

IDAHO ADMINISTRATIVE BULLETIN

January 1, 2014 -- Volume 14-1

Idaho Department of Administration
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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

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Preface

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **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 persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate - Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

PROPOSED RULEMAKING

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

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority for or is occasioning the rulemaking;
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;
- c) a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) 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 web site or post this information on its own web site, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s web site.

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

Bulletin officially stops the formal rulemaking process.

TEMPORARY RULEMAKING

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

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

If a rulemaking meets one or more of the above legal criteria and the governor determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an agency to make a temporary rule immediately effective upon adoption. However, a temporary rule that imposes a fee or charge may be adopted only if the governor finds that the fee or charge is necessary to avoid 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 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 9, 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

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2014

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

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

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

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IDAPA 11 - IDAHO STATE POLICE

11.04.02 - RULES GOVERNING SIMULCASTING

DOCKET NO. 11-0402-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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. This action is authorized pursuant to Sections 54-2506 and 54-2512A, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 109 through 115](#).

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 does not create an impact on the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Teresa Baker, Idaho State Police, 208-884-7122.

DATED this 25th day of November, 2013.

Frank Lamb
Executive Director
Idaho Racing Commission
700 S Stratford Dr.
Meridian, ID 83642
Phone: 208-884-7082
Fax: 208-884-7098

IDAPA 11 - IDAHO STATE POLICE

11.04.11 - RULES GOVERNING EQUINE VETERINARY PRACTICES, PERMITTED MEDICATIONS, BANNED SUBSTANCES AND DRUG TESTING OF HORSES

DOCKET NO. 11-0411-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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. This action is authorized pursuant to Sections 54-2506, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 116 and 117](#).

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 does not create an impact on the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Teresa Baker, Idaho State Police, 208-884-7122.

DATED this 25th day of November, 2013.

Frank Lamb
Executive Director
Idaho Racing Commission
700 S Stratford Dr.
Meridian, ID 83642
Phone: 208-884-7082
Fax: 208-884-7098

IDAPA 11 - IDAHO STATE POLICE

11.10.01 - RULES GOVERNING IDAHO PUBLIC SAFETY AND SECURITY INFORMATION SYSTEM

DOCKET NO. 11-1001-1301

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 2014 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, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 19-5202, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 105 through 107](#).

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 19-5202, Idaho Code.

The ILETS System is in need of additional funding of approximately \$1.4 million dollars. Proposed additional funding would be from a shared funding of approximately \$765,002 in increased user fees by the agencies utilizing direct access to ILETS via the fees adopted in this rule. Additionally, the Idaho State Police have included in its FY15 budget request \$656,805 in state general funds to cover the remaining costs for the funding plan.

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 does not create an impact on the general fund. However, additional funding of the ILETS System is being sought to augment financial need for operation of the System.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Teresa Baker, Idaho State Police, 208-884-7122.

DATED this 22nd day of November, 2013.

Lt. Col. Kedrick Wills, Deputy Director
Idaho State Police
700 S. Stratford Dr.
Meridian, Idaho 83642
Phone: 208-884-7000
Fax: 208-884-7090

IDAPA 11 - IDAHO STATE POLICE

11.10.02 - RULES ESTABLISHING FEES FOR SERVICES -- IDAHO CRIMINAL JUSTICE INFORMATION SYSTEM

DOCKET NO. 11-1002-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 19-5202, 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 108 through 111](#).

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 does not create an impact on the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Teresa Baker, Idaho State Police, 208-884-7122.

DATED this 22nd day of November, 2013.

Lt. Col. Kedrick Wills, Deputy Director
Idaho State Police
700 S. Stratford Dr.
Meridian, Idaho 83642
Phone: 208-884-7000
Fax: 208-884-7090

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-1401

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 Section 36-104, 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 email, or by calling the phone number listed below. To participate, responses must be received by January 22, 2014.

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.

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.

Upon the 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.

PRELIMINARY DRAFT: A preliminary draft of the affected rule text will be available on the agency's website located at <http://fishandgame.idaho.gov>.

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:

The Department is proposing several modifications and clarifications to the current Landowner Appreciation Program (LAP). The intent is to improve distribution of existing LAP tags among landowners and creation of a new Private Lands Tag program. The focus of the Private Lands Tag is to provide consistent recognition for large private landowners that are providing important habitat for big game.

Idaho Department of Fish and Game (Department) proposes changes to the current Landowner Appreciation Program (LAP) and the creation of a new Private Land Tags (PLT) program for landowners who own more than 5,000 acres of important wildlife habitat within a Game Management Unit or a Control Hunt Area; the Department is seeking input about the geographic level to implement the program.

The proposed changes to LAP include a clarifying rule to provide for implementation of LAP at the Game Management Unit or Controlled Hunt Area level, as opposed to application at the state level. This will help address current ambiguity, and recognizes important habitat in all eligible controlled hunt areas. Also proposed is to implement a 1-year waiting period for successful applicants for oversubscribed LAP hunts, to better distribute LAP tags among eligible landowners.

The Department is also proposing setting LAP tags at a level equal to 10% of the number of controlled hunt tag numbers within a Game Management Unit or Controlled Hunt Area. Further, the Department proposes to clarify that participating landowners would allow use of their designated LAP tags on their registered property. In addition, landowners with greater than 5,000 acres participating in LAP would have their weighting factor capped at 8 chances, in order to better distribute LAP tags among eligible landowners.

The Department also proposes rules creating a new Private Lands Tag Program (PLT), which would provide for reliable distribution of deer, elk and pronghorn antelope tags to private landowners with greater than 5,000 private acres of habitat, within a Game Management Unit based on the following formula:

- Landowners with 5,000 - 9,999 acres are eligible for 2 PLT tags, choice of species;
- Landowners with 10,000 - 19,999 acres are eligible for 3 PLT tags, choice of species; and
- Landowners with 20,000+ acres are eligible for 4 PLT tags, choice of species.

The Department proposes additional stipulations to the PLT such as a PLT may be designated to any eligible licensed hunter, but remains valid only on the landowner's registered private land. Total deer and elk PLTs are limited to less than 10% of the total statewide controlled hunt tags for the species and landowners are limited to no more than one pronghorn PLT per year per landowner. Eligibility for PLTs requires landowners to sign a depredation release agreement and harvest management agreement to assist in meeting management objectives.

In addition to the preliminary draft, the Department is seeking specific input from the public to further establish criteria for the harvest management agreement stated in 13.01.04.404.c.ii. related to the issues of public access and, or wildlife conflict.

This effort is designed to provide for consistent recognition for large private land ownerships providing important habitat, improve distribution of existing LAP tags among eligible landowners, reduce potential for expensive depredation claims, and to achieve big game management objectives.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT 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, contact Sal Palazzolo, (208) 334-2752 or visit the agency website at <http://fishandgame.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 22, 2014.

DATED this 29th day of November, 2013.

Brad Compton
Assistant Chief, Bureau of Wildlife
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, Idaho 83707
208-334-2920 (phone)
208-334-2114 (fax)
brad.compton@idfg.idaho.gov

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. 13-0108-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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(a), 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 revises the Nonresident Junior Mentored Tag to delete the requirement that the accompanying adult have a tag valid in the same area.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 112 through 115](#).

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 26st day of November, 2013.

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

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. 13-0108-1303

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 36-405(c)(2)(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:

2012 House Bill 457 allowed rules for controlled hunt tag designation to a minor child or grandchild. This rule makes a minor wording change to more closely align statute and rule language for designating a controlled hunt tag from a parent or grandparent to his or her minor child or grandchild.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 116 through 122](#).

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

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

DATED this 26st day of November, 2013.

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

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. 13-0108-1401

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 Section 36-104, 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 email, or by calling the phone number listed below. To participate, responses must be received by Wednesday, January 22, 2014.

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.

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.

Upon the 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.

PRELIMINARY DRAFT: A preliminary draft of the affected rule text will be available on the agency's website located at <http://fishandgame.idaho.gov>.

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:

The Department is proposing several modifications and clarifications to the current Landowner Appreciation Program (LAP). The intent is to improve distribution of existing LAP tags among landowners and creation of a new Private Lands Tag program. The focus of the Private Lands Tag is to provide consistent recognition for large private landowners that are providing important habitat for elk, deer and pronghorn antelope.

Idaho Department of Fish and Game (Department) proposes to not apply the one year waiting period to individuals issued Private Land Tags. The Department also proposes to not apply the one year waiting period to Landowner Appreciation Program hunts where the number of eligible landowners is less than twice the available tags, or to left-over Landowner Appreciation Program tags.

This effort is designed to provide for consistent recognition for large private land ownerships providing important habitat, improve distribution of existing LAP tags among eligible landowners, reduce potential for expensive depredation claims, and to achieve big game management objectives.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT 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, contact Sal Palazzolo, (208) 334-2752 or visit the agency website at <http://fishandgame.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 22, 2014.

DATED this 29th day of November, 2013.

Brad Compton
Assistant Chief, Bureau of Wildlife
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, Idaho 83707
208-334-2920 (phone)
208-334-2114 (fax)
brad.compton@idfg.idaho.gov

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0109-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 36-405(c)(2)(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:

2012 House Bill 457 allowed rules for controlled hunt tag designation to a minor child or grandchild. This rule makes a minor wording change to more closely align statute and rule language for designating a controlled hunt tag from a parent or grandparent to his or her minor child or grandchild.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 123 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: N/A

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

DATED this 26st day of November, 2013.

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

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 36-901, 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:

This rule defines the terms “single-point hook” and “watercraft” which have been used for many years in fish season proclamations.

The term “single point hook” is used to limit fishing tackle to prevent snagging. In certain situations where fish are large, visible, and congregated, hooks with more than one point create a higher probability that anglers could intentionally or unintentionally snag a fish. This can lead to illegal harvest or unintended mortality. This is of particular concern in fisheries for salmon and steelhead in tributary river systems.

The term “watercraft” is used to limit angler conflict and address safety concerns. In some reservoirs and large river fisheries with concentrated angler use, there can be conflicts and/or unsafe conditions for bank/wading anglers created by wake from watercraft. Watercraft anchored in desired fishing areas can also monopolize preferred fishing locations to the point that bank/wading anglers have no opportunity to fish. These events are rare but occur in waters with high-use salmon and steelhead fisheries.

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 2, 2013 Idaho Administrative Bulletin, Vol. [13-10, pages 127 through 130](#).

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 26st day of November, 2013.

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

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 36-901, 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:

This rule is intended to minimize the risk of injury to sturgeon when landed by anglers. Only 'catch-and-release' angling is allowed in Idaho for sturgeon. Keeping the sturgeon in the water allows the natural buoyancy of the water to support internal organs of larger fish. Sturgeon have a cartilaginous skeleton which is not as supportive as a bony skeleton found in most fish species. The rule was in IDAPA through 2008 and was inadvertently removed during a chapter restructure, but the rule was not rescinded by the Commission.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 131 and 132](#).

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 26st day of November, 2013.

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

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.17 - RULES GOVERNING THE USE OF BAIT AND TRAPPING FOR TAKING OF BIG GAME ANIMALS

DOCKET NO. 13-0117-1401

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 Section 36-104, 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 email, or by calling the phone number listed below. To be considered, responses must be received by Wednesday, January 22, 2014.

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.

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.

Upon the 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.

PRELIMINARY DRAFT: A preliminary draft of the affected rule text will be available on the agency's website located at <http://fishandgame.idaho.gov>.

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:

Current Idaho black bear hunting regulations allow the use of non-natural baits including processed foods, domestic animal feed, dead livestock, and other human-edible products (collectively described as non-natural baits). Bears that eat non-natural baits can become food-conditioned and will seek out other non-natural sources. Food-conditioned bears typically become nuisance bears, and nuisance bears may cause significant damage to private property. Further, nuisance bears are a public safety concern and are an expensive liability to state and federal agencies. Management of nuisance bears often necessitates the lethal removal of bears involved in conflicts. Requiring black bear hunters to use only natural baits in occupied grizzly bear habitat will reduce the risk of creating more conflict bears as a result of food-conditioning to processed foods and other human-edible food products or garbage.

This rule is intended to address a public safety concern by reducing the potential for food conditioning and creation of nuisance bears in occupied grizzly bear habitat where it is currently legal to use bait to hunt black bears. Game Management Units in which natural bait would be required would be specified by Fish and Game Commission proclamation. The rule is expected to apply to game management unit 60, the western 1/3 of unit 61, and in that portion of game management unit 65 east of state highway 33. In 2008 the USDA Forest Service Caribou-Targhee National Forest implemented a new Special Order on Food Storage and Sanitation (Order No. 04.15.0063) on that portion of the National Forest in these game management units that requires forest users to properly store their food and refuse with the primary goal of minimizing grizzly bear/human encounters.

Bear hunters would be required to use unprocessed, natural baits in the specified units. Natural bait is defined as naturally occurring plant foods (for example, roots, berries), the parts of unprotected or predatory wildlife, nongame fish, or accidentally killed wildlife salvaged in accordance with IDAPA 13.01.10, "Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife," Subsections 300.02.c. and 300.02.d, or inedible parts of game animals or game fish legally obtained. Privately-produced honey would not be considered to be "natural bait" for purposes of this rule.

This rule is anticipated to affect approximately 50 individuals who purchase black bear bait site tags within the affected area. Failure to use natural bait in the specified units would be a misdemeanor violation. It is not the intent of this proposed rule to modify the restrictions on baiting in those areas where baiting is currently prohibited.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT 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, contact Jon Rachael, (208) 334-2920 or visit the agency website at <http://fishandgame.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 22, 2014.

DATED this 26th day of November, 2013.

Jon Rachael
State Wildlife Game Manager
Bureau of Wildlife
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, Idaho 83707
208-334-2920 (phone)
208-334-2114 (fax)
jon.rachael@idfg.idaho.gov

**IDAPA 15 - OFFICE OF THE GOVERNOR
DIVISION OF HUMAN RESOURCES**

15.04.01 - RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION

DOCKET NO. 15-0401-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 67-5226, Idaho Code, and Section 67-5309, 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 Division of Human Resources (DHR) is adding definitions and clarifying rules so consistency is achieved across agencies. Two definitions were added, Administrative Leave and Salary Equity Increase, as the terms were already addressed in Executive Policy or 2006 Agency Guidance Memorandum, but the purpose was not consistently understood and applied. Two definitions regarding Veterans, Disabled Veteran and Veteran, were added to match the statute change to Section 67-502(17), Idaho Code, approved during the 2013 legislative session (SB 1045a). Also, the definitions of Merit Increase and Under fill were revised. In addition, other DHR rules were updated to add or clarify verbiage.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2013 Idaho Administrative Bulletin, [Vol. 13-9, pages 104 through 117](#).

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 Michelle Peugh, HR Specialist, Sr. at 208-854-3073.

DATED this November 22, 2013.

Vicki Tokita, Administrator
Division of Human Resources
304 N. 8th Street
P.O. Box 83720
Boise, ID 83720-0066
Phone: 208-334-2263
Fax: 208-854-3088

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.01 - EMERGENCY MEDICAL SERVICES (EMS) - ADVISORY COMMITTEE (EMSAC)

DOCKET NO. 16-0101-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 56-1011 through 56-1023, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, [Vol. 13-8, pages 118 and 119](#).

Over the past several years, meetings have been held to negotiate and discuss the rewrite and update of the Emergency Medical Services (EMS) chapters of rules. The changes made to this chapter align these rules with the new "EMS - Rule Definitions" chapter being implemented under Docket 16-0102-1301 in this Bulletin. A name change in the Department for the Bureau of Emergency Services and Preparedness has also been included in this docket.

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 Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Chris Stoker at (208) 334-4000.

DATED this 21st day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.01.02 - EMERGENCY MEDICAL SERVICES (EMS) - RULE DEFINITIONS
DOCKET NO. 16-0102-1301 (NEW CHAPTER)
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 56-1011 through 56-1023, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, [Vol. 13-8, pages 120 through 129](#).

Over the past several years, meetings have been held to negotiate and discuss the rewrite and update of the Emergency Medical Services (EMS) chapters of rules. This new chapter aligns definitions for all EMS rules to meet the ever-changing terminology and technology used to protect the health and safety of the public in emergency situations. This new chapter ensures that all EMS chapters use current and consistent terminology to avoid confusion and to ensure compliance with all the EMS rules.

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 Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Chris Stoker at (208) 334-4000.

DATED this 21st day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.03 - EMERGENCY MEDICAL SERVICES (EMS) -- AGENCY LICENSING REQUIREMENTS

DOCKET NO. 16-0103-1301 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 56-1011 through 56-1023, Idaho Code.

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

The 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 7, 2013, Idaho Administrative Bulletin, **Vol. 13-8, pages 130 through 159**. After review through hearings and comments received on the proposed agency licensing rules, the Department is removing the licensing operational declarations of "Rescue" and "Extrication" in the pending rule. Also, the term "physically" is being removed from the inspection process to allow use of new technology as it becomes available.

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

The Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Chris Stoker at (208) 334-4000.

DATED this 21st day of November, 2013.

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. 16-0103-1301 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text 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 13-8, August 7, 2013, pages 130 through 159.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0103-1301

[Section 004]

004. INCORPORATION BY REFERENCE.

The Board of Health and Welfare has adopted the "Minimum Equipment Standards for Licensed EMS Services," edition 2014, version 1.0, as its standard for minimum equipment requirements for licensed EMS Agencies and incorporates it by reference. Copies of these standards may be obtained from the Department, as described in Section 005 of these rules, or online at: <http://www.idahoems.org>. ()

[Section 204 - entire section]

204. GROUND EMS AGENCY -- OPERATIONAL DECLARATIONS.

An agency providing ground services is licensed with one (1) or more of the following operational declarations depending on the services that the agency advertises or offers. ()

01. Prehospital. The prehospital operational declaration is available to an agency with primary responsibility for responding to calls for EMS within their designated geographic coverage area. ()

02. Prehospital Support. The prehospital support operational declaration is available to an agency that provides support under agreement to a prehospital agency having primary responsibility for responding to calls for EMS within a designated geographic coverage area. ()

03. Community Health EMS. The community health EMS operational declaration is available to an agency with a prehospital operational declaration that provides personnel and equipment for medical assessment and treatment at a non-emergency scene or at the direction of a physician or independent practitioner. ()

04. Transfer. The transfer operational declaration is available to an ambulance agency that provides EMS personnel and equipment for the transportation of patients from one (1) medical care facility in their designated geographic coverage area to another. An agency with this operational declaration must declare which sending facilities it routinely responds to if requested. ()

05. Standby. The standby operational declaration is available to an agency that provides EMS personnel and equipment to be staged at prearranged events within their designated geographic coverage area. ()

06. Non-Public. The non-public operational declaration is available to an agency that provides EMS personnel and equipment intended to treat patients who are employed or contracted by the license holder. An agency with a non-public operational declaration is not intended to treat members of the general public. A non-public agency must maintain written plans for patient treatment and transportation. ()

[Proposed Subsections 204.07 and 204.08 have been omitted]

210. AMBULANCE EMS AGENCY -- PATIENT TRANSPORT OR TRANSFER.
An agency that is licensed as an ambulance service is intended for patient transport or transfer. ()

[Subsection 210.01 - entire subsection]

01. Transport. An ambulance agency may provide transportation of patients from a rendezvous or emergency scene to a rendezvous or medical care facility when that agency is licensed with one (1) of the following operational declarations: ()

- a. Prehospital; ()
- b. Prehospital Support; *or* ()
- c. Standby. ()

[Proposed Subparagraphs 210.01.d. and 210.01.e. have been omitted]

805. EMS AGENCY -- INITIAL AGENCY INSPECTION.
The Department will perform an initial inspection, which is an integral component of the application process, to ensure the EMS Agency applicant is in compliance regarding the following: ()

[Subsection 805.01]

- 01. Validation of Initial Application.** Validate the information contained in the application. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.07 - EMERGENCY MEDICAL SERVICES (EMS) -- PERSONNEL LICENSING REQUIREMENTS

DOCKET NO. 16-0107-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 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 56-1011 through 56-1023, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, [Vol. 13-8, pages 160 through 164](#).

Over the past several years, meetings have been held to negotiate and discuss the rewrite and update of the Emergency Medical Services (EMS) chapters of rules. The changes made to this chapter align these rules with the new "EMS - Rule Definitions" chapter being implemented under Docket 16-0102-1301 in this Bulletin. A name change in the Department for the Bureau of Emergency Services and Preparedness has also been included in this docket.

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 Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Chris Stoker at (208) 334-4000.

DATED this 21st day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.12 - EMERGENCY MEDICAL SERVICES (EMS) -- COMPLAINTS, INVESTIGATIONS, AND DISCIPLINARY ACTIONS

DOCKET NO. 16-0112-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 56-1011 through 56-1023, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, [Vol. 13-8, pages 165 through 173](#).

Over the past several years, meetings have been held to negotiate and discuss the rewrite and update of the Emergency Medical Services (EMS) chapters of rules. The changes made to this chapter align these rules with the new "EMS - Rule Definitions" chapter and the "EMS - Agency Licensing" chapter being implemented under Dockets 16-0102-1301 and 16-0103-1301 in this Bulletin. A name change in the Department for the Bureau of Emergency Services and Preparedness has also been included in this docket.

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 Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Chris Stoker at (208) 334-4000.

DATED this 21st day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.02.02 - RULES OF THE IDAHO EMERGENCY MEDICAL SERVICES
(EMS) PHYSICIAN COMMISSION

DOCKET NO. 16-0202-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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, 2014, 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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 3, 2013, Idaho Administrative Bulletin, [Vol. 13-7, pages 55 and 56](#).

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

There is no anticipated fiscal impact to the state general fund related to this rulemaking.

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

DATED this 25th day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.03 - EMERGENCY MEDICAL SERVICES

DOCKET NO. 16-0203-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 56-1011 through 56-1023, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013, Idaho Administrative Bulletin, [Vol. 13-8, pages 174 through 192](#).

Over the past several years, meetings have been held to negotiate and discuss the rewrite and update of the Emergency Medical Services (EMS) chapters of rules. The changes made to this chapter align these rules with the new "EMS - Rule Definitions" chapter being implemented under Docket 16-0102-1301 in this Bulletin and with the new "EMS - Agency Licensing Requirements" chapter being implemented under Docket 16-0103-1301 in this Bulletin. A name change in the Department for the Bureau of Emergency Services and Preparedness has also been included in this docket.

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 Emergency Medical Services (EMS) program is funded through dedicated funds. This rulemaking has no fiscal impact to those funds or to the state general fund. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Chris Stoker at (208) 334-4000.

DATED this 21st day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.01 - ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-1301 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2014. The pending rule has been adopted by the agency and is now pending review by the 2014 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 a temporary rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-209, 56-236 through 56-240, 56-242, 56-250 through 56-257, 56-260 through 56-266, Idaho Code; and 42 CFR, 45 CFR, and 26 USC Part 36B.

