Prevention and Treatment (ICSA). In accordance with AITA, ICSA sunsetted at the end of SFY 2011 and is no longer in existence. As result, the reference to ICSA in these rules is being removed. Also, these rules are being realigned with IDAPA 16.07.20, "Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Program," to eliminate existing inconsistencies.

Amendments were made to the pending rule by the Board of Health and Welfare. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 5, 2012, Idaho Administrative Bulletin, [Vol. 12-9, pages 70 through 77](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 334-6611.

DATED this 15th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0717-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-9, September 5, 2012, pages 70 through 77.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT FOR DOCKET NO. 16-0717-1201

010. DEFINITIONS.

For the purposes of these rules, the following terms are used as defined below:

(5-8-09)

[Subsection 010.05]

05. Assessment and Referral Services. A substance use disorders program provides these services in order to treat, provide services, or refer individuals. An assessment is designed to gather and analyze information regarding a client's current substance use disorder behavioral, social, medical, and treatment history. The purpose of the assessment is to provide sufficient information for problem identification and, if appropriate, substance use disorder related treatment or referral. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.20 - ALCOHOL AND SUBSTANCE USE DISORDERS TREATMENT AND RECOVERY SUPPORT SERVICES FACILITIES AND PROGRAMS

DOCKET NO. 16-0720-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. In accordance with Section 67-5224(5)(a) and (b), Idaho Code, as specified here in this notice, the pending rule will become final and effective on **July 1, 2013**, after review by the legislature, 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 affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

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 39, Chapter 3, Idaho Code, Alcoholism and Intoxication Treatment Act (AITA), and Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, 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 is making revisions to this chapter of rule to accommodate the current substance use disorders treatment environment and integration with Mental Health. Revisions are also needed to align the treatment system with changes in health care standards and move to a recovery oriented system of care. In addition, provider requirements need to be streamlined to allow the provider system to function in a more efficient manner. Finally, the Interagency Committee on Substance Abuse Prevention and Treatment (ICSA) established by the 2006 Legislature is no longer in existence and references to ICSA in these rules are being removed.

Amendments were made to the pending rule by the Board of Health and Welfare. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 5, 2012, Idaho Administrative Bulletin, **Vol. 12-9, pages 78 through 134**.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 334-6611.

DATED this 15th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

DOCKET NO. 16-0720-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-9, September 5, 2012, pages 78 through 134.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT FOR DOCKET NO. 16-0720-1201

218. QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL PERSONNEL REQUIRED.

The alcohol and substance use disorders program must employ the number and variety of staff to provide the services and treatments offered by the program as a multidisciplinary team. The program must employ at least one (1) qualified substance use disorders professional for each facility. (5-1-10)

01. Qualified Substance Use Disorders Professional. A qualified substance use disorders professional includes the following: (5-1-10)

[Paragraph 218.01.k.]

~~k.~~ “Psychologist,” or a “Psychologist Extender” licensed under Title 54, Chapter 23, Idaho Code ~~with a Certificate of Proficiency in the Treatment of Alcohol and Other Psychoactive Substance Use Disorders as issued by the College of Professional Psychology, or who holds one (1) of the certifications under Subsections 218.01.a. through 218.01.e. of this rule or has one thousand forty (1,040) hours of supervised experience providing substance use disorder treatment, in an alcohol and substance use disorders treatment services setting in a state, federal, Joint Commission, or CARF approved program. State approval includes other states that are approved, licensed, or certified to provide substance use disorders treatment services through their Single State Authority;~~ (5-1-10)()

223. ~~STUDENT/ISAS/TRAINEE—PRACTICE~~ QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL TRAINEE.

Each ~~student/ISAS/~~ qualified substance use disorders professional trainee practicing in an alcohol and substance use disorders treatment program must meet the requirements in these rules. (5-1-10)()

087. Work Qualifications for ~~Students~~ Qualified Substance Use Disorders Professional Trainee. Clinical staff designated as a ~~student/ISAS/~~ qualified substance use disorders professional trainee and who with intensive supervision would be allowed to gradually add the tasks of a qualified substance use disorders professional, must have one (1) of the following levels of qualification to begin work: (5-1-10)()

[Paragraph 223.07.b.]

~~b.~~ Formal documentation as a Northwest Indian Alcohol/Drug Specialist Counselor ~~1~~ Intern; (5-1-10)()

745. ~~BASIC AND INTENSIVE~~ CASE MANAGEMENT SERVICES.

In addition to meeting all the rules and minimum standards contained in Sections 000 through 499 of these rules, each alcohol and substance use disorders treatment or recovery support services program seeking approval as a ~~Basic or Intensive~~ case management ~~facility~~ provider must meet the requirements in Section 745 of these rules. ~~Basic and Intensive e~~Case management services include: (5-1-10)()

04. **Case Manager Qualifications.** ~~A case manager must have completed training in the essentials of case management as identified by the Department. A case manager providing basic or intensive case management must:~~ (5-1-10)()

[Paragraph 745.04.a.]

a. Be a qualified substance use disorders professional as defined in Section 013 of these rules, an ISAS as defined in Section 012 of these rules, or a qualified substance use disorders professional trainee as defined in Section 013 of these rules. An ISAS or qualified substance use disorders professional trainee may provide case management services only under direct ~~intensive~~ clinical supervision and a learning professional development plan: or (5-1-10)()

IDAPA 17 - INDUSTRIAL COMMISSION

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

DOCKET NO. 17-0204-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

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

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

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

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

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

DATED this 15th day of November, 2012.

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

DOCKET NO. 17-0204-1201 - 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 12-8, August 1, 2012, pages 62 and 63](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 17 - INDUSTRIAL COMMISSION

17.02.09 - MEDICAL FEES

DOCKET NO. 17-0209-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

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

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

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

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

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

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

DATED this November 21, 2012.

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

DOCKET NO. 17-0209-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 431 through 438.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 17-0209-1201**

030. DEFINITIONS.

Words and terms used in this rule are defined in the subsections which follow.

(4-7-11)

[Subsection 030.11]

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

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

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

[Subsection 031.03]

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

MEDICAL FEE SCHEDULE			
<u>SERVICE CATEGORY</u>	<u>CODE RANGE(S)</u>	<u>DESCRIPTION</u>	<u>CONVERSION FACTOR</u>
<u>Anesthesia</u>	<u>00000 - 09999</u>	<u>Anesthesia</u>	<u>\$60.33</u>
<u>Surgery - Group One</u>	<u>22000 - 22999</u> <u>23000 - 24999</u> <u>25000 - 27299</u> <u>27300 - 27999</u> <u>29800 - 29999</u> <u>61000 - 61999</u> <u>62000 - 62259</u> <u>63000 - 63999</u>	<u>Spine</u> <u>Shoulder, Upper Arm, & Elbow</u> <u>Forearm, Wrist, Hand, Pelvis & Hip</u> <u>Leg, Knee, & Ankle</u> <u>Endoscopy & Arthroscopy</u> <u>Skull, Meninges & Brain</u> <u>Repair, Neuroendoscopy & Shunts</u> <u>Spine & Spinal Cord</u>	<u>\$135.00</u>
<u>Surgery - Group Two</u>	<u>28000-28999</u> <u>64000-64999</u>	<u>Foot & Toes</u> <u>Nerves & Nervous System</u>	<u>\$124.00</u>
<u>Surgery - Group Three</u>	<u>10000 - 19999</u> <u>20000 - 21999</u> <u>29000 - 29799</u> <u>30000 - 39999</u> <u>40000 - 49999</u> <u>50000 - 59999</u> <u>60000 - 60999</u> <u>62260 - 62999</u> <u>65000 - 69999</u>	<u>Integumentary System</u> <u>Musculoskeletal System</u> <u>Casts & Strapping</u> <u>Respiratory & Cardiovascular</u> <u>Digestive System</u> <u>Urinary System</u> <u>Endocrine System</u> <u>Spine & Spinal Cord</u> <u>Eye & Ear</u>	<u>\$88.54</u>
<u>Radiology</u>	<u>70000 - 79999</u>	<u>Radiology</u>	<u>\$88.54</u>
<u>Pathology & Laboratory</u>	<u>80000 - 89999</u>	<u>Pathology & Laboratory</u>	<u>To Be Determined</u>
<u>Medicine - Group One</u>	<u>90000 - 90799</u> <u>94000 - 94999</u> <u>97000 - 97799</u> <u>97800 - 98999</u>	<u>Immunization, Injections, & Infusions</u> <u>Pulmonary / Pulse Oximetry</u> <u>Physical Medicine & Rehabilitation</u> <u>Acupuncture, Osteopathy, & Chiropractic</u>	<u>\$49.00</u>
<u>Medicine - Group Two</u>	<u>90800 - 92999</u> <u>93000 - 93999</u> <u>95000 - 96020</u> <u>96040 - 96999</u> <u>99000 - 99607</u>	<u>Psychiatry & Medicine</u> <u>Cardiography, Catheterization, Vascular Studies</u> <u>Allergy / Neuromuscular Procedures</u> <u>Assessments & Special Procedures</u> <u>E / M & Miscellaneous Services</u>	<u>\$70.00</u>

(7-1-12)()

[Subsection 031.08]

08. Medicine Dispensed By Physicians. Reimbursement to physicians for any medicine shall not exceed the acceptable charge calculated for that medicine as if provided by a pharmacy under Section 033 of this rule

without a dispensing or compounding fee. Reimbursement to physicians for repackaged medicine shall be the Average Wholesale Price (AWP) for the medicine prior to repackaging, identified by the National Drug Code (NDC) reported by the original manufacturer. Reimbursement may be withheld until the original manufacturer's National Drug Code (NDC) is provided by the physician. ()

033. ACCEPTABLE CHARGES FOR MEDICINE PROVIDED BY PHARMACIES.

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

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

[Paragraph 033.02.c.]

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

IDAPA 20 - DEPARTMENT OF LANDS

20.02.01 - RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT

DOCKET NO. 20-0201-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6), 58-105 and 38-1304, Idaho Code.

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

A detailed summary of the reason for adopting the rule is set forth in the Negotiated Rulemaking published in the July 4, 2012, Idaho Administrative Bulletin, [Volume 12-7, pages 104 and 105](#). Rule changes are being made to clarify protective measures and sustainability standards set forth in the Forest Practices Act administrative rules. Needed rule amendments are determined by the Idaho Forest Practices Act Advisory Committee (FPAAC) and the Idaho Department of Lands following receipt of suggested changes from the Idaho Department of Environmental Quality and other forest-management and natural-resources agencies and interest groups.

After consideration of comments and information received during the public comment period, FPAAC voted to remove the proposed streamside retention (shade) rule verbiage (proposed Subparagraph 030.07.e.ii.) from the pending rule, and to move forward with the other proposed rule changes, allowing more time for in-depth analysis of this specific rule amendment. All proposed rule changes directly related to this proposed streamside retention subparagraph have also been removed from the pending rule.

Rulemaking documents and public comments can be accessed at http://www.idl.idaho.gov/adminrule/forest_practices_rulemaking.html or by contacting the undersigned.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 439 through 455](#).

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 Ara Andrea at (208) 769-1525 or aandrea@idl.idaho.gov.

DATED this 20th day of November, 2012.

Ara Andrea
Service & Regulatory Program Manager
Idaho Department of Lands
PO Box 83720
Boise, Idaho 83720
(208) 769-1525/Fax (208) 769-1524
aandrea@idl.idaho.gov

DOCKET NO. 20-0201-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 439 through 455.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 20-0201-1201

010. DEFINITIONS.

Unless otherwise required by context as used in these rules:

(10-14-75)

[Changes to proposed new Subsection 010.24 are being withdrawn - Subsections 010.24 through 010.60 are being renumbered]

254. Fuel Quantity. The diameter, the number of stems and the predominate species to be cut or already cut, and the size of the continuous thinning block all of which determine quantity of fuel per unit of area. (1-24-78)

265. Ground Based Equipment. Mobile equipment such as tractors, dozers, skidders, *and excavators, loaders,* mechanized harvesters *and forwarders* used for harvesting, site preparation or hazard reduction. This does not include cable systems associated with stationary yarding equipment. *(7-1-96)()*

276. Habitat Types. Forest land capable of producing similar plant communities at climax. (7-1-96)

287. Harvesting. A commercial activity related to the cutting or removal of forest tree species to be used as a forest product. A commercial activity does not include the cutting or removal of forest tree species by a person for his own personal use. (10-14-75)

298. Hazard. Any vegetative residue resulting from a forest practice which constitutes fuel. (1-24-78)

3029. Hazard Offset. Improvements or a combination of practices which reduces the spread of fire and increases the ability to control fires. (10-14-75)

310. Hazard Points. The number of points assigned to certain hazardous conditions on an operating area, to actions designed to modify conditions on the same area or to actions by the operator, timber owner or landowner to offset the hazardous conditions on the same area. (1-24-78)

321. Hazard Reduction. The burning or physical reduction of slash by treatment in some manner which will reduce the risk from fire after treatment. (10-14-75)

332. Lake. A body of perennial standing open water, natural or human-made, larger than one (1) acre in size. Lakes include the beds, banks or wetlands below the ordinary high water mark. Lakes do not include drainage or irrigation ditches, farm or stock ponds, settling or gravel ponds. Any reference in these rules to Class I streams shall also apply to lakes. (7-1-96)

343. Landowner. A person, partnership, corporation, or association of whatever nature that holds an ownership interest in forest lands, including the state. (10-14-75)

354. Large Organic Debris (LOD). Live or dead trees and parts or pieces of trees that are large enough or long enough or sufficiently buried in the stream bank or bed to be stable during high flows. Pieces longer than the channel width or longer than twenty (20) feet are considered stable. LOD creates diverse fish habitat and stable stream channels by reducing water velocity, trapping stream gravel and allowing scour pools and side channels to form. (3-13-90)

365. Merchantable Material. That portion of forest tree species suitable for the manufacture of commercial products which can be merchandised under normal market conditions. (10-14-75)

376. Merchantable Stand of Timber. A stand of trees that will yield logs or fiber: (7-1-96)

a. Suitable in size and quality for the production of lumber, plywood, pulp, or other forest products; (10-14-75)

b. Of sufficient value at least to cover all costs of harvest and transportation to available markets. (10-14-75)

387. Noncommercial Forest Land. Habitat types not capable of producing twenty (20) cubic feet per acre per year. (7-1-96)

398. Operator. A person who conducts or is required to conduct a forest practice. (10-14-75)

4039. Operating Area. That area where a forest practice is taking place or will take place. (1-24-78)

410. Ordinary High Water Mark. That mark on all water courses, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. (10-14-75)

421. Outstanding Resource Water. A high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational or ecological significance, which has been so designated by the legislature. ORW constitutes as outstanding national or state resource that requires protection from nonpoint activities, including forest practices, that may lower water quality. (7-1-96)

432. Partial Cutting. The well distributed removal of a portion of the merchantable volume in a stand of timber. This includes seed tree, shelterwood, or individual tree selection harvesting techniques. (10-14-75)

443. Prescribed Fire. The controlled application of fire to wildland fuels in either their natural or modified state, under such conditions of weather, fuel moisture and soil moisture, to allow the fire to be confined to a predetermined area and at the same time to produce the intensity of heat and rate of spread required to meet planned objectives. (7-1-96)

454. Present Condition of Area. The amount or degree of hazard present before a thinning operation commences. (1-24-78)

465. Public Resource. Water, fish, and wildlife, and in addition means capital improvements of the State or its political subdivisions. (10-14-75)

476. Reforestation. The establishment of an adequately stocked stand of trees of species acceptable to the department to replace the ones removed by a harvesting or a catastrophic event on commercial forest land. (10-14-75)

487. Relief Culvert. A structure to relieve surface runoff from roadside ditches to prevent excessive buildup in volume and velocity. (10-14-75)

498. Rules. Rules adopted by the Board pursuant to Section 38-1304, Idaho Code. (7-1-96)

5049. Slash. Any vegetative residue three inches (3") and under in diameter resulting from a forest practice or the clearing of land. (7-1-96)

510. Site. An area considered as to its ecological factors with reference to capacity to produce forest vegetation; the combination of biotic, climatic, and soil conditions of an area. (10-14-75)

521. Site Factor. A combination of percent of average ground slope and predominate aspect of the forest practice area which relate to rate of fire spread. (1-24-78)

532. Site Specific Best Management Practice. A BMP that is adapted to and takes account of the specific factors influencing water quality, water quality objectives, on-site conditions, and other factors applicable to the site where a forest practice occurs, and which has been approved by the Department, or by the Board in consultation with the Department and the Forest Practices Advisory Committee. (7-1-96)

543. Size of Thinning Block. Acres of continuous fuel creating an additional hazard within a forest practice area. Distance between the perimeter of thinning blocks containing continuous fuel must be a minimum of six (6) chains apart to qualify as more than one (1) block. (1-24-78)

554. Snags. Dead, standing trees twenty (20) feet and greater in height. (1-24-78)

565. Soil Erosion. Movement of soils resulting from forest practices. (10-14-75)

576. Soil Stabilization. The minimizing of soil movement. (10-14-75)

587. State. The state of Idaho or other political subdivision thereof. (10-14-75)

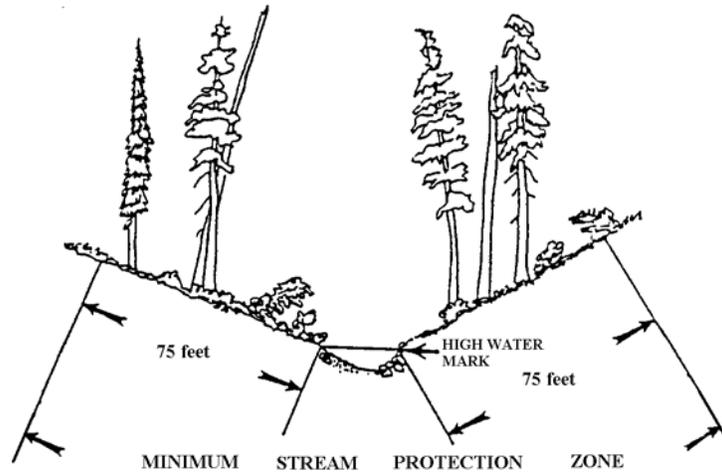
598. Stream. A natural water course of perceptible extent with definite beds and banks which confines and conducts continuously or intermittently flowing water. Definite beds are defined as having a sandy or rocky bottom which results from the scouring action of water flow. Any reference in these rules to Class I streams shall also apply to lakes. (7-1-96)

a. Class I streams are used for domestic water supply or are important for the spawning, rearing or migration of fish. Such waters shall be considered to be Class I upstream from the point of domestic diversion for a minimum of one thousand three hundred and twenty (1,320) feet. (11-7-86)

b. Class II streams are usually headwater streams or minor drainages that are used by only a few, if any, fish for spawning or rearing. Where fish use is unknown, consider streams as Class II where the total upstream watershed is less than two hundred and forty (240) acres in the north forest region and four hundred and sixty (460) acres in the south forest region. Their principle value lies in their influence on water quality or quantity downstream in Class I streams. (7-1-96)

c. Class I Stream Protection Zone means the area encompassed by a slope distance of seventy-five (75) feet on each side of the ordinary high water marks. (Figure 1.)

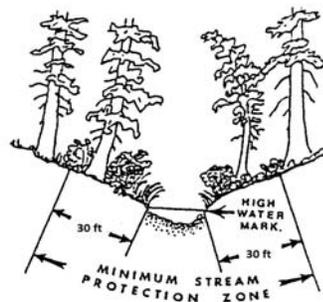
FIGURE 1
CLASS 1 STREAM PROTECTION ZONE



(7-1-96)

d. Class II Stream Protection Zone means the area encompassed by a minimum slope distance of thirty (30) feet on each side of the ordinary high water marks. (Figure 2.) For Class II streams that do not contribute surface flow into Class I streams, provide soil stabilization and water filtering effects by leaving undisturbed soils in widths sufficient to prevent washing of sediment. In no case shall this width be less than five (5) feet slope distance on each side of the ordinary high water marks.

FIGURE 2
CLASS II STREAM PROTECTION ZONE



(7-1-96)

6059. **Timber Owner.** A person, partnership, corporation, or association of whatever nature, other than the landowner, that holds an ownership interest in forest tree species on forest land. (10-14-75)

610. Time of Year of Forest Practice. Those combinations of months during which time the forest practice is taking place. Points assigned are: October through December - two (2) points; August through September - four (4) points; January through April - seven (7) points; May through July - ten (10) points. (1-24-78)

030. TIMBER HARVESTING.

[Subsection 030.07 is being reprinted in its entirety due to extensive changes to the pending rule]

07. Stream Protection. During and after forest practice operations, stream beds and streamside vegetation shall be protected to leave them in the most natural condition as possible to maintain water quality and aquatic habitat. (8-13-85)

a. Lakes require an approved site specific riparian management prescription prior to conducting forest practices within the stream protection zone. (7-1-96)

b. Operations that utilize ground-based skidding equipment that result in logs being skidded or forwarded in or through streams shall not be permitted. When streams must be crossed, adequate temporary structures to carry stream flow shall be installed. Cross the stream at right angles to its channel if at all possible. (Construction of hydraulic structures in stream channels is regulated by the Stream Channel Protection Act - Title 42, Chapter 38, Idaho Code). Remove all temporary crossings immediately after use and, where applicable, water bar the ends of the skid trails. (7-1-96)()

c. Operation of ground based equipment shall not be allowed within the Stream Protection Zone except at approaches to stream crossings. (7-1-96)

d. When cable yarding is necessary, across or inside the Stream Protection Zones it shall be done in such a manner as to minimize stream bank vegetation and channel disturbance. (8-13-85)

e. Provide for large organic debris (LOD), shading, soil stabilization, wildlife cover and water filtering effects of vegetation along streams. (7-1-96)

i. Leave hardwood trees, shrubs, grasses, and rocks wherever they afford shade over a stream or maintain the integrity of the soil near a stream. (10-14-75)

ii. Leave seventy-five percent (75%) of the current shade over the Class I streams. Limit re-entry until shade recovers. (4-11-06)

iii. During harvesting, carefully remove timber from the Stream Protection Zone in such a way that large organic debris, shading and filtering effects are maintained and protected. When portions of felled trees fall into or over a Class I stream, leave the portion consistent with the LOD definition of Subsection 010.35. (4-11-06)

iv. When harvesting portions of trees that have fallen naturally into or over a Class I stream, leave the portion(s) over the stream consistent with the LOD definition of Subsection 010.35. Leaving the section with the root ball attached is preferred. (4-11-06)

v. During harvesting operations, portions of felled or bucked trees not meeting the LOD definition shall be removed, consistent with the slash removal requirements of Subsection 030.06. (4-11-06)

vi. Standing trees, including conifers, hardwoods and snags will be left within fifty (50) feet of the ordinary high water mark on each side of all Class I streams, and within thirty (30) feet on each side of those Class II streams that require thirty (30) feet stream protection zones, in the following minimum numbers per one thousand (1000) feet of stream:

Minimum Standing Trees Per One Thousand (1000) Feet Required (each side)

Tree Diameter (DBH)	-- STREAM WIDTH --			
	Class I			Class II*
	Over 20'	10'- 20'	Under 10'	
3 - 7.9"	200	200	200	140
8 - 11.9"	42	42	42	--
12 - 19.9"	21	21	--	--
20"+	4	--	--	--

*For those Class II streams that require a minimum five (5) foot stream protection zone, no standing trees are required. (4-11-06)

vii. Snags will be counted as standing trees in each diameter class if snag height exceeds one and one-half (1 ½) times the distance between the snag and the stream's ordinary high water mark. Not more than fifty percent (50%) of any class may consist of snags. (7-1-96)

viii. To obtain a variance from the standing tree and shade requirements, the operator must develop a site specific riparian management prescription and submit it to the department for approval. The prescription should consider stream characteristics and the need for large organic debris, stream shading and wildlife cover which will achieve the objective of these rules. (4-11-06)

ix. Where the opposite side of the stream does not currently meet the minimum standing tree requirements of the table, the department and the operator should consider a site specific riparian prescription that meets the large organic debris needs of the stream. (3-13-90)

x. Stream width shall be measured as average between ordinary high water marks. (3-13-90)

f. Direct ignition of prescribed burns will be limited to hand piles within stream protection zones (SPZ), all other direct ignitions shall occur outside of SPZs, so a backing (cooler) fire will more likely occur within the SPZ. (4-11-06)

i. Hand piles shall be at least five (5) feet from the ordinary high water-mark of streams. (4-11-06)

ii. No mechanical piling of slash or natural forest fuels is allowed in a SPZ (an exception is filter windrows for erosion control which shall not be ignited. (4-11-06)

050. RESIDUAL STOCKING AND REFORESTATION.

[Subsection 050.04]

04. Stocking. Stocking will be deemed ~~satisfactory~~ adequate immediately following harvest if the following number of acceptable trees per acre, within each specified region, for at least one (1) size class, are reasonably well-~~spaced~~ distributed over the area affected by forest harvesting. (NOTE: (1) DBH = Average Diameter (outside of the bark) of a tree four and one half (4.5) feet above mean ground level):

MINIMUM STOCKING - ACCEPTABLE TREES

<u>Average Size Class DBH (1) - Inches</u>	<u>Average Number Trees Per Acre</u>	<u>Average Spacing In Feet</u>
<u>2.9 and smaller</u>	<u>170</u>	<u>16 x 16</u>
<u>3.0 and greater</u>	<u>110</u>	<u>20 x 20</u>
<u>5.0 and greater</u>	<u>60</u>	<u>27 x 27</u>
<u>8.0 and greater</u>	<u>35</u>	<u>35 x 35</u>
<u>11.0 and greater</u>	<u>20</u>	<u>47 x 47</u>

<u>Idaho Region</u>	<u>Size Class DBH (inches)</u>	<u>Average Number of Retained Trees Per Acre</u>	<u>Average Spacing (feet)</u>
<u>North</u>	<u>0" - 2.9"</u>	<u>170</u>	<u>16 x 16</u>
<u>South</u>	<u>0" - 2.9"</u>	<u>125</u>	<u>18 x 18</u>
<u>North</u>	<u>3.0" - 10.9"</u>	<u>110</u>	<u>19 x 19</u>
<u>South</u>	<u>3.0" - 10.9"</u>	<u>75</u>	<u>24 x 24</u>
<u>North</u>	<u>11.0" and greater</u>	<u>20</u>	<u>46 x 46</u>
<u>South</u>	<u>11.0" and greater</u>	<u>15</u>	<u>53 x 53</u>

If immediately following harvest, the stand consists of retained trees of mixed size classes that are reasonably well distributed over the harvested area, and none of the size classes individually equal or exceed the minimum trees per acre shown above, stocking will also be deemed adequate if the weighted total of all of the size classes of the retained trees exceeds a value of one hundred seventy (170) for a stand in the North Region and one hundred twenty-five (125) in the South Region. The weighted total is calculated by multiplying the number of retained trees per acre in each size class by the weighting factors below, and adding all of these size class totals together.