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 and a statement of any change between the text of the proposed rule and the text of the pending rule:

In accordance with Section 67-5226, Idaho Code, the temporary rule notice published in this Bulletin repeals this chapter in its entirety. There are no changes to the pending rule and it is being adopted as originally proposed. The notice of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, page 148](#). This temporary rule is being adopted because changes in federal laws require implementation on January 1, 2014, that renders this chapter of rules outdated and no longer in compliance. This chapter is repealed in its entirety and is rewritten under companion Docket No. 16-0301-1302 that is being published in this same Bulletin.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to comply with deadlines in amendments to governing law or federal programs, effective January 1, 2014, and to confer a benefit.

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 fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The fiscal impact for this rulemaking is anticipated to be cost neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending and temporary rule, contact Lori Wolff at (208) 334-5815.

DATED this 26th day of November, 2013.

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. 16-0301-1301 - ADOPTION OF PENDING RULE AND TEMPORARY 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 13-10, October 2, 2013, page 148.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2014 Idaho State Legislature.

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, 2014.

IDAPA 16.03.01 IS BEING REPEALED IN ITS ENTIRETY

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.01 - ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-1302 (CHAPTER REWRITE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2014. The pending rule has been adopted by the agency and is now pending review by the 2014 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 a temporary rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-209, 56-236 through 56-240, 56-242, 56-250 through 56-257, 56-260 through 56-266, Idaho Code; and 42 CFR, 45 CFR, and 26 USC Part 36B.

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 and a statement of any change between the text of the proposed rule and the text of the pending rule:

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice which rewrites this chapter in its entirety. Changes to the pending rule and included in the temporary rule are being made to correct and simplify language, to add presumptive eligibility criteria, and to modify policies related to modified adjusted gross income (MAGI) households. These changes are a result of guidance provided from the Centers for Medicare and Medicaid Services (CMS) after publication of the proposed rule. The complete text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, page 149 through 177](#).

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to comply with deadlines in amendments to governing law or federal programs, effective January 1, 2014, and to confer a benefit.

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 fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The fiscal impact for this rulemaking is anticipated to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending and temporary rule, contact Lori Wolff at (208) 334-5815.

DATED this 27th day of November, 2013.

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. 16-0301-1302 - ADOPTION OF PENDING RULE AND TEMPORARY RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 13-10, October 2, 2013, pages 149 through 177.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2014 Idaho State Legislature.

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, 2014.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
AND TEMPORARY RULE FOR DOCKET NO. 16-0301-1302**

**IDAPA 16
TITLE 03
CHAPTER 01**

16.03.01 - ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

000. LEGAL AUTHORITY.

In accordance with Sections 56-202, 56-203, 56-209, 56-239, 56-250, 56-253, 56-255, 56-256 and 56-257, Idaho Code, the Idaho Legislature has authorized the Department of Health and Welfare to adopt and enforce rules for the administration of Title XIX of the Social Security Act (Medicaid), *and* Title XXI of the Social Security Act.

(1-1-14)T

001. TITLE AND SCOPE.

01. Title. These rules will be cited as IDAPA 16.03.01, "Eligibility for Health Care Assistance for Families and Children."

(1-1-14)T

02. Scope. These rules provide standards for issuing coverage for Title XIX and Title XXI of the Social Security Act.

(1-1-14)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency has written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. The document is available for public inspection and copying at cost at the Department of Health and Welfare, 450 West State Street, P.O. Box 83720, Boise, Idaho, 83720-0036 or at any of the Department's Regional Offices.

(1-1-14)T

003. ADMINISTRATIVE APPEALS.

All administrative appeals are governed by provisions of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings." (1-1-14)T

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. (1-1-14)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE NUMBER -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (1-1-14)T

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (1-1-14)T

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (1-1-14)T

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (1-1-14)T

05. Internet Website. The Department's internet website is <http://www.healthandwelfare.idaho.gov>. (1-1-14)T

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS.

01. Confidential Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (1-1-14)T

02. Public Records. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (1-1-14)T

007. -- 009. (RESERVED)

010. DEFINITIONS (A THROUGH L).

For the purposes of this chapter, the following terms apply. (1-1-14)T

01. Advanced Payment of Premium Tax Credit. Payment of federal tax credits specified in 26 U.S.C. Part 36B (as added by section 1401 of the Affordable Care Act) which are provided on an advance basis to an eligible individual enrolled in a Qualified Health Plan (QHP) through an exchange in accordance with sections 1402 and 1412 of the Affordable Care Act. (1-1-14)T

02. Adult. Any individual who has passed the month of his nineteenth birthday. (1-1-14)T

03. Affordable Care Act. The Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152). (1-1-14)T

04. Applicant. A person applying for public assistance from the Department, including individuals referred to the Department from a Health Insurance Exchange or Marketplace. (1-1-14)T

05. Application. An application for benefits including an Application for Assistance (AFA) or other application recognized by the Department, including referrals from a Health Insurance Exchange or Marketplace. (1-1-14)T

- 06. Application Date.** The date the Application for Assistance (AFA) is received by the Department or by the Health Insurance Exchange or Marketplace electronically, telephonically, in person, or the date the application is postmarked, if mailed. (1-1-14)T
- 07. Caretaker Relative.** A caretaker relative is a relative of a dependent child by full- or half-blood, adoption, or marriage with whom the child is living *and* who assumes primary responsibility for the child's care. A caretaker relative is one of the following: (1-1-14)T
- a.** A child's natural, adoptive, or step-parents; (1-1-14)T
 - b.** A child's natural, adoptive, or step-grandparents; (1-1-14)T
 - c.** A child's natural, adoptive, half- or step-siblings; (1-1-14)T
 - d.** A child's natural, adoptive, half- or step-uncle, aunt, first cousin, nephew, niece; first cousin once removed; or (1-1-14)T
 - e.** A current or former spouse of a qualified relative listed above. (1-1-14)T
- 08. Child.** Any individual from birth through the end of the month of his nineteenth birthday. (1-1-14)T
- 09. Citizen.** A person having status as a "national of the United States" defined in 8 U.S.C. 1101(a)(22) that includes both citizens of the United States and non-citizen nationals of the United States. (1-1-14)T
- 10. Cost-Sharing.** A participant payment for a portion of Medicaid service costs such as deductibles, co-insurance, or co-payment amounts. (1-1-14)T
- 11. Creditable Health Insurance.** Creditable health insurance is coverage that provides benefits for inpatient and outpatient hospital services and physicians' medical and surgical services. Creditable coverage excludes liability, limited scope dental, vision, specified disease, or other supplemental-type benefits. (1-1-14)T
- 12. Department.** The Idaho Department of Health and Welfare. (1-1-14)T
- 13. Disenrollment.** The end of an individual's participation in a Health Care Assistance program. (1-1-14)T
- 14. Electronic Account.** An electronic file that includes all information collected and generated by the state regarding each individual's Health Care Assistance eligibility and enrollment, including all documentation required and information collected as part of an eligibility review, or during the course of an appeal. (1-1-14)T
- 15. Eligibility.** The determination of whether or not an individual is eligible for participation in a Health Care Assistance program. (1-1-14)T
- 16. Enrollment.** The process of adding eligible individuals to a Health Care Assistance program. (1-1-14)T
- 17. Extended Medicaid.** Extended Medicaid is four (4) additional months of medical assistance for a parent or relative caretaker who becomes ineligible for Title XIX Medicaid due to an increase in spousal support payments. (1-1-14)T
- 18. Federal Poverty Guidelines (FPG).** The federal poverty guidelines issued annually by the Department of Health and Human Services (HHS).The Federal Poverty Guidelines (FPG) are available on the U.S. Health and Human Services website at <http://aspe.hhs.gov/poverty>. (1-1-14)T
- 19. Health Assessment.** Health Assessment is an examination performed by a primary care provider in

order to determine the appropriate health plan for a Medicaid-eligible individual. (1-1-14)T

20. Health Care Assistance (HCA). Health coverage, including Title XIX or Title XXI benefits granted by the Department for persons or families under the authority of Title 56, Chapter 2, Idaho Code, as well as private health insurance plans purchased with a Premium Tax Credit described in Subsection 010.01 of this rule. (1-1-14)T

21. Health Insurance Exchange or Marketplace. A resource where individuals, families, and small businesses can: (1-1-14)T

a. Learn about their health coverage options; (1-1-14)T

b. Compare health insurance plans based on costs, benefits, and other important features: (1-1-14)T

c. Choose a health coverage plan; and (1-1-14)T

d. Enroll in health coverage. (1-1-14)T

22. Health Insurance Premium Program (HIPP). The Premium Assistance program in which Title XIX and Title XXI participants may participate. (1-1-14)T

23. Health Plan. A set of health services paid for by Idaho Medicaid, or health insurance coverage obtained through the Health Insurance Exchange or Marketplace. (1-1-14)T

24. Health Questionnaire. A tool used to assist Health and Welfare staff in determining the correct Health Plan for the Medicaid applicant. (1-1-14)T

25. Internal Revenue Code. The federal tax law used to determine eligibility under Title 26 U.S.C. for individual income and self-employment income. (1-1-14)T

26. Internal Revenue Service (IRS). The U.S. government agency in charge of tax laws. These laws are used to determine income eligibility. The IRS website is at <http://www.irs.gov>. (1-1-14)T

27. Insurance Affordability Programs. Insurance affordability programs include Title XIX title XXI and all insurance programs available in the Health Insurance *Exchange or* Marketplace. (1-1-14)T

28. Lawfully Present. An individual who is a qualified non-citizen as described in Section 221 of these rules. (1-1-14)T

29. Lawfully Residing. An individual who is lawfully present in the United States and is a resident of the state in which they are applying for health care coverage. (1-1-14)T

011. DEFINITIONS (M THROUGH Z). For the purposes of this chapter, the following terms apply. (1-1-14)T

01. MAGI-Based Income. Income calculated using the same financial methodologies used by the IRS to determine modified adjusted gross income for federal tax filers, with the exception that: (1-1-14)T

a. Educational income is excluded in Section 382 of these rules; (1-1-14)T

b. Indian monies excluded by federal law are not included in MAGI-based income; (1-1-14)T

c. Lump sum income is counted only in the month received in Section 384 of these rules; and (1-1-14)T

d. For Medicaid applicants, MAGI-based income is calculated based on income received in the month of application. (1-1-14)T

- 02. Medicaid.** Idaho’s Medical Assistance Program administered by the Department and funded with federal and state funds according to Title XIX of the Social Security Act that provides medical care for eligible individuals. (1-1-14)T
- 03. Modified Adjusted Gross Income (MAGI).** Modified Adjusted Gross Income (MAGI), is Adjusted Gross Income as defined by the IRS, plus certain tax-exempt income. (1-1-14)T
- 04. Newborn Deemed Eligible.** A child born to a woman who is eligible for and receiving medical assistance on the date of the child’s birth, including during a month of retroactive eligibility for the mother. A child so born is eligible for Medicaid for the first year of his life. (1-1-14)T
- 05. Non-Citizen.** Same as “alien” defined in Section 101(a)(3) of the Immigration and Nationality Act (INA) (8 U.S.C. 1101 (a)(3)), and includes any individual who is not a citizen or national of the United States. (1-1-14)T
- 06. Parent.** For a household with a MAGI-based eligibility determination a parent can be: (1-1-14)T
- a.** Natural; (1-1-14)T
- b.** Biological; (1-1-14)T
- c.** Adoptive; or (1-1-14)T
- d.** Step-parent. (1-1-14)T
- 07. Participant.** An individual who is eligible for, and enrolled in, a Health Care Assistance program. (1-1-14)T
- 08. Pregnant Woman Coverage.** Medical assistance for a pregnant woman that is limited to pregnancy-related services for the period of the pregnancy and sixty (60) days after the pregnancy ends. (1-1-14)T
- 09. Premium.** A regular, periodic charge or payment for health coverage. (1-1-14)T
- 10. Qualified Hospital.** *A qualified hospital has a Memorandum of Understanding (MOU) with the Department, participates as a provider under the Medicaid state plan, may assist individuals in completing and submitting applications for Health coverage, and has not been disqualified from doing presumptive eligibility determinations.* (1-1-14)T
- 11. Qualified Non-Citizen.** Same as “qualified alien” defined at 8 U.S. C.164(b) and (c). (1-1-14)T
- 12. Reasonable Opportunity Period.** A period of time allowed for an individual to provide requested proof of citizenship or identity. A reasonable opportunity period extends for ninety (90) days beginning on the 5th day after the notice requesting the proof has been mailed to the applicant. This period may be extended if the Department determines that the individual is making a “good faith” effort to obtain necessary documentation. (1-1-14)T
- 13. Sibling.** For household with MAGI-based eligibility determination: Is a natural or biological, adopted, half- or step-sibling. (1-1-14)T
- 14. SSI.** Supplemental Security Income. (1-1-14)T
- 15. SSN.** Social Security Number. (1-1-14)T
- 16. State.** The state of Idaho. (1-1-14)T
- 17. TAFI.** Temporary Assistance for Families in Idaho. (1-1-14)T

- 18. TANF.** Temporary Assistance to Needy Families. (1-1-14)T
- 19. Tax Dependent.** A person, who is a related child, or other qualifying relative or person, according to federal IRS standards for whom another individual can claim a deduction for a personal exemption when filing a federal income tax for a taxable year. (1-1-14)T
- 20. Third Party.** Includes a person, institution, corporation, public or private agency that is liable to pay all or part of the medical cost of injury, disease, or disability of a medical assistance participant. (1-1-14)T
- 21. Title XIX.** Title XIX of the Social Security Act, known as Medicaid, is a medical benefits program jointly financed by the federal and state governments and administered by the States. This program pays for medical assistance for certain individuals and families with low income, and for some program types, limited resources. (1-1-14)T
- 22. Title XXI.** Title XXI of the Social Security Act, known as the Children's Health Insurance Program (CHIP), is a federal and state partnership similar to Medicaid, that expands health insurance to targeted, low-income children. (1-1-14)T
- 23. Working Day.** A calendar day when regular office hours are observed by the state of Idaho. Weekends and state holidays are not considered working days. (1-1-14)T
- 012. -- 099. (RESERVED)**

APPLICATION REQUIREMENTS
(Sections 100 Through 199)

100. PARTICIPANT RIGHTS.

The participant has rights protected by federal and state laws and Department rules. The Department must inform participants of the following rights during the application process and eligibility reviews. (1-1-14)T

01. Right to Apply. Any person has the right to apply for any Health Care Assistance program. Applications may be submitted by paper, electronically, fax, or telephonically. Application information must be in a form or format provided by the Department. (1-1-14)T

02. Right to Hearing. Any participant can request a hearing to contest a Department or Health Insurance Exchange or Marketplace decision under the provisions in IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Ruling." (1-1-14)T

03. Right to Request Reinstatement of Benefits. Any participant has the right to request reinstatement of benefits until a hearing decision is made if the request for the reinstatement is made before the effective date of the action taken on the notice of decision. Reinstatement pending a hearing decision is not provided in the case of an application denied because an individual did not provide citizenship or identity documentation during a reasonable opportunity period allowed by the Department. (1-1-14)T

04. Civil Rights. Participants have civil rights under the U.S. and Idaho Constitutions, the Social Security Act, Title IV of the Civil Rights Act of 1964, the Rehabilitation Act of 1973 contained in Title 29 of the U.S. Code, and all other relevant parts of federal and state laws. (1-1-14)T

101. -- 109. (RESERVED)

110. APPLICATION FOR HEALTH CARE ASSISTANCE.

The application must be complete and signed by the participant or authorized representative. By signing the application, the participant or authorized representative agrees, under penalty of perjury, that statements made on the application are truthful. (1-1-14)T

111. SIGNATURES.

An individual who is applying for benefits, receiving benefits, or providing additional information as required by this chapter, may do so with the depiction of the individual's name either handwritten, electronic, or recorded telephonically. Such signature serves as intention to execute or adopt the sound, symbol, or process for the purpose of signing the related record. (1-1-14)T

112. -- 119. (RESERVED)

120. COLLATERAL SOURCES.

A participant's signature on the application is his consent for the Department to contact collateral sources for verification of eligibility requirements. Collateral sources include available electronic data sources to verify eligibility requirements which may include: Homeland Security, IRS, Social Security, State and Federal wage verification systems, child support services, or other electronic sources available to the Department. (1-1-14)T

121. -- 129. (RESERVED)

130. APPLICATION TIME LIMITS.

Each application must be processed as close to real time as practicable, but not longer than forty-five (45) days, from the date of application, unless prevented by events beyond the Department's control. (1-1-14)T

131. -- 139. (RESERVED)

140. ELIGIBILITY EFFECTIVE DATES.

Title XIX and Title XXI coverage begins the first day of the application month. Coverage for a newborn is effective the date of birth if the mother was covered by Medicaid for the child's birth. (1-1-14)T

141. -- 149. (RESERVED)

150. RETROACTIVE MEDICAL ASSISTANCE ELIGIBILITY.

Title XIX and Title XXI can begin up to three (3) calendar months before the application month if the participant is eligible during the prior period. Coverage is provided if services that can be paid by Medicaid were received in the prior period. (1-1-14)T

151. -- 199. (RESERVED)

NON-FINANCIAL REQUIREMENTS
(Sections 200 Through 299)

200. NON-FINANCIAL CRITERIA FOR DETERMINING ELIGIBILITY.

Non-financial criteria are conditions of eligibility, other than income, that must be met before Health Care Assistance can be authorized. (1-1-14)T

201. -- 209. (RESERVED)

210. RESIDENCY.

The participant must live in Idaho and have no immediate intention of leaving, including an individual who has entered the state to look for work, or who has no permanent, fixed address. (1-1-14)T

211. -- 219. (RESERVED)

220. U.S. CITIZENSHIP VERIFICATION.

01. Citizenship Verified. Citizenship must be verified through electronic means when available. If an electronic verification is not immediately obtainable, the Department may request documentation from the applicant. The Department will not deny the application for Health Coverage until the applicant has had a reasonable opportunity period to obtain and provide the necessary proof of U. S. citizenship. (1-1-14)T

02. Benefits During Reasonable Opportunity Period. Benefits are provided during the reasonable opportunity period that is provided to allow the applicant time to obtain and provide documentation to verify U.S. citizenship. No overpayment exists for the reasonable opportunity period if the applicant does not provide necessary documentation during the reasonable opportunity period so that the application results in denial. (1-1-14)T

221. U.S. CITIZENSHIP AND QUALIFIED NON-CITIZEN REQUIREMENTS.

To be eligible, an individual must be a lawfully present member of one (1) of the following groups: (1-1-14)T

01. U.S. Citizen. A U.S. Citizen or a “national of the United States.” (1-1-14)T

02. Child Born Outside the U.S. A child born outside the U.S., as defined in Public Law 106-395, is considered a citizen if all of the following conditions are met: (1-1-14)T

a. At least one (1) parent is a U.S. Citizen. The parent can be a citizen by birth or naturalization. This includes an adoptive parent; (1-1-14)T

b. The child is residing permanently in the U.S. in the legal and physical custody of a parent who is a U.S. Citizen; (1-1-14)T

c. The child is under eighteen (18) years of age; (1-1-14)T

d. The child is a lawful permanent resident; and (1-1-14)T

e. If the child is an adoptive child, the child was residing in the U.S. at the time the parent was naturalized and was in the legal and physical custody of the adoptive parent. (1-1-14)T

03. Full-Time Active Duty U.S. Armed Forces Member. A qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) who is currently on full-time active duty with the U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Navy or U.S. Coast Guard, or a spouse or unmarried dependent child of the U.S. Armed Forces member. (1-1-14)T

04. Veteran of the U.S. Armed Forces. A qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) who *was* honorably discharged from the U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Navy, or U.S. Coast Guard for a reason other than their citizenship status, or a spouse, including a surviving spouse who has not remarried, or an unmarried dependent child of the veteran. (1-1-14)T

05. Non-Citizen Entering the U.S. Before August 22, 1996. A non-citizen who entered the U.S. before August 22, 1996, who is currently a qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c), who remained continuously present in the U.S. until he became a qualified non-citizen. (1-1-14)T

06. Non-Citizen Entering On or After August 22, 1996. A non-citizen who entered the U.S. on or after August 22, 1996, and who is: (1-1-14)T

a. A refugee admitted into the U.S. under 8 U.S.C. 1157, and can be eligible for seven (7) years from the date of entry; (1-1-14)T

b. An asylee granted asylum into the U.S. under 8 U.S.C. 1158, and can be eligible for seven (7) years from the date asylee status is assigned; (1-1-14)T

c. An individual whose deportation or removal from the U.S. has been withheld under 8 U.S.C. 1253 or 1231(b)(3) as amended by Section 305(a) of Division C of Public Law 104-208, and can be eligible for seven (7) years from the date deportation or removal was withheld; (1-1-14)T

d. An Amerasian immigrant admitted into the U.S. under 8 U.S.C. 1612(b)(2)(A)(i)(V), and can be eligible for seven (7) years from the date of entry; or (1-1-14)T

e. A Cuban or Haitian entrant to the U.S. under Section 501(e) of the Refugee Assistance Act under Section 501(e) of P.L. 96-422 (1980), and can be eligible for seven (7) years from the date of entry. (1-1-14)T

07. Qualified Non-Citizen Entering On or After August 22, 1996. A qualified non-citizen under 8 U.S.C. 1641(b) or (c), who entered the U.S. on or after August 22, 1996, and who has held a qualified non-citizen status for at least five (5) years. (1-1-14)T

08. American Indian Born in Canada. An American Indian born in Canada, under 8 U.S.C. 1359. (1-1-14)T

09. American Indian Born Outside the U.S. An American Indian born outside of the U.S., who is a member of a U.S. federally recognized tribe under 25 U.S.C. 450 b(e). (1-1-14)T

10. Qualified Non-Citizen Child Receiving Federal Foster Care. A qualified non-citizen child as defined in 8 U.S.C. 1641(b) or (c), and receiving federal foster care assistance. (1-1-14)T

11. Victim of Severe Form of Trafficking. A victim of a severe form of trafficking in persons, as defined in 22 U.S.C. 7102(13); who meets one (1) of the following: (1-1-14)T

a. Is under the age of eighteen (18) years; or (1-1-14)T

b. Is certified by the U.S. Department of Health and Human Services as willing to assist in the investigation and prosecution of a severe form of trafficking in persons; and (1-1-14)T

i. Has made a bona fide application for a temporary visa under 8 U.S.C. 1104(a)(15)(T), which has not been denied; or (1-1-14)T

ii. Is remaining in the U.S. to assist the U.S. Attorney General in the prosecution of traffickers in persons. (1-1-14)T

12. Afghan Special Immigrant. An Afghan special immigrant, as defined in Public Law 110-161, who has special immigration status after December 26, 2007. (1-1-14)T

13. Iraqi Special Immigrant. An Iraqi special immigrant, as defined in Public Law 110-181, who has special immigration status after January 28, 2008. (1-1-14)T

14. Employment Authorized Alien. An alien granted an employment authorization document (EAD), as defined in 8 CFR Part 274a.12(c). (1-1-14)T

15. Individuals not Meeting the Citizenship or Qualified Non-Citizen Requirements. An individual who does not meet the citizenship or qualified non-citizen requirements in Subsections 221.01 through 221.14 of this rule, may be eligible for emergency medical services if he meets all other conditions of eligibility. (1-1-14)T

222. U.S. CITIZENSHIP AND IDENTITY VERIFICATION REQUIREMENTS.

Any individual who participates in a Title XIX Medicaid or Title XXI CHIP funded program must provide proof of U.S. citizenship and identity unless he has otherwise met the requirements under Section 226 of these rules. (1-1-14)T

01. Electronic Verification. Electronic interfaces initiated by the Department with agencies that maintain citizenship and identity information are the primary sources of verification of U.S. Citizenship and Identity. (1-1-14)T

02. Documents. When verification is not available through an electronic interface, the individual must provide the Department with the most reliable document that is available. Documents can be: (1-1-14)T

a. Originals; (1-1-14)T

- b. Photocopies; (1-1-14)T
 - c. Facsimiles; (1-1-14)T
 - d. Scanned; or (1-1-14)T
 - e. Other type of copy of a document. (1-1-14)T
- 03. Accepted Documentation.** Other forms of documentation are accepted to the same extent as an original document, unless information on the submitted document is: (1-1-14)T
- a. Inconsistent with other information available to the Department; or (1-1-14)T
 - b. The Department has good cause to question the validity of the document or the information on it. (1-1-14)T
- 04. Submission of Documents.** The Department accepts documents that are submitted: (1-1-14)T
- a. In person; (1-1-14)T
 - b. By mail or parcel service; (1-1-14)T
 - c. Through an electronic submission; or (1-1-14)T
 - d. Through a guardian or authorized representative. (1-1-14)T
- 223. DOCUMENTATION OF U.S. CITIZENSHIP.**
- 01. Documents Accepted as Stand-Alone Proof of U.S. Citizenship and Identity.** The following documents are accepted as proof of both U.S. citizenship and identity: (1-1-14)T
- a. A U.S. passport or a U.S. passport card, without regard to expiration date as long as the passport or passport card was issued without limitation; (1-1-14)T
 - b. A Certificate of Naturalization; (1-1-14)T
 - c. A Certificate of U.S. Citizenship. (1-1-14)T
 - d. Documented evidence, issued by a federally recognized Indian tribe, including tribes with an international border that identifies: (1-1-14)T
 - i. The federally recognized Indian Tribe issuing the document; (1-1-14)T
 - ii. The individual by name; (1-1-14)T
 - iii. Confirms the individual's membership; and (1-1-14)T
 - iv. Enrollment or affiliation with the Tribe. (1-1-14)T
 - f. Verification of U.S. citizenship by a federal agency or another state on or after July 1, 2006, no further documentation of U.S. citizenship or identity is required. (1-1-14)T
- 02. Documents Accepted as Evidence of U.S. Citizenship.** The following documents are accepted as proof of U.S. citizenship if documented proof in Subsection 223.01 of this rule is not available. These documents are not proof of identity and must be used in combination with a least one (1) document listed in Subsection 223.03 or Section 224 of these rules to establish both citizenship and identity. (1-1-14)T

- a.** A U.S. birth certificate that shows the individual was born in one (1) of the following: (1-1-14)T

 - i.** United States' fifty (50) states; (1-1-14)T
 - ii.** District of Columbia; (1-1-14)T
 - iii.** Puerto Rico, on or after January 13, 1941; (1-1-14)T
 - iv.** Guam; (1-1-14)T
 - v.** U.S. Virgin Islands, on or after January 17, 1917; (1-1-14)T
 - vi.** America Samoa; (1-1-14)T
 - vii.** Swain's Island; (1-1-14)T
 - viii.** Northern Mariana Islands, after November 4, 1986; or (1-1-14)T
- b.** A cross match with a state's vital statistics agency that documents birth records. (1-1-14)T
- c.** A certification of report of birth issued by the Department of State, Forms DS-1350 or FS-545; (1-1-14)T
- d.** A report of birth abroad of a U.S. Citizen, Form FS 240; (1-1-14)T
- e.** A U.S. Citizen I.D. card, DHS Form I-197; (1-1-14)T
- f.** A Northern Mariana Identification Card; (1-1-14)T
- g.** A final adoption decree showing the child's name and U.S. place of birth, or if the adoption is not final, a statement from the state-approved adoption agency that shows the child's name and U.S. place of birth; (1-1-14)T
- h.** Evidence of U.S. Civil Service employment before June 1, 1976; (1-1-14)T
- i.** An official U.S. Military record showing a U.S. place of birth; (1-1-14)T
- j.** Certification of birth abroad, Form FS-545; (1-1-14)T
- k.** Verification with the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database; (1-1-14)T
- l.** Evidence of meeting the automatic criteria for U.S. citizenship outlined in the Child Citizenship Act of 2000; (1-1-14)T
- m.** Medical records from a hospital, clinic, or doctor, admission papers from nursing facility, skilled care facility, or other institution that indicates a U.S. place of birth: (1-1-14)T
- n.** Life, health, or other insurance record that indicates a U.S. place of birth. (1-1-14)T
- o.** Officially recorded religious record that indicates a U.S. place of birth; (1-1-14)T
- p.** School records, including pre-school, Head Start, and daycare that shows the child's name and indicates a U.S. place of birth; (1-1-14)T
- q.** Federal or state census record that shows U.S. Citizenship or indicates a U.S. place of birth; or

(1-1-14)T

r. When an applicant has none of the documents listed in Subsections 223.02.a. through q. of this rule, an affidavit signed by another individual under the penalty of perjury who can reasonably attest to the applicant's citizenship, and that contains the applicant's name, and indicates the date and U.S. place of birth, may be submitted. The affidavit does not need to be notarized. (1-1-14)T

03. Documents Accepted for Evidence of Identity. The following documents are accepted as proof of identity provided the document has a photograph or other identifying information that includes name, age, sex, race, height, weight, eye color, or address. (1-1-14)T

a. A driver's license issued by a state or territory. A driver's license issued by a Canadian government authority is not a valid indicator of identity in the U.S. and cannot be used as evidence of identity. (1-1-14)T

b. An identity card issued by federal, state, or local government; (1-1-14)T

c. School identification card; (1-1-14)T

d. U.S. Military card or draft record; (1-1-14)T

e. Military dependent's identification card; (1-1-14)T

f. U. S. Coast Guard Merchant Mariner card; or (1-1-14)T

g. A finding of identity from a federal or state governmental agency, when the agency has verified and certified the identity of the individual, including public assistance, law enforcement, internal revenue or tax bureau, or corrections agency; (1-1-14)T

h. A finding of identity from another state benefits agency or program provided that it obtained verification of identity as a criterion of participation; (1-1-14)T

i. Two (2) documents containing consistent information that corroborates the applicant's identity including: employer identification cards, high school or high school equivalency diplomas, college diplomas, marriage certificates, divorce decrees, property deeds or titles; (1-1-14)T

j. Identity affidavits are acceptable evidence of identity for individuals living in a residential care facility. (1-1-14)T

k. When an applicant has none of the specified findings or documents listed in Subsections 223.03.a. through j. of this rule, the applicant may submit an affidavit signed by another individual under the penalty of perjury who can reasonably attest to the applicant's identity. The affidavit must contain the applicant's name, and identifying information to establish identity. The affidavit does not need to be notarized. (1-1-14)T

224. IDENTITY RULES FOR CHILDREN.

The following additional sources of documentation of identity for children under nineteen (19) years of age may be used: (1-1-14)T

01. School Records. School records may be used to establish identity, including nursery or day care records. (1-1-14)T

02. Medical Records. Clinic, hospital, or doctor records may be used to establish identity. (1-1-14)T

225. ELIGIBILITY FOR APPLICANTS WHO DO NOT PROVIDE U.S. CITIZENSHIP AND IDENTITY DOCUMENTATION.

01. U.S. Citizenship and Identity not Verified. When the Department is unable to obtain verification of U.S. citizenship and identity through electronic means, or the applicant is unable to provide documentation at the

time of application, the applicant will have a reasonable opportunity period of ninety (90) days to provide proof of U.S. citizenship and identity. (1-1-14)T

02. Notice Mailed. The reasonable opportunity period of ninety (90) days to provide needed documentation for proof of U.S. citizenship and identity begins five (5) days after the date the notice requesting the proof of documentation is mailed. (1-1-14)T

03. Medicaid Benefits. If the applicant meets all other eligibility requirements, Medicaid benefits will be approved pending verification of U.S. citizenship and identity. Medicaid benefits will be denied if the applicant refuses to obtain documentation. (1-1-14)T

226. INDIVIDUALS CONSIDERED AS MEETING THE U.S. CITIZENSHIP AND IDENTITY DOCUMENTATION REQUIREMENTS.

The individuals listed in Subsections 226.01 through 226.06 of this rule are considered to have met the U.S. citizenship and identity requirements and are not required to provide further documentation. (1-1-14)T

01. Supplemental Security Income (SSI) Recipients. (1-1-14)T

02. Social Security Disability Income (SSDI) Recipients. (1-1-14)T

03. Individuals Entitled or Enrolled in Medicare by SSA. Individuals determined by the SSA to be entitled or enrolled in any part of Medicare. (1-1-14)T

04. Adoptive or Foster Care Children Receiving Assistance. Adoptive or foster care children receiving under Title IV-B or Title IV-E of the Social Security Act. (1-1-14)T

05. Individuals Deemed Eligible for Medicaid. A waived newborn under Section 530 of these rules. (1-1-14)T

06. Individuals Whose Records Match Records of the SSA. Confirmed records of SSA that match and include: (1-1-14)T

a. Name; (1-1-14)T

b. Social Security Number; and (1-1-14)T

c. Declaration of U.S. Citizenship. (1-1-14)T

227. ASSISTANCE IN OBTAINING DOCUMENTATION.

The Department will provide assistance to individuals who need assistance in securing satisfactory documentary evidence of U.S. citizenship. (1-1-14)T

228. VERIFICATION OF CITIZENSHIP AND IDENTITY ONE TIME.

Once an individual's U.S. citizenship and identity have been verified, whether through an electronic data match or by provided documentation, changes in eligibility will not require an individual to provide the verification again. If later verification, documentation, or information provides the Department with good cause to question the validity of the individual's U.S. citizenship or identity, the individual may be requested to provide further verification. (1-1-14)T

229. -- 239. (RESERVED)

240. INDIVIDUALS WHO DO NOT MEET THE CITIZENSHIP OR QUALIFIED NON-CITIZEN REQUIREMENTS.

01. Non-Citizen. An individual who does not meet the citizen or qualified non-citizen requirements may be eligible for emergency medical services if he meets all other conditions of eligibility for a Title XIX or Title XXI program. (1-1-14)T

02. Limited Eligibility. Eligibility for emergency medical assistance under the Title XIX or Title XXI programs is limited to the dates of the emergency condition. (1-1-14)T

241. -- 249. (RESERVED)

250. EMERGENCY MEDICAL CONDITION.

An individual who meets eligibility criteria for a category of assistance but does not meet U.S. citizenship requirements or eligible non-citizen requirements may receive medical assistance under a Title XIX or Title XXI coverage group as follows: (1-1-14)T

01. Emergency Medical Conditions. An individual not meeting the U.S. citizenship requirement may receive medical services necessary to treat an emergency medical condition, including labor and delivery. Emergency medical conditions have acute symptoms of severity, including severe pain. (1-1-14)T

02. Determination of Emergency Medical Conditions. The Department determines if a condition meets criteria of an emergency medical condition. (1-1-14)T

03. Limitation on Medical Assistance. Medical assistance is limited to the period of time established for the emergency medical condition. (1-1-14)T

04. Documentation Waived. For undocumented individuals with emergency medical conditions, the Social Security Number (SSN) requirement is waived because an SSN cannot be issued. Individuals must be otherwise eligible for Title XIX or XXI. (1-1-14)T

251. SPONSOR DEEMING.

Income of a legal non-citizen's sponsor and the sponsor's spouse are counted in determining eligibility. (1-1-14)T

252. SPONSOR RESPONSIBILITY.

Section 213 of the Immigration and Naturalization Act requires that a sponsor signing Form I-864, Affidavit of Support, reimburse the Department for Health Care Assistance benefits paid for a sponsored, qualified non-citizen. (1-1-14)T

253. -- 269. (RESERVED)

270. SOCIAL SECURITY NUMBER (SSN) REQUIREMENT.

01. SSN Required. An applicant must provide his social security number (SSN), or proof he has applied for an SSN, to the Department before approval of eligibility. If the applicant has more than one (1) SSN, all numbers must be provided. (1-1-14)T

a. The SSN must be verified by the Social Security Administration (SSA) electronically. When an SSN is unverified, the applicant is not eligible for Health Care Assistance. (1-1-14)T

b. The Department must notify the applicant in writing if eligibility is being denied or lost for failure to meet the SSN requirement. (1-1-14)T

02. Application for SSN. The applicant must apply for an SSN, or a duplicate SSN when he cannot provide his SSN to the Department. If the SSN has been applied for, but not issued by the SSA, the Department can not deny, delay, or stop benefits. The Department will help an applicant with required documentation when the applicant applies for an SSN. (1-1-14)T

03. Failure to Apply for SSN. The applicant may be granted good cause for failure to apply for an SSN if they have a well-established religious objection to applying for an SSN. A well-established religious objection means the applicant: (1-1-14)T

a. Is a member of a recognized religious sect or division of the sect; and (1-1-14)T

b. Adheres to the tenets or teachings of the sect, or division of the sect, and for that reason is conscientiously opposed to applying for or using a national identification number. (1-1-14)T

04. SSN Requirement Waived. An applicant may have the SSN requirement waived when he is: (1-1-14)T

a. Only eligible for emergency medical services as described in Section 250 of these rules; or (1-1-14)T

b. A newborn deemed eligible child as described in Section 530 of these rules. (1-1-14)T

271. -- 279. (RESERVED)

280. GROUP HEALTH PLAN ENROLLMENT.

Title XIX and Title XXI participants must apply for and enroll in a cost-effective group health plan if one is available. A cost-effective health plan is one which has premiums and co-payments at a lower cost than Medicaid would pay for full medical services. Medicaid will pay premiums and other co-payments for plans the Department finds cost-effective. (1-1-14)T

281. -- 289. (RESERVED)

290. ASSIGNMENT OF RIGHTS TO MEDICAL SUPPORT AND THIRD PARTY LIABILITY.

By operation of Sections 56-203B and 56-209b(3), Idaho Code, medical support rights are assigned to the Department by signature on the application for assistance. The participant must cooperate to secure medical support from any liable third party. The cooperation requirement may be waived if the participant has good cause for not cooperating. (1-1-14)T

291. MEDICAL SUPPORT COOPERATION.

A Medicaid participant responsible for assigning their rights to medical support must cooperate to identify and locate the noncustodial parent, establish paternity, and establish, modify, and enforce a medical support order. (1-1-14)T

01. Cooperation Defined. Cooperation includes providing all information to identify and locate the non-custodial parent, and identifying other liable third party payers. The participant must provide the first and last name of the non-custodial parent. The participant must also provide at least two (2) of the following pieces of information about the non-custodial parent: (1-1-14)T

a. Birth date; (1-1-14)T

b. Social Security Number; (1-1-14)T

c. Current address; (1-1-14)T

d. Current phone number; (1-1-14)T

e. Current employer; (1-1-14)T

f. Make, model, and license number of any motor vehicle owned by the non-custodial parent; or (1-1-14)T

g. Names, phone numbers, and addresses of the parents of the non-custodial parent. (1-1-14)T

02. Good Cause Defined. The participant may claim good cause for failure to cooperate in securing medical support for a minor child. Good cause is limited to the following reasons: (1-1-14)T

a. There is proof the child was conceived as a result of incest or rape; (1-1-14)T

b. There is proof the child's non-custodial parent may inflict physical or emotional harm to the

participant, the child, the custodial parent, or the caretaker relative; (1-1-14)T

c. A credible explanation is provided showing the participant cannot provide the minimum information regarding the non-custodial parent; or (1-1-14)T

d. A participant who has good cause for not cooperating as described in Subsection 291.03.b of this rule. (1-1-14)T

03. Conditions for Non-Denial of Medicaid. Medicaid cannot be denied for individuals who meet one (1) of the following conditions: (1-1-14)T

a. A child or unmarried minor child who cannot legally assign his rights to medical support; or (1-1-14)T

b. A pregnant woman whose income is at or below the federal poverty guideline, and who does not cooperate in establishing paternity and obtaining medical support from, or derived from, the father of the unborn child. (1-1-14)T

292. COOPERATION WITH HEALTHY CONNECTIONS PROGRAM.

Applicants must cooperate with Healthy Connections in establishing a primary care provider unless exempt under IDAPA 16.03.09, "Medicaid Basic Plan Benefits." If a primary care provider is not chosen by the applicant, Healthy Connections will choose the primary care provider for the participant. (1-1-14)T

293. COST-SHARING REQUIREMENT.

Participants are required to pay a cost-sharing premium based on the level of the family's income described in IDAPA 16.03.18, "Medicaid Cost-Sharing." (1-1-14)T

294. -- 295. (RESERVED)

296. COOPERATION WITH THE QUALITY CONTROL PROCESS.

When the Department or federal government selects a case for review in the quality control process, the participant must cooperate in the review of the case. (1-1-14)T

297. -- 299. (RESERVED)

FINANCIAL REQUIREMENTS
(Sections 300 Through 344)

300. HOUSEHOLD COMPOSITION AND FINANCIAL RESPONSIBILITY.

Household composition and financial responsibility are divided into two categories: tax-filing and non-tax filing households. (1-1-14)T

01. Household Composition. The household composition includes: spouses, parents including stepparents, and all children including stepchildren and step siblings under age nineteen (19) who are living together, as members of the same household. (1-1-14)T

02. Financial Responsibility. (1-1-14)T

a. A tax-filing household is one whose individuals file taxes for themselves and their tax dependents. (1-1-14)T

b. A non-tax filing household is one whose individuals neither file a tax return nor are claimed as a tax dependent on someone else's tax return, also referred to as "non-filers." (1-1-14)T

301. TAX FILING HOUSEHOLD.

01. Taxpayers. For an individual filing a federal tax return for the taxable year in which an initial determination or redetermination of eligibility is made, and who is not claimed as a tax dependent by another taxpayer, the tax filing household consists of the taxpayer, *the taxpayer's spouse*, and the taxpayer's tax dependents. (1-1-14)T

02. Individuals Claimed as a Tax-Dependent. For an individual who is claimed as a tax dependent by another taxpayer, the tax filing household is the household of the taxpayer claiming such individual as a tax dependent, with the exception that tax dependents meeting any of the following criteria will be treated as non-filers described in Section 302 of these rules: (1-1-14)T

- a. Individuals claimed as a tax dependent by an individual other than a spouse or custodial parent; (1-1-14)T
- b. Individuals under age nineteen (19) living with both parents, if the parents are not married, or married filing separately; and (1-1-14)T
- c. Individuals under age nineteen (19) claimed as a tax dependent by a parent residing outside of the applicant household. (1-1-14)T

03. Married Couples. *For* married couples living together, each spouse is included in the household *of the other spouse, regardless of* whether a joint federal tax return is filed, *if* one (1) spouse is claimed as a tax dependent by the other spouse, or *if* each filed separately. (1-1-14)T

302. NON-TAX FILING HOUSEHOLD.

01. Individuals Not Filing a Tax Return and Not Claimed as a Tax Dependent. *For* an individual who does not *expect to* file a federal tax return and is not claimed as a tax dependent by a tax *filer*, or meets one (1) of the exceptions in Subsections 301.02.a. through 301.02.c. *of these rules*, the household consists of the individual and, if living with the individual *the following*: (1-1-14)T

- a. The individual's spouse; (1-1-14)T
- b. The individual's natural, adopted, and stepchildren under age nineteen (19); or (1-1-14)T
- c. *In the case of* individuals under age nineteen (19), the individual's natural, adopted, and step parents and natural, adoptive and step siblings under age nineteen (19). (1-1-14)T

02. Married Couples. Married couples living together will be included in the household of the other spouse. (1-1-14)T

303. FINANCIAL ELIGIBILITY.

To be eligible for a Health Care Assistance program, a participant must meet the income limits. Income limits are available on the U.S. Health and Human Services website at <http://aspe.hhs.gov/poverty>. (1-1-14)T

304. -- 344. (RESERVED)

INCOME
(Sections 345 Through 394)

345. HOUSEHOLD INCOME.

The sum of calculated Modified Adjusted Gross Income (MAGI-based income) of every individual whose income must be included in the household budget minus a standard disregard in the amount of five percent (5%) of Federal Poverty Guidelines (FPG) by family size, if the disregard is used to establish eligibility. (1-1-14)T

346. DETERMINING INCOME ELIGIBILITY.

01. Financial Eligibility of Applicants. Financial eligibility for Medicaid applicants must be based on calculated monthly household income and household size. Eligibility for Health Care Assistance is determined by comparing the individual's calculated income against the income limit. (1-1-14)T

02. Financial Eligibility of Participants. To project annual household income of participants at the time of a change or at redetermination of continuing eligibility, include: (1-1-14)T

a. Reasonably predictable future income; (1-1-14)T

b. A predicted decrease or increase in future income, or both, as may be established by: (1-1-14)T

i. A signed contract for employment; (1-1-14)T

ii. A clear history of fluctuating income; or (1-1-14)T

iii. Other clear indicators of future changes in income. (1-1-14)T

c. Future projected increase or decrease in income must be verified in the same manner as other income, including by self-attestation if reasonably compatible with electronic data obtained by the Department. Eligibility for Health Care assistance is determined by comparing the calculated income against the income limit. (1-1-14)T

347. EARNED INCOME.

01. Earned Income. Earned income is derived from labor or active participation in a business. Earned income includes taxable wages, tips, salary, commissions, bonuses, self-employment and any other type of income defined as earnings by the Internal Revenue Service (IRS). Earned income is counted as income when it is received, or would have been received except for the decision of the participant to postpone receipt. Earnings over a period of time and paid at one (1) time, such as the sale of farm crops, livestock, or poultry are annualized and IRS allowable self-employment expenses deducted. (1-1-14)T

02. Determination of Income. The Department determines income eligibility based on *calculated* income in the month of application. (1-1-14)T

348. DEPENDENT CHILD'S EARNED INCOME.

A dependent child's earned income is excluded, unless the child is required to file a tax return based on his own income. (1-1-14)T

349. INCOME PAID UNDER CONTRACT.

The earned income of an employee paid on a contractual basis is prorated over the period of the contract by using the method described in Section 347 of these rules. (1-1-14)T