<u>Size Class</u>	<u>Weight</u>
<u>0" - 2.9"</u>	<u>1</u>
<u>3.0" - 10.9"</u>	<u>1.6</u>
<u>11.0" and greater</u>	<u>8.4</u>

Harvested stands which are not adequately stocked, as defined above, will be subject to supplemental reforestation requirements specified in Subsection 050.06. Minimum stocking requirements for Class I stream protection zones are specified in Subparagraphs 030.07.e.ii. and 030.07.e.vi. (7-1-96)()

IDAPA 20 - DEPARTMENT OF LANDS

20.03.14 - RULES GOVERNING GRAZING, FARMING, CONSERVATION, NONCOMMERCIAL RECREATION, AND COMMUNICATION SITE LEASES

DOCKET NO. 20-0314-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6) and 58-105, Idaho Code.

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

The Department has drafted proposed changes to the current rule to be used as a starting point for negotiation. Key changes include:

- <•>Addition of requirements for management proposals per Senate Bill 1271 to Section 20.02.
- <•>Clarification of the appeals process procedures associated with conflicted lease applications in Section 20.02.
- <•>Rewording of Section 40.01 – Rental, to broaden language applicable to multiple lease activities.
- <•>Removal of Section 21 - Rights Reserved to the Department, which is addressed contractually through the Department's lease templates.
- <•>Removal of Section 54 - Cropland Lease Hardship Claims, which will be addressed programmatically.

A public hearing for the proposed rule was held at the Director's Office on Thursday, October 10, 2012; no verbal or written comments were submitted at the hearing. The written comment period for the proposed rule ran from October 3, 2012, through October 24, 2012; one (1) written comment on the proposed rule was received by the Department from the Legislative Services Office. Based on the letter, the Department made wording changes to Subsection 20.02.e. to be consistent with Idaho Code 58-302. On November 19, 2012, the Attorney General's office provided a comment to the Department with a recommended change to Subsection 001.02.

On November 20, 2012, the State Board of Land Commissioners directed the Department to submit the pending rule, complete with the November 19 recommended change, to the Office of the Administrative Rules Coordinator for the 2013 legislative session.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 456 through 465](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Neil Crescenti at (208) 334-0278 or ncrescenti@idl.idaho.gov.

DATED this 28th day of November, 2012.

Neil Crescenti
Program Manager, Grazing, Farming and Conservation
Idaho Department of Lands
300 N 6th Street, Suite 103
P.O. Box 83720
Boise, ID 83720
(208) 334-0278 / Fax (208) 334-3698
ncrescenti@idl.idaho.gov

DOCKET NO. 20-0314-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 456 through 465.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 20-0314-1201

001. TITLE AND SCOPE.

[Subsection 001.02]

02. Scope. These rules constitute the Idaho Department of Lands' administrative procedures for leasing of state endowment trust land for grazing, farming, conservation, noncommercial recreation, communication sites and other uses that are treated similarly under the provisions of Section 58-307, Idaho Code, regarding a lease term for no longer than ~~ten~~ twenty (~~10~~) years ~~lease term restriction~~, and under the provisions of Section 58-310, Idaho Code regarding lease auctions. These rules shall be construed in a manner consistent with the duties and responsibilities of the Idaho State Board of Land Commissioners as set forth in Title 58, Chapter 3, Idaho Code; Article 9, Sections 3, 7 and 8, of the Idaho Constitution; and Section 5 of the Idaho Admission Bill. (~~3-12-10~~)()

020. APPLICATIONS AND PROCESSING.

02. Application Process. All lease applications must be submitted to the Department on the appropriate Department form. The applications must be signed by the applicant, must be submitted in such manner as determined by the Department, and must meet the following criteria: (3-12-10)

d.e. Nonconflicted Applications. (3-12-10)

[Subparagraph 020.02.e.ii.]

ii. If the current lessee is the only applicant and the Department has concerns with the lessee's current management of the state endowment trust lands, ~~or if the only applicant is not the current lessee, the applicant shall meet with~~ the Department ~~to develop the terms and conditions of a proposed lease specific to the applicant's~~ shall request in writing a new proposed ~~use~~ management plan and meet with the current lessee to develop terms and conditions of a proposed lease. (3-12-10)()

e.f. Conflicted Applications. (3-12-10)

ii. The Department will provide all applicants for conflicted leases with the list of criteria that will be used to develop lease provisions. Among the factors to be addressed in the criteria are the following: (3-12-10)

[Proposed changes to Subparagraph 020.02.f.ii.(2). are being withdrawn - will remain as currently codified]

(2) The applicant's legal access to and/or control of land or other resources that will facilitate the proposed use and is relevant to generating maximum return to trust beneficiaries. (3-12-10)

IDAPA 20 - DEPARTMENT OF LANDS

20.03.15 - RULES GOVERNING GEOTHERMAL LEASING ON IDAHO STATE LANDS

DOCKET NO. 20-0315-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 58-104(6), 58-105, and 47-1603, Idaho Code.

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

The Department drafted and negotiated changes to the current rule. Key changes included deletion of the following three sections which were the focus of industry's concerns in 2011:

- <•>Section 55.06 – Shut Downs
- <•>Section 55.08 – Sampling
- <•>Section 56.04 – By-products

Other deletions related to “contract” language more appropriately addressed in the lease template. Site and condition-specific language shall be negotiated with applicants on a case-by-case basis. Another change included clarifying the requirements and process for lease assignments (Section 075).

A public hearing for the proposed rule was held at the Director's Office on Thursday, October 11, 2012; no verbal or written comments were submitted at the hearing. The written comment period for the proposed rule ran from October 3, 2012 through October 24, 2012; no written comments on the proposed rule were received by the Department.

As a result of the Supreme Court Decision (Wasden v. State Board of Land Commissioners) regarding the constitutionality of Section 58-310A, Idaho Code, the Department proposed deleting Section 022, Lease Award Through Auction. On November 19, 2012, the Attorney General's office provided comments to the Department with recommended changes for Sections 022, now Section 021, and 070.

On November 20, 2012, the State Board of Land Commissioners directed the Department to submit the pending rule, complete with the November 19 recommended changes, to the Office of the Administrative Rules Coordinator for the 2013 legislative session.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 10-12, pages 466 through 482](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Bob Pietras at (208) 334-0279 or bpietras@idl.idaho.gov.

DATED this 28th day of November, 2012.

Bob Pietras
Program Manager, Commercial-Energy Resources
Idaho Department of Lands
300 N 6th Street, Suite 103
Boise, Idaho 83720
(208) 334-0279/ Fax (208) 334-3698
bpietras@idl.idaho.gov

DOCKET NO. 20-0315-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 466 through 482.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 20-0315-1201

[Proposed Section 021 is being reprinted in its entirety]

021. LEASE AWARD THROUGH AUCTION.

If more than one application is received for geothermal development on the same parcel of land, a lease auction will be held. ()

~~*01. Auctions Required. Except for requests to the Board as described in Subsection 022.02 of these rules, all leases must be awarded through a public action. Collusion between bidders is a violation of these rules and may result in the Department voiding the auction results and cancelling any leases that were issued. (3-21-12)*~~

~~*02. Leasing Additional Lands. Leases may be issued without going to auction in any of the following situations: (3-21-12)*~~

~~*a. A tract that was offered at auction but not awarded is available for application and leasing for one (1) year following the auction. (3-21-12)*~~

~~*b. An existing geothermal lessee who is in production and paying royalties to the state may request that the board issue them additional geothermal leases for unleased state lands located adjacent to the producing leases and in the same geothermal field as the leased lands. (3-21-12)*~~

~~*c. A person who has leased private and federal lands that adjoin or encompass state lands may*~~

~~request that the board issue them geothermal leases for any unleased and adjoining state lands located in the same geothermal field. The request will not be unreasonably denied.~~ (3-21-12)

~~023~~². -- 029. (RESERVED)

036. ROYALTIES.

02. **Calculation of Value.** The value of geothermal production from the leased premises for the purpose of computing royalties shall be based on a total of the following: (9-3-91)()

[Paragraph 036.02.a.]

a. The total consideration accruing to the lessee from the sale ~~thereof in cases where~~ of geothermal resources ~~are sold by the lessee~~ to another party in an arms-length transaction; ~~or~~ and (9-3-91)()

070. WATER RIGHTS.

[Subsection 070.01]

01. **Water Rights.** ~~Lessee must comply with all laws of the state of Idaho, including the rules and regulations of the IDWR, regulating the appropriation of the public waters of Idaho to beneficial uses. Lessee shall comply with all applicable federal and state laws, rules and regulations regarding the appropriation of public waters of Idaho to beneficial uses. No water right developed or obtained by lessee in conjunction with operations under this lease will be sold, assigned or otherwise transferred without written approval of the Department. Upon surrender, termination or expiration of the lease, lessee must take all actions required by the Department to assign to the Board all water rights, including applications, permits and licenses. Lessee will enjoy the right of use of any private waters upon the leased lands during the term of the lease, but not thereafter. The establishment of any new water rights on state lands shall be by and for Lessor and no claim thereto shall be made by Lessee. Such water rights shall attach to and become appurtenant to the state lands, and the Lessor shall be the owner thereof.~~ (3-21-12)()

085. UNIT OR COOPERATIVE PLANS OF DEVELOPMENT OR OPERATION.

[Subsection 085.08 Deleted]

~~08. **Department of Water Resources.** Nothing in this rule shall excuse the parties to a unit agreement from procuring the approval of the department of water resources pursuant to Section 42-4013, Idaho Code, if approval is required.~~ (9-3-91)

100. BOND REQUIREMENTS.

[Subsection 100.04]

04. **Operator Bond.** ~~Where a bond is furnished by an operator, suit may be brought thereon without joining the lessee if he is not a party to the bond. In the event suit is filed to enforce the terms of any bond furnished by an operator in which the lessee (if a different person) is not a named party, the Department may, in its sole discretion, join the lessee as a party to such suit.~~ (9-3-91)()

IDAPA 22 - BOARD OF MEDICINE

22.01.01 - RULES OF THE BOARD OF MEDICINE FOR LICENSURE TO PRACTICE MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY IN IDAHO

DOCKET NO. 22-0101-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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 Sections 54-1806 (2) and (11), 54-1806A, 54-1812, 54-1813 (2) and 54-1814 and 54-1841, 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 reasons for adopting this pending rule are to update the Board's web address, clarify the section relating to Physician Panelist for Prelitigation Consideration of Medical Malpractice Claims and comply with the recommendations of the FBI and local law enforcement pursuant to a review of the Board's fingerprint reporting security procedures. There is no change between the text of the proposed rule and the text of the pending rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 483 through 487](#).

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 Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th day of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0101-1201 - 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 12-10, October 3, 2012, pages 483 through 487](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 22 - BOARD OF MEDICINE

22.01.02 - RULES OF THE BOARD OF MEDICINE FOR THE REGISTRATION OF EXTERNS, INTERNS AND RESIDENTS

DOCKET NO. 22-0102-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Sections 54-1806 (2) and (11), 54-1806A, 54-1812, 54-1813 (2) and 54-1814, 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 reasons for adopting this pending rule includes updating and clarifying the registration process, enhancing definitions, delimiting duration of registration and improving the registration fee schedule to minimize costs for issuance and renewal of registrations. There is no change between the text of the proposed rule and the text of the pending rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 510 through 515](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1806 and 54-1807, Idaho Code: The registration fee schedule was modified to include a renewal fee that shall be no more than twenty five (\$25) to facilitate delimiting the duration of the registration.

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 fee rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0102-1201 - ADOPTION OF PENDING FEE 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 12-10, October 3, 2012, pages 510 through 515](#).**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 22 - BOARD OF MEDICINE

22.01.03 - RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS

DOCKET NO. 22-0103-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section(s) 54-1806 (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:

The reasons for adoption of this pending rule are required to assure the public health, safety and welfare in Idaho by the licensure and regulation of physician assistants and to comply with the recommendations of the FBI and local law enforcement pursuant to a review of the Board's fingerprint reporting security procedures. There is no change between the text of the proposed rule and the text of the pending rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 493 through 495](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-1806 and 54-1867(4), Idaho Code:

Addition of the provision for a temporary license mandated a establishing an issuance fee, which may be prorated pursuant to Section 54-1808, Idaho Code and shall be no more than one hundred eighty dollars (\$180).

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 Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th day of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0103-1201 - ADOPTION OF PENDING FEE 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 12-10, October 3, 2012, pages 493 through 495](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 22 - BOARD OF MEDICINE

22.01.11 - RULES FOR LICENSURE OF RESPIRATORY THERAPISTS AND PERMITTING OF POLYSOMNOGRAPHERS IN IDAHO

DOCKET NO. 22-0111-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-4304A, 54-4305, 54-4309, 54-4310, 54-4311, 54-4312 and 54-4316, Idaho Code.

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

The reasons for adopting this pending rule are to enhance the guidance of polysomnographic trainees via direct on-site supervision, prohibit polysomnographic technicians from applying for temporary permits as polysomnographic trainees and requiring an original and one (1) electric copy of all documents in contested case proceedings. There is no change between the text of the proposed rule and the text of the pending rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 496 through 504](#).

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 Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th day of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0111-1201 - 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 12-10, October 3, 2012, pages 496 through 504](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 22 - BOARD OF MEDICINE
22.01.12 - RULES RELATING TO HEALTH CARE WORKERS
DOCKET NO. 22-0112-1201 (CHAPTER REPEAL)
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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 54-1806A, Idaho Code.

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

The reasons for adopting this pending rule to repeal IDAPA 22.01.12, "Rules Relating to Health Care Workers" are that it is obsolete and redundant. Enacted in 1993, these rules have never been utilized or employed for any health care worker licensed by the Board. Existing rules govern in cases of inability of licensees to practice with reasonable skill or safety. There is no change between the text of the proposed rule and the text of the pending rule.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, page 505](#).

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 Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th day of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0112-1201 - 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 12-10, October 3, 2012, page 505](#).**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 22 - BOARD OF MEDICINE

22.01.13 - RULES FOR THE LICENSURE OF DIETITIANS

DOCKET NO. 22-0113-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section 54-3505(2), Idaho Code.

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

The reasons for adopting this pending rule include providing the Board's website and E-mail address, provision for severability, provisions for denial or refusal to renew, suspension or revocation of a license and amending the Fee schedule according to future administration costs for change in license status. Amending the Fee Schedule may also be necessary to balancing the Board's future budget. There is no change between the text of the proposed rule and the text of the pending rule.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, page 506 through 509](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is imposed pursuant to Sections 54-1806 and 54-3509(2), Idaho Code: There will be no increase in fees at this time. The Idaho State Board of Medicine and Dietetic Licensure Board approved of amending the Fee schedule in anticipation of rising administrative costs.

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 fee rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th day of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0113-1201 - ADOPTION OF PENDING FEE 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 12-10, October 3, 2012, page 506 through 509](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 22 - BOARD OF MEDICINE

22.01.14 - RULES RELATING TO COMPLAINT INVESTIGATION

DOCKET NO. 22-0114-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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 54-1806(2), Idaho Code.

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

The reasons for adopting this pending rule are to assure Idaho's public health, safety and welfare by updating and clarifying the complaint investigation process which initiates review of a licensee's provision of health care. This rule change will provide explanations and information, elaborating on the format for complaint submission, clarifying the Board's determination of authority and expounding on indications for investigation. There is no change between the text of the proposed rule and the text of the pending rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, page 510 through 515](#).

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 Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th day of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0114-1201 - 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 12-10, October 3, 2012, page 510 through 515.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.27.01 - RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

DOCKET NO. 24-2701-1201 (FEE RULE - NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Section 54-4007, 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 with the exception of two changes to the new section 300 and one change to Appendix B. Based on comments received the Board has amended 300.03 and 04 to clarify the examination qualification and the waiver of requirements based upon the grandfathering provision in the Act. Appendix B, Standard VI was amended to clarify that a Licensee may not engage in sexual conduct or a relationship with a client before twelve months after termination of the Licensee/client relationship. The Board determined that twelve months is more consistent with other professions.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 601 through 613](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4008, Idaho Code:

The proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the Board of Massage Therapy to administer the act. Since all self-governing boards are required to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees. The fees included are: application fee of \$50; license fee of \$75; annual renewal fee of \$75; endorsement fee of \$75.00; duplicate license fee of \$10; and reinstatement fee of \$25.

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 fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 15th day of November, 2012.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945 fax

DOCKET NO. 24-2701-1201 - ADOPTION OF PENDING FEE RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October 3, 2012, pages 601 through 613.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR FEE DOCKET NO. 24-2701-1201**

300. REQUIREMENTS FOR ORIGINAL LICENSURE.

The Board may grant a license to an applicant for licensure who completes an application as set forth in Section 200 of these rules and meets the following general, education, and examination requirements: ()

[Subsections 300.03 and 300.04]

03. Examination. *Each applicant shall also present* evidence satisfactory to the Board of having successfully passed an approved examination. ()

04. Waiver of Requirements. Until July 1, 2014, the Board may waive the requirements of sections *300.02 and 300.03 of these rules* and issue a license to any applicant who meets one (1) of the following requirements: ()

Appendix B, Standard VI.2

IDAHO BOARD OF MASSAGE THERAPY STANDARDS OF PRACTICE – APPENDIX B

Standard VI: Prevention of Sexual Misconduct

2. Not participate in a sexual relationship or sexual conduct with the client, whether consensual or otherwise, from the beginning of the client/licensee relationship and for a minimum of *twelve (12)* months after the termination of the client/licensee relationship.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

A detailed summary of the reason for adopting this rulemaking is set forth in the initial proposed rulemaking. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 621 through 634](#). 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 Board of Pharmacy received public comment regarding one grammatical error that is being corrected with the addition of the word "and" in Paragraph 013.01.b.; the use of the term "clinic" that is being deleted as no longer necessary in Subparagraph 021.03.b.iii.; the necessity for continuing education to maintain qualification to administer vaccines which is being added in Subsection 052.05; clarification on valid prescription orders and the allowance of statutory exemptions which is being added in Paragraph 110.01.e.; and clarification on the requirements for the transfer of prescription drug orders which necessitated adding the serial number in Subparagraph 115.03.g.ii.

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 Mark Johnston, R.Ph., Executive Director, at (208) 334-2356.

DATED this 30th day of November, 2012.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Telephone: (208) 334-2356
FAX: (208) 334-3536

DOCKET NO. 27-0101-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October, 2012, pages 621 through 634.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 27-0101-1201

021. FEE SCHEDULE.

03. Certificates of Registration and Licensure - Facilities. (3-21-12)

b. Institutional facility - registration or annual renewal. (3-21-12)

[Subsection 021.03.b.iii.]

iii. Hospital without a pharmacy: thirty five dollars (\$35). (3-21-12)

052. CPE: REQUIREMENTS.

Each pharmacist applicant for license renewal must annually complete *the equivalent of one and one-half (1.5) fifteen (15) CPE units (CPEU) hours. One (1) CPEU is the equivalent of ten (10) clock hours of participation in programs approved by the Board.* (3-21-12)()

[Subsections 052.05 through 052.07]

05. Immunizer Qualification. To maintain qualification to administer immunizations, a minimum of one (1) of the ACPE-approved CPE hours must be related to vaccines, immunizations, or their administration. ()

056. Carryover of Certain Unused Units. Clock CPE hours of CPEU accrued during June of a licensing period may be carried over into the next licensing period to the extent that a pharmacist's total clock CPE hours of CPEU for the current licensing period exceed the total CPEUs hours required by these rules. (3-21-12)()

067. New Pharmacist Exemption. Recent pharmacist graduates applying for the first license renewal are not required to complete or certify the annual CPE requirements. (3-21-12)

110. PRESCRIPTION DRUG ORDER: VALIDITY.

Prior to filling or dispensing a prescription drug order, a pharmacist must verify its authenticity and validity. (3-21-12)

01. **Invalid Prescription Drug Orders.** A prescription drug order is invalid if not issued: (3-21-12)

[Paragraph 110.01.e.]

- e. Pursuant to a valid prescriber-patient relationship, unless statutorily exempted; and ~~(3-21-12)~~(____)

115. **PRESCRIPTION DRUG ORDER: TRANSFERS.**

03. **Documentation Required of the Receiving Pharmacy.** The pharmacist receiving a transferred prescription drug order must document that the prescription drug order is a “transfer” and record the following information: (3-21-12)

- g. If written for a controlled substance: (3-21-12)

[Subparagraph 115.03.g.ii.]

- ii. The name, address, DEA registration number, and the serial number assigned to the prescription ~~number of~~ by the transferring pharmacy ~~for each dispensing~~ and ~~of the~~ any additional pharmacy that ~~originally~~ filled the prescription, if ~~different~~ applicable. ~~(3-21-12)~~(____)

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 635 through 652](#).

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 Mark Johnston, Executive Director, at (208) 334-2356 or at mark.johnston@bop.idaho.gov.

DATED this 30th day of November, 2012.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Telephone: (208) 334-2356
FAX: (208) 334-3536

DOCKET NO. 27-0101-1202 - 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 12-10, October 3, 2012, page 635 through 652.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

A detailed summary of the reason for adopting this rulemaking is set forth in the initial proposed rulemaking. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 653 through 659](#). 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 Board of Pharmacy received public comment regarding access control for ADS systems and “authorized designee” that is being added in Paragraph 290.03.a.; professionals with authority to replenish the ADS systems and “nurse” which is being added in Subsection 290.05; the physical location of ADS systems in hospitals, pharmacies and prescriber drug outlets and language that is being deleted for clarification, but no substantive changes are being made in Subparagraph 291.01.b.i.; drug returns to ADS systems in hospitals and an exemption is being created for hospital ADS systems in Subsection 292.03; and vending machines and a grammatical revision that is being made replacing “and” with “which” in Section 293.

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 Mark Johnston, R.Ph., Executive Director, at (208) 334-2356.