350. IN-KIND INCOME.

An individual who receives a service, benefit, or durable goods instead of wages is earning in-kind income. In-kind income is excluded. (1-1-14)T

351. SELF-EMPLOYMENT EARNED INCOME.

Income from self-employment is treated as earned income. Calculated self-employment income is the taxable self-employment income after gross receipts and the IRS allowable costs of producing the self-employment income, when the self-employment is expected to continue as provided in Title 26, U.S.C. (1-1-14)T

01. Allowable Costs of Producing the Self-Employment Income. For a non-farming enterprise, the allowable costs of producing the self-employment income are limited to those costs allowed by the IRS for federal tax purpose found on the IRS website at <http://www.irs.gov>. (1-1-14)T

02. Allowable Costs of Producing Farming Self-Employment Income. Allowable costs of producing farming self-employment income are limited to those costs allowed by the IRS for federal tax purposes

found on the IRS website at <http://www.irs.gov>. (1-1-14)T

352. -- 369. (RESERVED)

370. UNEARNED INCOME.

Unearned income is any income the individual receives that is not gained through employment. Unearned income includes payments from pensions, non-business rental of real property, retirement, survivors, disability insurance (RSDI), unemployment compensation, spousal support payments, and capital investment returns, such as dividends and interest. (1-1-14)T

371. SUPPORT INCOME.

Support income is any payment made from a former spouse to the individual. (1-1-14)T

01. Child Support Payment. A received child support payment is excluded income. (1-1-14)T

02. Spousal Support Payment. A received spousal support payment is unearned income to the individual who receives it. (1-1-14)T

372. -- 373. (RESERVED)

374. INTEREST AND DIVIDEND INCOME.

Taxable interest or dividends are unearned income. (1-1-14)T

01. Interest Income. Interest posted to any financial institution account on a monthly, quarterly, or any other regular basis is unearned income in the month received. Interest is counted in the month received or in the total income considered for the tax year. (1-1-14)T

02. Dividend Income. Dividends are unearned income in the month received. (1-1-14)T

03. Tax-Exempt Interest. Tax-exempt interest is not counted as income. (1-1-14)T

375. RETIREMENT, SURVIVORS, AND DISABILITY INSURANCE (RSDI) INCOME OR RAILROAD RETIREMENT BOARD BENEFITS.

The amount of the entitlement to retirement, survivors, and disability insurance (RSDI) or railroad retirement board benefits is counted as unearned income, unless an overpayment is being withheld. If an overpayment is being withheld, the net amount is unearned income. (1-1-14)T

376. -- 377. (RESERVED)

378. DISABILITY INSURANCE PAYMENTS.

Taxable disability payments, paid to an individual through an insurance company, are unearned income in the month received. (1-1-14)T

379. INCOME FROM ROOMER OR BOARDER.

Taxable income from a commercial boarding house is earned income. Income from other room and board situations is unearned income. (1-1-14)T

380. RETIREMENT ACCOUNTS, PENSIONS, AND ANNUITY DISTRIBUTIONS.

Distributions received from an individual retirement account that is reported as income on the most recent year's tax return is included in gross income for the year when determining calculated income for Medicaid. Interest from a retirement account that is withdrawn in one (1) lump sum is unearned income in the month received. (1-1-14)T

381. INCOME FROM SALE OF REAL PROPERTY.

Monthly payments, minus prorated taxes and insurance costs, received by a participant for the sale of real property are unearned income. (1-1-14)T

382. EDUCATIONAL INCOME.

Any student financial assistance provided under Title IV of the Higher Education Act, the Bureau of Indian Affairs education program, Veteran's Administration educational benefits, grants, loans, scholarships, or work study is excluded. (1-1-14)T

383. (RESERVED)

384. LUMP SUM INCOME.

A non-recurring lump sum payment is income in the month the lump sum is received. Lump sum income is a retroactive monthly benefit or a windfall payment. The lump sum may be earned or unearned income that is paid in a single sum. Lump sum income includes retirement, survivors, and disability insurance (RSDI), severance pay, disability insurance, and lottery winnings. (1-1-14)T

01. Lump Sum Received in Initial Month of Eligibility. Lump sum income received in the application month is counted as income for that month. (1-1-14)T

02. Lump Sum Received in Any Other Month of Eligibility. If a lump sum income is anticipated, the lump sum is counted as income in the month the income is expected. (1-1-14)T

03. Prior-Year Tax Refund. Any portion of a prior-year tax refund, which is considered as income on the most recent year's tax return, is included in the gross calculated income for the year when determining calculated annual income for Medicaid. (1-1-14)T

385. INCOME EXCLUDED BY FEDERAL LAW.

Income excluded by federal law is not counted in determining income available to the participant. (1-1-14)T

386. -- 387. (RESERVED)

388. DEPENDENT CHILD'S UNEARNED INCOME.

A child's unearned income is countable towards his household's eligibility, only when the child must file a tax return based on his own income. (1-1-14)T

389. -- 394. (RESERVED)

DISREGARDS
(Section 395 Through 399)

395. INCOME DISREGARDS.

A standard disregard in the amount of five percent (5%) of Federal Poverty Guidelines (FPG) by family size is applied to the calculated income of an individual in those situations where the application of the disregard is necessary in order for the individual to be eligible for the highest income limit Health Care coverage for which they may be eligible. (1-1-14)T

396. -- 399. (RESERVED)

HEALTH COVERAGE FOR ADULTS
(Sections 400 Through 499)

400. PARENTS AND CARETAKER RELATIVES *ELIGIBLE FOR MEDICAID COVERAGE.*

In order for an adult in a household budget unit to be eligible for Medicaid coverage, the adult must meet the requirements in Subsections 400.01 through 400.06 of this rule. (1-1-14)T

***01. Parent, Caretaker Relative, or a Pregnant Woman.** The adult must be a parent, caretaker relative, or a pregnant woman in the household budget unit. (1-1-14)T*

***02. Responsible for Eligible Dependent Child.** The adult must be responsible for an eligible dependent*

child, which includes the unborn child of a pregnant woman. (1-1-14)T

03. Live in Same Household. *The adult must live in the same household with the eligible dependent child.* (1-1-14)T

04. MAGI Income Eligibility. *The adult must meet all income requirements of the Medicaid program for eligibility determined according to MAGI methodologies identified in Sections 300 through 303, and 411 of these rules. Eligibility is based on:* (1-1-14)T

a. *The number of members included in the household budget unit; and* (1-1-14)T

b. *All countable income for the household budget unit.* (1-1-14)T

05. Member of More Than One Budget Unit. No person may receive benefits in more than one (1) budget unit during the same month. (1-1-14)T

06. More Than One Medicaid Budget Unit in Home. If there is more than one (1) Medicaid budget unit in a home, each budget unit is considered a separate unit. (1-1-14)T

401. FINANCIALLY ELIGIBLE CHILD.

01. Household Income. The household's calculated income does not exceed the threshold established and available on the U.S. Health and Human Services website at <http://aspe.hhs.gov/poverty>. (1-1-14)T

02. SSI Income. The child receives SSI income. (1-1-14)T

402. PERSONS EXEMPT FROM MAGI-BASED ELIGIBILITY DETERMINATION.

01. SSI Recipient. Persons who receive SSI benefits. (1-1-14)T

02. AABD State Supplemented Recipient. Persons who receive AABD cash benefits. (1-1-14)T

03. Ineligible Non-Citizen. Persons who are ineligible non-citizens. (1-1-14)T

04. Title IV-E Foster Child. A child who receives foster care payments from the Department. (1-1-14)T

05. Adoption Assistance. A child who receives adoption assistance payments from any federal, state, or local agency providing adoption assistance payments. (1-1-14)T

06. AABD. An individual who receives Medicaid based on disability, blindness, age (65 or older), or the need for long-term care service. (1-1-14)T

403. -- 409. (RESERVED)

410. DETERMINING MEDICAID ELIGIBILITY.

Calculated income for each individual is compared to the income payment standard. When income exceeds the standards, the individual is ineligible. Income standards are available on the U.S. Health and Human Services website at <http://aspe.hhs.gov/poverty>. (1-1-14)T

411. INCOME LIMITS FOR PARENTS AND CARETAKER RELATIVES.

The income limits are based on the number of household budget unit members. Parents and caretaker relatives, whose MAGI-based income does not exceed the guidelines listed in the table below for their household size, meet the income limit for parent and caretaker relative Medicaid.

TABLE 411 INCOME LIMITS	
Number of Household Members	Income Limit
1	\$233
2	\$289
3	\$365
4	\$439
5	\$515
6	\$590
7	\$666
8	\$741
9	\$816
10	\$982
Over 10 Persons	Add \$75 Each

(1-1-14)T

412. -- 419. (RESERVED)

420. EXTENDED MEDICAID FOR SPOUSAL SUPPORT INCREASE.

Participants are eligible for four (4) calendar months of Extended Medicaid if an increase in the participant's spousal support causes them to exceed the income limit for their household budget unit size. The participant must have received Medicaid in Idaho in at least three (3) of the six (6) months before the month the participant became income ineligible. (1-1-14)T

421. -- 499. (RESERVED)

**PREGNANCY-RELATED HEALTH COVERAGE
(Sections 500 Through 519)**

500. PREGNANT WOMAN COVERAGE.

A pregnant woman of any age is eligible for the Pregnant Woman coverage if she meets all of the non-financial and financial criteria of the coverage group. Health care assistance for Pregnant Woman coverage is limited to pregnancy-related and postpartum services. The Pregnant Woman medical assistance coverage extends through the sixty (60) day postpartum period if she applied for medical assistance while pregnant and was receiving medical assistance when the child was born. An individual who applies for Pregnant Woman medical assistance after the child is born is not eligible for the sixty-day (60) postpartum period. (1-1-14)T

01. Income Limit. The individual's calculated income must not exceed one hundred thirty-three percent (133%) of the Federal Poverty Guidelines (FPG) for her family size in the application month. (1-1-14)T

02. Household Size. *The household budget unit consists of the pregnant woman, the unborn child or children if expecting more than one (1) child, and any individual determined to be part of the household budget unit based on MAGI methodologies as identified in Sections 300 through 303, and 411 of these rules.* (1-1-14)T

03. Income Disregards. A standard disregard in the amount of five percent (5%) of Federal Poverty Guidelines (FPG) for family size is applied to the MAGI income of the pregnant woman if the disregard is necessary to establish income eligibility. (1-1-14)T

04. Continuing Eligibility. The pregnant woman remains eligible during the pregnancy regardless of changes in income. The woman must report the end of pregnancy to the Department within ten (10) days. (1-1-14)T

501. PREGNANT WOMAN INELIGIBLE BECAUSE OF EXCESS INCOME.

A pregnant woman who receives health care assistance and becomes ineligible because of an increase in income will continue to receive coverage through the end of the month in which the sixtieth day *of her postpartum period* falls. (1-1-14)T

502. PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN.

Presumptively eligible (PE) pregnant woman coverage is designed to provide some prenatal care during the time between the pregnancy diagnosis and the eligibility determination. (1-1-14)T

01. Pregnancy Diagnosis and Eligibility Determination. A pregnant woman can get limited ambulatory prenatal care as a presumptively eligible (PE) pregnant woman through the end of the month after the month the provider completes the PE determination. (1-1-14)T

02. Qualified Provider Completes Eligibility Determination. A qualified PE provider accepts written requests for these services and completes the eligibility determination. (1-1-14)T

03. Formal Application. The qualified PE provider must inform the participant how to complete the formal application process. (1-1-14)T

04. Notification of Eligibility Determination Results. Qualified PE providers are required to send the result of the PE decision and the completed application for the Pregnant Woman coverage to the Department within two (2) working days of the PE determination. (1-1-14)T

05. Presumptive Eligibility Decisions. Notice and hearing rights of the Title XIX Medicaid program do not apply to the PE decisions. An individual is eligible for only one (1) period of PE coverage during each pregnancy. (1-1-14)T

503. -- 519. (RESERVED)

HEALTH COVERAGE FOR CHILDREN
(Sections 520 Through 529)

520. FINANCIAL ELIGIBILITY.

Children are eligible for Health Care Assistance when the household's total MAGI-Based income minus a standard disregard in the amount of five percent (5%) of Federal Poverty Guidelines (FPG) by family size is less than or equal to the applicable income limit for the age of the child. (1-1-14)T

01. Title XIX Income Limit. For children age zero (0) to six (6), Title XIX income limit is one hundred forty-two percent (142%) of the FPG for the household size. For children age six (6) through age eighteen (18) the income limit is one hundred thirty three percent (133%) of the FPG for the household size. (1-1-14)T

02. Title XXI Income Limit. For children age zero to six (0-6), Title XXI income limit is between one hundred forty-two percent (142%) and one hundred eighty-five percent (185%) of the FPG for the household size. For children ages six (6) through eighteen (18) the income limit is between one hundred thirty-three percent (133%) and one hundred eighty five percent (185%) of the FPG for the household size. (1-1-14)T

03. Disregard Applied. A standard disregard in the amount of five percent (5%) of Federal Poverty Guidelines (FPG) by family size is applied to the calculated income used to establish the child's eligibility when applying the disregard is necessary for the child to be financially eligible. (1-1-14)T

521. HOUSEHOLD SIZE AND FINANCIAL RESPONSIBILITY.

Household size and financial responsibility for health coverage for children is determined using the methodology

described in Section 300 of these rules. (1-1-14)T

522. (RESERVED)

523. ACCESS TO OR COVERAGE UNDER OTHER HEALTH PLANS.

A child is ineligible for coverage under the CHIP plan if they have access to or are enrolled in other health coverage plans as described below: (1-1-14)T

01. Covered by Creditable Health Insurance. The child is covered by creditable health insurance at the time of application. (1-1-14)T

02. Eligible for Title XIX. The child is eligible under Idaho's Title XIX State Plan. (1-1-14)T

03. Idaho State Employee Benefit Plan. The child is eligible to receive health insurance benefits under Idaho's State employee benefit plan. (1-1-14)T

524. CONTINUOUS HEALTH CARE ASSISTANCE ELIGIBILITY FOR CHILDREN UNDER AGE NINETEEN.

Children under age nineteen (19), who are found eligible for health coverage in an initial determination or at renewal, remain eligible for a period of twelve (12) months. The twelve (12) month continuous eligibility period does not apply if, for any reason, eligibility was determined incorrectly. (1-1-14)T

01. Reasons Continuous Eligibility Ends. Continuous eligibility for children *ends* for one (1) of the following reasons: (1-1-14)T

a. The child is no longer an Idaho resident; (1-1-14)T

b. The child dies; (1-1-14)T

c. The participant requests closure; or (1-1-14)T

d. The child turns nineteen (19) years of age as defined in Subsection 010.05 of these rules. (1-1-14)T

02. Children Not Eligible for Continuous Eligibility. Children are not eligible for continuous eligibility for one (1) of the following reasons: (1-1-14)T

a. A child is approved for emergency medical services; or (1-1-14)T

b. A child is approved for pregnancy-related services. (1-1-14)T

525. FORMER FOSTER CHILD.

An individual who is between the age of eighteen (18) and twenty-six (26), who was in foster care in Idaho and became ineligible for Medicaid as a foster child due to age, may receive Medicaid coverage until his twenty-sixth birthday. There are no financial eligibility criteria. The only non-financial criteria are the receipt of foster care services and age. (1-1-14)T

526. -- 529. (RESERVED)

SPECIAL CIRCUMSTANCES FOR CHILDREN
(Sections 530 Through 549)

530. NEWBORN CHILD DEEMED ELIGIBLE FOR MEDICAID.

A child is deemed eligible for Medicaid for his first year of life when the following exists. (1-1-14)T

01. Mother Filing an Application. The child is born to a mother who files an application for medical assistance. (1-1-14)T

02. Mother Is Eligible for Medicaid. The mother is eligible for Medicaid in the newborn's birth month, including a month of retroactive coverage. This includes a mother who qualifies for coverage only for the delivery because of her alien status. (1-1-14)T

531. MINOR PARENT LIVING WITH PARENTS.

A minor parent is a child under the age of eighteen (18) who is pregnant or has a child. Minor parents who live with their parents may be eligible for Health Care Assistance for themselves and their children. The minor parent's eligibility is determined according to the Section 300 of these rules related to tax filing households. (1-1-14)T

532. RESIDENT OF AN ELIGIBLE INSTITUTION.

A resident of an eligible institution must meet all nonfinancial and financial criteria of Title XIX or Title XXI. Eligible institutions are medical institutions, intermediate care facilities, child care institutions for foster care, or publicly-operated community residences serving no more than sixteen (16) residents. (1-1-14)T

533. CHILDREN WITH SPECIAL CIRCUMSTANCES AND MEDICAID.

Children who receive foster care or are in adoptive placements are eligible for Medicaid. The children must meet nonfinancial criteria and must meet the financial requirements described for the children's coverage group. (1-1-14)T

534. ADOLESCENT RESIDENT OF IDAHO STATE HOSPITAL SOUTH.

A child, residing in Idaho State Hospital South, may be eligible for Health Care Assistance if the child is: (1-1-14)T

01. Age. The child must be under the age twenty-one (21). (1-1-14)T

02. Calculated Income. The child's calculated income is: (1-1-14)T

a. Two hundred thirty-three dollars (\$233) or less; and (1-1-14)T

b. If necessary, a standard disregard of five percent (5%) of Federal Poverty Guidelines (FPG) by family size is applied to the child's calculated income in order for the child to be eligible for coverage. (1-1-14)T

535. TITLE IV-E FOSTER CARE CHILD.

A child may be eligible for Health Care Assistance as a Title IV-E foster care child if the following conditions are met. (1-1-14)T

01. Court Order or Voluntary Placement. The child must have been living in a parent's or relative's home during the month a court order removes the child or during the month a parent or relative voluntarily signs a written agreement with the Department for foster care. (1-1-14)T

02. Custody and Placement. The child's placement and care are the Department's responsibility and the child is living in a licensed foster home, licensed institution, licensed group home, detention center, or in a relative's home approved for the child by the Department. (1-1-14)T

03. IV-E Foster Care and SSI Eligibility. When a child is eligible for both IV-E-Foster Care and SSI, the caretaker relative or social worker must choose the Medicaid coverage group for the child. (1-1-14)T

536. TITLE XIX FOSTER CHILD.

A child living in a foster home, children's agency, or children's institution who does not meet the conditions of Title IV-E Foster Care may be Medicaid eligible if the following conditions are met: (1-1-14)T

01. Age. The foster child is under age twenty-one (21). (1-1-14)T

02. Department Responsibility. The Department assumes full or partial financial responsibility for the child. (1-1-14)T

03. Calculated Income. The child's calculated income is: (1-1-14)T

- a. Two hundred thirty-three dollars (\$233) or less; and (1-1-14)T
- b. If necessary, a standard disregard of five percent (5%) of Federal Poverty Guidelines (FPG) by family size is applied to the child's calculated income in order for the child to be eligible for coverage. (1-1-14)T

537. STATE SUBSIDIZED ADOPTION ASSISTANCE CHILD.

A child in a state subsidized adoptive placement may be Medicaid eligible when the following conditions are met. (1-1-14)T

- 01. Age.** The child is under age twenty-one (21). (1-1-14)T
- 02. Adoption Assistance.** An adoption assistance agreement, other than under Title IV-E between the state and the adoptive parents, is in effect. (1-1-14)T
- 03. Special Needs.** The child has special needs for medical or rehabilitative care that prevent adoptive placement without Medicaid. (1-1-14)T
- 04. Medicaid.** The child received Medicaid in Idaho prior to the adoption agreement. (1-1-14)T

538. CHILD IN FEDERALLY-SUBSIDIZED ADOPTION ASSISTANCE.

A child in a federally-subsidized adoptive placement under Title IV-E foster care is eligible for Medicaid. No additional conditions must be met. (1-1-14)T

539. THE ADOPTIONS AND SAFE FAMILIES ACT.

The Adoptions and Safe Families Act of 1997 provides health insurance coverage for any child with special needs when they meet the following conditions. (1-1-14)T

- 01. Adoption Assistance Agreement.** The child has an adoption assistance agreement. (1-1-14)T
- 02. Special Needs.** The state has determined that due to the child's special needs for medical, mental health, or rehabilitative care, the child cannot be placed with adoptive parents without medical assistance. (1-1-14)T

540. -- 544. (RESERVED)

545. PRESUMPTIVE ELIGIBILITY FOR CHILDREN AND PARENTS.

Presumptive eligibility determination for qualifying medical coverage groups can only be provided by a qualified hospital defined in Section 011 or these rules. (1-1-14)T

01. Presumptive Eligibility Decisions. Decisions of presumptive eligibility can only be made for children up to age nineteen (19), parents with eligible children in their household, caretaker relatives, or pregnant women, who meet program requirements for MAGI-based Medicaid coverage for families and children. (1-1-14)T

02. Presumptive Eligibility Determination. Presumptive eligibility determinations are made by a qualified hospital when an individual receiving medical services is not covered by health care insurance and the financial assessment by hospital staff indicates the individual is eligible for Medicaid Coverage in Idaho. This determination is made by hospital staff through an online presumptive application process: (1-1-14)T

- a. Prior to completion of a full Medicaid application; and (1-1-14)T*
- b. Prior to a determination being made by the Department on the full application. (1-1-14)T*

03. Presumptive Eligibility Period. The presumptive eligibility period begins on the date the presumptive application is filed online and ends with the earlier of the following: (1-1-14)T

- a. The date the full eligibility determination is completed by the Department; or (1-1-14)T*
- b. The end of the current month the qualified hospital completed the presumptive eligibility (1-1-14)T*

determination. (1-1-14)T

546. QUALIFIED HOSPITAL PRESUMPTIVE ELIGIBILITY PROCESSES.

A qualified hospital must have a Memorandum of Understanding (MOU) with the Department and follow all standards and processes agreed to in the MOU. (1-1-14)T

01. Acceptance of Application. *The qualified hospital accepts the request for services in the same manner as all applications for assistance are accepted. (1-1-14)T*

02. Standards and Processes. *The presumptive eligibility determination must be based on standards and processes provided by the Department. (1-1-14)T*

03. Assistance to Applicant. *The qualified hospital must assist the applicant in completing the Department's application process. (1-1-14)T*

04. Qualified Hospital Staff. *Only qualified hospital staff who are trained in presumptive eligibility standards can make a presumptive eligibility determination. (1-1-14)T*

05. Notice to Applicant. *The qualified hospital or the Department will provide notice to the applicant within two business days on the presumptive eligibility determination. (1-1-14)T*

06. Notice and Hearing Rights. *Presumptive eligibility decisions are not appealable and do not have hearing rights under the Title XIX Medicaid program. (1-1-14)T*

07. Number of Presumptive Eligibility Periods Allowed. *Only one (1) presumptive eligibility period is allowed per applicant in any twelve (12) month period. (1-1-14)T*