DATED this 30th day of November, 2012.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Telephone: (208) 334-2356
FAX: (208) 334-3536

DOCKET NO. 27-0101-1203 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October, 2012, pages 665 through 679.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 27-0101-1203

290. ADS SYSTEMS: MINIMUM STANDARDS.

This rule establishes the minimum standards for the use of an ADS system to dispense and store drugs and devices. (3-21-12)

03. System Access, Monitoring, and Control. Access to the ADS system must be monitored and controlled as follows: (3-21-12)

[Paragraph 290.03.a.]

a. Proper identification controls, including electronic passwords or other coded identification, must be utilized and access control must be limited and authorized by the prescriber, PIC, ~~or~~ director or their authorized designee; ~~(3-21-12)~~()

[Subsection 290.05]

05. System Filling, Stocking, Replenishing. The filling, stocking, or replenishing of drugs into the ADS system must be accomplished by a pharmacist, technician, prescriber, nurse or authorized prescriber drug outlet personnel. Timely pharmacist or prescriber verification of the accuracy of the filling, stocking, or replenishing of the ADS system must occur through a manual process, bar coding, or other electronic technology used for item identification. ~~(3-21-12)~~()

291. ADS SYSTEMS: SELF-SERVICE SYSTEMS.

The use of self-service ADS systems must comply with the ADS system minimum standards and the requirements of this rule. ()

01. System Requirements. ()

b. The system must be substantially constructed, utilize adequate security, and be: ()

[Subparagraph 291.01.b.i. - proposed text removed]

i. Physically attached or immediately adjacent to the interior of the pharmacy in a manner that access to areas used to stock the device are only accessible through the pharmacy; or ()

291.2. ADS SYSTEMS: INSTITUTIONAL FACILITIES.

Institutional facilities utilizing one or more ADS systems must ensure compliance with the ADS system minimum standards, ~~as applicable~~, and the requirements of this rule. (3-21-12)()

[Subsection 292.03]

03. ~~Product~~ **Drug Returns.** The ADS system, except a self-service system used in a hospital's emergency room, must provide a mechanism for securing and accounting for drugs removed from and subsequently returned to the system ~~(e.g., a return bin)~~. (3-21-12)()

[Section 293]

293. VENDING MACHINES.

Only non-prescription medical supplies and drugs that are unrestricted for over-the-counter sale may be stored and sold in vending machines which are subject to inspection by the Board upon reasonable notice. ()

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1204

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 660 through 664.**

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 Mark Johnston, Executive Director, at (208) 334-2356 or at mark.johnston@bop.idaho.gov.

DATED this 30th day of November, 2012.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Telephone: (208) 334-2356
FAX: (208) 334-3536

DOCKET NO. 27-0101-1204 - 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 12-10, October 3, 2012, pages 660 through 664.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1205 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule. The action is authorized pursuant to Sections 54-1717, 54-1720 and 54-1743, Idaho Code.

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

A detailed summary of the reason for adopting this rulemaking is set forth in the initial proposed rulemaking. The original text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 665 through 679](#). 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 Board of Pharmacy received public comment regarding the definition of centralized pharmacy services and subparts to the definition which are being deleted as extraneous in Paragraphs 010.09.a., b., c., d., e. and f.; a definition of remote office locations that is being added in Subsection 011.23; pharmacist licensing or registration in and into Idaho and extraneous language that is being deleted and language for a statutory exemption that is being added in Section 029; applications to practice pharmacy into Idaho and the attestation which is being deleted as unnecessary in Section 035; nonresident central drug outlet and mail services pharmacy registration and clarification which requires the addition of "central" and "mail service pharmacy" in Section 073; the independent practice of pharmacy and language that is being added and deleted to clarify in Section 320; and centralized pharmacy services and language that is being added to clarify secure files, privacy and location in Subsections 610.04, 610.07, and 610.09.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-1720 and 54-1743, Idaho Code:

The rulemaking establishes initial licensing (\$500) and annual renewal (\$250) fees for nonresident central drug outlets.

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:

Expected \$150,000 additional annual income, however, the Board will assume addition licensing, registration, and investigational costs.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Johnston, R.Ph., Executive Director, at (208) 334-2356.

DATED this 30th day of November, 2012.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303

P. O. Box 83720
Boise, ID 83720-0067
Telephone: (208) 334-2356
FAX: (208) 334-3536

DOCKET NO. 27-0101-1205 - ADOPTION OF PENDING FEE RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October, 2012, pages 665 through 679.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING FEE RULE FOR DOCKET NO. 27-0101-1205

010. DEFINITIONS AND ABBREVIATIONS (A -- I).

~~079.~~ **Centralized Pharmacy Services.** The processing by a pharmacy central drug outlet or central pharmacist of a request from another pharmacy to fill, refill, or dispense a prescription drug order, ~~or to~~ perform processing functions, such as prospective drug review or provide cognitive or pharmaceutical care services. Each function may be performed by the same or different persons and at the same or different locations. (3-21-12)()

[Proposed changes to new Paragraphs 010.09.a. through 010.09.f. are being removed]

011. DEFINITIONS AND ABBREVIATIONS (J -- R).

[Subsection 011.23 - Subsections 011.24 through 011.26 renumbered]

23. **Remote Office Location.** A secured area that is restricted to authorized personnel, adequately protects private health information, and shares a secure common electronic file or a private, encrypted connection with a pharmacy, from which a pharmacist who is contracted or employed by a central drug outlet performs centralized pharmacy services. ()

224. **Retail Non-Pharmacy Drug Outlet.** A retail outlet that sells non-prescription drugs or devices that is not a pharmacy. (3-21-12)

235. **Retail Pharmacy.** A community or other pharmacy that sells prescription drugs at retail and is open to the public for business. (3-21-12)

246. **R.N.** Registered nurse. (3-21-12)

029. PHARMACIST LICENSE OR REGISTRATION.

[Subsections 029.01 and 029.02]

01. Practice in Idaho. All pharmacists practicing pharmacy in the state of Idaho must be licensed according to the Board's laws. ()

02. Practice Into Idaho. Unless statutorily exempted, all pharmacists practicing pharmacy into the state of Idaho must be licensed or registered as follows: ()

[Paragraph 029.02.b. and Subparagraph 029.02.b.i.]

b. The following pharmacists not licensed in Idaho must be registered to practice pharmacy into Idaho. ()

i. The PIC or director of a nonresident central drug outlet or mail service pharmacy. ()

035. PHARMACIST REGISTRATION ~~FOR TELEPHARMACY ACROSS STATE LINES~~ TO PRACTICE PHARMACY INTO IDAHO.

~~A pharmacist not licensed To be registered~~ to practice pharmacy into ~~the state of~~ Idaho ~~an applicant~~ must ~~satisfy the requirements of Section 54-1723A, Idaho Code, and be registered~~ submit an application in the manner and form prescribed by the Board including, but not limited to: ~~lawfully engage in the practice of telepharmacy across state lines into the state of Idaho.~~ (3-21-12)()

[Subsection 035.02 (Subsection 035.03 is being deleted)]

02. Facility License Information. The license or registration number of the facility from which the applicant will be practicing. ()

073. NONRESIDENT CENTRAL DRUG OUTLET AND MAIL SERVICE PHARMACY REGISTRATION.

A nonresident central drug outlet or mail service pharmacy must be registered with the Board in order for its employee or contract pharmacist to practice pharmacy into Idaho. An applicant must submit an application in the manner and form prescribed by the Board, including, but not limited to: ()

[Subsection 073.02]

02. PIC or Director. Identity of a pharmacist licensed to practice pharmacy in the state of domicile, who shall be the PIC or director of the nonresident central drug outlet or mail service pharmacy. ()

[Section 320]

320. PHARMACIST: INDEPENDENT PRACTICE.

An Idaho-licensed pharmacist may provide pharmaceutical care services and MTM outside of a pharmacy drug outlet or institutional facility, including ~~across state lines~~ into Idaho, if the following conditions are met, however nothing herein shall be construed to excuse compliance with the rules governing centralized pharmacy services when applicable: (3-21-12)()

610. CENTRALIZED PHARMACY SERVICES.

A pharmacy may centralize pharmacy services if:

()

[Subsection 610.02]

02. Training. The central drug outlet or central pharmacist provides a training and orientation program that ensures the pharmacists who are providing centralized pharmacy services are competent to perform such services;

()

[Subsection 610.04]

04. Secure Common Electronic File. The parties share a secure common electronic file or utilize other secure technology, including a private, encrypted connection, that allows access by the central drug outlet or central pharmacist to information required to perform centralized pharmacy services;

()

[Subsection 610.07]

07. Privacy. The parties demonstrate adequate security to protect the privacy of PHI and the centralized pharmacy services are performed from a secure area that is restricted to authorized personnel;

()

[Subsection 610.09]

09. Location. Centralized pharmacy services must be performed from a pharmacy, central drug outlet, or remote office location.

()

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO BOARD OF PHARMACY

DOCKET NO. 27-0101-1207

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1717, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

Thursday - January 17, 2013 - 8:00 a.m.

**Holiday Inn
2970 W. Elder Street
Boise, Idaho**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

For those planning to attend the open, public meeting, written and oral comments will be accepted by and/or presented before the Board. For all others not planning to attend the meeting, written comments will be accepted by the Executive Director up to seven (7) days prior to the day of the meeting.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Common Carrier Law including, but not limited to, the use of rooms that are located outside of the secured area of the pharmacy intended to store prescription items in anticipation of delivery driver pick-up or alternatively delivery driver drop-off, in the absence of a pharmacist.

Compounding Law including, but not limited to, the proposed "Verifying Authority and Legality in Drug Compounding Act of 2012," which can be found at <http://markey.house.gov/sites/markey.house.gov/files/documents/VALID%20Act%20legislation.pdf>.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Mark Johnston, Executive Director, at (208) 334-2356 or at mark.johnston@bop.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 10, 2013. Written comments may also be submitted in person on the day at the location listed above.

DATED this 7th day of November, 2012.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Telephone: (208) 334-2356
FAX: (208) 334-3536

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

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

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

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

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

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

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

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

DATED this 14th day of November, 2012.

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

DOCKET NO. 28-0205-1201 - 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 12-10, October 3, 2012, pages 682 and 683](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 28 - DEPARTMENT OF COMMERCE

28.02.06 - IDAHO SMALL BUSINESS FEDERAL FUNDING ASSISTANCE ACT RULES

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

NOTICE OF RULEMAKING - CORRECTION TO PENDING RULE

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

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

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

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

Section 011. Definitions

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

Section 014. Eligible Costs, Subsection 014.01.a.

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

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

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

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

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

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

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

DATED this 14th day of November, 2012.

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

DOCKET NO. 28-0206-1201 - CORRECTION TO PENDING RULE

Substantive changes have been made to the pending rule.
Italicized *red text* that 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 12-6, June 6, 2012, pages 28 through 34.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET 28-0206-1201

011. DEFINITIONS.

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

(6-1-12)T

[Subsection 011.06]

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

014. ELIGIBLE COSTS.

01. Costs. Eligible business proposal development costs shall be offset through individual awards not to exceed four thousand dollars (\$4,000). Eligible development costs include, but are not limited to, travel to visit technical experts, technical assistance visits with staff or coaches, technical reviews by qualified subject matter

experts, commercialization plan coaching, company staff time to write the proposal, and use of a technical writer, graphic artist or federal grant coach. (6-1-12)T

[Subsection 014.01.a.]

a. Of the four thousand dollar (\$4,000) grant, five hundred dollars (\$500) will be awarded for submitting the proposal to the ~~federal agency~~ *State Coordinator of these funds* at least three (3) weeks prior to the federal agency's submission deadline. *This is to assist the small business with one last review before it goes to the federal funding agency.* If the proposal is ~~submitted and accepted by~~ *sent to* the appropriate federal agency on or before the federal agency's submission deadline, the small business applicant qualifies for *an additional* five hundred dollars (\$500) in incentive funding. ~~(6-1-12)T()~~

015. GRANT APPLICATION PROCESS.

03. Application. The application shall include the following sections: (6-1-12)T

[Subsection 015.03.c.]

c. Cost justification. This section is limited to one (1) page. It outlines designated expenditures of up to four thousand dollars (\$4,000) from the state fund. When proposals are being developed, one thousand dollars (\$1,000) of this funding may be automatically set aside as incentive funding to encourage timely proposal development. Of the one thousand dollars (\$1,000) incentive funds, five hundred dollars (\$500) is designated and reserved as early ~~submittal~~ *incentive funding by submitting the proposal to the State Coordinator of these funds at least three (3) weeks prior to the federal agency's submission deadline.* The remaining five hundred dollars (\$500) is provided upon proof ~~of timely~~ *that the final proposal submission has been submitted* to the appropriate federal agency's solicitation *on or before the federal agency deadline.* ~~(6-1-12)T()~~

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.41.01 - CUSTOMER RELATIONS RULES FOR TELEPHONE CORPORATIONS PROVIDING SERVICES IN IDAHO SUBJECT TO CUSTOMER SERVICE REGULATION BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE TELEPHONE CUSTOMER RELATIONS RULES)

DOCKET NO. 31-4101-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 61-507, 61-515, 62-605(5)(b), and 62-622(5), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the temporary and proposed rule was published in the September 5, 2012 Idaho Administrative Bulletin, [Volume 12-9, pages 164 through 166](#).

FEE SUMMARY: There are no fees associated with this proposed rulemaking. N/A

FISCAL IMPACT: There is no fiscal impact on the state general fund resulting from this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Weldon B. Stutzman, Deputy Attorney General, at (208) 334-0318.

DATED this 14th day of November, 2012.

Jean D. Jewell, Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
Facsimile: (208) 334-3762

Street address for express delivery:
472 W Washington
Boise, Idaho 83702-5918

DOCKET NO. 31-4101-1201 - 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 12-9, September 3, 2012, pages 164 through 166](#).**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, 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 October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 685 through 696](#).

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 Cynthia Adrian (208) 334-7544.

DATED this 28th day of November, 2012.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7544

DOCKET NO. 35-0101-1201 - 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 12-10, October 3, 2012, pages 685 through 696.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, 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 October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 697 through 717](#).

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 Cynthia Adrian (208) 334-7544.

DATED this 28th day of November, 2012.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7544

DOCKET NO. 35-0101-1201 - 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 12-10, October 3, 2012, pages 697 through 717.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.02 - SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, 63-3635, 63-3039 and 63-3624, 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 October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 718 through 736](#).

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 McLean Russell (208) 334-7531.

DATED this 28th day of November, 2012.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7531

DOCKET NO. 35-0102-1201 - 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 12-10, October 3, 2012, pages 718 through 736.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.02 - SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1301

NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 67-5221(1) and 63-105A, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by e-mail, or by calling the phone number listed below. To participate, responses must be received by January 31, 2013.

Should a reasonable number of persons respond to this notice, negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

Failure of interested persons to respond to this notice of intent or the lack of a sufficient number of responses to this notice of intent may result in the discontinuation of further informal proceedings. In either event the agency shall have sole discretion in determining the feasibility of scheduling and conducting informal negotiated rulemaking and may proceed directly to formal rulemaking if proceeding with negotiated rulemaking is deemed infeasible.

This negotiated rulemaking will be undertaken as part of the regular sales tax rules committee meetings which are always open to the public. Anyone interested in this particular rule may attend the appropriate committee meetings to participate directly in the discussion. You may also join the meeting by phone if you wish; however, notice must be given one week in advance so accommodations can be arranged. An opportunity will also be given to any attendee to make a brief presentation on the subject matter if so desired.

Notification of all scheduled committee meetings will be posted on the Tax Commission's website at <http://tax.idaho.gov> at least one week prior to the date of the meeting. The notification will contain specific information on which rules will be up for discussion at that meeting.

Written comments are also welcome and will be accepted up to one week prior to the scheduled committee meeting in which the rule will be discussed. Any written comment on this rule will be distributed to all attendees at the appropriate committee meetings and made a part of the formal rulemaking record.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

Amendment of Sales Tax Rule 027, Computer Equipment, Software, and Data Services, is needed to address new technology that has impacted the nature of software since the statutory definition for the term was last amended in 1993. Notably, this includes the advent and increased use of databases and software that are accessed over the internet and other networks.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule (if available), contact McLean Russell at (208) 334-7531.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 31, 2013.

DATED this 29th day of November, 2012.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
PHONE: (208) 334-7531
FAX: 334-7844
e-mail: mclean.russell@tax.idaho.gov

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 Idaho Code.

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

Pending rule 605 is adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin [Vol. 12-10 page 738](#).

Proposed rule 620 is not adopted and will remain as currently codified. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin [Vol. 12-10 pages 737 through 740](#).

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 McLean Russell (208) 334-7531.

DATED this 28th day of November, 2012.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

DOCKET NO. 35-0103-1202 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 12-10, October, 2012, pages 737 through 740.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

[Section 620 - Proposed changes have been withdrawn. Text will remain as currently codified.]

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105A, and 67-5221(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 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 October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 741 through 747.**

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 Alan Dornfest (208) 334-7742.

DATED this 28th day of November, 2012.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

DOCKET NO. 35-0103-1203 - 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 12-10, October 3, 2012, pages 741 through 747.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1204

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105A, and 67-5221(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 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 October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 748 through 754.**

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 Alan Dornfest (208) 334-7742.

DATED this 28th day of November, 2012.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

DOCKET NO. 35-0103-1204 - 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 12-10, October 3, 2012, pages 748 through 754.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1205

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105A, and 67-5221(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 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 October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 755 through 757](#).

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 Alan Dornfest (208) 334-7742.

DATED this 28th day of November, 2012.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

DOCKET NO. 35-0103-1205 - 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 12-10, October 3, 2012, pages 755 through 757](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1207

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105A, and 67-5221(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 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 October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 758 through 781.**

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 Alan Dornfest (208) 334-7742.

DATED this 28th day of November, 2012.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

DOCKET NO. 35-0103-1207 - 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 12-10, October 3, 2012, pages 758 through 781.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.01.09 - TABLE AND KITCHEN WINE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0109-1201
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 23-1323, 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 October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 782 through 786](#).

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 McLean Russell (208) 334-7531.

DATED this 28th day of November, 2012.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7531

DOCKET NO. 35-0109-1201 - 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 12-10, October 3, 2012, pages 782 through 786.](#)**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.10 - IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0110-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, 63-2501 and 63-2553, 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 October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 787 through 790](#).

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 McLean Russell (208) 334-7531.

DATED this 28th day of November, 2012.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7531

DOCKET NO. 35-0109-1201 - 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 12-10, October 3, 2012, pages 787 through 790.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.12 - IDAHO BEER TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0112-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 23-1051, 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 October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 791 through 795.**

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 McLean Russell (208) 334-7531.

DATED this 28th day of November, 2012.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7531

DOCKET NO. 35-0112-1201 - 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 12-10, October 3, 2012, pages 791 through 795.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.02.01 - ADMINISTRATION AND ENFORCEMENT RULES
DOCKET NO. 35-0201-1201
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 63-3039, 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 October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 796 through 801.**

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 Cynthia Adrian (208) 334-7544.

DATED this 28 day of November, 2012.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7544

DOCKET NO. 35-0201-1201 - 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 12-10, October 3, 2012, pages 796 through 801.**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 37 - DEPARTMENT OF WATER RESOURCES

37.03.03 - RULES AND MINIMUM STANDARDS FOR THE CONSTRUCTION AND USE OF INJECTION WELLS

DOCKET NO. 37-0303-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 42-3913, Idaho Code.

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

Existing portions of IDAPA 37.03.03, "Rules and Minimum Standards for the Construction and Use of Injection Wells", specific to Class V injection wells have been revised to be made consistent with Idaho Code Title 42, Chapter 39 "Injection Wells" and the Code of Federal Regulations Parts 144 through 148. Definitions have been added or updated, existing exemptions for certain shallow injection wells have been removed, and permitting and advertising requirements for low-flow domestic heat pump return injection wells have been reduced. New rules specific to Class II injection wells used in association with oil and gas production have been added.

Due to public comment Section 006 is being published in this Bulletin. During the comment period numerous changes were suggested and have been made, only those sections are being printed in this bulletin.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012, Idaho Administrative Bulletin, [Vol. 12-10, pages 826 through 890](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Brian Ragan, P.G. at (208) 287-4934, brian.ragan@idwr.idaho.gov.

DATED this 30th day of November, 2012.

Brian Ragan, P.G.
Underground Injection Control Program
Idaho Department of Water Resources
322 East Front Street

P.O. Box 83720
Boise, Idaho 83720
Phone: (208) 287-4934
Fax: (208) 287-6700

DOCKET NO. 37-0303-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October, 2012, pages 826 through 890.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT FOR DOCKET NO. 37-0303-1201

Section 006

006. PUBLIC RECORDS ACT COMPLIANCE (RULE 6).

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. Unless provided otherwise by statute, all records associated with these rules are open for inspection including the name and address of any applicant or permittee and information pertaining to the existence, absence, or level of contaminants in drinking water. (5-3-03)()

Section 010

010. DEFINITIONS.

Subsection 010.12

~~07~~12. **Cesspool.** An injection well that receives sanitary waste without benefit of a treatment system or treatment device such as a septic tank. Cesspools sometimes have open bottom and/or perforated sides. (5-3-03)()

Subsection 010.17

~~10~~7. **Contaminant.** Any physical, chemical, ~~ion, radionuclide, synthetic organic compound, micro-organism, waste or other substance which does not occur naturally in ground water or which naturally occurs at a lower concentration~~ biological, or radiological substance or matter. (7-1-93)()

~~14~~8. **Contamination.** The ~~direct or indirect introduction of any contaminant into ground water, caused in whole or in part by human activity;~~ introduction into the natural ground water of any physical, chemical, biological, or radioactive material that may; (7-1-93)()

Subsection 010.18.a.

a. Cause a violation of Idaho Ground Water Quality Standards found in IDAPA 58.01.11 "Ground Water Quality Rule" or the federal ground water quality standards, whichever is more stringent; or ()

Subsection 010.22

~~43~~**22.** **Deep Injection Well.** An injection well which is more than eighteen (18) feet in vertical depth below land surface, and is identical to the statutory phrase, "waste disposal and injection well." (7-1-93)()

Subsection 010.31

~~20~~**31.** **Endangerment.** Injection of any fluid which exceeds Idaho ground water quality standards, or federal ground water quality standards, whichever is more stringent, that may result in the presence of any contaminant in ground water which supplies or can reasonably be expected to supply any public or non-public water system, and if the presence of such contaminant may result in such a system not complying with any ground water quality standard or may otherwise adversely affect the health of persons or result in a violation of ground water quality standards that would adversely affect beneficial uses. (5-3-03)()

Subsection 010.32

32. **Exempted Aquifer.** An "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in Section 025 of these rules and been recategorized as "other" according to the procedures in IDAPA 58.01.11 "Ground Water Quality Rule". ()

Subsection 010.46

46. **Individual Subsurface Sewage Disposal System.** For the purpose of these rules, any standard or alternative disposal system which injects sanitary waste from single family residential septic systems, or non-residential septic systems which are used solely for the disposal of sanitary waste and have the capacity to serve fewer than twenty (20) people a day. ()

Subsection 010.53

53. **Large Capacity Septic System.** Class V wells that are used to inject sanitary waste through a septic tank and do not meet the criteria of an individual subsurface sewage disposal system. ()

Subsection 010.66

~~38~~**66.** **Permanent Abandonment Decommission.** The discontinuance of use of an injection well in accordance with current IDAPA 37.03.09, "Well Construction Standards a method approved by the Director such that the injection well no longer has the capacity to inject fluids and the upward or downward migration of fluid is prevented." Permanent abandonment requires plugging the well bore with bentonite grout, cement grout, concrete, or other impermeable material to prevent the upward or downward migration of fluids. This also includes the disposal and proper management of any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the injection well in accordance with all applicable Federal, State, and local regulations and requirements. (5-3-03)()

Subsection 010.68

~~39~~**68.** **Person.** Any individual, association, partnership, firm, joint stock company, trust, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any other legal entity which is recognized by law as the subject of right and duties (Idaho Code 30-101-EPHA). (7-1-93)()

Subsection 010.79

~~45~~**79.** **Remediation Project.** Use of an injection well for the Removal, treatment or isolation of a

contaminant from ground water through actions or the removal or treatment of a contaminant in ground water as approved by the Director. (5-3-03)()

Subsection 010.80

80. Residential (Domestic) Activities. Human activities that generate liquid or solid waste in any public, private, industrial, commercial, municipal, or other facility. ()

~~46. Replacement Well.~~ An injection well constructed to replace an existing injection well, authorized for use under these rules, that meets the following criteria: (7-1-93)

~~a. The replacement well is located within two hundred (200) feet of the existing injection well.~~ (7-1-93)

~~b. The injected fluids are from the same source as the fluids injected through the existing injection well.~~ (7-1-93)

~~c. The injected fluids are of equal or better quality than the fluids injected through the existing well.~~ (7-1-93)

~~d. Construction features of the replacement well are similar to the features of the existing well and meet or exceed minimum well construction standards.~~ (7-1-93)

~~e. The distance between the point of injection and the nearest boundary of the receiving aquifer is at least as great as that distance for the existing injection well.~~ (7-1-93)

~~f. The existing injection well is abandoned by an approved method within thirty (30) days of completion of construction of the replacement well.~~ (7-1-93)

~~4781. Sanitary Waste.~~ Any liquid or solid waste originating from humans and human activities, such as wastes collected from toilets, showers, wash basins, floor drains, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Any fluid generated through residential (domestic) activities, such as food preparation, cleaning and personal hygiene. This term does not include industrial, municipal, commercial, or other non-residential process fluids. (5-3-03)()

482. Schedule of Compliance. A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with the standards. (7-1-93)

4983. Septic System. An injection well that is used to inject sanitary waste below the surface. A septic system is typically comprised of a septic tank and subsurface fluid distribution system or disposal system. (5-3-03)

~~5084. Shallow Injection Well.~~ An injection well which is less than or equal to eighteen (18) feet in vertical depth below land surface. (7-1-93)

85. Site. The land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity. ()

~~5186. State.~~ The state of Idaho. (7-1-93)

87. Stratum (plural strata). A single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material. ()

88. Subsidence. The lowering of the natural land surface in response to: Earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (Hydrocompaction); oxidation of organic matter in soils; or added load on the land surface. ()

~~5289.~~ **Subsurface Fluid Distribution System.** An assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground, ~~usually part of a septic system.~~

~~(5-3-03)()~~

~~90.~~ **Surface Casing.** The largest diameter permanent pipe string set and sealed following setting of the conductor pipe. ()

~~53.~~ **Surface Runoff Water.** ~~Runoff water from the natural ground surface and cropland. Runoff from urbanized areas such as streets, parking lots, airports, and runoff from animal feedlots, agricultural processing facilities and similar facilities is not included within the scope of this phrase.~~

~~(7-1-93)~~

~~91.~~ **Total Dissolved Solids.** The total dissolved (filterable) solids as determined by the use of the method specified in 40 CFR part 136. ()

~~92.~~ **Transferor.** The owner or operator transferring ownership and/or operational control of the well. ()

~~93.~~ **UIC.** The Underground Injection Control program under Part C of the Safe Drinking Water Act, including an “approved State program.” ()

~~54.~~ **Temporary Abandonment.** ~~The prevention of injection by use of a removable or retrievable device, such as a packer or cap.~~

~~(7-1-93)~~

~~5594.~~ **Unauthorized ~~Abandonment~~ Decommission.** The ~~permanent abandonment~~ decommissioning of any injection well that has not received the approval of the Department prior to ~~abandonment~~ decommissioning, or was not ~~abandoned~~ decommissioned in a method approved by the Director. These wells may have to be properly decommissioned when discovered by the Director to ensure that the well prevents commingling of aquifers or is no longer capable of injection.

~~(7-1-93)()~~

~~95.~~ **Underground Injection.** See “injection.” ()

~~96.~~ **Underground Source of Drinking Water (USDW).** An aquifer or its portion: ()

~~a.~~ Which: ()

~~i.~~ Supplies any public water system; or ()

~~ii.~~ Contains a sufficient quantity of ground water to supply a public water system; or ()

~~(1)~~ Currently supplies drinking water for human consumption; or ()

~~(2)~~ Contains fewer than ten thousand (10,000) mg/l total dissolved solids; and ()

~~b.~~ Which is not an exempted aquifer. ()

~~5697.~~ **Unreasonable Contamination.** Endangerment of a ~~drinking water source~~ USDW or the health of persons or other beneficial uses by injection. See “endangerment.”

~~(7-1-93)()~~

~~98.~~ **USDW.** Underground Source of Drinking Water. ()

~~5799.~~ **Water Quality Standards.** Refers to those standards found in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, “Water Quality Standards” and IDAPA 58.01.11, “Ground Water Quality Rule.”

~~(5-3-03)~~

~~58100.~~ **Well.** For the purposes of these rules, “well” means “injection well.” (5-3-03)

101. Well Monitoring. The measurement, by on-site instruments or laboratory methods, of the quality of water in a well. ()

Section 025

025. EXEMPTION FROM DRINKING WATER SOURCE DESIGNATION.

Subsection 025.02

02. ~~Most Effective Means.~~ Under the authorities of Section 1805, Title 42, Idaho Code, the Director may determine, “the most effective means by which these water resources may be applied for the benefit of the people of this state.” The Director may exempt an aquifer or portion thereof from a drinking water source designation if: **Petition Process for Aquifer Exemptions.** The Department or any other person or entity may petition to exempt an aquifer from the designation as a drinking water source. The Department and the Idaho Department of Environmental Quality have jurisdictional responsibilities for processing a petition for aquifer exemption. Once the Department has processed and approved the aquifer exemption, and the Idaho Department of Environmental Quality has processed and approved the aquifer re-categorization, the U.S. Environmental Protection Agency must also approve the exemption for the process to be considered complete. The applicant must submit information to the Department and to the Idaho Department of Environmental Quality and may do so at the same time so each agency’s process occurs concurrently. The petition process is broken down into the following general steps: ()

a. ~~It is not currently a drinking water source; and~~ The petition for aquifer exemption shall be submitted to the Department and must contain the general information found in Subsection 025.05 and the pertinent specific information found in Subsection 025.06 of these rules. To be considered for exemption by the Department, an aquifer must meet the criteria set forth in Subsection 025.04 of these rules. Once the petition has been reviewed by the Department, the applicant and the Idaho Department of Environmental Quality will be notified as to whether or not the aquifer meets the criteria for exemption. If the aquifer does not meet the criteria, the petition will be denied and the applicant will be informed of the reasons for the denial. If the aquifer meets the criteria for exemption, the Department will review the information submitted and determine if the geologic and hydrogeologic characteristics will allow for the proposed injection activities while preventing degradation to adjacent USDW’s. If the geologic and hydrogeologic characteristics are not conducive to preventing degradation to adjacent USDW’s, the petition will be denied and the applicant and IDEQ will be informed of the reason for denial, thereby terminating the process for both agencies. If the Department intends to approve a petition for exemption, an opportunity for public input will be provided. If, after the public input period, the Department does not intend to approve the petition, the Department will deny the petition and inform the applicant and IDEQ of the reasons for denial, thereby terminating the process for both agencies. If, after the public input period, the Department intends to approve the petition, the Department will hold approval of the exemption pending the outcome of IDEQ’s aquifer re-categorization process. If the aquifer re-categorization process fails, the Department will deny the petition for exemption. (7-1-93)()

b. The petition for aquifer re-categorization shall be submitted to the Idaho Department of Environmental Quality and must contain the information found in the petition process of IDAPA 58.01.11 “Ground Water Quality Rule”. The Idaho Department of Environmental Quality will determine if the information submitted is sufficient enough to be submitted to their Environmental Quality Board for review. If the information submitted is not sufficient, IDEQ will deny the petition and inform the applicant and the Department of the reasons for denial, thereby terminating the process for both agencies. If the information submitted is sufficient but the Environmental Quality Board does not approve the petition and does not instruct staff to initiate negotiated rulemaking, IDEQ will deny the petition and inform the applicant and the Department of the reason for denial, thereby terminating the process for both agencies. If the Environmental Quality Board approves the petition, IDEQ staff will initiate the negotiated

rulemaking process with opportunity for public input. ()

~~bc.~~ It will not be utilized as a drinking water source in the future because: Upon a successful aquifer re-categorization by IDEQ and an issuance of an intent to approve the exemption by the Department, the Department will submit its approval recommendation to the U.S. EPA, which will include information regarding the successful aquifer re-categorization, a description of the aquifer to be exempted as per section 025.03 of these rules, and information submitted by the applicant for review and final approval. Upon U.S. EPA approval, the Department will notify the applicant and IDEQ of the approved aquifer exemption. (7-1-93)()

~~i.~~ It is situated at such a depth or location that recovery for drinking water purposes is economically or technologically impractical; or (7-1-93)

~~ii.~~ Is so contaminated that it would be economically or technologically impractical to render the water fit for human consumption; or (7-1-93)

~~iii.~~ The total dissolved solids content of the ground water is greater than three thousand (3,000) mg/l and it is not reasonably expected to supply a public water system. (7-1-93)

~~e.~~ The Director shall not provide an exemption for any aquifer categorized as "Sensitive Resource" or "General Resource" by the Department of Environmental Quality. Procedures for Recategorizing an Aquifer to "Other Resource," (IDAPA 58.01.11, "Ground Water Quality Rule," Section 350), may need to be completed prior to any petition for exemption. (5-3-03)

03. Petition for Exemption Identification of Underground Sources of Drinking Water and Exempted Aquifers. ~~Any owner or operator proposing to inject contaminants authorized under Rule Subsection 025.03 into an aquifer or portion thereof that is within the definition of a drinking water source, but is not currently used in that manner, and is not likely to be used as such in the future, may petition the Director for an exemption to that designation. The petition for exemption shall contain:~~ (7-1-93)()

~~dc.~~ A description of the geology to include all aquifers or ground water systems, lithologies and controlling features; Subsequent to program approval or promulgation, the Director may, after notice and opportunity for a public hearing, identify additional exempted aquifers. For approved State programs exemption of aquifers identified: (7-1-93)()

~~i.~~ Under Paragraph 025.04.b. shall be treated as a program revision under Section 40 CFR 145.32: ()

Subsection 025.03.c.ii.

~~ii.~~ Under Paragraph 025.04.c. shall become final if the Director submits the exemption in writing to the U.S. Environmental Protection Agency and the U.S. Environmental Protection Agency has not disapproved the designation within the timeframe set forth in 40 CFR 144.7.b.3. Any disapproval by the U.S. Environmental Protection Agency shall state the reasons and shall constitute final Agency action for purposes of judicial review. ()

04. Director's Action. ~~The Director shall provide legal notice of the proposed exemption in a newspaper or newspapers of general circulation in the area that may be affected by the exemption. The notice shall provide locations where the petition for exemption may be reviewed and shall provide for a comment period of thirty (30) days. **Criteria for Exempted Aquifers.** An aquifer or a portion thereof which meets the criteria for an "underground source of drinking water" in Section 010 may be determined under Subsection 025.03 of these rules to be an "exempted aquifer" for Class II wells if it meets the criteria in Paragraphs 025.04.a. through 025.04.c. of these~~

rules.

(7-1-93)()

b. ~~A copy of the petition for exemption will be submitted to the Director of the Department of Environmental Quality for recommendations. A written notice of the recommendations shall be provided to the Director of the Department of Water Resources within thirty (30) days of receipt, or within fifteen (15) days of any hearing pertaining to the petition. It cannot now and will not in the future serve as a source of drinking water because:~~ (7-1-93)()

Subsection 025.04.b.i.

i. ~~It is mineral, hydrocarbon or geothermal energy producing, or can be demonstrated by a permit applicant as part of a permit application for a Class II operation to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible.~~ ()

06. Specific Information to be Submitted with a Petition for Exemption. ()

Subsection 025.06.a.

a. ~~The following information shall be submitted with a petition for exemption for an aquifer meeting the criteria in Subparagraph 025.04.b.i. of these rules. If the proposed exemption is to allow a Class II enhanced oil recovery well operation to continue, the fact that it has a history of hydrocarbon or mineral production will be sufficient proof that this standard is met. Many times it may be necessary to slightly expand an existing well field to recover minerals or hydrocarbons. In this case, the applicant must show only that the exemption request is for expanding the previously exempted aquifer and state his reasons for believing that there are commercially producible quantities of minerals within the expanded area.~~ ()

i. ~~For Class II wells, a demonstration of commercial producibility shall be made as follows:~~ ()

(1) ~~For a Class II well to be used for enhanced oil recovery processes in a field or project containing aquifers from which hydrocarbons were previously produced, commercial producibility shall be presumed by the Director upon a demonstration by the applicant of historical production having occurred in the project area or field.~~ ()

(2) ~~For Class II wells not located in a field or project containing aquifers from which hydrocarbons were previously produced, information such as logs, core data, formation description, formation depth, formation thickness and formation parameters such as permeability and porosity shall be considered by the Director, to the extent such information is available.~~ ()

ii. ~~Exemptions relating to any new Class II wells which will be injecting into a producing or previously produced horizon should include the following types of information:~~ ()

(1) ~~Production history of the well if it is a former production well which is being converted.~~ ()

(2) ~~Description of any drill stem tests run on the horizon in question. This should include information on the amount of oil and water produced during the test.~~ ()

(3) ~~Production history of other wells in the vicinity which produce from the horizon in question.~~ ()

(4) ~~Description of the project, if it is an enhanced recovery operation including the number of wells and their location.~~ ()

Section 035

~~0235.~~ CLASSIFICATION OF INJECTION WELLS ~~— AUTHORIZATIONS, PROHIBITIONS AND EXEMPTIONS~~ (RULE ~~235~~).

01. Classification of Injection Wells. For the purposes of these rules, injection wells are classified as follows: (7-1-93)

Subsection 035.01.f.

f. Class VI. ()

i. Wells that are not experimental in nature that are used for geologic sequestration of carbon dioxide beneath the lowermost formation containing a USDW; or, ()

ii. Wells used for geologic sequestration of carbon dioxide that have been granted a waiver of the injection depth requirements pursuant to requirements at 40 CFR Section 146.95; or, ()

iii. Wells used for geologic sequestration of carbon dioxide that have received an expansion to the areal extent of an existing Class II enhanced oil recovery or enhanced gas recovery aquifer exemption pursuant to Section 025 of these rules. ()

Section 040

~~0340.~~ AUTHORIZATIONS, PROHIBITIONS AND EXEMPTIONS.

02. Prohibitions. ()

Subsection 040.02.k.

k. Owners or operators of shallow injection wells are prohibited from injecting into the well upon failure to submit inventory information in a timely manner pursuant to paragraph 070.01.a of these rules. ()

Section 045

~~045.~~ CLASS II: APPLICATION INFORMATION.

02. Application For A Permit; Authorization By Permit. ()

Subsection 045.02.c.

c. Time to apply. Any person who performs or proposes an underground injection for which a permit is or will be required shall submit an application to the Director in accordance with the UIC program. For new injection wells, the application shall be submitted within a reasonable time before construction is expected to begin. ()

04. Bonding. ()

Subsection 045.04.a.

a. Individual Bond. The Director shall require, as a condition of every Class II injection well permit, that every person who engages in the construction, modification, testing, or operation of a well provide evidence of

good and sufficient security in the form of a bond, letter of credit, or other surety acceptable to the Director that ensures that the applicant perform the duties required by this chapter and properly *decommission* any well covered by such permit. Good and sufficient security for each injection well shall be an amount of ten thousand dollars (\$10,000) plus one dollar (\$1) per foot of depth. The bond shall be conditioned upon the performance of the owner's or operator's duty to comply with the rules of the Water Resource Board, with respect to the drilling, maintaining, operating, and plugging of each well. *The bond shall remain in force and effect until the plugging and decommissioning of said well is approved by the Director or the security is released by the Director. Well decommissioning shall include reclamation of the well site so that the site is left in a stable, non-eroding condition with no impact to any ground water or surface water of the State.* The Director may impose additional bonding on an owner or operator given sufficient reason, such as non-compliance, unusual conditions, or other circumstances that suggest a particular well has potential risk or liability in excess of that normally expected. ()

Subsection 045.05

05. Information to Be Considered By The Director. This section sets forth the information which must be considered by the Director in authorizing Class II wells. Certain maps, cross-sections, tabulations of wells within the area of review, and other data may be included in the application by reference provided they are current, readily available to the Director (for example, in the permitting agency's files) and sufficiently identified to be retrieved. All the information in this section is to be submitted to the Director ()

a. Prior to the issuance of a permit for the construction or conversion of a new Class II well the applicant shall submit the following: ()

i. Information required in Subsection 045.02; ()

ii. A map showing the injection well or project area for which a permit is sought and the applicable area of review. Within the area of review, the map must show the number or name and location of all existing producing wells, injection wells, decommissioned wells, dry holes, and water wells. The map must also show surface bodies of waters, mines (surface and subsurface), quarries and other pertinent surface features including residences and roads, and faults if known or suspected. Only information of public record and pertinent information known to the applicant is required to be included on this map. This requirement does not apply to existing Class II wells. This requirement does not apply to permit renewals; and ()

iii. A tabulation of data reasonably available from public records or otherwise known to the applicant on all wells within the area of review included on the map required under Subparagraph 045.05.a.ii. of this rule which penetrate the proposed injection zone or, in the case of Class II wells operating over the fracture pressure of the injection formation, all known wells within the area of review which penetrate formations affected by the increase in pressure. Such data shall include a description of each well's type, construction, date drilled, location, depth, record of plugging and complete, and any additional information the Director may require. In cases where the information would be repetitive and the wells are of similar age, type, and construction the Director may elect to only require data on a representative number of wells. ()

iv. Proposed operating data: ()

(1) Average and maximum daily rate and volume of fluids to be injected. ()

(2) Average and maximum injection pressure; and ()

(3) Source and an appropriate analysis of the chemical and physical characteristics of the injection fluid. ()

v. Appropriate geological data on the injection zone and confining zone including lithologic description, geological name, thickness and depth; ()

vi. Geologic name and depth to bottom of all underground sources of drinking water which may be

affected by the injection: ()

vii. Schematic or other appropriate drawings of the surface and subsurface construction details of the well to show compliance with section 045.06 of these rules: ()

viii. In the case of new injection wells the corrective action proposed to be taken by the applicant under the National Pollutant Discharge Elimination System in Title 40 Code of Federal Regulations 122.44: ()

ix. A certificate that the applicant has assured through a performance bond or other appropriate means, the resources necessary to close plug or abandon the well: ()

x. Proposed formation testing program to obtain the information required by Paragraph 045.06.e, unless such information is already available: ()

xi. Proposed stimulation program: ()

xii. Proposed injection procedure: ()

xiii. Proposed contingency plans, if any, to cope with well failures so as to prevent migration of contaminating fluids into an underground source of drinking water: ()

xiv. Plans for meeting the monitoring requirements of Paragraph 054.01.b. ()

b. Prior to operating a Class II well the owner/operator must submit the following information: ()

i. All available logging and testing program data on the well: ()

ii. A demonstration of mechanical integrity pursuant to Subsection 054.02: ()

iii. The anticipated maximum pressure and flow rate at which the permittee will operate. ()

iv. The information specified in Paragraph 045.06.e. of these rules: ()

v. The actual injection procedure; and ()

vi. For new wells the status of corrective action on defective wells in the area of review. ()

c. Prior to the plugging and abandonment of a Class II well the owner/operator must provide the following information: ()

i. The type, and number of plugs to be used: ()

ii. The placement of each plug including the elevation of top and bottom: ()

iii. The type, grade, and quantity of cement to be used: ()

iv. The method of placement of the plugs; and ()

v. The procedures to meet the requirements of section 054.03 of these rules. ()

06. Construction Requirements. ()

Subsection 045.06.a.

a. All new Class II wells shall be sited in such a fashion that they inject into a formation which is separated from any USDW by a confining zone that is free of open faults or fractures within the area of review. ()

Section 048

048. CLASS II: APPLICATION PROCESSING.

08. Response to Comments. ()

Subsection 048.08.a.

a. At the time that any final permit decision is issued under Subsection 048.07, the Director shall issue a response to comments that will be made available to the public upon request. This response shall: ()

09. Administrative Record for Final Permit. ()

Subsection 048.09.b.vi.

b. The administrative record for any final permit shall consist of the administrative record for the draft permit and: ()

i. All comments received during the public comment period provided under Subsection 048.04; ()

ii. Any written materials submitted at such a hearing; ()

iii. The response to comments required by Subsection 048.08 and any new material placed in the record under that section; ()

iv. Other documents contained in the supporting file for the permit; and ()

v. The final permit. ()

vi. Recordings of any contested case hearing initiated under the Administrative Appeals process as per Section 003 of these rules. ()

Subsection 048.11

11. Criteria for Establishing Permitting Priorities. In determining priorities for setting times for owners or operators to submit applications for authorization to inject under the procedures of Subsection 045.02 of these rules, the Director shall base these priorities upon consideration of the following factors: ()

a. Injection wells known or suspected to be contaminating underground sources of drinking water; ()

b. Likelihood of contamination of underground sources of drinking water; ()

c. Potentially affected population; ()

d. Injection wells violating existing State requirements; ()

e. Coordination with the issuance of permits required by other State or Federal permit programs; ()

f. Age and depth of the injection well; and ()

g. Expiration dates of existing State permits, if any. ()

Section 051

051. CLASS II: PERMIT CONDITIONS.

01. Conditions Applicable to All Permits. The following conditions apply to all UIC permits. All conditions applicable to all permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit. ()

I. Reporting requirements: ()

Subsection 051.01.I.vi.

vi. Twenty-four (24) hour reporting. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The permittee shall report any noncompliance which may endanger health or the environment, including: ()

(1) Any monitoring or other information which indicates that any contaminant may cause an endangerment to a USDW; or ()

(2) Any noncompliance with a permit condition or malfunction of the injection system which may cause fluid migration into or between USDWs. ()

02. Establishing Permit Conditions. ()

Subsection 051.02.a.

a. In addition to conditions required in Subsection 051.01, the Director shall establish conditions, as required on a case-by-case basis under Subsection 048.10, and Paragraph 051.03.a., Subsection 051.04. Permits shall contain the following requirements, when applicable. ()

i. Construction requirements as set forth in Subsection 045.06. Existing wells shall achieve compliance with such requirements according to a compliance schedule established as a permit condition. The owner or operator of a proposed new injection well shall submit plans for testing, drilling, and construction as part of the permit application. No construction may commence until a permit has been issued containing construction requirements (see Paragraph 040.02.b.). New wells shall be in compliance with these requirements prior to commencing injection operations. Changes in construction plans during construction may be approved by the Director as minor modifications (Subsection 057.04). No such changes may be physically incorporated into construction of the well prior to approval of the modification by the Director. ()

ii. Corrective action as set forth in Subsection 045.08. ()

iii. Operation requirements; the permit shall establish any maximum injection volumes and/or

pressures necessary to assure that fractures are not initiated in the confining zone, that injected fluids do not migrate into any underground source of drinking water, that formation fluids are not displaced into any underground source of drinking water, and to assure compliance with the Subsection 054.01 operating requirements. ()

iv. Monitoring and reporting requirements as set forth in Subsection 054.01. The permittee shall be required to identify types of tests and methods used to generate the monitoring data. Monitoring of the nature of injected fluids shall comply with applicable analytical methods cited and described in table I of 40 CFR 136.3 or in appendix III of 40 CFR part 261 or in certain circumstances by other methods that have been approved by the Director. ()

v. After a cessation of operations of two (2) years the owner or operator shall plug and abandon the well in accordance with the plan unless he: ()

(1) Provides notice to the Director; ()

(2) Describes actions or procedures, satisfactory to the Director, that the owner or operator will take to ensure that the well will not endanger USDWs during the period of temporary inactivity. These actions and procedures shall include compliance with the technical requirements applicable to active injection wells unless waived by the Director. ()

vi. Financial responsibility. ()

(1) The permittee, including the transferor of a permit, is required to demonstrate and maintain financial responsibility, as described in Subsection 045.04 of these rules, and resources to close, plug, and abandon the underground injection operation in a manner prescribed by the Director until: ()

(a) The well has been plugged and abandoned in accordance with an approved plugging and abandonment plan pursuant to Paragraph 051.01.o. and Subsection 054.03, and submitted a plugging and abandonment report pursuant to Paragraph 051.01.p.; or ()

(b) The well has been converted in compliance with the requirements of Paragraph 051.01.n.; or ()

(c) The transferor of a permit has received notice from the Director that the owner or operator receiving transfer of the permit, the new permittee, has demonstrated financial responsibility for the well. ()

(2) The permittee shall show evidence of such financial responsibility to the Director by the submission of a surety bond, or other adequate assurance, such as a financial statement or other materials acceptable to the Director as described in Subsection 045.04 of these rules. The Director may on a periodic basis require the holder of a lifetime permit to submit an estimate of the resources needed to plug and abandon the well revised to reflect inflation of such costs, and a revised demonstration of financial responsibility, if necessary. ()

vii. Mechanical integrity. A permit for any Class II well or injection project which lacks mechanical integrity shall include a condition prohibiting injection operations until the permittee shows to the satisfaction of the Director under Subsection 054.02 that the well has mechanical integrity. ()

viii. Additional conditions. The Director shall impose on a case-by-case basis such additional conditions as are necessary to prevent the migration of fluids into underground sources of drinking water. ()

ix. If the collection and reporting of new or existing data to establish the background water quality of USDWs in the area of review has not been required, and subsequently performed, under any other permit regulating the injection well or project, the Director will require this data be collected and background water quality established as a permit condition to be satisfied prior to injecting fluids into the injection well. The Director will specify the sampling locations, potential need for the construction of new monitoring wells, sampling frequencies, sampling duration, and analytes to be sampled for. ()

Section 054

054. CLASS II: OPERATING REQUIREMENTS.

01. Operating, Monitoring, and Reporting Requirements. ()

Subsection 054.01.b.

b. Monitoring requirements. Monitoring requirements shall, at a minimum, include: ()

i. Monitoring of the nature of injected fluids at time intervals sufficiently frequent to yield data representative of their characteristics; ()

ii. Observation and recording of injection pressure, flow rate, and cumulative volume at reasonable intervals no greater than thirty (30) days, or at the following frequencies, whichever is more stringent; ()

Section 057

057. CLASS II: ACTIONS ON APPROVED PERMITS.

Subsection 057.02.a.