547. -- 549. (RESERVED)

MEDICAID DIRECT COVERAGE PLANS
(Sections 550 Through 559)

550. MEDICAID DIRECT COVERAGE GROUPS.

Based on the assessment of the participant's health care needs they are enrolled in one (1) of the following plans: (1-1-14)T

01. Medicaid Basic Plan. *The Medicaid Basic Plan is similar to private health insurance plans. The services in this plan are described in IDAPA 16.03.09, "Medicaid Basic Plan Benefits." (1-1-14)T*

02. Medicaid Enhanced Plan. *The Medicaid Enhanced Plan includes all of the benefits found in the Basic Plan, plus additional benefits to cover needs of people with disabilities or special health needs. The services in this plan are described in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (1-1-14)T*

03. Medicare/Medicaid Coordinated Plan Benefits. *The Medicare/Medicaid Coordinated Plan includes the Medicaid benefit plan option that coordinates and integrates health plan benefits for individuals who are eligible for and enrolled in both Medicare and Medicaid. (1-1-14)T*

551. HEALTH ASSESSMENT.

A health assessment is required when a participant moves to the enhanced plan. Children who are receiving services from the Department, in foster care, receiving SSI, infant toddler program and children receiving developmentally delayed services, are eligible for the enhanced plan without the need for the health assessment. (1-1-14)T

552. -- 599. (RESERVED)

CASE MAINTENANCE REQUIREMENTS

(Sections 600 Through 701)

600. ANNUAL ELIGIBILITY RENEWAL.

Participants must have an annual eligibility review of all eligibility factors. Exceptions to the annual eligibility renewal are listed in Section 601 of these rules. (1-1-14)T

01. Continuing Eligibility. Continuing eligibility is determined using available electronic verification sources without participant contact, unless: (1-1-14)T

a. Information is not available; (1-1-14)T

b. Information sources provide conflicting information; or (1-1-14)T

c. Information is inconsistent with information provided by the participant. (1-1-14)T

02. Inconsistency Impacts Eligibility. When inconsistency exists from electronic verification sources that impact participant eligibility, information must be verified by the participant. The Department provides the participant a document that displays household information currently being used to establish eligibility and asks the participant to verify correctness, and if not correct to provide updated information. (1-1-14)T

601. EXCEPTIONS TO ANNUAL RENEWAL.

A participant who receives Title XIX or Title XXI through time-limited coverage does not require an annual renewal when the following exists. (1-1-14)T

01. Extended Medicaid. A participant who receives extended Medicaid is eligible as provided in Section 420 of these rules. (1-1-14)T

02. Pregnant Woman. A participant who receives Medicaid as a Low Income Pregnant Woman is eligible as provided in Section 500 of these rules. (1-1-14)T

03. Newborn Child of Medicaid-Eligible Mother. A participant receiving Medicaid as the newborn child of a Medicaid-eligible mother is eligible as provided in Section 530 of these rules. (1-1-14)T

602. -- 609. (RESERVED)

610. REPORTING REQUIREMENTS.

Changes in family circumstances must be reported to the Department by the tenth of the month following the month in which the change occurred. Report of changes may be made verbally, in writing, through personal contact, telephone, fax, electronic mail, or mail. (1-1-14)T

611. TYPES OF CHANGES THAT MUST BE REPORTED.

Changes in circumstances the participant must report are the following: (1-1-14)T

01. Name or Address. A name change for any participant must be reported. A change of address or location must be reported. (1-1-14)T

02. Household Composition. Changes in family composition must be reported if a parent or relative caretaker receives Medicaid. (1-1-14)T

03. Marital Status. Marriages or divorces of any family member must be reported if a parent or relative caretaker receives Medicaid. (1-1-14)T

04. New Social Security Number. A Social Security Number (SSN) that is newly assigned to a Medicaid Health Care Assistance program participant must be reported. (1-1-14)T

05. Health Insurance Coverage. Enrollment or disenrollment of a participant in a health insurance plan must be reported. (1-1-14)T

- 06. End of Pregnancy.** Pregnant participants must report when pregnancy ends. (1-1-14)T
- 07. Earned Income.** Changes in the amount or source of earned income must be reported if a parent or relative caretaker receives Title XIX benefits. (1-1-14)T
- 08. Unearned Income.** Changes in the amount or source of unearned income must be reported if a parent or relative caretaker receives Title XIX benefits. (1-1-14)T
- 09. Support Income.** Changes in the amount of spousal support received by an adult household member. (1-1-14)T
- 10. Disability.** A family member who becomes disabled or is no longer disabled must be reported if a parent or relative caretaker receives Title XIX benefits. (1-1-14)T
- 612. -- 619. (RESERVED)**
- 620. NOTICE OF CHANGES IN ELIGIBILITY.**
The Department will notify the participant of changes in his Health Care Assistance. The notice must give the effective date, the reason for the action, the rule that supports the action, and appeal rights. (1-1-14)T
- 621. NOTICE OF CHANGE OF PLAN.**
The Department is allowed to switch a participant from the Medicaid Basic Plan to the Medicaid Enhanced plan within the same month. Advance notice must be given to the participant when there is a decrease in their benefits and he will be switched from the enhanced plan to the basic plan. (1-1-14)T
- 622. ADVANCE NOTICE RESPONSIBILITY.**
The Department must notify the participant at least ten (10) calendar days before the effective date of when a reported change results in Health Care Assistance closure. The effective date must allow for a five (5) day mailing period for any notice. (1-1-14)T
- 623. ADVANCE NOTICE NOT REQUIRED.**
Advance notice is not required when a condition listed in Subsections 623.01 through 623.08 of this rule exists. The participant must be notified no later than the date of the action. (1-1-14)T
- 01. Death of Participant.** The Department has proof of the participant's death. (1-1-14)T
- 02. Participant Request.** The participant requests closure in writing. (1-1-14)T
- 03. Participant in Institution.** The participant is admitted or committed to an institution. Further payments to the participant do not qualify for federal financial participation under the state plan. (1-1-14)T
- 04. Nursing Care.** The participant is placed in a nursing facility or Intermediate Care Facility for Persons with Intellectual Disabilities (ICF/ID). (1-1-14)T
- 05. Participant Address Unknown.** The participant's whereabouts are unknown. (1-1-14)T
- 06. Medical Assistance in Another State.** A participant is approved for medical assistance in another state. (1-1-14)T
- 07. Eligible One Month.** The participant is eligible for aid only during the calendar month of his application for aid. (1-1-14)T
- 08. Retroactive Medicaid.** The participant's Title XIX or Title XXI eligibility is for a prior period. (1-1-14)T
- 624. -- 699. (RESERVED)**

700. OVERPAYMENTS.

Health Care Assistance overpayments occur when a participant receives benefits during a month he *was* not eligible.
(1-1-14)T

701. RECOVERY OF OVERPAYMENTS.

All Health Care Assistance overpayments are subject to recovery. Overpayments are recovered by direct payment from the participant.
(1-1-14)T

01. Notice of Overpayment. The participant must be informed of the Health Care Assistance overpayment and appeal rights.
(1-1-14)T

02. Notice of Recovery. The participant must be informed when his Health Care Assistance overpayment is fully recovered.
(1-1-14)T

702. -- 999. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

DOCKET NO. 16-0304-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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, 2014, 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 Section 56-203, Idaho Code; also 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:

These rule changes were adopted to:

1. Revise rules to exempt federal income tax refunds from resource limits for up to twelve (12) months from the time of receipt as a liquid resource.
2. Allow a standard medical expense deduction for qualifying individuals who can show they have greater than \$35 in allowable medical expenses. This change will streamline the application and recertification process for individuals, especially for vulnerable populations. The change also will result in fewer calculation errors when determining food stamp benefits.
3. Revise rules to conform to federal regulations for changes on which the Department must act. This rule change will allow the Department flexibility to select options allowed under federal regulation when calculating expense changes used for food stamp benefits.

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, 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:

There is no anticipated fiscal impact to the state general fund or any other funds related to this rulemaking. NOTE: The USDA Food and Nutrition Services require that the Department demonstrate cost neutrality prior to implementing the change regarding the medical expense deduction.

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

DATED this 19th day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0305-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2014. The pending rule has been adopted by the agency and is now pending review by the 2014 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 a temporary rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-209, 56-236 through 56-240, 56-242, 56-250 through 56-257, 56-260 through 56-266, Idaho Code; and 42 CFR, 45 CFR, and 26 USC Part 36B.

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 and a statement of any change between the text of the proposed rule and the text of the pending rule:

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice. Changes to the pending rule and included in the temporary rule are being made because of input from patient providers concerning patient liability issues. The text for the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 186 through 201](#). The temporary rule is being adopted because of changes to federal laws that require implementation on January 1, 2014.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to comply with deadlines in amendments to governing law or federal programs, effective January 1, 2014, and to confer a benefit.

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 fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The fiscal impact for this rulemaking is anticipated to be cost neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending and temporary rule, contact Lori Wolff at (208) 334-5815.

DATED this 26th day of November, 2013.

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. 16-0305-1301 - ADOPTION OF PENDING RULE AND 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 13-10, October 2, 2013, pages 186 through 201.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2014 Idaho State Legislature.

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

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
AND TEMPORARY RULE FOR DOCKET NO. 16-0305-1301

005. DEFINITIONS.

~~These definitions~~ For purposes of this chapter, the following terms apply ~~to IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)";~~ ~~(7-1-99)(1-1-14)T~~

01. AABD Cash. An EBT payment to a participant, a participant's guardian, or a holder of a limited power of attorney for EBT payments. AABD Cash is a payment of a supplemental cash amount to an individual who meets the program requirements. This payment may be made through direct deposit or an electronic benefits card. ~~(5-3-03)(1-1-14)T~~

02. Applicant. A person applying for public assistance from the Department, ~~and whose application is not fully processed~~ including individuals referred to the Department from a health insurance exchange or marketplace. ~~(7-1-99)(1-1-14)T~~

03. Annuity. A right to receive periodic payments, either for life, a term of years, or other interval of time, whether or not the initial payment or investment has been annuitized. It includes contracts for single payments where the single payment represents an initial payment or investment together with increases or deductions for interest or fees rather than an actuarially-based payment from an insurance pool. (3-30-07)

04. Asset. Includes all income and resources of the individual and the individual's spouse, including any income or resources which the individual or such individual's spouse is entitled to, but does not receive because of action by: (3-30-07)

a. The individual or such individual's spouse; (3-30-07)

b. A person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or such individual's spouse; or (3-30-07)

c. A person, including any court or administrative body, acting at the direction or upon the request of the individual or such individual's spouse. (3-30-07)

05. Asset Transfer for Sole Benefit. An asset transfer is considered to be for the sole benefit of a

spouse, blind or disabled child, or disabled individual if the transfer is arranged in such a way that no individual or entity except the spouse, blind or disabled child, or disabled individual can benefit from the assets transferred in any way, whether at the time of transfer or at any time in the future. (5-3-03)

~~06.~~ **Child.** ~~A child is under age eighteen (18), or under twenty one (21) and attending school, college, university, or vocational or technical training designed to prepare him for gainful employment. A child is not married. A child is not the head of a household.~~ Any individual from birth through the end of the month of his nineteenth birthday. ~~(7-1-99)~~(1-1-14)T

~~07.~~ **Citizen.** A person having status as a “national of the United States” defined in 8 U.S.C. 1101(a)(22) that includes both citizens of the United States and non-citizen nationals of the United States. (1-1-14)T

~~08.~~ **Department.** The Department of Health and Welfare. (7-1-99)

~~09.~~ **Direct Deposit.** The electronic deposit of a participant’s AABD cash to the participant’s personal account with a financial institution. (7-1-99)

~~10.~~ **Electronic Benefits Transfer (EBT).** A method of issuing AABD cash to a participant, a participant’s guardian or a holder of a limited power of attorney for EBT payments for a participant. EBT rules are in IDAPA 16.03.20, “Rules Governing Electronic Payments of Public Assistance, Food Stamps and Child Support.” (7-1-99)

~~11.~~ **Essential Person.** A person of the participant’s choice whose presence in the household is essential to the participant’s well-being. The essential person provides the services a participant needs to live at home.(5-3-03)

~~12.~~ **Fair Market Value.** The fair market value of an asset is the price for which the asset can be reasonably expected to sell on the open market, in the geographic area involved. (5-3-03)

~~13.~~ **Long-Term Care.** Long-term care services are services provided to an institutionalized individual as defined in 42 U.S.C. 1396p(c)(1)(C). (3-30-07)

~~14.~~ **Medicaid.** ~~The Federally funded program for medical care~~ Idaho’s Medical Assistance Program administered by the Department and funded with federal and state funds according to (Title XIX, Social Security Act) ~~(5-3-03)~~(1-1-14)T that provides medical care for eligible individuals.

~~15.~~ **Medical Assistance Rules.** Idaho Department of Health and Welfare Rules, IDAPA 16.03.09, “Medicaid Basic Plan Benefits,” ~~and~~ IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits,” and IDAPA 16.03.17, “Medicare/Medicaid Coordinated Plan Benefits.” ~~(3-30-07)~~(1-1-14)T

~~16.~~ **Medicaid for Families With Children Rules.** Idaho Department of Health and Welfare Rules, IDAPA 16.03.01, “Eligibility for Health Care Assistance for Families and Children.” (7-1-99)

~~17.~~ **Needy.** A person is considered needy for AABD cash payments if the person meets the nonfinancial requirements of Title XVI of the Social Security Act and the criteria in Section 514 of these rules. (4-7-11)

~~18.~~ **Non-Citizen.** Same as “alien” defined in Section 101(a)(3) of the Immigration and Nationality Act (INA) (8 U.S.C. 1101 (a)(3)), and includes any individual who is not a citizen or national of the United States. (1-1-14)T

~~19.~~ **Participant.** An individual ~~applying for or receiving assistance~~ who is eligible for, and enrolled in, a Health Care Assistance Program or Medicaid. ~~(7-1-99)~~(1-1-14)T

~~20.~~ **Partnership Policy.** A partnership policy is a qualified long-term care insurance policy as defined in Section 7702B(b) of the Internal Revenue Code of 1986, which meets the requirements of the long-term care insurance model regulation and long-term care insurance model act promulgated by the National Association of Insurance Commissioners (NAIC), as incorporated in 42 USC 1396p(b)(5)(A). (4-2-08)

- 21. Premium.** A regular, periodic charge or payment for health coverage. (1-1-14)T
- 22. Reasonable Opportunity Period.** A period of time allowed for an individual to provide requested proof of citizenship or identity. A reasonable opportunity period extends for ninety (90) days beginning on the 5th day after the notice requesting the proof has been mailed to the applicant. This period may be extended if the Department determines that the individual is making a “good faith” effort to obtain necessary documentation. (1-1-14)T
- ~~23.~~ **Pension Funds.** Pension funds are retirement funds held in individual retirement accounts (IRAs), as described by the Internal Revenue Code, or in work-related pension plans, including plans for self-employed individuals sometimes referred to as Keogh plans. (4-2-08)
- 204. Sole Beneficiary.** The only beneficiary of a trust, including a beneficiary during the grantor’s life, a beneficiary with a future interest, and a beneficiary by the grantor’s will. (7-1-99)
- ~~25.~~ **TAFI Rules.** Idaho Department of Health and Welfare Rules, IDAPA 16.03.08, “Rules Governing Temporary Assistance for Families in Idaho.” (7-1-99)
- 226. Title XVI.** Title XVI of the Social Security Act, known as “Grants to States for Aid to the Aged, Blind, or Disabled,” is a program for financial assistance to needy individuals who are sixty-five (65) years of age or over, are blind, or are eighteen (18) years of age or over and permanently and totally disabled. (4-7-11)
- ~~237.~~ **Title XIX.** Title XIX of the Social Security Act, known as Medicaid, is a medical benefits program jointly financed by the federal and state governments and administered by the states. ~~This program pays for medical assistance for certain individuals and families with low income and limited resources.~~ (3-30-07)(1-1-14)T
- 248. Title XXI.** Title XXI of the Social Security Act, known as the State Children's Health Insurance Program (SCHIP); ~~This is a program that primarily pays for medical assistance for~~ federal and state partnership that provides health insurance to targeted, low-income children. (3-30-07)(1-1-14)T
- ~~259.~~ **Treasury Rate.** The five (5) year security note rate listed in the “Daily Treasury Yield Curve Rate” by the U.S. Treasury on January 1 of each year. The January 1 rate is used for the entire calendar year. (4-2-08)
- ~~2630.~~ **Working Day.** A calendar day when regular office hours are observed by the state of Idaho. Weekends and state holidays are not considered working days. (7-1-99)(1-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

072. REQUIRED VERIFICATION.

Applicants must prove their eligibility for aid. The participant is allowed ten (10) calendar days to provide requested proof. The application is denied if the applicant does not provide proof in ten (10) calendar days of the written request and does not have good cause for not providing proof. The Department may also use electronic verification sources when they are available. (7-1-99)(1-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

092. CONCURRENT BENEFIT PROHIBITION.

If a person is potentially eligible for either AABD cash, TAFI, or foster care, only one (1) program may be chosen. (7-1-99)(1-1-14)T

093. -- 099. (RESERVED)

100. RESIDENCY.

The participant must be voluntarily living in Idaho and have no immediate intention of leaving. For Medicaid, other persons are Idaho residents if they meet a criteria in Subsections 100.01 through 100.05 of this rule. (7-1-99)(1-1-14)T

01. Foster Child. A participant living in Idaho and receiving child foster care payments from another state. (7-1-99)

02. Incapable Participant. A participant ~~in an Idaho institution,~~ who became is incapable of indicating his state of residency after age twenty-one (21). ~~The participant is a resident of the state where~~ is considered a resident of Idaho when: (1-1-14)T

a. ~~His~~ His parent or guardian lives ~~in Idaho; or~~ (1-1-14)T

b. ~~A participant~~ He resides in an Idaho institution, ~~who became incapable of indicating his state of residency after age twenty one (21), is a resident of Idaho.~~ (7-1-99)(1-1-14)T

03. Placed in Another State by Idaho. A participant placed by the state of Idaho in an institution in another state. (7-1-99)

04. Homeless. A participant not maintaining a permanent home or having a fixed address who intends to remain in Idaho. (7-1-99)

05. Migrant. A migrant working and living in Idaho. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

102. ~~(RESERVED)~~ U.S. CITIZENSHIP VERIFICATION REQUIREMENTS.

Any individual who participates in AABD cash, Health Care Assistance, or Medicaid benefits must provide proof of U.S. citizenship unless he has otherwise met the requirements under Subsection 104.06 of these rules. (1-1-14)T

01. Citizenship Verified. Citizenship must be verified by electronic means when available. If an electronic verification is not immediately obtainable, the Department may request documentation from the applicant. The Department will not deny the application until the applicant has had a reasonable opportunity period to obtain and provide the necessary proof of U.S. citizenship. (1-1-14)T

02. Benefits During Reasonable Opportunity Period. Benefits are provided during the reasonable opportunity period that is provided to allow the applicant time to obtain and provide documentation to verify U.S. citizenship. No overpayment will exist for the reasonable opportunity period if the applicant does not provide necessary documentation during the reasonable opportunity period so that the application results in denial. (1-1-14)T

03. Electronic Verification. Electronic interfaces initiated by the Department with agencies that maintain citizenship and identity information are the primary sources of verification of U.S. Citizenship and Identity. (1-1-14)T

04. Documents. When verification is not available through an electronic interface, the individual must provide the Department with the most reliable document that is available. Documents can be: (1-1-14)T

a. Originals; (1-1-14)T

b. Photocopies; (1-1-14)T

c. Facsimiles; (1-1-14)T

- d. Scanned; or (1-1-14)T
- e. Other type of copy of a document. (1-1-14)T
- 05.** **Accepted Documentation.** Other forms of documentation are accepted to the same extent as an original document, unless information on the submitted document is: (1-1-14)T

 - a. Inconsistent with other information available to the Department; or (1-1-14)T
 - b. The Department has good cause to question the validity of the document or the information on it. (1-1-14)T
- 06.** **Submission of Documents.** The Department accepts documents that are submitted: (1-1-14)T

 - a. In person; (1-1-14)T
 - b. By mail or parcel service; (1-1-14)T
 - c. Through an electronic submission; or (1-1-14)T
 - d. Through a guardian or authorized representative. (1-1-14)T

103. SOCIAL SECURITY NUMBER (SSN) REQUIREMENT.

01. **SSN Required.** The applicant must provide his social security number (SSN), or proof he has applied for an SSN, to the Department before approval of eligibility. If the applicant has more than one (1) SSN, all numbers must be provided. (1-1-14)T

a. The SSN must be verified by the Social Security Administration (SSA) electronically. An applicant with an unverified SSN is not eligible for AABD cash, Health Care Assistance, or Medicaid benefits. (1-1-14)T

b. The Department must notify the applicant in writing if eligibility is denied or lost for failure to meet the SSN requirement. (~~3-20-04~~)(1-1-14)T

02. **Application for SSN.** To be eligible, the applicant must apply for an SSN, or a duplicate SSN when he cannot provide his SSN to the Department. If the SSN has been applied for but not issued by the SSA, the Department cannot deny, delay, or stop benefits. The Department will help an applicant with required documentation when the applicant applies for an SSN. (3-20-04)

023. **Failure to Apply for SSN.** The applicant may be granted a good cause exception for failure to apply for an SSN if they have a well-established religious objection to applying for an SSN. A well-established religious objection means the applicant: (3-20-04)

a. Is a member of a recognized religious sect or division of the sect; and (3-20-04)

b. Adheres to the tenets or teachings of the sect or division of the sect and for that reason is conscientiously opposed to applying for or using a national identification number. (3-20-04)

034. **SSN Requirement Waived.** An applicant may have the SSN requirement waived when he is: (3-20-04)

a. Only eligible for emergency medical services as described in Section 801 of these rules; or (3-20-04)

b. A newborn child deemed eligible as described in Section 800 of these rules. (4-2-08)

104. U.S. CITIZENSHIP AND IDENTITY DOCUMENTATION REQUIREMENTS.

To be eligible for AABD cash and Medicaid, an individual must provide ~~documentation~~ proof of U.S. citizenship and identity unless he has otherwise met the requirements under Subsection 104.09~~6~~ of this rule. The individual must provide the Department with the most reliable document that is available. ~~Documents must be originals or copies certified by the issuing agency. Copies of originals or notarized copies cannot be accepted.~~ The Department will accept original documents ~~in person, by mail, or through a guardian or authorized representative~~ as described in Section 102 of these rules. ~~(3-29-10)(1-1-14)T~~

01. Documents Accepted as ~~Primary Level~~ Proof of Both U.S. Citizenship and Identity. The following documents are accepted as ~~the primary level of~~ proof of both U.S. citizenship and identity: ~~(3-30-07)(1-1-14)T~~