02. Causes for Modification or Revocation and Reissuance of Permits. When the Director receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit (see Subsection 051.01), receives a request for modification or revocation and reissuance under Subsection 057.01, or conducts a review of the permit file) he or she may determine whether or not one (1) or more of the causes listed in Paragraphs 057.02.a. and 057.02.b. of this rule for modification or revocation and reissuance or both exist. If cause exists, the Director may modify or revoke and reissue the permit accordingly, subject to the limitations of Paragraph 057.02.c. of this section, and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. See Subparagraph 057.01.c.ii. If cause does not exist under this section or Subsection 057.04, the Director shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in Subsection 057.04 for "minor modifications" the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared. ()

a. Causes for modification. For Class II wells the following are causes for revocation and reissuance as well as modification. ()

Section 070

070. CLASS V: CRITERIA AND STANDARDS.

[Moved from Section 030]

Subsection 070.01

~~0301. Inventory Information And Permit Requirements~~ Class V Shallow Injection Wells Requirements (Rule 30). ()

Subsection 070.01.b.

02b. Inventory Fees. For shallow injection wells constructed after July 1, 1997, the Shallow Injection

Well Inventory Form shall be accompanied by a fee as specified in Section 42-3905, Idaho Code, payable to the Department of Water Resources. ~~New shallow injection wells used for the disposal of storm water from building roof or foundation drains are exempt from Shallow Injection Well Inventory Form filing requirements and fees of this chapter.~~ State or local government entities are exempt from Shallow Injection Well Inventory Form filing fees ~~of this chapter~~ for wells associated with highway and street construction and maintenance, but shall comply with all other requirements of these rules. (5-3-03)()

~~0352. Application For Permit To Construct, Modify Or Maintain An Injection Well~~ Class V Deep Injection Well Requirements (Rule 35). ()

Subsection 070.02.a.

~~01a. Application Requirements for All Class V Wells, Except Those Class V Wells Authorized Without Permit.~~ (7-1-93)()

Subsection 070.02.a.ii.

~~a.i.~~ No person shall continue to maintain or use an unauthorized injection well after the effective date given in Section 42-3903, Idaho Code, unless a permit therefor has been issued by the Director. No injection well requiring a permit under ~~Rule 25~~ Subsection 070.02 shall be constructed, modified or maintained after the effective date given in Section 42-3903, Idaho Code, unless a permit therefor has been issued by the Director. No injection well requiring a permit shall continue to be used after the expiration of the permit issued for such well unless another application for permit therefor has been received by the Director. All applications for permit shall be on forms furnished by the Director. (5-3-03)()

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.02.12 - RULES GOVERNING ISSUING OF CERTIFICATES OF TITLE
AND BONDED CERTIFICATES OF TITLE

DOCKET NO. 39-0212-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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 49-201, Idaho Code, and based on the requirements established in Section 49-523, 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 proposal will align a bonded title's brand expiration date with the bond's expiration date, thereby eliminating customer issues that may occur due to the bond expiring prior to the brand's expiration date. Subsequently, with the bonded title brand expiring at the same time as the bond, there is the concern that the owner may apply for the bonded title just before the bond expires. This proposal requires that the owner obtain a bond rider if more than 90 days has passed since the bond was obtained, thereby providing a significant amount of time for the bonded title to be of public record for the protection of any prior owner or lienholder who still has an interest and is trying to locate the vehicle. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2012 Idaho Administrative Bulletin, [Volume 12-9, pages 173 through 177](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Barry Takeuchi, Outreach / Titles Program Specialist, 334-8662.

DATED this 29th day of November, 2012.

Linda L. Emry
linda.emry@itd.idaho.gov
Idaho Transportation Department
3311 W State St.
PO Box 7129, Boise ID 83707-1129
Phone – 208-334-8810 / FAX – 208-332-4107

DOCKET NO. 35-0212-1201 - 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 12-9, September 5, 2012, pages 173 through 177](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.60 - RULES GOVERNING LICENSE PLATE PROVISIONS

DOCKET NO. 39-0260-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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 49-201, 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 provides procedural requirements for the implementation of program changes established in statute, through Senate Bill 1243, 2012. It adopts specific provisions for prequalification and application procedures for special license plate programs, as outlined in statute. It also provides for duplicate use of a letter/number combination on a larger (passenger vehicle) plate and a smaller (motorcycle) plate and eliminates the 45-day limitation on a proof of registration receipt, in keeping with the improved plate production and delivery process. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2012 Idaho Administrative Bulletin, **Volume 12-9, pages 178 through 182**.

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: There is no fiscal impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Christine Fisher, Registration Program / Internal Communications Specialist, 334-8679.

DATED this 29th day of November, 2012.

Linda L. Emry
linda.emry@itd.idaho.gov
Idaho Transportation Department
3311 W State St.
PO Box 7129, Boise ID 83707-1129
Phone – 208-334-8810 / FAX – 208-332-4107

DOCKET NO. 39-0260-1201 - 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 12-9, September 5, 2012, pages 178 through 182.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.02.61 - RULES GOVERNING LICENSE PLATES FOR GOVERNMENTAL
AGENCIES AND TAXING DISTRICTS

DOCKET NO. 39-0261-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2013, 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(s) 49-201 and 49-443B, 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 is needed to create equity for those agencies eligible for exempt vehicle registration. One program is currently exempt from any payment, with all costs subsidized by the department. This rulemaking will make the application process and registration cost consistent for all exempt plates. It adds provisions specific to the undercover plate program. It also adds standard language required by the Office of Administrative Rules, Sections 002 through 006. In order to provide sufficient time for implementation and budget considerations, the requested effective date is July 1, 2013. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Volume 12-10, pages 924 through 926](#).

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 Christine Fisher, Registration Program / Internal Communications Specialist, 334-8679.

DATED this 29th day of November, 2012.

Linda L. Emry, Administrative Rules Coordinator
Office of Governmental Affairs
Idaho Transportation Department

linda.emry@itd.idaho.gov
Phone – 208-334-8810 / FAX – 208-332-4107
3311 W State St, PO Box 7129, Boise ID 83707-1129

DOCKET NO. 39-0261-1201 - 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 12-10, October 3, 2012, pages 924 through 926](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.71 - RULES GOVERNING DRIVER'S LICENSE VIOLATION POINT SYSTEM

DOCKET NO. 39-0271-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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(s) 49-201 and 49-326, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. Section 49-326, Idaho Code, authorizes and directs the department to establish a violation point count system for various moving traffic violations and infractions. This rule implements the system and provides information and guidance to the public and those drivers impacted by violation points. This rulemaking updates the rule with standard required language in Sections 005 and 006, updates the Point Count List with specific violations and acknowledges the point exemption to certain violations, such as texting, in Section 49-1401A, Idaho Code, per Senate Bill 1274, 2012. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, **Volume 12-10, pages 927 through 930**.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ed Pemble, Driver Services Manager, 332-7830.

DATED this 29th day of November, 2012.

Linda L. Emry
linda.emry@itd.idaho.gov
Idaho Transportation Department
3311 W State St.
PO Box 7129, Boise ID 83707-1129
Phone – 208-334-8810 / FAX – 208-332-4107

DOCKET NO. 39-0271-1201 - 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 12-10, October 3, 2012, pages 927 through 930**.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.03.04 - RULES GOVERNING MOVEMENT OF DISABLED VEHICLES
DOCKET NO. 39-0304-1201
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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(s) 40-312 and 49-1004, 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. Sections of existing rule, IDAPA 39.03.10.300.05.a.-e., Rules Governing When an Overlegal Permit is Required, have been removed and used as the basis for a new rule, IDAPA 39.03.04, Rules Governing Movement of Disabled Vehicles, to address the movement of vehicles by tow trucks, sometimes in emergency situations. Language has been updated for better organization and to provide clarity. Industry needs are simply broader than what would be appropriate in the existing rule, 39.03.10, which addresses when overlegal permits are required. The guidance for movement of disabled vehicles was originally established in a section of this rule which primarily addresses the waiver of permit policy restrictions in emergency situations and was very limited in scope. The new rule provides greater clarity and authority for the industry since their role in providing service to a disabled vehicle is not always related to an emergency and there are frequently many other elements to consider in the movement of specialized equipment and the loads they may have been transporting. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2012 Idaho Administrative Bulletin, [Volume 12-9, pages 183 through 186](#).

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: There is no fiscal impact to the state general fund nor to the department or to the industry.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Regina Phipps, Vehicle Size & Weight Specialist, 334-8418.

DATED this 29th day of November, 2012.

Linda L. Emry
linda.emry@itd.idaho.gov
Idaho Transportation Department
3311 W State St.
PO Box 7129, Boise ID 83707-1129
Phone – 208-334-8810 / FAX – 208-332-4107

DOCKET NO. 39-0304-1201 - 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 12-9, September 5, 2012, pages 183 through 186](#).**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.10 - RULES GOVERNING WHEN AN OVERLEGAL PERMIT IS REQUIRED

DOCKET NO. 39-0310-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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(s) 40-312 and 49-1004, 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. At the request of the towing companies and the Idaho Trucking Association, the department has proposed changes that will remove guidelines related to the movement of disabled vehicles from this rule and move them to a new rule, 39.03.04, which will centralize the role, responsibility, and authority of tow trucks and wreckers in the movement of disabled vehicles. Two additional changes have been made to this rule, relating to office hours in Section 005.02 and to emergency movement of implements of husbandry in Section 300.03. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2012 Idaho Administrative Bulletin, [Volume 12-9, pages 187 through 189](#).

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: There is no fiscal impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Regina Phipps, Vehicle Size & Weight Specialist, 334-8418.

DATED this 29th day of November, 2012.

Linda L. Emry
linda.emry@itd.idaho.gov
Idaho Transportation Department
3311 W State St.
PO Box 7129, Boise ID 83707-1129
Phone – 208-334-8810 / FAX – 208-332-4107

DOCKET NO. 39-0310-1201 - 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 12-9, September 5, 2012, pages 187 through 189](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.41 - RULES GOVERNING TRAFFIC CONTROL DEVICES

DOCKET NO. 39-0341-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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(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 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 recently revised 2009 Edition of the Manual on Uniform Traffic Control Devices, established certain requirements for sign replacement, including deadlines. In response to concerns from those impacted, FHWA opted to extend or eliminate certain requirements for sign replacement, depending on the sign classification. Immediate adoption of the rule confirms those changes for state and local jurisdictions throughout the state, which results in a delayed implementation and delayed fiscal impact. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2012 Idaho Administrative Bulletin, [Volume 12-9, pages 190 through 199](#).

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: There is no fiscal impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Carl Main, Transportation Safety Engineer, 334-8558.

DATED this 29th day of November, 2012.

Linda L. Emry
linda.emry@itd.idaho.gov
Idaho Transportation Department
3311 W State St.
PO Box 7129, Boise ID 83707-1129
Phone – 208-334-8810 / FAX – 208-332-4107

DOCKET NO. 39-0341-1201 - 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 12-9, September 5, 2012, pages 190 through 199](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.42 - RULES GOVERNING HIGHWAY RIGHT-OF-WAY ENCROACHMENTS ON STATE RIGHTS-OF-WAY

DOCKET NO. 39-0342-1201 (FEE RULE)

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

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is **December 12, 2012**. This pending rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 fee rule and amended a temporary rule. The action is authorized pursuant to Sections 40-310 and 40-312, Idaho Code, and per the requirements of Sections 40-311, 40-313, 49-202(19), (23), and (28), and 49-221, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change: In working through the practical application of the current rule, the department has identified some areas of concern. In relation to new highway construction, there appears to be no mechanism by which the department can maintain a new segment of highway as a freeway or expressway. Additionally, the current rule has no provision for the department to designate existing state highway segments as freeways or expressways. The new amendments provide for such designations of new and existing highways. Without these new amendments, limiting access to these two types of controlled-access facilities may not be possible. It is important to note, the change now proposed would only allow the department to make such a designation of an existing state highway if they had paid, or will pay, affected property owners for access restrictions to run with the property. The new amendments accomplish these changes by revising the definition of Interstate Highway, adding definitions for Expressway and Freeway, and incorporating the Expressway and Freeway highway types into the Access Spacing Table.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Idaho Transportation Board amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, **Vol. 12-10, pages 932 through 958**.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or changed is justified. The following is a specific description of the fee or charge imposed or changed: The existing fee schedule has been restructured to recognize categories of land use as opposed to categories of approaches and encroachments. A cost/benefit analysis indicates that if right-of-way encroachment permits issued in Fiscal Year 2012 had been issued under the new fee schedule, the result would have been a revenue reduction of approximately \$1,750.00, or 4.2%. This is based on the issuance of nearly 800 permits statewide.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or changed 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: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Greg Laragan, Highway Operations Engineer, 334-8535.

DATED this 30th day of November, 2012.

Linda L. Emry, Administrative Rules Coordinator
Office of Governmental Affairs
Idaho Transportation Department

linda.emry@itd.idaho.gov
Phone – 208-334-8810 / FAX – 208-332-4107
3311 W State St, PO Box 7129, Boise ID 83707-1129

DOCKET NO. 39-0342-1201 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 12-10, October , 2012, pages 932 through 958.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT OF FEE DOCKET NO. 39-0342-1201

010. DEFINITIONS.

Subsections 010.31 through 010.92

31. ~~*Exchange Deed.*~~ *A legal document of title, between the Idaho Transportation Department and the owner of real property, transferring and describing a property right (such as easement, usage, access).* *Expressway.* *A segment of a highway designated by the Idaho Transportation Board for use as a through highway, with partially controlled access, accessible only at locations specified by the Idaho Transportation Department, and characterized by medians, limited at-grade intersections, and high speeds. An existing segment of state highway may only be designated as an expressway if payment is made to adjacent property owners for the restriction of existing access rights.* ~~(3-30-01)~~(12-12-12)T

32. **Farming.** Any activity associated with crops, including seed. (3-30-01)

33. **FHWA.** The Federal Highway Administration, a division of the U. S. Department of Transportation. (3-30-01)

34. **Fiber Optic Cable.** A cable containing one (1) or more glass or plastic fibers that has the ability to transmit light along its axis. (3-30-01)

35. **Field Approach.** An approach that serves only non-residential agricultural property, including farmyards. (3-30-01)

~~36. **Fixture.** Any sign, guard rail, bridge, tunnel, or other appurtenances placed with the highway right-of-way. (3-30-01)~~

~~37. **Flare Tangent Distance.** The distance of the approach radius measured along the edge of pavement. (3-30-01)~~

~~37. **Freeway.** A segment of a highway designated by the Idaho Transportation Board for use as a through highway, with fully controlled access, accessible only by interchanges (ramps), and characterized by medians, grade separations at cross roads, and ramp connections for entrance to and exit from the traveled way. An existing non-Interstate segment of state highway may only be designated as a freeway if payment is made to adjacent property owners for the restriction of existing access rights. (12-12-12)T~~

~~39. **Frontage Road.** A road auxiliary to and located to the side of the highway for service to abutting properties and adjacent areas for the purpose of controlling access to the highway. (3-30-01)~~

~~40. **Frontage Boundary Line.** A line perpendicular to the highway centerline that begins at the point of intersection of the abutting property line and the highway right-of-way line. (3-30-01)~~

~~41. **Full Control of Access.** Any section of a highway system where access is prohibited except for interchange connections. (3-30-01)~~

~~42. **Functional Classification.** A grouping of highways by the character of service (access and mobility) they provide. These include, but are not limited to, a minor collector, major collector, minor arterial, principal arterial, and interstate as defined in the latest edition of the Highway Functional Classification Manual by the U. S. Department of Transportation, FHWA. (3-30-01)~~

~~43. **Government Agencies.** As used in this manual these rules, the term includes federal, state, county, city, or local highway jurisdictions. (3-30-01)(10-1-12)T~~

~~44. **Highway Right-of-Way.** Property rights to land generally designated used for transportation highway purposes, open to the public, and under the jurisdiction of a Public Highway government Agency. Such property may be owned by the government agency in fee simple or be subject to an easement for highway purposes. (3-30-01)(10-1-12)T~~

~~45. **Imminent Threat.** Includes major traffic control deficiencies or safety situations that are likely to result in serious injury or loss of life. (3-30-01)~~

~~46. **Interstate Highway.** As identified by federal code, a part segment of the Dwight D. Eisenhower National System of Interstate and Defense Highways System, that includes consisting of an FHWA-approved arterial highway, freeway, or expressway with a fully controlled access, and having medians, grade separations at cross roads and ramp connections for entrance to and exit from the traveled way. (3-30-01)(10-1-12)T(12-12-12)T~~

~~47. **Joint-Use Approach.** An approach constructed at a common boundary between adjacent properties that abut the highway. A joint-use approach is equally owned and shared as common access by both property owners. (3-30-01)~~

~~48. **Landscaping.** Any action taken to change the features or appearance of the highway right-of-way or abutting property with plants, soil, rock and related material. (3-30-01)~~

~~49. **Loaded Payroll Rate.** A rate of compensation that includes hourly wages plus the associated employer overhead and benefit costs of associated benefits. (3-30-01)(10-1-12)T~~

~~50. **Local Highway Agency.** Any city, county, highway district or other local board or body having authority to enact regulations, resolutions, or ordinances relating to traffic on the highways, highway rights-of-way and streets within their respective jurisdiction. (3-30-01)~~

~~51~~49. **Local Road.** A city, county or highway district highway whose primary function is to provide access to adjacent properties. (3-30-01)

~~52.~~ **Major Collector.** *Any public highway designated as a route to provide traffic circulation and collect traffic from local roads within residential neighborhoods and commercial and industrial areas and channel it into the arterial system. Major collector highway segments are in rural locations and typically have low to medium volumes with high speeds.* (3-30-01)

~~53~~50. **Median.** The portion of a divided highway or approach that separates opposing traveled ways. Medians may be raised, flush, or depressed relative to the roadway surface, and may be landscaped or paved. (3-30-01)

~~54~~1. **Median Opening.** A paved area bisecting opposite directions of a divided roadway that is designed to permit traffic to cross at least one (1) direction of travel. (3-30-01)

~~55.~~ **Minor Arterial.** *Any rural or urban public highway designated as a route that provides substantial corridor movement with trip length and density suitable for linking cities, counties, states, and other traffic generators. Minor arterial highway segments typically have medium to high traffic volumes with speeds that vary from medium in urban areas to high in rural areas.* (3-30-01)

~~56.~~ **Multiple Family Residential.** *A single parcel of land containing more than one (1) residence (i.e., duplexes, apartments, trailers).* (3-30-01)

~~57~~2. **MUTCD.** The Manual on Uniform Traffic Control Devices for Streets and Highways, latest edition, as adopted by the Idaho Transportation Board in accordance with Section 49-201(3), Idaho Code. A manual written by the Federal Highway Administration that sets national minimum standards for signing, striping, and traffic control devices. (3-30-01)

~~58.~~ **National Highway System (NHS).** *The system of federal aid highways, urban and rural, designated and approved in accordance with the provisions of 23 U. S. C. 103(b).* (3-30-01)

~~59~~3. **Non-Standard Approach.** Any approach that does not meet Department standards. (3-30-01)

~~60.~~ **Partial Control of Access.** *Any section of the State Highway System that has restrictions placed on any encroachment within the state highway right-of-way.* (3-30-01)

~~61~~54. **Performance Bond.** A statutory bond, issued by a surety company authorized to do business in the state of Idaho, that guarantees performance of work in accordance with permit requirements. (3-30-01)

~~62~~55. **Permittee.** Person or persons, utility facilities, and other agencies granted permission to encroach within the highway right-of-way for authorized purposes other than normal travel. (3-30-01)

~~63.~~ **Principal Arterial.** *Any rural or urban highway designated as a route that provides substantial corridor movement for volumes greater than minor arterial highways. Principal arterial highway segments typically have medium to high volumes with speeds that vary from medium in urban areas to high in rural areas.* (3-30-01)

~~64~~56. **Private Approach.** Every privately owned traveled way that is used for ingress to and egress from the highway right-of-way and an abutting property. (3-30-01)

~~65~~7. **Property Line Clearance.** The distance measured along the curb line or outside shoulder edge from the frontage boundary line to the nearest edge of the approach width, excluding flares, transitions and radii. (3-30-01)

~~66~~58. **Public Approach.** Any approach that serves the public without restriction and is maintained by a public government agency. (3-30-01)(10-1-12)T

~~6759.~~ **Public Highway.** Any highways open to public use ~~in the state, whether~~ and maintained by ~~the state or by any county, highway district, city or other political subdivision~~ a government agency. (3-30-01)(10-1-12)T

~~6860.~~ **Public Highway Agency.** The state transportation department, any city, county, highway district, or any other state agency, or any federal or Indian reservation, which has jurisdiction over public highway systems and highway rights-of-way. (3-30-01)

~~61.~~ **Regional Route.** A state highway that accommodates trips of moderate length with a lower level of mobility than a Statewide Route and that provides moderate access to communities, to include providing mobility for people and freight through and between communities and major activity centers of the region. (10-1-12)T

~~69.~~ **Residential Approach.** A private approach serving single or multiple single-family residences. (3-30-01)

~~7062.~~ **Roadside.** Any area beyond the main traveled way that may or may not be within the highway right-of-way. (3-30-01)

~~7163.~~ **Roadway.** That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms and other portions of the rights-of-way. (3-30-01)

~~7264.~~ **Rural Area.** All areas outside the boundaries of an urban area. State highway rights-of-way and right-of-way corridors outside the limits of Urban and Transitional areas. (3-30-01)(10-1-12)T

~~73.~~ **Rural Approach.** An approach in a non-curb and gutter section of the public highway which may or may not be within a designated rural area. (3-30-01)

~~7465.~~ **Setback.** The horizontal distance between the highway right-of-way line and permanent fixtures, including but not limited to gas pump islands, signs, display stands and buildings, measured at right angles to the highway centerline. (3-30-01)

~~66.~~ **Shoulder.** The portion of the right-of-way contiguous with the traveled way that accommodates stopped vehicles, emergency use, and lateral support of the sub-base, base, and surface courses. (10-1-12)T

~~7567.~~ **Signal Spacing.** The distance between signalized intersections measured from the center of intersection to the center of intersection. (3-30-01)

~~768.~~ **Slope.** Slope is expressed as a non-dimensional ratio between vertical and horizontal distance. For side slopes, the vertical component is shown first, then the horizontal. (3-30-01)

~~7769.~~ **Speed.** The rate of vehicular travel as measured in miles per hour. All speeds used in this document shall be the eighty-fifth percentile speed as determined by an engineering study. As it applies to the functional classification of a highway, in urban areas, "high" speeds are equal to or above forty five (45) mph, and "medium" speeds are thirty five (35) to forty (40) mph; in rural areas, "high" speeds are equal to or above fifty (50) mph. (3-30-01)(10-1-12)T

~~7870.~~ **State Highway System.** The principal highway corridors in the state, including connections and extensions through cities and roads to every county seat in the state, as approved by the Idaho Transportation Board and officially designated as a state highway. (3-30-01)

~~79.~~ **State Traffic Engineer.** The administrator of the Headquarters' Traffic section for the Idaho Transportation Department, or a delegated representative. (3-30-01)

~~71.~~ **Statewide Route.** A state highway that provides the highest level of mobility and speeds over long distances. Access from a statewide route to communities and major activity centers should be by way of public roads with spacing that supports mobility and speed. (10-1-12)T

- ~~72.~~ **Stopping Sight Distance.** The sum of: (10-1-12)T
- a.** The brake reaction distance, which is the distance traveled by the vehicle from the instant the driver perceives an object necessitating a stop, to the moment the brakes are applied; and (10-1-12)T
- b.** The braking distance, which is the distance the vehicle travels from the moment the brakes are applied until the vehicle comes to a complete stop. (10-1-12)T
- ~~80~~**73.** **Structure.** ~~Shall consist of~~ **Includes**, but **is** not **be** limited to, bridges, culverts, siphons, headwalls, retaining walls, buildings and any incidental construction not otherwise defined herein. (~~3-30-01~~)(10-1-12)T
- ~~81~~**74.** **Subdivision.** A division of real property into three (3) or more separately platted parcels. (3-30-01)
- ~~82~~**75.** **Temporary Encroachment.** Any encroachment that is not approved as a permanent placement within the highway right-of-way. (3-30-01)
- ~~83~~**76.** **Traffic.** Pedestrians, bicycles, animals, vehicles, streetcars, buses and other conveyances, either singly or together, that use the highway right-of-way for the purpose of travel. (3-30-01)
- ~~84~~**77.** **Traffic Control Device.** Any marking or device whether manually, electronically, or mechanically operated, placed or erected by an authority of a ~~public body~~ **government agency** or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (~~3-30-01~~)(10-1-12)T
- ~~78.~~ **Traffic Impact Study.** A comprehensive analysis of the anticipated transportation network conditions with and without an applicant's proposed new or modified access, including an analysis of mitigation measures. (10-1-12)T
- ~~79.~~ **Transitional.** State highway rights-of-way and right-of-way corridors within the area of city impact of any incorporated city, or areas designated as an area of city impact by city or county comprehensive plans. (10-1-12)T
- ~~85~~**80.** **Traveled Way.** The portion of the roadway for the movement of vehicles, exclusive of shoulders. (3-30-01)
- ~~86~~**1.** **Travel Lane.** That portion of the traveled way designated for use by a single line of vehicles. (3-30-01)
- ~~87~~**2.** **Trenching.** A method in which access is gained by excavation from ground level to the required ~~level~~ underground **depth** for the installation, maintenance, removal, or inspection of a cable, casing, conduit or pipe. The excavation is then back filled with approved material and the surface is then returned to a condition specified by the Department. (~~3-30-01~~)(10-1-12)T
- ~~88~~**3.** **Turnouts.** Roadside areas immediately adjacent to highways which may be utilized by vehicles for purposes of short-term parking or turning. They are extensions of the ~~mainline roadway~~ **traveled way**. (~~3-30-01~~)(10-1-12)T
- ~~89~~**4.** **Unauthorized Encroachment.** Any encroachment that has been placed, modified, **or** maintained, or removed within the highway right-of-way without authorization by the Department. (~~3-30-01~~)(10-1-12)T
- ~~90~~**85.** **Urban Area.** ~~Any geographical area within the city limits of any incorporated city having a population of five thousand (5,000) or more inhabitants. Population numbers referred to shall be determined by the latest United States Census.~~ State highway rights-of-way and right-of-way corridors within the limits of any incorporated city. (~~3-30-01~~)(10-1-12)T
- ~~91.~~ **Urban Approach.** ~~An approach located within a curb and gutter section of a public highway that may or may not be within an urban area.~~ (~~3-30-01~~)

9286. Utility Facility. All privately, publicly or cooperatively owned systems used for the production, transmission, or distribution of communications, cable television, power, electricity, light, heat, petroleum products, ore, water, steam, waste, irrigation, storm water not connected with highway drainage, and other similar items, including communication towers, guy wires, fire and police signal systems, and street lighting systems, that directly or indirectly serve the public or comprise part of the distribution systems which directly or indirectly serve the public. (3-30-01)

9287. Utility Locating Service. Any locally or regionally recognized service that locates and maintains records of existing utility facilities. (3-30-01)

9488. Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon rails or tracks. (3-30-01)

9589. Vision Triangle. An area delineated by extending perpendicular lines along the face of curb or edge of pavement from their point of intersection ~~twelve point two (12.2) meters~~ forty (40) feet in either direction and by a height between ~~point nine (0.9) meters~~ three (3) feet and ~~three (3) meters~~ ten (10) feet above the existing centerline highway elevation. ~~(3-30-01)~~(10-1-12)T

9690. Volume. ~~As applied to the functional classification of a highway, is~~ The number of vehicles estimated to use a certain type of travel lane during a twelve-month period. A highway with “high” volumes is at or near capacity; a highway with “medium” volumes is at or near fifty percent (50%) of capacity. ~~(3-30-01)~~(10-1-12)T

9791. Warrant. An evaluation of need based on an engineering study. (3-30-01)

92. Working Day. Any day except for Saturday, Sunday and any holiday as defined in Section 67-5302(15), Idaho Code. (10-1-12)T

400. LOCATION AND DESIGN STANDARDS FOR APPROACHES.

03. Signal and Approach Spacing. In order to maintain system capacity, safety and efficiency, maximize signal progression and minimize delays to the traveling public, all approaches and signals shall be spaced in accordance with the following standards: ~~(3-30-01)~~(10-1-12)T

Subsection 400.03.c.

c. Minimum recommended distances between approaches and signals are as follows:

ACCESS TYPE	URBAN/RURAL	TYPE	APPROACHES		SIGNALS	FRONTAGE ROADS
			Intersection Spacing	Approach Spacing	Signal Spacing	
<i>I</i>	<i>Urban Sections Shall Be Upgraded To Type II Or Greater</i>					
	<i>R</i>	<i>At-grade</i>	<i>.4 km (.25 miles)</i>	<i>91.4 m (300 feet)</i>	<i>.8 km (.5 miles)</i>	<i>.4 km (.25 miles)</i>
<i>#</i>	<i>U</i>	<i>At-grade</i>	<i>201.2 m (660 feet)</i>	<i>45.7 m (150 feet)</i>	<i>.4 km (.25 miles)</i>	<i>.4 km (.25 miles)</i>
	<i>R</i>	<i>At-grade</i>	<i>.4 km (.25 miles)</i>	<i>.15 km (500 feet)</i>	<i>.8 km (.5 miles)</i>	<i>.4 km (.25 miles)</i>

ACCESS TYPE	URBAN/RURAL	TYPE	APPROACHES		SIGNALS	FRONTAGE ROADS
			Intersection Spacing	Approach Spacing		
III	U	At-grade/Interchange	.4 km (.25 miles)	91.4 m (300 feet)	.8 km (.5 miles)	.4 km (.25 miles)
	R	At-grade/Interchange	.8 km (.5 miles)	.3 km (1000 feet)	.8 km (.5 miles)	.4 km (.25 miles)
IV	U	At-grade/Interchange	.8 km (.5 miles)	NA	.8 km (.5 miles)	.4 km (.25 miles)
	R	At-grade/Interchange	1.6 km (1 mile)	NA	1.6 km (1 mile)	.4 km (.25 miles)
V	U	Interchange	1.6 km (1 mile)	NA	None	NA
	R	Interchange	4.8 km (3 miles)	NA	None	NA
	R	At-grade	.4 km (.25 miles)	.15 km (500 feet)	.8 km (.5 miles)	.4 km (.25 miles)

TABLE 1 – ACCESS SPACING*

HIGHWAY TYPE	AREA TYPE	Signalized Road Spacing	Public Road Spacing (A)	Driveway Distance Upstream From Public Road Intersection (B)	Driveway Distance Downstream From Unsignalized Public Road Intersection (C)	Distance Between Unsignalized Accesses Other Than Public Roads (D)
<u>Interstate</u>	<u>All</u>	<u>Accessible only by interchanges (ramps) and requires approval by Idaho Transportation Board and Federal Highway Administration.</u>				
<u>Freeway</u>	<u>All</u>	<u>Accessible only by interchanges (ramps).</u>				
<u>Expressway</u>	<u>All</u>	<u>Accessible only at locations specified by the Department.</u>				
<u>Statewide Route</u>	<u>Rural</u>	<u>5,280 ft</u>	<u>5,280 ft</u>	<u>1,000 ft</u>	<u>650 ft</u>	<u>650 ft</u>
	<u>Transitional</u>	<u>5,280 ft</u>	<u>2,640 ft</u>	<u>760 ft</u>	<u>500 ft</u>	<u>500 ft</u>
	<u>Urban >35 mph</u>	<u>2,640 ft</u>	<u>1,320 ft</u>	<u>790 ft</u>	<u>500 ft</u>	<u>500 ft</u>
	<u>Urban ≤35 mph</u>	<u>2,640 ft</u>	<u>1,320 ft</u>	<u>790 ft</u>	<u>250 ft**</u>	<u>250 ft**</u>

TABLE 1 – ACCESS SPACING*

<u>HIGHWAY TYPE</u>	<u>AREA TYPE</u>	<u>Signalized Road Spacing</u>	<u>Public Road Spacing (A)</u>	<u>Driveway Distance Upstream From Public Road Intersection (B)</u>	<u>Driveway Distance Downstream From Unsignalized Public Road Intersection (C)</u>	<u>Distance Between Unsignalized Accesses Other Than Public Roads (D)</u>
Regional Route	Rural	5,280 ft	2,640 ft	1,000 ft	650 ft	650 ft
	Transitional	2,640 ft	1,320 ft	690 ft	360 ft**	360 ft**
	Urban >35 mph	2,640 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban ≤35 mph	2,640 ft	660 ft	660 ft	250 ft**	250 ft**
District Route	Rural	2,640 ft	1,320 ft	760 ft	500 ft	500 ft
	Transitional	2,640 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban >35 mph	1,320 ft	660 ft	660 ft	360 ft**	360 ft**
	Urban ≤35 mph	1,320 ft	660 ft	660 ft	250 ft**	250 ft**

*Distances in table are minimums based on optimal operational and safety conditions such as adequate sight distance and level grade. Definitions of spacing designated by (A), (B), (C), and (D) are represented on Figure 1.

** Where the public road intersection or private access intersection is signalized, the distances in the table are for driveways restricted to right-in/right-out movements only. For unrestricted driveways the minimum distance shall be 500 feet from a signalized intersection.

(3-30-01)(10-1-12)T(12-12-12)T

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.04.02 - RULES GOVERNING MARKING OF HAZARDS TO AIR FLIGHT
DOCKET NO. 39-0402-1201
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with 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 21-519, 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 has been updated to comply with house Bill 511, as amended, from the 2012 Session. It establishes standards for lighting and marking of guyed towers above 50 feet in height, not regulated by the Federal Aeronautics Administration, to ensure the safety of pilots. The rulemaking also adds definitions for key terms, updates and clarifies existing requirements, and adds new requirements associated with the dimensions, design, color, and lighting of guyed towers along with deadlines for implementation established in the bill. It also identifies exemptions for power poles or structures owned and operated by an electric supplier as defined in Section 61-332A(4), Idaho Code, any structure with the primary purpose of supporting telecommunications equipment, and the military. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the September 5, 2012 Idaho Administrative Bulletin, [Volume 12-9, pages 200 through 204](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mike Pape, Aeronautics Division Administrator, 334-8788.

DATED this 29th day of November, 2012.

Linda L. Emry
linda.emry@itd.idaho.gov
Idaho Transportation Department
3311 W State St.
PO Box 7129, Boise ID 83707-1129
Phone – 208-334-8810 / FAX – 208-332-4107

DOCKET NO. 39-0402-1201 - 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 12-9, September 5, 2012, pages 200 through 204](#).**

**This rule has been adopted as a pending rule by the Agency and is now awaiting
review and approval by the 2013 Idaho State Legislature for final adoption.**

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

DOCKET NO. 47-0101-1202

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-2301, Idaho Code and the Rehabilitation Act of 1973 and all subsequent Amendments.

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.

Over the past year the Idaho Division of Vocational Rehabilitation (IDVR) has reviewed and updated policy and procedures in the agencies Field Service Manual, this manual is incorporated by reference into IDAPA 47.01.01.

Additional changes to the rule clarify language regarding the IDVR customer appeal and mediation processes as well as the order of selection process. These changes will bring IDVR into alignment with the recommendations and finding of their last federal review.

Additional comments were received by IDVR during the comment period, in response to these comments additional changes have been made to the Field Service Manual. Changes also include a new of Section, 12.9, Vehicle Purchase, as required by the Federal Rehabilitation Services Administration.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 959 through 965](#).

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 Tracie Bent, Chief Planning and Policy Officer, at (208)332-1582 or tracie.bent@osbe.idaho.gov.

DATED this November 30, 2012.

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

DOCKET NO. 47-0101-1202 - ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 12-10, October , 2012, pages 959 through 965.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT FOR DOCKET NO. 47-0101-1202

004. INCORPORATION BY REFERENCE.

02. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (3-30-01)

Subsection 004.02.b.

b. Idaho Division of Vocational Rehabilitation Field Services Policy Manual, ~~2008~~ November 2012, available for review on the website at <http://www.vr.idaho.gov/>. ~~(2-17-09)~~ ()

IDAPA 52 - IDAHO STATE LOTTERY

52.01.03 - RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-1203

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-7408(1)(e), 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 November 7, 2012 Idaho Administrative Bulletin, [Vol. 12-11, pages 54 through 60](#).

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

The Lottery anticipates no negative fiscal impact. The requested game type will allow the Lottery to enhance existing offerings in the field, and potentially augment sales to current non-traditional, social environments.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeff Anderson, Executive Director, (208) 334-2600.

DATED this 29th day of November, 2012.

Jeff Anderson, Executive Director
Idaho State Lottery
1199 Shoreline Lane
P. O. Box 6537
Boise, ID 83707-6537
Phone: (208) 334-2600
Fax: (208) 344-2610

DOCKET NO. 52-0103-1203 - 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 12-11, November 7, 2012, pages 54 through 60](#).

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2013 Idaho State Legislature for final adoption.

Sections Affected Index

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law

Docket No. **02-0602-1201 (Fee Rule)**

011. Exemptions.	27
020. Registration And Fees.	27

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.01.10 - Idaho College Work Study Program

Docket No. **08-0110-1201**

101. Institutional Participation.	30
--	----

08.01.11 - Registration of Post-Secondary Educational Institutions and Proprietary Schools

Docket No. **08-0111-1201**

200. Registration Of Post-Secondary Educational Institutions.	32
--	----

08.02.01 - Rules Governing Administration

Docket No. **08-0201-1301**

151. -- 199. (Reserved).....	36
------------------------------	----

08.02.02 - Rules Governing Uniformity

Docket No. **08-0202-1204**

007. Definitions.	42
016. Idaho Educator Credential.	43

Docket No. **08-0202-1206**

044. Alternative Authorization -- Content Specialist.....	46
045. Computer-Based Alternative Route To Teacher Certification.	46

08.02.03 - Rules Governing Thoroughness

Docket No. **08-0203-1203**

007. Definitions A - G.	50
008. Definitions H - S.	52
105. High School Graduation Requirements.....	55

Docket No. **08-0203-1204 (Fee Rule)**

128. Curricular Materials Selection (Sections 33-118; 33-118A, Idaho Code).....	60
---	----

Docket No. **08-0203-1206**

008. Definitions H - S.	64
------------------------------	----

08.03.01 - Rules of the Public Charter School Commission

Docket No. **08-0301-1201**

300. Petition -- Submission.	69
401. Petition -- Format.	69

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.02 - Rules Governing Hunter Education and Mentored Hunting

Docket No. **13-0102-1201**

000. Legal Authority.	78
001. Title And Scope.	78
010. Definitions.	78
101. Mentored Hunting Program.....	79
102. -- 999. (Reserved).....	79

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)

Docket No. **16-0305-1201**

835. Applying The Penalty Period Of Restricted Coverage.	100
---	-----

16.03.09 - Medicaid Basic Plan Benefits

Docket No. 16-0309-1204

851. School-Based Service: Participant Eligibility.....	103
852. School-Based Service: Coverage And Limitations.....	104
853. School-Based Service: Procedural Requirements.....	104
854. School-Based Service: Provider Qualifications And Duties.....	105

Docket No. 16-0309-1205

399. Covered Services Under Basic Plan Benefits.....	107
413. Outpatient Hospital Services: Procedural Requirements.....	110
560. Healthy Connections And Idaho Medicaid Health Home: Definitions.....	110
561. Healthy Connections: Participant Eligibility.....	111
562. Healthy Connections: Coverage And Limitations.....	112
563. Healthy Connections: Procedural Requirements.....	113
564. Healthy Connections: Provider Qualifications And Duties.....	114
565. Healthy Connections: Provider Reimbursement.....	115
566. Healthy Connections: Quality Assurance.....	116
567. -- 569. (Reserved).....	116
570. Idaho Medicaid Health Home: Definitions.....	117
571. Idaho Medicaid Health Home: Participant Eligibility.....	117
572. Idaho Medicaid Health Home: Coverage And Limitations.....	117
573. Idaho Medicaid Health Home: Procedural Requirements.....	117
574. Idaho Medicaid Health Home: Provider Qualifications And Duties.....	118
575. (Reserved).....	119
576. Idaho Medicaid Health Home: Quality Assurance.....	119
577. -- 579. (Reserved).....	119
616. -- 617. (Reserved).....	119
618. Health Questionnaire.....	119
619. (Reserved).....	119

16.03.10 - Medicaid Enhanced Plan Benefits

Docket No. 16-0310-1201

037. General Reimbursement: Participant Services.....	122
---	-----

Docket No. 16-0310-1202

326. Aged Or Disabled Waiver Services: Coverage And Limitations.....	124
328. Aged Or Disabled Waiver Services: Procedural Requirements.....	125
329. Aged Or Disabled Waiver Services: Provider Qualifications And Duties.....	125
705. Adult DD Waiver Services: Provider Qualifications And Duties.....	125

Docket No. 16-0310-1203

656. General Staffing Requirements.....	127
---	-----

Docket No. 16-0310-1205

270. Nursing Facility: Special Rates.....	129
---	-----

16.05.06 - Criminal History and Background Checks

Docket No. 16-0506-1201 (Fee Rule)

050. Fees And Costs For Criminal History And Background Checks.....	133
---	-----

16.07.17 - Alcohol and Substance Use Disorder Services

Docket No. 16-0717-1201

010. Definitions.....	138
-----------------------	-----

**16.07.20 - Alcohol and Substance Use Disorders Treatment and Recovery Support Services
Facilities and Programs**

Docket No. 16-0720-1201

218. Qualified Substance Use Disorders Professional Personnel Required.....	140
223. Qualified Substance Use Disorders Professional Trainee.....	140
745. Case Management Services.....	141

IDAPA 17 - INDUSTRIAL COMMISSION

17.02.09 - Medical Fees

Docket No. **17-0209-1201**

030. Definitions.	144
031. Acceptable Charges For Medical Services Provided By Physicians Under The Idaho Workers' Compensation Law.	144
033. Acceptable Charges For Medicine Provided By Pharmacies.	146

IDAPA 20 - DEPARTMENT OF LANDS

20.02.01 - Rules Pertaining to the Idaho Forest Practices Act

Docket No. **20-0201-1201**

010. Definitions.	148
030. Timber Harvesting.	152
050. Residual Stocking And Reforestation.	153

*20.03.14 - Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation,
and Communication Site Leases*

Docket No. **20-0314-1201**

001. Title And Scope.	156
020. Applications And Processing.	156

20.03.15 - Rules Governing Geothermal Leasing On Idaho State Lands

Docket No. **20-0315-1201**

021. Lease Award Through Auction.	159
022. -- 029. (Reserved)	160
036. Royalties.	160
070. Water Rights.	160
085. Unit Or Cooperative Plans Of Development Or Operation.	160
100. Bond Requirements.	160

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.27.01 - Rules of the Idaho State Board of Massage Therapy

Docket No. **24-2701-1201 (Fee Rule - New Chapter)**

300. Requirements For Original Licensure.	169
--	-----

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - Rules of the Idaho State Board of Pharmacy

Docket No. **27-0101-1201**

021. Fee Schedule.	171
052. CPE: Requirements.	171
110. Prescription Drug Order: Validity.	171
115. Prescription Drug Order: Transfers.	172

Docket No. **27-0101-1203**

290. ADS Systems: Minimum Standards.	175
291. Ads Systems: Self-Service Systems.	175
292. ADS Systems: Institutional Facilities.	176
293. Vending Machines.	176

Docket No. **27-0101-1205 (Fee Rule)**

010. Definitions and Abbreviations (A -- I).	179
011. Definitions And Abbreviations (J -- R).	179
029. Pharmacist License Or Registration.	179
035. Pharmacist Registration To Practice Pharmacy Into Idaho.	180
073. Nonresident Central Drug Outlet And Mail Service Pharmacy Registration.	180
320. Pharmacist: Independent Practice.	180
610. Centralized Pharmacy Services.	181

IDAPA 28 - IDAHO DEPARTMENT OF COMMERCE

28.02.06 - Idaho Small Business Federal Funding Assistance Act Rules

Docket No. **28-0206-1201 (New Chapter)**

011. Definitions.	185
014. Eligible Costs.	185
015. Grant Application Process.....	186

IDAPA 37 - DEPARTMENT OF WATER RESOURCES

37.03.03 - Rules and Minimum Standards for the Construction and Use of Injection Wells

Docket No. **37-0303-1201**

006. Public Records Act Compliance (Rule 6).	204
010. Definitions.	204
025. Exemption From Drinking Water Source Designation.....	208
035. Classification Of Injection Wells (Rule 35).	211
040. Authorizations, Prohibitions and Exemptions.	211
045. Class II: Application Information.....	211
048. Class II: Application Processing.....	214
051. Class II: Permit Conditions.....	215
054. Class II: Operating Requirements.	217
057. Class II: Actions On Approved Permits.	217
070. Class V: Criteria And Standards.....	217

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.42 - Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way

Docket No. **39-0342-1201 (Fee Rule)**

010. Definitions.	227
400. Location And Design Standards For Approaches.	232

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - Rules of the Idaho Division of Vocational Rehabilitation

Docket No. **47-0101-1202**

004. Incorporation By Reference.	237
---------------------------------------	-----

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

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

08-0201-1301, Rule Governing Administration. Deletes language relating to certain aspects of collective bargaining and negotiations found in the Students Come First laws that were repealed on November 6, 2012. Comment by January 23, 2013.