- a. A U.S. passport, including a U.S. Passport card, without regard to expiration date as long as the passport or passport card was issued without limitation; ~~(3-30-07)(1-1-14)T~~
- b. A Certificate of Naturalization, ~~DHS Forms N-550 or N-570;~~ ~~(3-30-07)(1-1-14)T~~
- c. A Certificate of U.S. Citizenship, ~~DHS Forms N-560 or N-561.~~ ~~(3-30-07)(1-1-14)T~~
- d. ~~A d~~ Documentary evidence issued by a federally recognized Indian tribe ~~evidencing membership, enrollment in, or affiliation with such tribe.~~ Such documents include: ~~(3-29-10)(1-1-14)T~~
 - i. A tribal enrollment card; ~~(1-1-14)T~~
 - ii. A certificate of Degree of Indian Blood; ~~(1-1-14)T~~
 - iii. A tribal census document; or ~~(1-1-14)T~~
 - iv. Documents on tribal letterhead, issued under the signature of the appropriate tribal official. ~~(1-1-14)T~~

02. Documents Accepted as ~~Secondary Level Proof~~ Evidence of U.S. Citizenship ~~but Not Identity.~~ The following documents are accepted as proof of U.S. citizenship if the proof in Subsection 104.01 of this rule is not available. These documents are not proof of identity and must be used in combination with a least one (1) document listed in Subsections 104.05~~3~~ through and 104.07~~4~~ of this rule to establish both citizenship and identity. If the applicant does not have one (1) of the documents listed below, he may submit an affidavit signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship, and that contains the applicant's name, date of birth, and place of U.S. birth. The affidavit does not have to be notarized. ~~(3-29-10)(1-1-14)T~~

- a. A U.S. birth certificate that shows the individual was born in one (1) of the following: (3-30-07)
 - i. United States fifty (50) states; (3-30-07)
 - ii. District of Columbia; (3-30-07)
 - iii. Puerto Rico, on or after January 13, 1941; (3-30-07)
 - iv. Guam, ~~on or after April 10, 1899;~~ ~~(3-30-07)(1-1-14)T~~
 - v. U.S. Virgin Islands, on or after January 17, 1917; (3-30-07)
 - vi. America Samoa; (3-30-07)
 - vii. Swain's Island; or (3-30-07)
 - viii. Northern Mariana Islands, after November 4, 1986; (3-30-07)

- b. A certification of report of birth issued by the Department of State, Forms DS-1350 or FS-545; (3-30-07)
- c. A report of birth abroad of a U.S. Citizen, Form FS-240; (3-30-07)
- d. A U.S. Citizen I.D. card, DHS Form I-197; (3-30-07)
- e. A Northern Mariana Identification Card, ~~Form I-873;~~ (3-30-07)(1-1-14)T
- ~~f. An American Indian Card issued by the Department of Homeland Security with the classification code "KIC," Form I-873; (3-30-07)~~
- ~~gf. A final adoption decree showing the child's name and U.S. place of birth, or if the adoption is not final, a statement from the state-approved adoption agency that shows the child's name and U.S. place of birth; (3-30-07)(1-1-14)T~~
- ~~hg. Evidence of U.S. Civil Service employment before June 1, 1976; (4-2-08)~~
- ~~ih. An official U.S. Military record showing a U.S. place of birth; (4-2-08)~~
- ~~ji. A certification of birth abroad, FS-545; (4-2-08)~~
- ~~kj. A ~~r~~Verification with the Department of Homeland Security's Systematic Alien Verification for Entitlements (SAVE) database; ~~or~~ (4-2-08)(1-1-14)T~~
- ~~k. Evidence of meeting the automatic criteria for U.S. citizenship outlined in the Child Citizenship Act of 2000; (4-2-08)(1-1-14)T~~
- ~~l. Medical records, including hospital, clinic, or doctor records, or admission papers from a nursing facility, skilled care facility, or other institution that indicate a U.S. place of birth; (1-1-14)T~~
- ~~m. Life, health, or other insurance record that indicates a U.S. place of birth; (1-1-14)T~~
- ~~n. Official religious record recorded in the U.S. showing that the birth occurred in the U.S.; (1-1-14)T~~
- ~~o. School records, including pre-school, Head Start, and daycare, showing the child's name and U.S. place of birth; or (1-1-14)T~~
- ~~p. Federal or state census record showing U.S. citizenship or a U.S. place of birth. (1-1-14)T~~
- ~~03. Documents Accepted as Third Level Proof of U.S. Citizenship but Not Identity. The following documents are accepted as proof of U.S. citizenship if a primary or secondary level of proof is not available. These documents are not proof of identity and must be used in combination with a least one (1) document listed in Subsections 104.05 through 104.07 of this rule to establish both citizenship and identity. (3-29-10)~~
- ~~a. A written hospital record on hospital letterhead established at the time of the person's birth that was created five (5) years before the initial application date that indicates a U.S. place of birth; (4-2-08)~~
- ~~b. A life, health, or other insurance record that was created at least five (5) years before the initial application date and that indicates a U.S. place of birth; (4-2-08)~~
- ~~c. A religious record recorded in the U.S. within three (3) months of birth showing the birth occurred in the U.S. and showing either the date of the birth or the individual's age at the time the record was made. The record must be an official record recorded with the religious organization; or (4-2-08)~~
- ~~d. An early school record showing a U.S. place of birth. The school record must show the name of the~~

~~child, the date of admission to the school, the date of birth, a U.S. place of birth, and the names and places of the birth of the child's parents. (4-2-08)~~

~~**04. Documents Accepted as Fourth Level Proof of U.S. Citizenship but Not Identity.** The following documents are accepted as proof of U.S. citizenship only if documents in Subsections 104.01 through 104.03 of this rule do not exist and cannot be obtained for a person who claims U.S. citizenship. These documents are not proof of identity and must be used in combination with a least one (1) document listed in Subsections 104.05 through 104.07 of this rule to establish both citizenship and identity. (3-29-10)~~

~~**a.** Federal or state census record that shows the individual has U.S. citizenship or a U.S. place of birth; (3-30-07)~~

~~**b.** One (1) of the following documents that shows a U.S. place of birth and for a participant who is sixteen (16) years of age or older was created at least five (5) years before the application for Medicaid. For a child under sixteen (16) years of age, the document must have been created near the time of birth; (4-2-08)~~

~~**i.** Bureau of Indian Affairs tribal census records of the Navajo Indians; (3-30-07)~~

~~**ii.** U.S. State vital Statistics official notification of birth registration; (3-30-07)~~

~~**iii.** A delayed U.S. public birth record that was recorded more than five (5) years after the person's birth; (4-2-08)~~

~~**iv.** Statement signed by the physician or midwife who was in attendance at the time of birth; (3-30-07)~~

~~**v.** Medical (clinic, doctor, or hospital) record; (3-30-07)~~

~~**vi.** Institutional admission papers from a nursing facility, skilled care facility or other institution; (4-2-08)~~

~~**vii.** Bureau of Indian Affairs (BIA) roll of Alaska Natives; or (4-2-08)~~

~~**e.** A written declaration, signed and dated, which states, "I declare under penalty of perjury that the foregoing is true and correct." A declaration is accepted for proof of U.S. citizenship or naturalization if no other documentation is available and complies with the following: (4-2-08)~~

~~**i.** Declarations must be made by two (2) persons who have personal knowledge of the events establishing the individual's claim of U.S. citizenship; (3-30-07)~~

~~**ii.** One (1) of the persons making a declaration cannot be related to the individual claiming U.S. citizenship; (3-30-07)~~

~~**iii.** The persons making the declaration must provide proof of their own U.S. citizenship and identity; and (3-30-07)~~

~~**iv.** A declaration must be obtained from the individual applying for Medicaid, a guardian, or representative that explains why the documentation does not exist or cannot be obtained. (3-30-07)~~

~~**053. Documents Accepted for Proof Evidence of Identity but Not Citizenship.** The following documents are accepted as proof of identity, provided the document has a photograph or other identifying information including: name, age, sex, race, height, weight, eye color, or address. They are not proof of citizenship and must be used in combination with at least one (1) document listed in Subsection 104.02 through 104.04 of this rule to establish both citizenship and identity. (3-29-10)(1-1-14)T~~

~~**a.** A state- or territory-issued driver's license, bearing the individual's picture or other identifying information such as name, age, gender, race, height, weight, or eye color A driver's license issued by a Canadian government authority is not a valid indicator of identity in the U. S.; (3-30-07)(1-1-14)T~~

- ~~b.~~ A federal, state, or local government-issued identity card ~~with the same identifying information that is included on driver's licenses as described in Subsection 104.05.a. of this rule;~~ (3-29-10)(1-1-14)T
- ~~c.~~ School identification card ~~with a photograph of the individual;~~ (3-30-07)(1-1-14)T
- ~~d.~~ U.S. Military card or draft record; (3-30-07)
- ~~e.~~ Military dependent's identification card; (3-30-07)
- ~~f.~~ U. S. Coast guard Merchant Mariner card; (3-30-07)
- ~~g.~~ A cross-match with a federal or state governmental, public assistance, law enforcement, or corrections agency's data system; ~~or~~ (4-2-08)(1-1-14)T
- ~~h.~~ ~~A declaration signed under the penalty of perjury by the facility director or administrator of a residential care facility where a disabled participant resides may be accepted as proof of identity when the individual does not have or cannot get any document in Subsections 104.05.a. through 104.05.i. of this rule.~~ (3-29-10)
- h. A finding of identity from a federal or state governmental agency, when the agency has verified and certified the identity of the individual, including public assistance, law enforcement, internal revenue or tax bureau, or corrections agency; (1-1-14)T
- i. A finding of identity from another state benefits agency or program provided that it obtained verification of identity as a criterion of participation; (1-1-14)T
- j. Verification of citizenship by a federal agency or another state. If the Department finds that a federal agency or an agency in another state verified citizenship on or after July 1, 2006, no further documentation of citizenship or identity is required; (1-1-14)T
- k. Two (2) documents containing consistent information that corroborates the applicant's identity including: employer identification cards, high school or high school equivalency diplomas, college diplomas, marriage certificates, divorce decrees, property deeds or titles; or (1-1-14)T
- l. When the applicant does not have any documentation as specified in Subsections 104.03.a. through k. of this rule, the applicant may submit an affidavit signed by another individual under penalty of perjury, who can reasonably attest to the applicant's identity. The affidavit must contain the applicant's name and other identifying information to establish identity stated in Subsection 104.03 of this rule. The affidavit does not have to be notarized. (1-1-14)T
- ~~06.~~ ~~Additional Documents Accepted for Proof of Identity. If the participant provides citizenship documentation as described in Subsections 104.02 or 104.03 of this rule, three (3) or more corroborating documents may be used to prove identity.~~ (3-29-10)
- 074.** **Identity Rules for Children.** ~~The following documentation of identity f~~For children under ~~sixteen~~ age nineteen (169), clinic, doctor, or hospital records, including pre-school or daycare records, may be used: ~~as~~ additional sources of documentation of identity. (3-30-07)(1-1-14)T
- ~~a.~~ ~~School records may be used to establish identity. Such records also include nursery or daycare records.~~ (3-30-07)
- ~~b.~~ ~~Clinic, doctor, or hospital records.~~ (4-2-08)
- ~~c.~~ ~~A written declaration, signed and dated, which states, "I declare under penalty of perjury that the foregoing is true and correct," if documents listed in Subsection 104.02 of this rule are not available. A declaration may be used if it meets the following conditions:~~ (3-29-10)

- ~~i. It states the date and place of the child's birth; and (3-30-07)~~
- ~~ii. It is signed by a parent or guardian. (3-30-07)~~
- ~~d. A declaration can be used for a child up to the age of eighteen (18) when documents listed in Subsection 104.05.a. through 104.05.e. of this rule are not available. (3-29-10)~~
- ~~e. A declaration cannot be used for identity if a declaration for citizenship documentation was provided for the child. (3-30-07)~~

085. Eligibility for Medicaid ~~Participants~~ Applicants Who Do Not Provide U.S. Citizenship and Identity Documentation. ~~Medicaid participants have~~ If verification of U.S. citizenship and identity is not obtained through electronic means, or if the applicant is unable to provide documentation at the time of application, the applicant has ninety (90) days to provide proof of U.S. citizenship and identity ~~documentation~~. The ninety (90) days begins five (5) days after the date the notice is mailed requesting the documentation of citizenship and identity. Medicaid benefits will be approved pending verification if the ~~participant~~ applicant meets all other eligibility requirements. Medicaid will be denied if the ~~participant~~ applicant refuses to obtain documentation. (4-7-11)(1-1-14)T

096. Individuals Considered as Meeting the U.S. Citizenship and Identity Documentation Requirements. The following individuals are considered to have met the U.S. citizenship and identity documentation requirements, regardless of whether documentation required in Subsections 104.01 through 104.085 of this rule is provided: (3-29-10)(1-1-14)T

- a. Supplemental Security Income (SSI) recipients; (4-2-08)
- b. Individuals determined by the SSA to be entitled to or ~~are receiving~~ enrolled in any part of Medicare; (4-2-08)(1-1-14)T
- c. Social Security Disability Income (SSDI) recipients; (4-7-11)
- d. Adoptive or foster care children receiving assistance under Title IV-B or Title IV-E of the Social Security Act; (4-7-11)
- e. Individuals deemed eligible for Medicaid as a newborn under Section 800 of these rules; and (4-7-11)
- f. Individuals whose name and social security number are validated by the Social Security Administration data match as meeting U.S. citizenship status. (4-7-11)

107. Assistance in Obtaining Documentation. The Department will provide assistance to individuals who ~~are mentally or physically incapacitated and who lack a representative to assist them in obtaining such documentation~~ need assistance in securing satisfactory documentary evidence of citizenship. (3-30-07)(1-1-14)T

108. Provide Documentation Verification of U.S. Citizenship and Identity One Time. When an individual's ~~has provided~~ U.S. citizenship and identity documents have been verified, whether through electronic data matches or provision of documentation, changes in eligibility will not require an individual to provide ~~such documentation~~ the verification again, ~~unless~~ If later verification of the documents provided the Department with good cause to raises a question of the validity of the individual's citizenship or identity, the individual may be requested to provide further verification. (3-30-07)(1-1-14)T

105. CITIZENSHIP AND QUALIFIED NON-CITIZEN REQUIREMENTS.

To be eligible for AABD cash and Medicaid, an individual must be a member of one (1) of the groups listed in Subsections 105.01 through 105.176 of this rule. An individual must also provide proof of identity as provided in Section 104 of these rules. (3-29-10)(1-1-14)T

- 01. U.S. Citizen.** A U.S. Citizen or a "national of the United States." (3-30-07)(1-1-14)T

~~02. U.S. National, National of American Samoa or Swain's Island. A U. S. National, National of American Samoa or Swain's Island. (3-30-07)~~

032. Child Born Outside the U.S. A child born outside the U.S., as defined in Public Law 106-395, is considered a citizen if all of the following conditions are met: (3-30-07)

a. At least one (1) parent is a U.S. Citizen. The parent can be a citizen by birth or naturalization. This includes an adoptive parent; (3-30-07)

b. The child is residing permanently in the U.S. in the legal and physical custody of a parent who is a U.S. Citizen; (3-30-07)

c. The child is under eighteen (18) years of age; (3-30-07)

d. The child is a lawful permanent resident; and (3-30-07)

e. If the child is an adoptive child, the child was residing in the U.S. at the time the parent was naturalized and was in the legal and physical custody of the adoptive parent. (3-30-07)

043. Full-Time Active Duty U.S. Armed Forces Member. A qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) currently on full-time active duty with the U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Navy or U.S. Coast Guard, or a spouse or unmarried dependent child of the U.S. Armed Forces member. (3-30-07)

054. Veteran of the U.S. Armed Forces. A qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) honorably discharged from the U.S. Army, U.S. Air Force, U.S. Marine Corps, U.S. Navy or U.S. Coast Guard for a reason other than their citizenship status or a spouse, including a surviving spouse who has not remarried, or an unmarried dependent child of the veteran. (3-30-07)

065. Non-Citizen Entering the U.S. Before August 22, 1996. A non-citizen who entered the U.S. before August 22, 1996, and is currently a qualified non-citizen as defined in 8 U.S.C. 1641(b) or (c) and remained continuously present in the U.S. until they became a qualified alien. (3-30-07)

076. Non-Citizen Entering on or After August 22, 1996. A non-citizen who entered on or after August 22, 1996, and; (3-30-07)

a. Is a refugee admitted into the U.S. under 8 U.S.C. 1157, and can be eligible for seven (7) years from their date of entry; (3-30-07)

b. Is an asylee granted asylum into the U.S. under 8 U.S.C. 1158, and can be eligible for seven (7) years from the date their asylee status is assigned; (3-30-07)

c. Is an individual whose deportation or removal from the U.S. has been withheld under 8 U.S.C. 1253 or 1231(b)(3) as amended by Section 305(a) of Division C of Public Law 104-208, and can be eligible for seven (7) years from the date their deportation or removal was withheld; (3-30-07)

d. Is an Amerasian immigrant admitted into the U.S. under 8 U.S.C. 1612(b)(2)(A)(i)(V), and can be eligible for seven (7) years from the date of entry; (4-7-11)

e. Is a Cuban or Haitian entrant to the U.S. under Section 501(e) of the Refugee Assistance Act, and can be eligible for seven (7) years from their date of entry; (4-7-11)

f. Is an Afghan special immigrant, as defined in Public Law 110-161, who has special immigration status after December 26, 2007; or (4-7-11)

g. Is an Iraqi special immigrant, as defined in Public Law 110-181, who has special immigration status after January 28, 2008. (4-7-11)

~~087.~~ **Qualified Non-Citizen Entering on or After August 22, 1996.** A qualified non-citizen under 8 U.S.C. 1641(b) or (c), entering the U.S. on or after August 22, 1996, and who has held a qualified non-citizen status for at least five (5) years. (3-30-07)

~~098.~~ **American Indian Born in Canada.** An American Indian born in Canada under 8 U.S.C. 1359. (3-30-07)

~~109.~~ **American Indian Born Outside the U.S.** An American Indian born outside of the U.S., and is a member of a U.S. federally recognized tribe under 25 U.S.C. 450 b(e). (3-30-07)

~~140.~~ **Qualified Non-Citizen Child Receiving Federal Foster Care.** A qualified non-citizen child as defined in 8 U.S.C. 1641(b) or (c), and receiving federal foster care assistance. (3-30-07)

~~121.~~ **Victim of Severe Form of Trafficking.** A victim of a severe form of trafficking in persons, as defined in 22 U.S.C. 7102(13); who meets one (1) of the following: (3-20-04)

a. Is under the age of eighteen (18) years; or (3-20-04)

b. Is certified by the U.S. Department of Health and Human Services as willing to assist in the investigation and prosecution of a severe form of trafficking in persons; and (3-20-04)

i. Has made a bona fide application for a temporary visa under 8 U.S.C. 1104(a)(15)(T), which has not been denied; or (3-20-04)

ii. Is remaining in the U.S. to assist the U.S. Attorney General in the prosecution of traffickers in persons. (3-30-07)

~~132.~~ **Qualified Non-Citizen Receiving Supplement Security Income (SSI).** A qualified non-citizen under 8 U.S.C. 1641(b) or (c), and is receiving SSI; or (3-20-04)

~~143.~~ **Permanent Resident Receiving AABD Cash On August 22, 1996.** A permanent resident receiving AABD cash on August 22, 1996. (3-20-04)

~~14.~~ **Employment Authorized Alien.** An alien granted an employment authorization document (EAD), as defined in 8 CFR Part 274a.12(c). (1-1-14)T

~~15.~~ **Individuals Not Meeting the Citizenship or Qualified Non-Citizen Requirements.** An individual who does not meet the citizenship or qualified non-citizen requirements in Subsections 105.01 through 105.14 of this rule, may be eligible for emergency medical services if they he meets all other conditions of eligibility. (4-7-11)(1-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

502. SPECIAL NEEDS ALLOWANCES. Special needs allowances are a restaurant meals allowance and a service animal food allowance. (4-11-06)

01. Restaurant Meals. The restaurant meals allowance is fifty dollars (\$50) monthly. A physician must state the participant is physically unable to prepare food in his home. A participant able to prepare his food, but living in a place where cooking is not permitted, may be budgeted the restaurant meals allowance for up to three (3) months. (7-1-99)

02. Service Animal Food. The service animal food allowance is seventeen dollars (\$17) monthly. The allowance is budgeted for a blind or disabled participant, using a trained service animal trained by a recognized school. (4-11-06)(1-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

515. RESIDENTIAL AND ASSISTED LIVING FACILITY CARE AND CERTIFIED FAMILY HOME ASSESSMENT AND LEVEL OF CARE.

The participant's need for care, level of care, plan of care, and the licensed facility's ability to provide care is assessed by the ~~Regional Medicaid Services (RMS)~~ Bureau of Long-Term Care Services (BLTCS) when a participant is admitted. The ~~RMS~~ BLTCS must approve the placement before Medicaid can be approved. ~~(4-7-11)~~(1-1-14)T

516. CHANGE IN LEVEL OF CARE.

A change in the participant's level of care affects eligibility as described in Subsections 516.01 and 516.02 of this rule. (4-7-11)

01. Increase in Level of Care. An increase in level of care is effective the month the ~~RMS~~ BLTCS reassesses the level of care. ~~(5-3-03)~~(1-1-14)T

02. Decrease in Level of Care. When the ~~RMS~~ BLTCS verifies the participant has a decrease in his level of care, and his income exceeds his new level of care, his Medicaid must be stopped after timely notice. When the ~~RMS~~ BLTCS determines the participant no longer meets any level of care, his eligibility and allowances are based on the Room and Board rate in Section 512 of these rules. ~~(4-7-11)~~(1-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

618. CONTINUED BENEFITS PENDING A HEARING DECISION.

The participant may continue to receive benefits upon request, pending the hearing decision. The Department must receive the participant's request for continued benefits before the effective date of the Department's action stated in the notice of decision. An applicant cannot receive continued benefits when appealing a denial for failure to provide citizenship and identity verification after the expiration of a reasonable opportunity period. ~~(4-2-08)~~(1-1-14)T

01. Amount of Assistance. The Department will continue the participant's assistance at the current month's level while the hearing decision is pending, unless another change affecting assistance occurs. (3-15-02)

02. Continued Eligibility. The participant must continue to meet all eligibility requirements not related to the hearing issue. (3-15-02)

03. Overpayment. When the hearing decision is in the Department's favor, the participant must repay assistance received while the hearing decision was pending. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

621. ~~COLLECTING UNDERPAID~~ CHANGES IN PATIENT LIABILITY.

~~An overpayment due to underpaid patient liability or client participation is collected by withholding funds from the nursing home or HCBS provider. Adjust the underpaid patient liability or client participation adjusted retroactively for each underpaid month. Funds are not withheld if the participant repays the Department.~~ ~~(7-1-99)~~

01. Increase in Patient Liability. If the patient liability is increased for the current or a past month, the Department will collect the patient liability directly from the client. (1-1-14)T

02. Decrease in Patient Liability. If the patient liability is decreased for a current or past month, the funds will be paid to the provider and the provider must reimburse the client for the portion of the costs the client paid in excess of their patient liability. (1-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

701. MEDICAID APPLICATION.

An adult participant, a legal guardian or a representative of the participant must sign the application ~~form~~. The participant must submit the application ~~form~~ to the Department. A Medicaid application may be made for a deceased person. ~~(7-1-99)~~(1-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

703. CHILD SUPPORT COOPERATION.

The participant must cooperate to identify and locate the noncustodial parent, establish paternity, and establish, modify and enforce a child **medical** support order, to be eligible for Medicaid. ~~After CSS establishes a case, the participant must forward all support payments to CSS for distribution.~~ This includes support payments received directly from the noncustodial parent. The cooperation requirement is waived for poverty level pregnant women exempt from cooperating in establishing paternity and obtaining medical support ~~and payments~~ from, or derived from, the father of a child born out of wedlock. A participant who cannot legally assign his own rights must not be denied Medicaid if the legally responsible person does not cooperate. ~~(4-5-00)~~(1-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

723. PATIENT LIABILITY FOR PERSON WITH NO COMMUNITY SPOUSE.

For a participant with no community spouse, patient liability is computed as described in Subsections 723.01 through 723.03 of this rule. (5-3-03)

01. Income of Participants in Long-Term Care. For a single participant, or participant whose spouse is also in long-term care and chooses the SSI method of calculating the amount of income and resources, the patient liability is his total income less the deductions in Subsection 723.03 of this rule. (5-3-03)

02. Community Property Income of Long-Term Care Participant with Long-Term Care Spouse. Patient liability income for a participant, whose spouse is also in long-term care, choosing the community property method, is one-half (1/2) his share of the couple's community income, plus his own separate income. The deductions in Table 723.03 are subtracted from his income. (7-1-99)

03. Income of Participant in Facility. A participant residing in the long-term care facility at least one (1) full calendar month, beginning with his most recent admission, must have the deductions in Subsection 723.03 subtracted from his income, after the AABD exclusions are subtracted from the income. Total monthly income includes income paid into an income (Miller) trust that month. The income deductions must be subtracted in the order listed. Remaining income is patient liability. (3-15-02)

a. AABD Income Exclusions. Subtract income excluded in determining eligibility for AABD cash. (7-1-99)

b. Aid and Attendance and UME Allowances. Subtract a VA Aid and Attendance allowance and Unusual Medical Expense (UME) allowance for a veteran or surviving spouse, unless the veteran lives in a state operated veterans' home. (3-30-01)

c. SSI Payment Two (2) Months. Subtract the SSI payment for a participant entitled to receive SSI at his at-home rate for up to two (2) months, while temporarily in a long-term care facility. (7-1-99)

d. AABD Payment. Subtract the AABD payment, and income used to compute the AABD payment, for a participant paid continued AABD payments up to three (3) months in long-term care. (7-1-99)

e. First Ninety (\$90) Dollars of VA Pension. Subtract the first ninety (\$90) dollars of a VA pension for a veteran in a private long-term care facility or a State Veterans Nursing Home. (5-3-03)

f. Personal Needs. Subtract forty dollars (\$40) for the participant's personal needs. For a veteran or surviving spouse in a private long-term care facility or a State Veterans Nursing Home the first ninety (\$90) dollars of VA pension substitutes for the forty dollar (\$40) personal needs deduction. (5-3-03)

g. Employed and Sheltered Workshop Activity Personal Needs. For an employed participant or participant engaged in sheltered workshop or work activity center activities, subtract the lower of the personal needs deduction of two hundred dollars (\$200) or his gross earned income. The participant's total personal needs allowance must not exceed two hundred and thirty dollars (\$230). For a veteran or surviving spouse with sheltered workshop or earned income, and a protected VA pension, the total must not exceed two hundred dollars (\$200). This is a deduction only. No actual payment can be made to provide for personal needs. (3-30-01)

h. Home Maintenance. Subtract two hundred and twelve dollars (\$212) for home maintenance cost if the participant had an independent living situation, before his admission for long-term care. His physician must certify in writing the participant is likely to return home within six (6) months, after the month of admission to a long-term care facility. This is a deduction only. No actual payment can be made to maintain the participant's home. (7-1-99)

i. Maintenance Need. Subtract a maintenance need deduction for a family member, living in the long-term care participant's home. A family member is claimed, or could be claimed, as a dependent on the Federal Income Tax return of the long-term care participant. The family member must be a minor or dependent child, dependent parent, or dependent sibling of the long-term care participant. The maintenance need deduction is the AFDC payment standard for the dependents, computed according to the AFDC State Plan in effect before July 16, 1996. (7-1-99)

j. Medicare and Health Insurance Premiums. Subtract expenses for Medicare and other health insurance premiums, and deductibles or coinsurance charges, not subject to payment by a third party. Deduction of Medicare Part B premiums is limited to the first two (2) months of Medicaid eligibility. Medicare Part B premiums must not be subtracted, if the participant got SSI or AABD cash the month prior to the month for which patient liability is being computed. (7-1-99)

k. Mandatory Income Taxes. Subtract taxes mandatorily withheld from unearned income for income tax purposes. To qualify for deduction of mandatory taxes, the tax must be withheld from income before the participant receives the income. (7-1-99)

l. Guardian Fees. Subtract court-ordered guardianship fees of the lesser of ten percent (10%) of the monthly benefit handled by the guardian, or twenty-five dollars (\$25). Where the guardian and trustee ~~are~~ is the same person, the total deduction for guardian and trust fees must not exceed twenty-five dollars (\$25) monthly. ~~(7-1-99)~~(1-1-14)T

m. Trust Fees. Subtract up to twenty-five dollars (\$25) monthly paid to the trustee for administering the participant's trust. (7-1-99)

n. Impairment Related Work Expenses. Subtract impairment-related work expenses for an employed participant who is blind or disabled under AABD criteria. Impairment-related work expenses are purchased or rented items and services; that are purchased or rented to perform work. The items must be needed because of the participant's impairment. The actual monthly expense of the impairment-related items is subtracted. Expenses must not be averaged. ~~(7-1-99)~~(1-1-14)T

o. Income Garnished for Child Support. Subtract income garnisheed for child support to the extent the expense is not already accounted for in computing the maintenance need standard. (3-30-01)

(BREAK IN CONTINUITY OF SECTIONS)

800. NEWBORN CHILD OF MEDICAID MOTHER.

A child is deemed eligible for Medicaid without an application if born to a woman receiving Medicaid on the date of the child's birth, including during a period of retroactive eligibility for the mother. The child remains eligible for Medicaid for up to one (1) year without an application. An application for Medicaid must be filed on behalf of the child no later than his first birthday. He must qualify for Medicaid in his own right after the month of his first birthday. ~~(3-29-10)~~(1-1-14)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.06 - REFUGEE MEDICAL ASSISTANCE

DOCKET NO. 16-0306-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2014. The pending rule has been adopted by the agency and is now pending review by the 2014 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 a temporary rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-209, 56-236 through 56-240, 56-242, 56-250 through 56-257, 56-260 through 56-266, Idaho Code; and 42 CFR, 45 CFR, and 26 USC Part 36B.

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 and a statement of any change between the text of the proposed rule and the text of the pending rule:

In accordance with Section 67-5226, Idaho Code, the temporary rule is being published in this Bulletin. There are no changes to the pending rule and it is being adopted as originally proposed. The notice of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, **Vol. 13-10, pages 202 through 206**. This temporary rule is being adopted because of changes to federal laws that require implementation on January 1, 2014.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to comply with deadlines in amendments to governing law or federal programs, effective January 1, 2014, and to confer a benefit.

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 fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The fiscal impact for this rulemaking is anticipated to be cost neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending and temporary rule, contact Lori Wolff at (208) 334-5815.

DATED this 26th day of November, 2013.

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. 16-0306-1301 - ADOPTION OF PENDING RULE AND TEMPORARY 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 13-10, October 2, 2013, pages 202 through 206.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2014 Idaho State Legislature.

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, 2014.

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 16-0306-1301

010. DEFINITION OF TERMS AND ABBREVIATIONS.

For the purposes of these rules, the following terms and abbreviations *are used as defined below* apply:
(4-2-08)(1-1-14)T

~~01.~~ **AFDC.** *Aid to Families with Dependent Children. AFDC is the family assistance program in effect on June 30, 1997. It was replaced by Temporary Assistance for Families in Idaho (TAFI).* (4-2-08)

021. Caretaker. A person related by blood or marriage who holds legal responsibility for the care and support of a minor child or otherwise dependent individual and who is needed in the home to care for such dependent. (4-2-08)

032. Department. The Idaho Department of Health and Welfare or a person authorized to act on behalf of the Department. (4-2-08)

043. Eligible Amerasian. A citizen of Vietnam born between January 1, 1962, and January 1, 1976, who has one (1) American parent. (4-2-08)

054. Entrant. A person from Cuba or Haiti who has been granted special immigration status by USCIS. (4-2-08)

065. Federal Poverty Guidelines (FPG). The federal poverty guidelines issued annually by the Department of Health and Human Services (HHS). (4-2-08)

076. HHS. United States Department of Health and Human Services. (4-2-08)

087. INA. Immigration and Nationality Act, 8 USC Sections 1101-1537. (4-2-08)

098. IRSP. Idaho Refugee Service Program. (4-2-08)

~~109.~~ **I-94.** A white three by five (3x5) inch alien identification card issued to refugees prior to their release to a sponsor. This card gives the refugee's name, United States address, and other identifying data. The refugee status will be printed in the lower right hand corner. If a refugee does not have this card, he should be referred to USCIS to obtain one. The dependent of a repatriated United States citizen may also have an I-94 card. (4-2-08)

~~110.~~ **Medical Assistance Program.** Services funded by Titles XIX or XXI of the federal Social Security Act, as amended. (4-2-08)

~~121.~~ **Refugee.** An alien who: (4-2-08)

a. Because of persecution or fear of persecution on account of race, religion, or political opinion fled from his homeland; and (4-2-08)

b. Cannot return there because of fear of persecution on account of race, religion or political opinion. (4-2-08)

~~132.~~ **State Children's Health Insurance Program (SCHIP).** SCHIP is Title XXI of the Social Security Act. It is a federal and state partnership similar to Medicaid, that expands health insurance to targeted, low- income children. (4-2-08)(1-1-14)T

~~143.~~ **TAFI.** Temporary Assistance for Families in Idaho. TAFI is Idaho's family assistance program whose purpose is to provide temporary cash assistance for Idaho families who meet the eligibility requirements under IDAPA 16.03.08, "Rules Governing the Temporary Assistance for Families in Idaho (TAFI)" program. ~~TAFI replaced the Aid to Families With Dependent Children (AFDC) program.~~ (4-2-08)(1-1-14)T

14. Third Party. Includes a person, institution, corporation, public or private agency that is liable to pay all or part of the medical cost of injury, disease, or disability of a medical assistance participant. (1-1-14)T

15. USCIS. United States Citizenship and Immigration Services, ~~formerly known as Immigration and Naturalization Services (INS).~~ (4-2-08)(1-1-14)T

(BREAK IN CONTINUITY OF SECTIONS)

135. PRECEDENCE OF CATEGORICAL ASSISTANCE PROGRAMS.

01. New Applicants. An applicant for medical assistance must first have his eligibility determined for Medicaid or SCHIP. To be eligible for Medicaid or SCHIP, the refugee must meet all the eligibility criteria for the applicable category of assistance. If the applicant is determined ineligible for Medicaid or SCHIP, then the Department will determine his eligibility for the Refugee Medical Assistance Program. (4-2-08)(1-1-14)T

02. Transfer of Cases. At the end of the eight (8) month time limit for Refugee Medical Assistance, a refugee who is determined Medicaid-eligible in accordance with IDAPA 16.03.01, "Eligibility for Health Care Assistance for Families and Children" or IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)," will be transitioned to Medicaid without the need to submit an additional application. (4-2-08)

136. -- 149. (RESERVED)

150. REFUGEE MEDICAL ASSISTANCE PROGRAM.

01. Time Limitation. Medical assistance under the Refugee Medical Assistance Program will be limited to eight (8) consecutive months beginning with the month the refugee enters the United States. The eligibility period for a child born in the United States to parents receiving Refugee Medical Assistance expires when both of his

parents with whom he is living are no longer eligible. (4-2-08)

02. Medical Only. A refugee is not required to apply for or receive Cash Assistance as a condition of eligibility for Refugee Medical Assistance. Denial or closure of Refugee Cash Assistance is not a reason to deny or close Refugee Medical Assistance. (4-2-08)

03. Refugee Cash Assistance Excluded. Refugee Cash Assistance is excluded from income ~~and resources~~ when determining eligibility for Refugee Medical Assistance. ~~(4-2-08)(1-1-14)T~~

04. Automatic Eligibility. Refugees whose countable income does not exceed one hundred fifty percent (150%) of the Federal Poverty Guidelines are automatically eligible for Refugee Medical Assistance. (4-2-08)

05. Refugee Medical Assistance with “Spend Down.” An applicant for Refugee Medical Assistance whose countable income exceeds one hundred fifty percent (150%) FPG for his family size may become eligible for Refugee Medical Assistance under certain conditions. A special provision, for refugees only, will allow those refugees whose income exceeds one hundred fifty percent (150%) FPG for his family size to subtract his medical costs from his income and thus “spend down” to the FPG limit for his family size. This “spend down” will be determined on a quarterly basis; the quarter begins with the month of application. The amount by which the refugee’s income exceeds one hundred fifty percent (150%) FPG for his family size on a monthly basis is determined by: (4-2-08)

a. Using the best estimate of income to be received during the quarter; and (4-2-08)

b. Multiplying the monthly excess by three (3) to determine the quarterly “spend down.” (4-2-08)

06. Counting Income ~~and Resources~~ for Refugee Medical Assistance with a “Spend Down.” ~~(4-2-08)(1-1-14)T~~

a. Income ~~and resources are~~ **is** counted or excluded in accordance with IDAPA 16.03.01, “Eligibility for Health Care Assistance for Families and Children.” The sole exception is that Refugee Cash Assistance is excluded from income ~~and resources~~ when determining eligibility for Refugee Medical Assistance. ~~(4-2-08)(1-1-14)T~~

b. The Federal Poverty Guideline applicable for the size of the family determines the amount to which an individual or family must “spend down” to be eligible for Refugee Medical Assistance. (4-2-08)

~~e. Total countable resources for the family must not exceed one thousand dollars (\$1,000). (4-2-08)~~

~~d. Financial resources that are not available to the refugee, including resources remaining in his homeland, can not be considered in determining eligibility for Refugee Medical Assistance. (4-2-08)~~

~~ec.~~ The income ~~and resources~~ of sponsors, and the in-kind services and shelter provided to refugees by their sponsors, will not be considered in determining eligibility for Refugee Medical Assistance. A shelter allowance must not be given for any in-kind shelter provided. ~~(4-2-08)(1-1-14)T~~

07. Financially Responsible Relatives. (4-2-08)

a. The Department must consider the income ~~and resources~~ of nonrefugee spouses or parents as available to the refugee whether or not they are actually contributed, if they live in the same household. ~~(4-2-08)(1-1-14)T~~

b. If the nonrefugee spouse or parent does not live with the individual, the Department must consider income ~~and resources~~ that are actually contributed by the spouse or parent as available to the refugee. ~~(4-2-08)(1-1-14)T~~

08. Deduction of Incurred Medical Expenses. If countable income exceeds one hundred fifty percent

(150%) of the Federal Poverty Guidelines for the family size, the Department must deduct from income, in the following order, incurred medical expenses that are not subject to payment by a third party: (4-2-08)

a. Medicare premiums, other health insurance premiums, deductibles, or coinsurance charges incurred by the individual, family, or financially responsible relatives. (4-2-08)

b. Expenses incurred by the individual, family, or financially responsible relatives for necessary medical and remedial services not covered under the scope of the Medical Assistance Program. (4-2-08)

c. Expenses incurred by the individual, family, or financially responsible relatives for necessary medical and remedial services covered in the scope of the Medical Assistance Program. (4-2-08)

d. On a case by case basis, the Department may set reasonable limits on expenses to be deducted from income under Subsections 150.08.a. and 150.08.b. of this rule. (4-2-08)

09. Determining Eligibility for Refugee Medical Assistance for Refugees Who Must Meet a “Spend Down.” The refugee applicant must provide verification of expenses incurred pursuant to Subsection 150.08 of this rule. If the applicant has medical coverage from a third party, he must verify that charges will not be paid by this third party by providing an Explanation of Benefits or other written statement from the third party. (4-2-08)

a. As the applicant submits medical expenses, the charges should be added in the order listed in Subsection 150.08 of this rule. The expenses that come under Subsection 150.08.c. must be put in chronological order by the date of service. (4-2-08)

b. When the charges equal or exceed the amount of the “spend down,” the applicant becomes eligible for Refugee Medical Assistance. (4-2-08)

c. The date of eligibility is the date of service on the last bill which is covered under the scope of the Medical Assistance Program. (4-2-08)

d. It is the responsibility of the Department caseworker who is determining the applicant’s eligibility to determine when the “spend down” has been met. (4-2-08)

10. Issuing a Medical Card to a Refugee Who Must Meet a “Spend Down.” A Medical Card will not be issued until the applicant has met the “spend down.” The dates on the Medical Card under “Valid Only During” will be the date the applicant becomes eligible for Medicaid benefits “to” the last day of the last month in the quarter for which the “spend down” has been determined. (4-2-08)

11. Continued Coverage. If a refugee who is receiving Refugee Medical Assistance receives earnings from employment, the earnings do not affect the refugee’s continued eligibility for Refugee Medical Assistance. Once a refugee begins receiving Refugee Medical Assistance, he continues to receive it through his eighth month in the United States. (4-2-08)

(BREAK IN CONTINUITY OF SECTIONS)

400. INCOME ~~AND RESOURCES~~ ON DATE OF APPLICATION.

Eligibility is determined using income ~~and resources~~ on the date of application. Income is not averaged over the application processing period. ~~(4-2-08)~~(1-1-14)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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; also 42 CFR 447.90 - Credible allegations of fraud; 42 CFR 455 - Provider Screening and Enrollment; and 42 CFR 498 - Appeal rights; and Subtitle E, Section 6401 of the Patient Protection and Affordable Care Act (Affordable Care Act).

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 rule changes are being done to align with changes in federal regulations and to comply with CMS requirements related to missed appointments.

The proposed rule changes align state rules with federal regulations in 42 CFR 447.90, 42 CFR 455, and 42 CFR 498 that require the Medicaid agency to:

1. Re-validate all provider enrollment information no less frequently than every five (5) years;
2. Ensure all providers prescribing drugs or ordering services for Medicaid participants are enrolled with the agency;
3. Ensure that all providers complete a screening process involving site visits and payment of fees for certain types of providers, either through the Medicaid agency itself or through Medicare; and
4. Align the appeals process for providers denied enrollment with federal requirements.

This rule change also clarifies language about provider charges for missed appointments in accordance with federal requirements.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 2, 2013, Idaho Administrative Bulletin, **Vol. 13-10, pages 207 through 213**.

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 will be accomplished with existing resources and modifications to existing operational processes and are expected to be cost neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeanne Siroky at (208) 364-1897.

DATED this 19th day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1303

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2014. The pending rule has been adopted by the agency and is now pending review by the 2014 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 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, and 56-260 through 56-266, Idaho Code; also the Patient Protection and Affordable Care Act (Affordable Care Act - P.L. 111-148), Section 2502(a)(2).

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:

Changes to federal laws governing Medicaid programs require all states to cover tobacco cessation drug benefits for all Medicaid eligible participants effective January 1, 2014. This rule change adds the federally required tobacco cessation drugs and counseling for all non-pregnant Medicaid eligible adults over the age of 21. These products are already covered for pregnant women and children under age 21.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice. 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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 214 through 219](#).

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate in order to implement 42 USC 2502(a)(2) that requires states to cover all eligible participants for tobacco cessation drug benefits, effective January 1, 2014.

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 benefits are already available to Medicaid participants through the Preventive Health Assistance (PHA) program. These rules shift coverage from that program to pharmacy coverage, and the net impact is expected to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending and temporary rule, contact Arlee Coppinger at (208) 364-1958.

DATED this 27th day of November, 2013.

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. 16-0309-1303 - ADOPTION OF PENDING RULE AND TEMPORARY 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 13-10, October 2, 2013, pages 214 through 219.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2014 Idaho State Legislature.

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, 2014.