NOTICE OF ADOPTION OF TEMPORARY RULE

IDAPA 13 - FISH AND GAME COMMISSION

13-0102-1201, Rules Governing Hunter Education and Mentored Hunting (Eff. date 1/1/13)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16-0305-1201, Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (Eff. date 1/1/13)

16-0309-1205, Medicaid Basic Plan Benefits (Eff. date 1/1/13)

NOTICE OF NEGOTIATED RULEMAKING

IDAPA 27 - IDAHO BOARD OF PHARMACY

27-0101-1207, Rules of the Idaho Board of Pharmacy (Written comment period closes 1/10/13)

IDAPA 35 - STATE TAX COMMISSION

35-0102-1301, Sales Tax Administrative Rules (Written comment period closes 1/31/13)

Please refer to the Idaho Administrative Bulletin, [January 2, 2013, Volume 13-1](#), for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at adminrules.idaho.gov.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Fax: 332-1896; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*This online index provides a history of all agency rulemakings from 1993 to the present.
It tracks all rulemaking activities on each chapter of rules and includes negotiated,
temporary, proposed, pending and final rules, public hearing notices,
vacated rulemaking notices, and executive orders of the Governor.*

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Idaho Department of Administration
Office of the Administrative Rules Coordinator*

March 29, 2012 -- January 2, 2013

*(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, 2012 that have not been
adopted as final rules and all rulemakings being promulgated after March 29, 2012 - Sine Die.)*

IDAPA 01 -- IDAHO BOARD OF ACCOUNTANCY***01.01.01, Idaho Accountancy Rules***

- 01-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 01-0101-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 02 -- DEPARTMENT OF AGRICULTURE***02.02.14, Rules for Weights and Measures***

- 02-0214-1201** Proposed Rulemaking, Bulletin Vol. 12-7
- 02-0214-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

- 02-0303-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0303-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0303-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

02.04.08, Rules Governing Grade A Milk and Milk Products

- 02-0408-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 6-1-12)T
- 02-0408-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

02.04.14, Rules Governing Dairy Waste

- 02-0414-0902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 09-10

02.04.19, Rules Governing Domestic Cervidae

- 02-0419-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-8
- 02-0419-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0419-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

02.04.21, Rules Governing the Importation of Animals

- 02-0421-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-8
- 02-0421-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0421-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

- 02-0602-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
- 02-0602-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7 - Second Notice
- 02-0602-1201** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9 (eff. 9-5-12)T
- 02-0602-1201** Notice of Public Hearing, Bulletin Vol. 12-11
- 02-0602-1201** Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. *PLR 2013) (eff. 11-29-12)T

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

- 02-0612-1201** Proposed Rulemaking, Bulletin Vol. 12-7
- 02-0612-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho

- 02-0613-0801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 08-9
- 02-0613-0801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 08-10
- 02-0613-0801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 08-11
- 02-0613-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0613-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Second Notice, Bulletin Vol. 12-8
- 02-0613-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0613-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

02.06.14, Rules Pertaining to Annual Bluegrass (*Poa annua*)

- 02-0614-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0614-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0614-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

02.06.16, Rules Governing Honey Standards

- 02-0616-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0616-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Second Notice, Bulletin Vol. 12-8
- 02-0616-1201** Proposed Rulemaking (New Chapter), Bulletin Vol. 12-10
- 02-0616-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

02.06.31, Noxious Weed Free Forage and Straw Certification Rules

- 02-0631-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0631-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0631-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

02.06.33, Organic Food Products Rules

- 02-0633-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0633-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 02-0633-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

02.06.35, Rules Concerning Rough Bluegrass (*Poa trivialis*)

- 02-0635-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 02-0635-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 02-0635-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

- 02-0641-1201** Proposed Rulemaking, Bulletin Vol. 12-7
- 02-0641-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

IDAPA 03 -- STATE ATHLETIC COMMISSION**03.01.01, Rules of the State Athletic Commission**

- 03-0101-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 03-0101-1201** Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

IDAPA 06 -- STATE BOARD OF CORRECTION**06.01.01, Rules of the Board of Correction**

- 06-0101-1201** OAR Omnibus Rulemaking Notice - Approval of Final Rule, Bulletin Vol. 12-5 (eff. 1-11-12)
- 06-0101-1202** Notice of Proclamation of Rulemaking, Bulletin Vol. 12-10 (eff. 11-1-12)

IDAPA 07 -- DIVISION OF BUILDING SAFETY**07.01.06, Rules Governing the Use of National Electrical Code**

- 07-0106-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-4

07.02.03, Rules Governing Permit Fee Schedule

- 07-0203-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 07-0203-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

07.02.04, Rules Governing Plumbing Safety Inspections

- 07-0204-1201** Proposed Rulemaking, Bulletin Vol. 12-10
07-0204-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

07.02.06, Rules Concerning Uniform Plumbing Code

- 07-0206-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
07-0206-1201 Proposed Rulemaking, Bulletin Vol. 12-10
07-0206-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

07.03.01, Rules of Building Safety

- 07-0301-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-3
07-0301-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6 (Second Notice)
07-0301-1201 Proposed Rulemaking, Bulletin Vol. 12-10
07-0301-1202 Proposed Rulemaking, Bulletin Vol. 12-10
07-0301-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)
07-0301-1202 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

07.03.12, Rules Governing Manufactured or Mobile Home Installations

- 07-0312-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-4
07-0312-1201 Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
07-0312-1201 Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

07.05.01, Rules of the Public Works Contractors License Board

- 07-0501-1201** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9 (eff. 7-1-12)T
07-0501-1202 Proposed Rulemaking, Bulletin Vol. 12-9
07-0501-1201 Adoption of Pending Fee Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)
07-0501-1202 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

- 07-0701-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
07-0701-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 9-1-12)T
07-0701-1202 Proposed Rulemaking, Bulletin Vol. 12-10
07-0701-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)
07-0701-1202 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

**IDAHO 08 -- IDAHO STATE BOARD OF EDUCATION
AND STATE DEPARTMENT OF EDUCATION****08.01.10, Idaho College Work Study Program**

- 08-0110-1201** Proposed Rulemaking, Bulletin Vol. 12-10
08-0110-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools

- 08-0111-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
08-0111-1201 Proposed Rulemaking, Bulletin Vol. 12-10
08-0111-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

08.01.14, Idaho Rural Physician Incentive Program

- 08-0114-1201** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 12-10 (eff. 8-16-12)T
08-0114-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

08.02.01, Rules Governing Administration

- 08-0201-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 6-21-12)T
08-0201-1201 Rescission of Temporary Rule and Vacation of Proposed Rulemaking, Bulletin Vol. 13-1

08-0201-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-1 (eff. 12-13-12)T

08.02.02, Rules Governing Uniformity

08-0202-1201 Proposed Rulemaking, Bulletin Vol. 12-7
08-0202-1202 Proposed Rulemaking, Bulletin Vol. 12-8
08-0202-1203 Proposed Rulemaking, Bulletin Vol. 12-10
08-0202-1204 Proposed Rulemaking, Bulletin Vol. 12-10
08-0202-1205 Proposed Rulemaking, Bulletin Vol. 12-10
08-0202-1206 Proposed Rulemaking, Bulletin Vol. 12-10
08-0202-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
08-0202-1202 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
08-0202-1203 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
08-0202-1204 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
08-0202-1205 Vacation of Proposed Rulemaking, Bulletin Vol. 13-1
08-0202-1206 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

08.02.03, Rules Governing Thoroughness

08-0203-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-6 (eff. 4-19-12)T
08-0203-1202 Proposed Rulemaking, Bulletin Vol. 12-8
08-0203-1203 Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 6-21-12)T
08-0203-1204 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-8 (eff. 6-21-12)T
08-0203-1205 Proposed Rulemaking, Bulletin Vol. 12-10
08-0203-1206 Proposed Rulemaking, Bulletin Vol. 12-10
08-0203-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
08-0203-1202 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
08-0203-1203 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
08-0203-1204 Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
08-0203-1205 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
08-0203-1206 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

08.02.04, Rules Governing Public Charter Schools

08-0204-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
08-0204-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 8-16-12)T
08-0204-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

08.03.01, Rules of the Public Charter School Commission

08-0301-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
08-0301-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 8-16-12)T
08-0301-1201 Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 09 -- IDAHO DEPARTMENT OF LABOR

09.01.04, Unemployment Insurance Benefit Fraud and Overpayment Rules

09-0104-1201 Proposed Rulemaking, Bulletin Vol. 12-8
09-0104-1201 Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

09.01.30, Unemployment Insurance Benefits Administration Rules

09-0130-1201 Proposed Rulemaking, Bulletin Vol. 12-8
09-0130-1201 Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

09.01.35, Unemployment Insurance Tax Administration Rules

09-0135-1201 Proposed Rulemaking, Bulletin Vol. 12-8
09-0135-1201 Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)

***IDAPA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS******10.01.01, Rules of Procedure***

- 10-0101-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 7-1-12)T
- 10-0101-1201** Adoption of Pending Rule, Bulletin Vol. 12-7 (eff. *PLR 2013)

10.01.04, Rules of Continuing Professional Development

- 10-0104-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 7-1-12)T
- 10-0104-1201** Adoption of Pending Rule, Bulletin Vol. 12-7 (eff. *PLR 2013)

IDAPA 11 -- IDAHO STATE POLICE***11.02.01, Rules of the Idaho State Brand Board***

- 11-0201-1201** Temporary Rulemaking (Fee Rule), Bulletin Vol. 12-3 (eff. 2-1-12)T
- 11-0201-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-11
- 11-0201-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

11.02.02, Idaho Livestock Dealer Licensing

- 11-0202-1201** Temporary Rulemaking (Fee Rule), Bulletin Vol. 12-3 (eff. 2-1-12)T
- 11-0202-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-11
- 11-0202-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

11.03.01, Rules Governing Alcohol Testing, Idaho State Forensic Laboratory

- 11-0301-1201** Temporary Rulemaking, Bulletin Vol. 12-1 (eff. 11-1-11)T
- 11-0301-1201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
- 11-0301-1201** Proposed Rulemaking, Bulletin Vol. 12-11
- 11-0301-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

11.05.01, Rules Governing Alcohol Beverage Control

- 11-0501-1101** Temporary Rulemaking, Bulletin Vol. 11-7 (eff. 7-6-11)T
- 11-0501-1201** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
- 11-0501-1201** Proposed Rulemaking, Bulletin Vol. 12-11
- 11-0501-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

- 11-1101-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 7-1-12)T
- 11-1101-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)
- 11-1101-1202** Proposed Rulemaking, Bulletin Vol. 12-10
- 11-1101-1202** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

11.11.02, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers

- 11-1102-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 11-1102-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

11.11.03, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers

- 11-1103-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 11-1103-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

***11.11.04, Rules of the Idaho Peace Officer Standards and Training Council for Correctional Officers
and Adult Probation and Parole Officers***

- 11-1104-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 11-1104-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

11.11.06, Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers

- 11-1106-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 11-1106-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

11.13.01, The Motor Carrier Rules

- 11-1301-1201** Temporary Rulemaking, Bulletin Vol. 12-5 (eff. 3-1-12)T
- 11-1301-1201** Proposed Rulemaking, Bulletin Vol. 12-11
- 11-1301-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 12 -- DEPARTMENT OF FINANCE***12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act***

- 12-0110-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 12-0110-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

IDAPA 13 -- IDAHO FISH AND GAME COMMISSION***13.01.02, Rules Governing Public Safety***

- 13-0102-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 13-0102-1201** Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 13-1 (eff. 1-1-13)T (eff. *PLR 2013)

13.01.04, Rules Governing Licensing

- 13-0104-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 8-27-12)T
- 13-0104-1202** Proposed Rulemaking, Bulletin Vol. 12-10
- 13-0104-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 13-0104-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

13.01.07, Rules Governing the Taking of Upland Game Animals

- 13-0107-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 13-0107-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

- 13-0108-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T
- 13-0108-1202** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T
- 13-0108-1203** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T
- 13-0108-1204** Proposed Rulemaking, Bulletin Vol. 12-10
- 13-0108-1205** Proposed Rulemaking, Bulletin Vol. 12-10
- 13-0108-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 13-0108-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 13-0108-1203** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 13-0108-1204** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 13-0108-1205** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

- 13-0109-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T
- 13-0109-1202** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T
- 13-0109-1203** Proposed Rulemaking, Bulletin Vol. 12-10
- 13-0109-1204** Proposed Rulemaking, Bulletin Vol. 12-10
- 13-0109-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 13-0109-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 13-0109-1203** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 13-0109-1204** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

13.01.16, *The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals*

- 13-0116-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T
13-0116-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

13.01.17, *Rules Governing the Use of Bait and Trapping for Taking Big Game Animals*

- 13-0117-1201*** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 7-16-12)T
13-0117-1201* Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

**Rulemaking changes chapter name to: "Rules Governing the Use of Bait and Trapping for Taking Big Game Animals"
 from: "Rules Governing the Use of Bait for Taking Big Game Animals"*

IDAPA 15 -- OFFICE OF THE GOVERNOR***Executive Orders of the Governor***

- | | |
|--|--|
| Executive Order No. 2012-01 Bulletin Vol. 12-3 | Executive Order No. 2012-02 Bulletin Vol. 12-5 |
| Executive Order No. 2012-03 Bulletin Vol. 12-7 | Executive Order No. 2012-04 Bulletin Vol. 12-9 |
| Executive Order No. 2012-05 Bulletin Vol. 12-11 | Executive Order No. 2012-06 Bulletin Vol. 12-11 |
| Executive Order No. 2012-07 Bulletin Vol. 12-11 | |

Idaho Emergency Communications Commission - Idaho Military Division**15.06.03, *Public Safety Communications Rules***

- 15-0603-1201** Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 12-10
15-0603-1201 Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE**16.02.02, *Rules of the Idaho Emergency Medical Services (EMS) Physician Commission***

- 16-0202-1201** Proposed Rulemaking, Bulletin Vol. 12-7
16-0202-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.03.04, *Rules Governing the Food Stamp Program in Idaho*

- 16-0304-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 10-1-12)T
16-0304-1202 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 9-1-12)T
16-0304-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
16-0304-1202 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.03.05, *Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)*

- 16-0305-1201** Proposed Rulemaking, Bulletin Vol. 12-10
16-0305-1202 Proposed Rulemaking, Bulletin Vol. 12-10
16-0305-1201 Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 13-1 (eff. *PLR 2013) (eff. 1-1-13)T
16-0305-1202 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.03.09, *Medicaid Basic Plan Benefits*

- 16-0309-1101** Temporary and Proposed Rulemaking, Bulletin Vol. 11-12 (eff. 9-28-11)T
16-0309-1101 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
16-0309-1202 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-3
16-0309-1101 Adoption of Pending Rule, Bulletin Vol. 12-6 (eff. *PLR 2013)
16-0309-1204 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
16-0309-1203 Temporary and Proposed Rulemaking, Bulletin Vol. 12-7 (eff. 9-28-11)T - (3-29-12)T
16-0309-1202 Proposed Rulemaking, Bulletin Vol. 12-9
16-0309-1204 Proposed Rulemaking, Bulletin Vol. 12-9
16-0309-1205 Proposed Rulemaking, Bulletin Vol. 12-10
16-0309-1206 Proposed Rulemaking, Bulletin Vol. 12-10

- 16-0309-1203 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)
- 16-0309-1202 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)
- 16-0309-1204 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 16-0309-1205 Adoption of Pending Rule and Temporary Rule, Bulletin Vol. 13-1 (eff. *PLR 2013) (eff. 1-1-13)T
- 16-0309-1206 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
- 16-0310-1202 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
- 16-0310-1203 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
- 16-0310-1204 Temporary and Proposed Rulemaking, Bulletin Vol. 12-7 (eff. 7-1-12)T
- 16-0310-1201 Proposed Rulemaking, Bulletin Vol. 12-10
- 16-0310-1202 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 10-1-12)T
- 16-0310-1203 Proposed Rulemaking, Bulletin Vol. 12-10
- 16-0310-1205 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 10-1-12)T
- 16-0310-1204 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)
- 16-0310-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 16-0310-1202 Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. *PLR 2013) (eff. 10-1-12)T
- 16-0310-1203 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 16-0310-1205 Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. *PLR 2013) (eff. 10-1-12)T

16.03.25, Idaho Medicaid Electronic Health Record (EHR) Incentive Program

- 16-0325-1201 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 12-7 (eff. 7-1-12)T
- 16-0325-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

16.04.02, Idaho Telecommunication Service Assistance Program Rules

- 16-0402-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 6-1-12)T
- 16-0402-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.04.10, Rules Governing the Community Services Block Grant Program

- 16-0410-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 10-1-11)T
- 16-0410-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

16.05.01, Use and Disclosure of Department Records

- 16-0501-1201 Proposed Rulemaking, Bulletin Vol. 12-9
- 16-0501-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.05.06, Criminal History and Background Checks

- 16-0506-1201 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-7 (eff. 7-1-12)T
- 16-0506-1201 Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.06.01, Child and Family Services

- 16-0601-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 7-1-12)T
- 16-0601-1202 Proposed Rulemaking, Bulletin Vol. 12-9
- 16-0601-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)
- 16-0601-1202 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.06.08, Rules and Minimum Standards for DUI Evaluators

- 16-0608-1201 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 12-9
- 16-0608-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

- 16-0612-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-1 (eff. 12-1-11)T
- 16-0612-1201 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 129, Bulletin Vol. 12-5
- 16-0612-1201 Adoption of Pending Rule, Bulletin Vol. 12-6 (eff. *PLR 2013)

16.07.01, Behavioral Health Sliding Fee Schedules

- 16-0701-1201** Proposed Rulemaking, Bulletin Vol. 12-9
16-0701-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.07.17, Alcohol and Substance Use Disorders Services

- 16-0717-1201** Proposed Rulemaking, Bulletin Vol. 12-9
16-0717-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs

- 16-0720-1201** Proposed Rulemaking, Bulletin Vol. 12-9
16-0720-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 17 -- INDUSTRIAL COMMISSION***17.02.04, Administrative Rules of the Industrial Commission Under the Worker's Compensation Law - Benefits***

- 17-0204-1201** Proposed Rulemaking, Bulletin Vol. 12-8
17-0204-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

17.02.09, Medical Fees

- 17-0209-1201** Proposed Rulemaking, Bulletin Vol. 12-10
17-0209-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 18 -- DEPARTMENT OF INSURANCE***18.01.09, Consumer Protection in Annuity Transactions***

- 18-0109-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
18-0109-1201 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 12-9
18-0109-1202* Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 12-9
18-0109-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)
18-0109-1202* Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

(*Rulemaking changes chapter name from: "Consumer Protection in Annuity Transactions"
to: "Suitability in Annuity Transactions")

18.01.19, Insurance Rates and Credit Rating

- 18-0119-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
18-0119-1201 Proposed Rulemaking, Bulletin Vol. 12-9
18-0119-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges

- 18-0144-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
18-0144-1201 Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9
18-0144-1201 Adoption of Pending Fee Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules

- 18-0156-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
18-0156-1201 Proposed Rulemaking, Bulletin Vol. 12-9
18-0156-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

IDAPA 20 -- DEPARTMENT OF LANDS***20.02.01, Rules Pertaining to the Idaho Forest Practices Act***

- 20-0201-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6

- 20-0201-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7 - Second Notice
- 20-0201-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 20-0201-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

***20.03.14, Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation,
and Communication Site Leases***

- 20-0314-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
- 20-0314-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7 - Second Notice
- 20-0314-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 20-0314-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

20.03.15, The Issuance of Geothermal Resource Leases

- 20-0315-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
- 20-0315-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 20-0315-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 22 -- BOARD OF MEDICINE

***22.01.01, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery
and Osteopathic Medicine and Surgery in Idaho***

- 22-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 22-0101-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

22.01.02, Rules of the Board of Medicine for the Registration of Externs, Interns, and Residents

- 22-0102-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 22-0102-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

22.01.03, Rules for the Licensure of Physician Assistants

- 22-0103-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 22-0103-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

22.01.11, Rules for the Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho

- 22-0111-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 22-0111-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

22.01.12, Rules Relating to Health Care Workers

- 22-0112-1201** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 12-10
- 22-0112-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

22.01.13, Rules for the Licensure of Dieticians

- 22-0113-1201** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 22-0113-1201** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

22.01.14, Rules Relating to Complaint Investigation

- 22-0114-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 22-0114-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 23 -- BOARD OF NURSING

23.01.01, Rules of the Idaho Board of Nursing

- 23-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 23-0101-1202** Proposed Rulemaking, Bulletin Vol. 12-10
- 23-0101-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

23-0101-1202 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES

24.01.01, Rules of the Board of Architectural Examiners

24-0101-1201 Proposed Rulemaking, Bulletin Vol. 12-10
24-0101-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.04.01, Rules of the Idaho Board of Cosmetology

24-0401-1201 Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
24-0401-1201 Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

24-0601-1201 Proposed Rulemaking, Bulletin Vol. 12-10
24-0601-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.10.01, Rules of the State Board of Optometry

24-1001-1201 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-2
24-1001-1201 Proposed Rulemaking, Bulletin Vol. 12-10
24-1001-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.12.01, Rules of the State Board of Psychologist Examiners

24-1201-1201 Proposed Rulemaking, Bulletin Vol. 12-10
24-1201-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.14.01, Rules of the State Board of Social Work Examiners

24-1401-1201 Proposed Rulemaking, Bulletin Vol. 12-10
24-1401-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists

24-1501-1201 Proposed Rulemaking, Bulletin Vol. 12-10
24-1501-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.17.01, Rules of the State Board of Acupuncture

24-1701-1201 Proposed Rulemaking, Bulletin Vol. 12-10
24-1701-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.18.01, Rules of the Real Estate Appraiser Board

24-1801-1201 Temporary and Proposed Rulemaking, Bulletin Vol. 12-5 (eff. 3-23-12)T
24-1801-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.23.01, Rules of the Speech and Hearing Services Licensure Board

24-2301-1201 Proposed Rulemaking, Bulletin Vol. 12-10
24-2301-1201 Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.25.01, Rules of the Idaho Driving Businesses Licensure Board

24-2501-1201 Proposed Rulemaking, Bulletin Vol. 12-10
24-2501-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

24.27.01, Rules of The Idaho State Board of Massage Therapy

24-2701-1201 Proposed Rulemaking (Fee Rule - New Chapter), Bulletin Vol. 12-10
24-2701-1201 Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 25 -- OUTFITTERS AND GUIDES LICENSING BOARD***25.01.01, Rules of the Outfitters and Guides Licensing Board***

- 25-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-10
- 25-0101-1202** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 9-5-12)T
- 25-0101-1201** Public Hearing/Extension of Comment Period, Bulletin Vol. 12-11
- 25-0101-1201** Second Notice of Public Hearing/Extension of Comment Period, Bulletin Vol. 12-12
- 25-0101-1202** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION***26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities***

- 26-0120-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-8 (eff. 5-9-12)T
- 26-0120-1202** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-9 (eff. 9-1-12)T
- 26-0120-1201** Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)
- 26-0120-1202** Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

26.01.36, Rules Governing the Winter Recreational Parking Permit Program

- 26-0136-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-12 (eff. 10-1-12)T

IDAPA 27 -- BOARD OF PHARMACY***27.01.01, Rules of the Idaho State Board of Pharmacy***

- 27-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
- 27-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Second Notice, Bulletin Vol. 12-8
- 27-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
- 27-0101-1202** Proposed Rulemaking, Bulletin Vol. 12-10
- 27-0101-1203** Proposed Rulemaking, Bulletin Vol. 12-10
- 27-0101-1204** Proposed Rulemaking, Bulletin Vol. 12-10
- 27-0101-1205** Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
- 27-0101-1206** Temporary Rulemaking, Bulletin Vol. 12-10 (eff. 8-22-12)T
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-12
- 27-0101-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 27-0101-1202** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 27-0101-1203** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 27-0101-1204** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 27-0101-1205** Adoption of Pending Fee Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-1

IDAPA 28 -- DEPARTMENT OF COMMERCE***28.02.05, Rural Community Block Grant Program (RCBG)***

- 28-0205-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-10 (eff. 6-1-12)T
- 28-0205-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

28.02.06, Idaho Small Business Federal Funding Assistance Act Rules

- 28-0206-1201** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 12-6 (eff. 6-1-12)T
- 28-0206-1201** Adoption of Pending Rule, Bulletin Vol. 12-10 (eff. *PLR 2013)
- 28-0206-1201** Correction to Pending Rule, Bulletin Vol. 13-1

IDAPA 31 -- PUBLIC UTILITIES COMMISSION

**31.41.01, Customer Relations Rules for Telephone Corporations Providing Services in Idaho
Subject to Customer Service Regulation by the Idaho Public Utilities Commission**

- 31-4101-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-9 (eff. 7-3-12)T
31-4101-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 35 -- STATE TAX COMMISSION**35.01.01, Income Tax Administrative Rules**

- 35-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
35-0101-1201 Proposed Rulemaking, Bulletin Vol. 12-10
35-0101-1202 Proposed Rulemaking, Bulletin Vol. 12-10
35-0101-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
35-0101-1202 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

35.01.02, Idaho Sales and Use Tax Administrative Rules

- 35-0102-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
35-0102-1201 Proposed Rulemaking, Bulletin Vol. 12-10
35-0102-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
35-0102-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-1

35.01.03, Property Tax Administrative Rules

- 35-0103-1201** Temporary Rulemaking, Bulletin Vol. 12-5 (eff. 1-1-12)T
35-0103-1202 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-5
35-0103-1203 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-6
35-0103-1204 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-7
35-0103-1205 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-8
35-0103-1206 Temporary Rulemaking, Bulletin Vol. 12-9 (eff. 1-1-12)T
35-0103-1202 Proposed Rulemaking, Bulletin Vol. 12-10
35-0103-1203 Proposed Rulemaking, Bulletin Vol. 12-10
35-0103-1204 Proposed Rulemaking, Bulletin Vol. 12-10
35-0103-1205 Proposed Rulemaking, Bulletin Vol. 12-10
35-0103-1207 Proposed Rulemaking, Bulletin Vol. 12-10
35-0105-1202 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
35-0105-1203 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
35-0105-1204 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
35-0105-1205 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)
35-0105-1207 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

35.01.09, Idaho County Option Kitchen and Table Wine Tax Administrative Rules

- 35-0109-1201** Proposed Rulemaking, Bulletin Vol. 12-10
35-0109-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules

- 35-0110-1201** Proposed Rulemaking, Bulletin Vol. 12-10
35-0110-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

35.01.12, Idaho Beer Tax Administrative Rules

- 35-0112-1201** Proposed Rulemaking, Bulletin Vol. 12-10
35-0112-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

35.02.01, Tax Commission Administration and Enforcement Rules

- 35-0201-1201** Proposed Rulemaking, Bulletin Vol. 12-10
35-0201-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 36 -- IDAHO BOARD OF TAX APPEALS**36.01.01, Idaho Board of Tax Appeals Rules**

- 36-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-10
36-0101-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

IDAPA 37 -- DEPARTMENT OF WATER RESOURCES**37.03.03, Rules and Minimum Standards for the Construction and Use of Injection Wells**

- 37-0303-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-4
37-0303-1201 Proposed Rulemaking, Bulletin Vol. 12-10
37-0303-1201 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

37.03.11, Rules for Conjunctive Management of Surface and Ground Water Resources

- 37-0311-1101** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-2

37.03.13, The Water Management Rules

- 37-0313-9701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 97-12
37-0313-9701 Proposed Rulemaking, Bulletin Vol. 98-10
37-0313-9701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

37.03.14, Transfers

- 37-0314-9801** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 98-5

37.03.15, Water Management Rules - Eastern Snake Plain Aquifer

- 37-0315-0001** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 00-12

IDAPA 38 -- IDAHO DEPARTMENT OF ADMINISTRATION**38.04.06, Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities**

- 38-0406-1201** Temporary Rulemaking, Bulletin Vol. 12-5 (eff. 4-17-12)T
38-0406-1201 Amendment to Temporary Rulemaking, Bulletin Vol. 12-6 (eff. 5-14-12)T
38-0406-1201 Rescission of Temporary Rulemaking, Bulletin Vol. 12-10 (eff. 10-3-12)T
38-0406-1202 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 12-10 (eff. 10-3-12)T
38-0406-1202 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

38.04.07, Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities

- 38-0407-1201** Temporary Rulemaking, Bulletin Vol. 12-5 (eff. 4-19-12)T
38-0407-1201 Rescission of Temporary Rulemaking, Bulletin Vol. 12-10 (eff. 10-3-12)T
38-0407-1202 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 12-10 (eff. 10-3-12)T
38-0407-1202 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

38.04.08, Rules Governing Use of Idaho State Capitol Exterior

- 38-0408-1201** Temporary Rulemaking, Bulletin Vol. 12-5 (eff. 4-17-12)T
38-0408-1201 Amendment to Temporary Rulemaking, Bulletin Vol. 12-6 (eff. 5-14-12)T
38-0408-1201 Rescission of Temporary Rulemaking, Bulletin Vol. 12-10 (eff. 10-3-12)T
38-0408-1202 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 12-10 (eff. 10-3-12)T
38-0408-1202 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT

39.02.12, Rules Governing Issuing Certificates of Title and Bonded Certificates of Title**39-0212-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-9 (eff. 8-1-12)T**39-0212-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)***39.02.60, Rules Governing License Plate Provisions*****39-0260-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-9 (eff. 7-1-12)T**39-0260-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)***39.02.61, Rules Governing License Plates for Governmental Agencies and Taxing Districts*****39-0261-1201** Proposed Rulemaking, Bulletin Vol. 12-10**39-0261-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)***39.02.71, Rules Governing Drivers License Violation Point Count System*****39-0271-1201** Proposed Rulemaking, Bulletin Vol. 12-10**39-0271-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)***39.03.04, Rules Governing Movement of Disabled Vehicles*****39-0304-1201** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 12-9 (eff. 8-1-12)T**39-0304-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)***39.03.10, Rules Governing When An Overlegal Permit Is Required*****39-0310-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-9 (eff. 8-1-12)T**39-0310-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)***39.03.41, Rules Governing Traffic Control Devices*****39-0341-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-9 (eff. 7-20-12)T**39-0341-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)***39.03.42, Rules Governing Highway Right-of-Way Encroachments on State Rights-of Way*****39-0342-1201** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10 (eff. 10-1-12)T**39-0342-1201** Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 13-1 (eff. *PLR 2013) (eff. 12-12-12)T***39.04.02, Rules Governing the Marking of Hazards to Air Flight*****39-0402-1201** Temporary and Proposed Rulemaking, Bulletin Vol. 12-9 (eff. 7-1-12)T**39-0402-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)***IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS******46.01.01, Rules of the State of Idaho Board of Veterinary Medicine*****46-0101-1201** Proposed Rulemaking, Bulletin Vol. 12-9**46-0101-1201** Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)***IDAPA 47 -- DIVISION OF VOCATIONAL REHABILITATION******47.01.01, Rules of the Idaho Division of Vocational Rehabilitation*****47-0101-1201** Temporary Rulemaking, Bulletin Vol. 12-4 (eff. 2-15-12)T**47-0101-1202** Proposed Rulemaking, Bulletin Vol. 12-10**47-0101-1201** Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)***IDAPA 52 -- IDAHO STATE LOTTERY COMMISSION***

52.01.02, Gaming Rules of the Idaho State Lottery Commission

- 52-0102-1201** Proposed Rulemaking, Bulletin Vol. 12-10
52-0102-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

52.01.03, Rules Governing Operations of the Idaho State Lottery

- 52-0103-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-8
52-0103-1203 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-9
52-0103-1201 Proposed Rulemaking (Fee Rule), Bulletin Vol. 12-10
52-0103-1202 Proposed Rulemaking, Bulletin Vol. 12-10
52-0103-1203 Proposed Rulemaking, Bulletin Vol. 12-11
52-0103-1201 Adoption of Pending Fee Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)
52-0103-1202 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)
52-0103-1203 Adoption of Pending Rule, Bulletin Vol. 13-1 (eff. *PLR 2013)

IDAPA 54 -- OFFICE OF THE STATE TREASURER***54.03.01, Idaho Unclaimed Property Administrative Rules***

- 54-0301-1201** Proposed Rulemaking, Bulletin Vol. 12-10
54-0301-1201 Adoption of Pending Rule, Bulletin Vol. 12-12 (eff. *PLR 2013)

IDAPA 57 -- SEXUAL OFFENDER MANAGEMENT BOARD***57.01.01, Rules of the Sexual Offender Management Board***

- 57-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-10

IDAPA 58 -- DEPARTMENT OF ENVIRONMENTAL QUALITY

- 58-0000-1201** The Cascade Reservoir Tributary TMDL Addendum (HUC 17050123), Bulletin Vol. 12-1
58-0000-1202 The Goose Creek Subbasin Temperature TMDL Addendum (HUC 17040211), Bulletin Vol. 12-3
58-0000-1203 The Raft River Subbasin Temperature TMDL Addendum (HUC 17040210), Bulletin Vol. 12-3
58-0000-1204 Coeur d'Alene Lake Tributaries Temperature TMDL Addendum (HUC 17010303), Bulletin Vol. 12-3
58-0000-1205 The South Fork Salmon River Subbasin Temperature TMDL and Revised Sediment Targets Addendum (HUC 17060208), Bulletin Vol. 12-4
58-0000-1206 Lochsa River Subbasin Temperature TMDLs (HUC 17060303), Bulletin Vol. 12-6
58-0000-1207 American Falls Subbasin TMDL Plan (HUC 17040206), Bulletin Vol. 12-6
58-0000-1208 The Owyhee River Watershed TMDL Temperature Addendum (HUC 17050104, 17050105 & 17050107), Bulletin Vol. 12-7
58-0000-1209 Lemhi River Subbasin TMDL Addendum and Five-Year Review (HUC 17060204), Bulletin Vol. 12-12

58.01.01, Rules for the Control of Air Pollution in Idaho

- 58-0101-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-3
58-0101-1201 Proposed Rulemaking, Bulletin Vol. 12-6
58-0101-1202 Temporary and Proposed Rulemaking, Bulletin Vol. 12-6 (eff. 6-6-12)T
58-0101-1203 Proposed Rulemaking, Bulletin Vol. 12-8
58-0101-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)
58-0101-1202 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)
58-0101-1203 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

58.01.02, Water Quality Standards

- 58-0102-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-9

58.01.05, Rules and Standards for Hazardous Waste

- 58-0105-1201** Proposed Rulemaking, Bulletin Vol. 12-8

58-0105-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

58.01.08, Idaho Rules for Public Drinking Water Systems

58-0108-1101 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 11-10

58-0108-1101 Proposed Rulemaking, Bulletin Vol. 12-5

58-0108-1101 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality

58-0123-1201 Proposed Rulemaking, Bulletin Vol. 12-6

58-0123-1201 Adoption of Pending Rule, Bulletin Vol. 12-11 (eff. *PLR 2013)

IDAPA 59 -- PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

59.01.03, PERSI Contribution Rules

59-0103-1201 Temporary Rulemaking, Bulletin Vol. 12-3 (12-6-11)T

59-0103-1201 Proposed Rulemaking, Bulletin Vol. 12-5

59-0103-1201 Adoption of Pending Rule, Bulletin Vol. 12-7 (eff. *PLR 2013)

Subject Index

- A**
- Acceptable Charges For Medical Services Provided By Physicians Under The Idaho Workers' Compensation Law 144
 - Conversion Factors 144
 - Medicine Dispensed By Physicians 145
 - Acceptable Charges For Medicine Provided By Pharmacies 146
 - Adoption of Standards for Pharmacies 146
 - ADS Systems
 - Institutional Facilities 176
 - Drug Returns 176
 - Minimum Standards 175
 - System Access, Monitoring, & Control 175
 - System Filling, Stocking, Replenishing 175
 - Ads Systems
 - Self-Service Systems 175
 - System Requirements 175
 - Adult DD Waiver Services
 - Provider Qualifications & Duties 125
 - Home Delivered Meals 125
 - Aged Or Disabled Waiver Services
 - Coverage & Limitations 124
 - Adult Residential Care Services 124
 - Procedural Requirements 125
 - Provider Records 125
 - Provider Qualifications & Duties 125
 - Adult Residential Care Providers 125
 - Home Delivered Meals 125
 - Alternative Authorization -- Content Specialist 46
 - Initial Qualifications 46
 - Ambulatory Surgical Centers, Covered Services Under Basic Plan
 - Benefits 107
 - Applications & Processing 156
 - Application Process 156
 - Applying The Penalty Period Of Restricted Coverage 100
 - Penalty Period for Transfer Prior to February 8, 2006 100
 - Penalty Period for Transfers On or After February 8, 2006 100
 - Authorization By Permit 211
 - Authorizations, Prohibitions & Exemptions 211
 - Prohibitions 211
- B**
- Bond Requirements 160
 - Operator Bond 160
- C**
- Case Management Services 141
 - Case Manager Qualifications 141
 - Centralized Pharmacy Services 181
 - Location 181
 - Privacy 181
 - Secure Common Electronic File 181
 - Training 181
 - Class II
 - Actions On Approved Permits 217
 - Causes for Modification or Revocation & Reissuance of Permits 217
 - Application Information 211
 - Application For A Permit 211
 - Bonding 211
 - Construction Requirements 213
 - Information to Be Considered By The Director 212
 - Application Processing 214
 - Administrative Record for Final Permit 214
 - Response to Comments 214
 - Operating Requirements 217
 - Operating, Monitoring, & Reporting Requirements 217
 - Permit Conditions 215
 - Conditions Applicable to All Permits 215
 - Establishing Permit Conditions 215
 - Class V
 - Criteria & Standards
 - Application Requirements 218
 - Class V Deep Injection Well Requirements 218
 - Classification Of Injection Wells 211
 - Classification of Injection Wells 211
 - Computer-Based Alternative Route To Teacher Certification 46
 - Interim Certificate 46
 - Covered Services Under Basic Plan
 - Benefits 107
 - Ambulatory Surgical Centers 107
 - Audiology Services 109
 - Dental Services 109
 - Durable Medical Equipment and Supplies 109
 - EPSDT Services 109
 - Essential Providers 109
 - Family Planning 108
 - Home Health Services 109
 - Hospital Services 107
 - Laboratory & Radiology Services 108
 - Mental Health Services 109
 - Other Practitioner Services 108
 - Physician Services & Abortion Procedures 107
 - Prescription Drugs 108
 - Prevention Services 108
 - Primary Care Case Management 108
 - Specific Pregnancy-Related Services 109
 - Substance Abuse Treatment Services 108
 - Therapy Services 109
 - Transportation 109
 - Vision Services 109
- CPE**
- Requirements 171
 - Carryover of Certain Unused Units 171
 - Immunizer Qualification 171
 - New Pharmacist Exemption 171
- Curricular Materials Selection & Online Course Approval** 60
- Bids 61
 - Depository 61
 - Local Polices 61
 - Multiple Adoptions are Made in Each Subject Area 61
 - Subject Areas 61
- D**
- Definitions 138, 148
 - Assessment & Referral Services 138
 - Fuel Quantity 148
 - Ground Based Equipment 148
 - Habitat Types 148
 - Harvesting 148
 - Hazard 148
 - Hazard Offset 148
 - Hazard Points 148
 - Hazard Reduction 148
 - Lake 149
 - Landowner 149
 - Large Organic Debris (LOD) 149
 - Merchantable Material 149
 - Merchantable Stand of Timber 149
 - Noncommercial Forest Land 149
 - Operating Area 149
 - Operator 149
 - Ordinary High Water Mark 149
 - Outstanding Resource Water 149
 - Partial Cutting 149
 - Prescribed Fire 149
 - Present Condition of Area 149
 - Public Resource 149
 - Reforestation 150
 - Relief Culvert 150
 - Rules 150
 - Site 150
 - Site Factor 150
 - Site Specific Best Management Practice 150
 - Size of Thinning Block 150
 - Slash 150
 - Snags 150
 - Soil Erosion 150
 - Soil Stabilization 150
 - State 150
 - Stream 150
 - Timber Owner 151
 - Time of Year of Forest Practice 152
 - Definitions & Abbreviations (A -- D) 179
 - Centralized Pharmacy Services 179

- Definitions & Abbreviations (J -- R) 179
R.N. 179
Remote Office Location 179
Retail Non-Pharmacy Drug Outlet 179
Retail Pharmacy 179
Definitions A - G, IDAPA 08.02.03,
Rules Governing Thoroughness 50
"C" Average 51
Achievement Standards 50
Advanced Opportunities 50
All Students 50
Alternative Assessment (Other Ways of Testing) 50
Assessment 50
Assessment Standards 50
Asynchronous Course 50
Authentic 51
Basic Educational Skills Training 51
Blended Course 51
Classic Texts 51
Content Standards 51
Context (of a Performance Assessment) 51
Cooperative Work Experience 51
Criteria 51
Cues 51
Decode 51
Dual Credit 52
Emergent Literacy 52
Employability Skills 52
Entry-Level Skills 52
Evaluation (Student) 52
Experiential Education (Application) 52
Exploratory Experience (Similar to a Job Shadow) 52
Fluency 52
Genre (Types of Literature) 52
Graphophonic/Graphophonemic 52
Definitions H - S, IDAPA 08.02.03,
Rules Governing Thoroughness 52, 64
Interdisciplinary or Integrated Assessment 52
International Baccalaureate (IB) 52
Laboratory 52
Learning Plan 53
Narrative 53
Norm-Referenced Assessment 53
On-Demand Assessment 53
Online Course 53, 64
Online Learning 53, 64
Online Teacher (Instructor) 53, 64
Performance Assessment 53, 64
Performance Criteria 53, 64
Performance-Based Assessment 53, 64
Phonics 53, 65
Portfolio 53, 65
Print Awareness 54, 65
Professional Development 65
Professional-Technical Education 54, 65
Proficiency 54, 65
School-to-Work Transition 54, 65
Service Learning 54, 65
Skill Certificate 54, 65
Standardization 54, 66
Standards 54, 66
Standards-Based Education 54, 66
Structured Work Experience 54, 66
Student Learning Goals (Outcomes) 54, 66
Synchronous Course 55, 66
Definitions, IDAPA 08.02.02 42
Active Teacher 42
Alternative Routes 42
Credential 42
Endorsement 42
Idaho Student Achievement Standards 42
Institutional Recommendation 42
Orientation 42
Para-Educator 42
Pedagogy 43
Teacher Leader 43
Definitions, IDAPA 13.01.02 78
Accompanied 78
Definitions, IDAPA 17.02.09 144
Pharmacy 144
Definitions, IDAPA 28.02.06 185
Definitions, IDAPA 37.03.03 204
Cesspool 204
Contaminant 204
Contamination 204
Deep Injection Well 205
Endangerment 205
Exempted Aquifer 205
Individual Subsurface Sewage Disposal System 205
Large Capacity Septic System 205
Permanent Decommission 205
Person 205
Remediation Project 205
Sanitary Waste 206
Schedule of Compliance 206
Septic System 206
Shallow Injection Well 206
Site 206
State 206
Stratum (plural strata) 206
Subsidence 206
Subsurface Fluid Distribution System 207
Surface Casing 207
Surface Runoff Water 207
Total Dissolved Solids 207
Transferor 207
UIC, Underground Injection Control 207
Unauthorized Decommission 207
Underground Injection 207
Underground Source of Drinking Water (USDW) 207
Unreasonable Contamination 207
Water Quality Standards 207
Well Monitoring 208
Definitions, IDAPA 39.03.42 227
Farming 227
FHWA, Federal Highway Administration 227
Fiber Optic Cable 227
Field Approach 227
Flare Tangent Distance 228
Frontage Boundary Line 228
Frontage Road 228
Full Control of Access 228
Government Agency 228
Highway Right-of-Way 228
Interstate Highway 228
Joint-Use Approach 228
Landscaping 228
Loaded Payroll Rate 228
Local Highway Agency 228
Local Road 229
Median 229
Median Opening 229
MUTCD, Manual on Uniform Traffic Control Devices 229
Non-Standard Approach 229
Performance Bond 229
Permittee 229
Private Approach 229
Property Line Clearance 229
Public Approach 229
Public Highway 230
Public Highway Agency 230
Regional Route 230
Roadside 230
Roadway 230
Rural 230
Setback 230
Shoulder 230
Signal Spacing 230
Slope 230
Speed 230
State Highway System 230
Statewide Route 230
Stopping Sight Distance 231
Structure 231
Subdivision 231
Temporary Encroachment 231
Traffic 231
Traffic Control Device 231
Traffic Impact Study 231
Transitional 231
Travel Lane 231
Traveled Way 231
Trenching 231
Turnouts 231
Unauthorized Encroachment 231
Urban State Highway 231
Utility Facility 232
Utility Locating Service 232
Vehicle 232
Vision Triangle 232
Volume 232
Warrant 232
Working Day 232

- E**
- Eligible Costs 185
 - Costs 185
 - Exemption From Drinking Water
 - Source Designation 208
 - Criteria for Exempted Aquifers (40 CFR 146.4) 209
 - Identification of Underground
 - Sources of Drinking Water & Exempted Aquifers. (40 CFR 144.7) 209
 - Petition Process for Aquifer
 - Exemptions 208
 - Specific Information to be Submitted with a Petition for Exemption 210
 - Exemption from Participation 112
 - Exemptions 27
 - Byproducts or Production Waste 27
 - Expressway 227
- F**
- Fee Schedule 171
 - Certificates of Registration & Licensure - Facilities 171
 - Fees & Costs For Criminal History & Background Checks 133
- G**
- General Reimbursement
 - Participant Services 122
 - Cost Survey 122
 - General Staffing Requirements 127
 - Standards for Paraprofessionals Providing Developmental Therapy 127
 - Grant Application Process 186
 - Application 186
- H**
- Health Questionnaire 119
 - Healthy Connections
 - Coverage & Limitations 112
 - Change in Services That Require a Referral 113
 - Exempted Services 112
 - Participant Eligibility 111
 - Exception from Participation 112
 - Primary Care Case Management Enrollment 112
 - Procedural Requirements 113
 - Primary Care Case Management 113
 - Problem Resolution 114
 - Provider Qualifications & Duties 114
 - Provider Participation Conditions & Restrictions 114
 - Provider Participation Qualifications 114
 - Provider Reimbursement 115
 - Case Management Fee 115
 - Primary Care Case Management 116
 - Quality Assurance 116
- Healthy Connections & Idaho Medicaid Health Home
 - Definitions 110
 - Best Practices Protocol 110
 - Care Plan 110
 - Chronic Disease Management 110
 - Clinic 110
 - Covered Services 110
 - Grievance 110
 - Health Home 110
 - Health Information Technology 110
 - Healthy Connections 111
 - Individual or Family Supports 111
 - National Committee for Quality Assurance (NCQA) 111
 - Preventive Care 111
 - Primary Care Case Management 111
 - Primary Care Provider (PCP) 111
 - Qualified Medical Professional 111
 - Quality Improvement Program 111
 - Quality Measures 111
 - Referral 111
 - Risk Factor 111
 - Targeted Chronic Disease 111
 - Transitional Care 111
- High School Graduation
 - Requirements 55
 - College Entrance Examination 57
 - Content Standards 57
 - Credit Requirements 55
 - Foreign Exchange Students 58
 - Health/Wellness 56
 - Humanities 56
 - Middle School 57
 - Proficiency 57
 - Senior Project 57
 - Social Studies 56
 - Special Education Students 58
- I**
- Idaho Educator Credential 43
 - Out-of-State Applicants - Idaho Comprehensive Literacy Course 43
 - Out-of-State Applicants - Mathematical Thinking for Instruction 43
 - Renewal Requirement - Idaho Comprehensive Literacy Course 43
 - Idaho Medicaid Health Home
 - Coverage & Limitations 117
 - Care Coordination & Health Promotion 117
 - Comprehensive Care Management 117
 - Comprehensive Transitional Care 117
- Individual, Family, Community, & Social Support Services 117
 - Definitions 117
 - Participant Eligibility 117
 - Eligibility 117
 - Eligibility Determination 117
 - Procedural Requirements 117
 - Data Reporting 118
 - Provider Agreement 118
 - Quality Improvement Program 118
 - Provider Qualifications & Duties 118
 - Provider Duties 118
 - Provider Infrastructure & Health Home Assessment 118
 - Qualifications 118
 - Quality Assurance 119
- Imminent Threat 228
- Incorporation By Reference 237
 - Documents Incorporated by Reference 237
- Institutional Participation 30
 - Educational Need 30
- L**
- Lease Award Through Auction 159
 - Location & Design Standards For Approaches 232
 - Signal & Approach Spacing 232
- M**
- Mentored Hunting Program 79
 - Eligibility of Mentee 79
 - Eligibility of Mentor 79
 - Hunting Passport 79
- N**
- Nonresident Central Drug Outlet & Mail Service Pharmacy Registration 180
 - PIC or Director 180
 - Nursing Facility
 - Special Rates 129
 - Determination of Payment for Qualifying Residents 129
- O**
- Online Learning Requirement 56
 - Outpatient Hospital Services
 - Procedural Requirements 110
 - Follow-Up for Emergency Room Patients with Chronic Conditions 110
 - Review Prior to Delivery of Outpatient Services 110
- P**
- Petition -- Format 69
 - Appendices 71
 - Tab 2 69
 - Tab 3 69
 - Tab 4 70
 - Tab 5 70
 - Tab 6 70

Tab 7 71
Petition -- Submission
 Number of Copies 69
Pharmacist
 Independent Practice 180
Pharmacist License Or
 Registration 179
 Practice in Idaho 180
 Practice Into Idaho 180
Pharmacist Registration To Practice
 Pharmacy Into Idaho 180
 Facility License Information 180
Prescription Drug Order
 Transfers 172
 Documentation Required of the
 Receiving Pharmacy 172
 Validity 171
 Invalid Prescription Drug
 Orders 172
Prevention Services 116, 119
Primary Care Case Management 110

Q

Qualified Substance Use Disorders
 Professional Personnel
 Required 140
Qualified Substance Use Disorders
 Professional 140
Qualified Substance Use Disorders
 Professional Trainee 140
 Work Qualifications for Qualified
 Substance Use Disorders
 Professional Trainee 140

R

Registration & Fees 27
 Product Registration Fee 27
Registration Of Post-Secondary
 Educational Institutions 32
 Information Required 32
Requirements For Original
 Licensure 169
 Examination 169
 Waiver of Requirements 169
Residual Stocking &
 Reforestation 153
 Stocking 153
Royalties 160
 Calculation of Value 160

S

School-Based Service
 Coverage & Limitations 104
 Reimbursable Services 104
Participant Eligibility 103
 Service-Specific Eligibility 103
Procedural Requirements 104
 Evaluations & Assessments 104
 Referred by a Physician or Other
 Practitioner of the Healing
 Arts 104
Provider Qualifications &
 Duties 105
 Personal Care Services 105

State Coordinator 185

T

Timber Harvesting 152
 Stream Protection 152

U

Unit Or Cooperative Plans Of
 Development Or Operation 160
USDWDefinitions, IDAPA 37.03.03
 Underground Source of Drinking
 Water 207

V

Vending Machines 176

W

Water Rights 160