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 16-0309-1303

620. PREVENTIVE HEALTH ASSISTANCE (PHA): DEFINITIONS.

01. Behavioral PHA. Benefits available to a participant specifically to support ~~tobacco cessation or~~
weight control. ~~(3-30-07)~~(1-1-14)T

02. Benefit Year. A benefit year is twelve (12) continuous months. A participant's PHA benefit year
begins the date his initial points are earned. (3-30-07)

03. PHA Benefit. A mechanism to reward healthy behaviors and good health choices of a participant
eligible for preventive health assistance. (3-30-07)

04. Wellness PHA. Benefits available to a participant to support wellness ~~and safety.~~
~~(3-30-07)~~(1-1-14)T

621. PREVENTIVE HEALTH ASSISTANCE (PHA): PARTICIPANT ELIGIBILITY.

01. Behavioral PHA. The participant must have a Health Questionnaire on file with the Department.
The Health Questionnaire is used to determine eligibility for a Behavioral PHA. The participant must indicate on the
Health Questionnaire that he wants to change a behavior related to weight management ~~or tobacco cessation.~~ The
participant must meet one of the following criteria: ~~(3-30-07)~~(1-1-14)T

a. For an adult, a body mass index (BMI) of thirty (30) or higher or eighteen and one-half (18 1/2) or
lower. (3-30-07)

b. For a child, a body mass index (BMI) that falls in either the overweight or the underweight
category as calculated using the Centers for Disease Control (CDC) Child and Teen BMI Calculator. (3-30-07)

~~e. For either an adult or a child, use of tobacco products. (3-30-07)~~

02. Wellness PHA. A participant who is required to pay premiums to maintain eligibility under IDAPA 16.03.01, "Eligibility for Health Assistance for Families and Children," is eligible for Wellness PHA. (3-30-07)

622. PREVENTIVE HEALTH ASSISTANCE (PHA): COVERAGE AND LIMITATIONS.

01. Point System. The PHA benefit uses a point system to track points earned and used by a participant. Each point equals one (1) dollar. (3-29-10)

a. Maximum Benefit Points. (3-30-07)

i. The maximum number of points that can be earned for a Behavioral PHA is two hundred (200) points each benefit year. (3-30-07)

ii. The maximum number of points that can be earned for a Wellness PHA benefit is one hundred twenty (120) points each benefit year. (3-30-07)

~~**b.** Each participant is limited to one (1) Behavioral PHA benefit at any point in time. (3-30-07)~~

~~**b.** Points expire and are removed from a participant's PHA benefit at the end of the participant's benefit year. (3-30-07)~~

~~**c.** Points earned for a specific participant's PHA benefit cannot be transferred to or combined with points in another participant's PHA benefit. (3-30-07)~~

~~**02. Medications and Pharmaceutical Supplies.** Medications and pharmaceutical supplies must be purchased from a licensed pharmacy. (3-30-07)~~

~~**a.** Each medication and pharmaceutical supply must have a primary purpose directly related to weight management or tobacco cessation. (3-30-07)~~

~~**b.** Each medication and pharmaceutical supply must be approved by the FDA, or specifically recommended by the participant's PCP, or a referred physician specialist. (3-30-07)~~

~~**032. Weight Management Program.** Each program must provide weight management services and must include a curriculum that includes at least one (1) of the three (3) following areas: (3-30-07)~~

~~**a.** Physical fitness; (3-30-07)~~

~~**b.** Balanced diet; or (3-30-07)~~

~~**c.** Personal health education. (3-30-07)~~

~~**043. Participant Request for Coverage.** A participant can request that a previously unidentified product or service be covered. The Department will approve a request if the product or service meets the requirements described in this section of rule and the vendor meets the requirements in Section 624 of these rules. (3-30-07)(1-1-14)T~~

~~**054. Premiums.** (3-30-07)~~

~~**a.** Wellness PHA benefit points must be used to offset a participant's premiums. (3-29-10)~~

~~**b.** Only premiums that must be paid to maintain eligibility under IDAPA 16.03.01, "Eligibility for Health Assistance for Families and Children" can be offset by PHA benefit points. (3-30-07)~~

~~**065. Hearing Rights.** A participant does not have hearing rights for issues arising between the participant and a chosen vendor. (3-30-07)~~

623. PREVENTIVE HEALTH ASSISTANCE (PHA): PROCEDURAL REQUIREMENTS.

01. Behavioral PHA. (3-30-07)

a. A PHA benefit will be established for each participant who meets the eligibility criteria for Behavioral PHA. A participant must complete a PHA Benefit Agreement Form prior to earning any points. (3-30-07)

~~**b.** Each participant who chooses a goal of tobacco cessation must enroll in a tobacco cessation program.~~ (3-30-07)

eb. Each participant who chooses ~~a goal of~~ to enroll in weight management must participate in a physician approved or monitored weight management program. (3-30-07)(1-1-14)T

dc. An initial one hundred (100) points are earned when the agreement form is received by the Department and the benefit is established. (3-30-07)

ed. An additional one hundred (100) points can be earned by a participant who completes his program or reaches a chosen, defined goal. The vendor monitoring the participant's progress must verify that the program was completed or the goal was reached. (3-30-07)

02. Wellness PHA. (3-30-07)

a. A PHA benefit will be established for each participant who meets the eligibility criteria for Wellness PHA. Each participant must demonstrate that he has received recommended wellness visits and immunizations for his age prior to earning any points. (3-30-07)

b. Ten (10) points can be earned each month by a participant who receives all recommended wellness visits and immunizations for his age during the benefit year. (3-29-10)

03. Approved Products and Services. The reimbursable products and services of each vendor must be prior approved by the Department. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

662. PRESCRIPTION DRUGS: COVERAGE AND LIMITATIONS.

01. General Drug Coverage. The Department will pay for those prescription drugs not excluded by Subsection 662.04 of these rules which are legally obtainable by the order of a licensed prescriber whose licensing allows for the prescribing of legend drugs, as defined under Section 54-1705(28), Idaho Code, and which are deemed medically necessary as defined in Section 011 of these rules. (3-30-07)

02. Dispensing Fee. Dispensing Fee is defined as the cost of filling a prescription including direct pharmacy overhead, and is for all services pertaining to the usual practice of pharmacy, including: (4-4-13)

a. Interpretation, evaluation, compounding, and dispensing of prescription drug orders; (3-30-07)

b. Participation in drug selection; (3-30-07)

c. Drug administration; (3-30-07)

d. Drug regimen and research reviews; (3-30-07)

e. Proper storage of drugs; (3-30-07)

- f.** Maintenance of proper records; (3-30-07)
- g.** Prescriber interaction; and (3-30-07)
- h.** Patient counseling. (3-30-07)
- 03. Limitations on Payment.** Medicaid payment for prescription drugs will be limited as follows: (3-30-07)
- a.** Days' Supply. Medicaid will not cover any days' supply of prescription drugs that exceeds the quantity or dosage allowed by these rules. (3-30-07)
- b.** Brand Name Drugs. Medicaid will not pay for a brand name product that is part of the federal upper limit (FUL) or state maximum allowable cost (SMAC) listing when the physician has not specified the brand name drug to be medically necessary. (3-30-07)
- c.** Medication for Multiple Persons. When the medication dispensed is for more than one (1) person, Medicaid will only pay for the amount prescribed for the person or persons covered by Medicaid. (3-30-07)
- d.** No Prior Authorization. Medicaid will not pay for a covered drug or pharmacy item that requires, but has not received, prior authorization for Medicaid payment as required in Section 663 of these rules. (3-30-07)
- e.** Limitations to Discourage Waste. Medicaid may conduct drug utilization reviews and impose limitations for participants whose drug utilization exceeds the standard participant profile or disease management guidelines determined by the Department. (3-30-07)
- 04. Excluded Drug Products.** The following categories and specific products are excluded from coverage by Medicaid: (3-30-07)
- a.** Non-Legend Medications. Federal legend medications that change to non-legend status, as well as their therapeutic equivalents regardless of prescription, status unless: (3-30-07)
- i.** They are included in Subsection 662.05.b. of these rules; or (3-30-07)
- ii.** The Director determines that non-legend drug products are covered based upon appropriate criteria including the following: safety, effectiveness, clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs, cost, and the recommendation of the Pharmacy And Therapeutics Committee. Therapeutically interchangeable is defined in Subsection 663.01.e. of these rules. (3-30-07)
- b.** Legend Drugs. Any legend drugs for which federal financial participation is not available. (3-30-07)
- c.** Diet Supplements. Diet supplements and weight loss products, except lipase inhibitors when prior authorized as outlined in Section 663 of these rules. (3-30-07)
- d.** Amphetamines and Related Products. Amphetamines and related products for cosmetic purposes or weight loss. Amphetamines and related products which are deemed to be medically necessary may be covered if prior authorized as outlined in Section 663 of these rules. (3-30-07)
- e.** Ovulation/Fertility Drugs. Ovulation stimulants, fertility drugs, and similar products. (3-30-07)
- f.** Impotency Aids. Impotency aids, either as medication or prosthesis. (3-30-07)
- g.** ~~Tobacco Cessation Products. Nicotine chewing gum, sprays, inhalers, transdermal patches and related products, with the exception that both legend and non-legend tobacco cessation products will be covered for children and pregnant women when prescribed by their physician.~~ (4-4-13)

h.g. Medications Utilized for Cosmetic Purposes. Medications utilized for cosmetic purposes or hair growth. Prior authorization may be granted for these medications if the Department finds other medically necessary indications. (3-30-07)

h.h. Vitamins. Vitamins unless included in Subsection 662.05.a. of these rules. (3-30-07)

h.i. Dual Eligibles. Drug classes covered under Medicare, Part D, for Medicaid participants who are also eligible for Medicare. (3-30-07)

05. Additional Covered Drug Products. Additional drug products will be allowed as follows: (3-30-07)

a. Therapeutic Vitamins. Therapeutic vitamins may include: (3-30-07)

i. Injectable vitamin B12 (cyanocobalamin and analogues); (3-30-07)

ii. Vitamin K and analogues; (3-30-07)

iii. Pediatric legend vitamin-fluoride preparations; (3-30-07)

iv. Legend prenatal vitamins for pregnant or lactating women; (3-30-07)

v. Legend folic acid; (3-30-07)

vi. Oral legend drugs containing folic acid in combination with Vitamin B12 and/or iron salts, without additional ingredients; (4-4-13)

vii. Legend vitamin D and analogues; and (4-4-13)

viii. Legend ~~smoking tobacco~~ cessation products ~~for pregnant women and children.~~ ~~(4-4-13)~~(1-1-14)T

b. Prescriptions for Nonlegend Products. Prescriptions for nonlegend products may include: (3-30-07)

i. Insulin; (3-30-07)

ii. Disposable insulin syringes and needles; (3-30-07)

iii. Oral iron salts; (4-4-13)

iv. Permethrin; and (4-4-13)

v. ~~Smoking Tobacco~~ cessation products ~~for pregnant women and children.~~ ~~(4-4-13)~~(1-1-14)T

06. Limitation of Quantities. Medication refills provided before at least seventy-five percent (75%) of the estimated days' supply has been utilized are not covered, unless an increase in dosage is ordered. Days' supply is the number of days a medication is expected to last when used at the dosage prescribed for the participant. No more than a thirty-four (34) days' supply of continuously required medication is to be purchased in a calendar month as a result of a single prescription with the following exceptions: (3-30-07)

a. Doses of Medication. Up to one hundred (100) doses of medication may be dispensed, not to exceed a one hundred (100) day supply for: (3-30-07)

i. Cardiac glycosides; (3-30-07)

ii. Thyroid replacement hormones; (3-30-07)

- iii. Prenatal vitamins; (3-30-07)
 - iv. Nitroglycerin products - oral or sublingual; (3-30-07)
 - v. Fluoride and vitamin/fluoride combination products; and (3-30-07)
 - vi. Nonlegend oral iron salts. (3-30-07)
- b.** Oral Contraceptive Products. Oral contraceptive products may be dispensed in a quantity sufficient for one (1), two (2), or three (3) cycles. (3-30-07)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.15 - RULES AND MINIMUM STANDARDS FOR SEMI-INDEPENDENT GROUP RESIDENTIAL FACILITIES FOR THE DEVELOPMENTALLY DISABLED OR MENTALLY ILL

DOCKET NO. 16-0315-1301 (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 2014 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 39-4605, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. This chapter has been repealed in its entirety. The complete text of the proposed rule was published in the June 5, 2013, Idaho Administrative Bulletin, [Vol. 13-6, page 42](#).

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 fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact to any funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Tamara Prisock at (208) 364-1971.

DATED this 21st day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.01 - USE AND DISCLOSURE OF DEPARTMENT RECORDS

DOCKET NO. 16-0501-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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, 2014, 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 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; also HIPAA: 45 CFR Subpart E, Section 164.510.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 118 and 119](#).

The U.S. Department of Health and Human Services (HHS) recently amended the HIPAA Privacy Rule. This rule change went into effect March 26, 2013. HHS amended the Privacy Rule to permit a covered entity (such as the Department) to disclose a decedent's health information to family members and others who were involved in the care or payment for care of the decedent prior to death. This rule change permits the Department to use or disclose health information, as allowed by the amended Privacy Rule.

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

There is no anticipated fiscal impact to any funds for this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Heidi Graham at (208) 334-5617.

DATED this 21st day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.05.04 - RULES OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE
AND VICTIM ASSISTANCE GRANT FUNDING

DOCKET NO. 16-0504-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 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 39-5209, 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 Council on Domestic Violence and Victim Assistance (ICDVVA) is revising the "Incorporation by Reference" section of these rules. Specifically, the documents entitled: "Domestic Violence Program and Personnel Standards" and the "Sexual Assault Program and Personnel Standards" are being combined into a single standards manual entitled: "Service Standards for ICDVVA-Funded Programs." This revision is being done to reflect changes in federal regulations and program practices made since 1998, as well as incorporate program enhancements developed with providers to improve the quality of services to victims of crime in Idaho.

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 220 and 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:

There is no anticipated fiscal impact to any funds for this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Luann Dettman at (208) 332-1540.

DATED this 19th day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 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(b), 56-203(2), 56-204A, 56-1004A, 56-1007, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520 and 39-5604, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. These changes provide clarification for the criminal history and background check application, fingerprint, and submission process. The complete text of the proposed rule was published in the September 4, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 120 through 127](#).

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 fiscal impact to any funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Fernando Castro, at (208) 332-7999.

DATED this 21st day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS
DOCKET NO. 16-0506-1303 (FEE RULE)
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 Sections 56-1004A, and 56-1007, Idaho Code.

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

The Board of Health and Welfare did not adopt the proposed rules to add no-show fees for missed fingerprint appointments and requested more research and review on the structuring of a no-show fee.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Fernando Castro, at (208) 332-7999.

DATED this 27th day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.07 - THE INVESTIGATION AND ENFORCEMENT OF FRAUD, ABUSE, AND MISCONDUCT

DOCKET NO. 16-0507-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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(b), 56-203(1) and (2), 56-209, 56-209h, 56-227, 56-227A through D, 56-1001, and 56-1003, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. These amendments align the rules with current statutes. The complete text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 222 through 226](#).

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 fiscal impact to any funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Ben Johnson at (208) 334-6661.

DATED this 19th day of November, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.01 - CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-1302

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 2014 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, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 56-204A, 56-204B, 56-1007, and Title 16, Chapter 16, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 130 and 131](#).

The Department is establishing a process for individuals to obtain confidential information that is on the child protection central registry. This information will only be released with an individual's written consent to obtain such confidential information. The Department is not mandating that individuals and other entities check the child protection central registry as a precondition of employment or non-department licensure. This change aligns IDAPA 16.06.01 with rules pertaining to the public records act and with current practice. The Department is adding a fee of \$20 for a name-based Child Protection Central Registry Check to cover costs. Updates are being made to the mailing process to meet federal regulations for notifications to the Indian Child Welfare Act (ICWA) designated agent for a child's tribe.

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 56-202(b), 56-204A, and 56-1007, Idaho Code.

A fee of \$20 is being added for a name-based Child Protection Central Registry check.

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:

It is estimated that 2,100 additional central registry checks will be completed annually. The Department will collect receipts in a projected amount of \$42,000. The receipted amount will cover costs associated with the operating expenses without a need for additional funds. There is no anticipated fiscal impact to the state general fund or need for federal funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Miren Unsworth at (208) 334-6925.

DATED this 21st day of November, 2013.

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

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

DOCKET NO. 16-0612-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

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

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The amendments to these rules align with current practice for in-home child care. The complete text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 227 through 229](#).

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

This rulemaking has no anticipated fiscal impact to any funds, because the change is being made to reflect current practice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Ericka Medalen at (208) 334-5641.

DATED this 21st day of November, 2013.

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

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

DOCKET NO. 16-0612-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

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

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

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The amendments to these rules align with current practice and other Department rules for determining benefits for a child who lives in a joint custody situation. The complete text of the proposed rule was published in the November 6, 2013, Idaho Administrative Bulletin, [Vol. 13-11, pages 34 and 35](#).

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 or any other funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Ericka Medalen at (208) 334-5641.

DATED this 9th day of December, 2013.

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

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)
DOCKET NO. 16-0612-1401
NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 1, 2013.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The state's current co-pay structure is based on a percentage of the cost of child care which does not comply with the federal regulations for the child care program. In order to be in compliance with the federal requirements, the state's co-pay structure is being changed to income based. The current ICCP rules reference a percentage based co-pay for non-working students, which must be removed from the rules for compliance with federal regulations.

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:

This rule change brings these rules into compliance with federal regulations for co-payments by parents eligible for the Idaho Child Care Program.

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 fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

The fiscal impact to both state and federal funds for this rule change is expected to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Ericka Medalen at (208) 364-5641.

DATED this 10th day of December, 2013.

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

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 16-0612-1401

503. ~~NON WORKING~~ STUDENT CO-PAYMENT REQUIREMENTS.

01. Post-Secondary Student. (11-1-13)T

a. A post-secondary student ~~who does not~~ working less than ten (10) hours per week will be required to pay a ~~thirty one percent (31%)~~ co-payment. (11-1-13)T

b. A post-secondary student who works ~~at least~~ ten (10) hours or more per week will have a co-payment based on ~~his total~~ family income. (11-1-13)T

02. High School or GED Student. A student who is finishing in high school, or who is taking English as a second language or GED courses will ~~be excluded from the requirement to pay a thirty one percent (31%) co-payment and will instead~~ have a co-payment based only on his family income. (3-26-08)(11-1-13)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.07.17 - ALCOHOL AND SUBSTANCE USE DISORDERS SERVICES

DOCKET NO. 16-0717-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 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 39-311, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 132 through 139](#).

The Division of Behavioral Health (DBH) is working on building a peer recovery system and by removing the barrier around criminal history and background checks will provide more individuals to be in the peer recovery system. Definitions in this chapter were also updated.

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

There is no anticipated fiscal impact to the state general fund or any other funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 364-6611.

DATED this 21st day of November, 2013.

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

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. 16-0720-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 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 39-311, Idaho Code.

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

These rules are being amended in the pending docket to remove the hired or contracted with after May 1, 2010, since it is no longer needed. The Division of Behavioral Health (DBH) is working on building a peer recovery system and by removing the barrier around criminal history and background checks will provide more individuals to be in the peer recovery system.

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 4, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 140 through 149](#).

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

There is no anticipated fiscal impact to the state general fund or any other funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 364-6611.

DATED this 21st day of November, 2013.

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. 16-0720-1301 - 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 13-9, September 4, 2013, pages 140 through 149.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0720-1301

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

[Subsection 009.01]

01. Criminal History and Background Check. All owners, operators, employees, transfers, reinstated former employees, student interns, contractors and volunteers ~~hired or contracted with after May 1, 2010,~~ who provide direct care or services, or ~~have direct~~ whose position requires regular contact with clients ~~access,~~ must comply with the provisions of IDAPA 16.05.06, “Criminal History and Background Checks.” ~~(5-1-10)~~ ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.30 - BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS

DOCKET NO. 16-0730-1301 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 becomes final and effective on July 1, 2014, 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 the Regional Mental Health Services Act, Title 39, Chapter 31, Idaho Code; also 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 proposed chapter establishes the benefit and eligibility process for behavioral health community crisis centers in the state of Idaho. These programs will provide behavioral health crisis services to persons residing in Idaho. The amendments to the pending rule remove an incorporation by reference document, "Idaho Behavioral Health Standards, Idaho Department of Health and Welfare, 2013," as well as grammar and minor clarification changes.

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 original text of the proposed rule was published in the October 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 230 through 239](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following item is being incorporated by reference into these rules to give them the force and effect of law. This document is not being reprinted in this chapter of rules due to its length and format and because of the cost for republication.

The American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V), 2013.

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

These rules will provide an opportunity for the development of behavioral health community crisis centers and the Department of Health and Welfare may be making a budget request separate from these rules. However, there is no anticipated fiscal impact to the state general fund or any other funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Casey Moyer at (208) 334-4916.

DATED this 27th day of November, 2013.

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. 16-0730-1301 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text 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 13-10, October 2, 2013, pages 230 through 239.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0730-1301

[Section 004 - entire section]

004. INCORPORATION BY REFERENCE.

The following document *is* incorporated by reference in this chapter of rules: American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V), Arlington, VA, American Psychiatric Association, 2013, copies of the manual are available from the American Psychiatric Association, 1000 Wilson Blvd., Arlington VA 22209-3901. A copy of the manual is also available for public review at the Department of Health And Welfare, 450 West State Street, Boise, Idaho, 83702. ()

[Section 006 - entire section]

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT COMPLIANCE AND REQUESTS.

01. Confidentiality of Records. Any disclosure of confidential information used or disclosed in the course of the Department's business is subject to the restrictions in state or federal law, federal regulation, and IDAPA 16.05.01, "Use and Disclosure of Department Records." ()

02. Public Records Act. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempt, all public records in the custody of the Department are subject to disclosure. ()

010. DEFINITIONS AND ABBREVIATIONS.

For the purposes of these rules, the following terms are used as defined below: ()

[Subsection 010.04]

04. Behavioral Health Community Crisis Center. An outpatient facility operated *24 hours a day, 7*

days a week, 365 days a year by a hospital or mental health center that provides evaluation, intervention, and referral for individuals experiencing a crisis due to serious mental illness or a serious mental illness with co-occurring substance use disorder. The facility may not provide services to a client for more than twenty-three (23) hours and fifty-nine (59) minutes from the time the client arrives at the facility. The facility must discharge or transfer the client to the appropriate level of care. ()

[Subsection 010.09]

09. Good Cause. A valid and sufficient reason, *as determined by the Department*, for not complying with the time frame set for submitting a written request for a waiver by an individual who does not pass a criminal history and background check. ()

[Section 101 - entire section]

101. INTAKE ASSESSMENT.

The facility must establish admission criteria that assess the individual client's needs and the appropriateness of the services to meet those needs. ()

01. Eligibility. At a minimum, admission criteria must require that the client: ()

a. Be at least eighteen (18) years of age; ()

b. *Demonstrate impairment, or symptoms, or both, consistent with a DSM-V diagnosable behavioral health condition;* ()

c. *Be medically stable, as defined by the Medical Director, with the exception of the person's demonstrated impairment consistent with a DSM-V diagnosable behavioral health condition;* and ()

d. Be in need of frequent observation on an ongoing basis. ()

02. The Facility Determines Eligibility and Capacity for Community Crisis Services. The total number of adults who are eligible for behavioral health community crisis services through the facility will be established by the facility. The facility may, in its sole discretion, limit or prioritize behavioral health services, define eligibility criteria, or establish the number of persons eligible based upon such factors as availability of funding, the degree of financial need, the degree of clinical need, or other factors. ()

03. Ineligibility Conditions. An adult who does not meet the requirements under Subsection 101.01 of this rule is not eligible for behavioral health community crisis services. An adult with a diagnosis of developmental disorder alone, may be eligible for Department services under IDAPA 16.04.11, "Developmental Disability Agencies," for developmental disability services. ()

[Section 103 - entire section]

103. EMERGENCY SERVICES.

01. Identification of Emergency Services Needed. If emergency services are clinically necessary, as determined by facility staff, the facility will identify the emergency services that are consistent with the applicant's level of need and a preliminary finding from the intake assessment. ()

02. Immediate Intervention. The facility must ensure inpatient care is *accessible* through a transfer agreement for clients in need of a higher level of care. ()

03. Client Management. Use of de-escalation techniques including physical and nonphysical methods, by trained staff is permissible *in accordance with center policy*. ()

211. CLINICAL RECORDS.

Every behavioral health community crisis center must maintain, control, and supervise client records and is responsible for maintaining their quality in accordance with the requirements set forth in these rules. ()

[Subsections 211.02 and 211.03]

02. Compilation, Storage, Dissemination, and Accessibility of Client Records. The facility must have written policies and procedures governing the *compilation*, storage, dissemination, and accessibility of client records. ()

03. Electronic Storage of Client Data. When a facility stores client data in electronic *or* other types of automated information systems, they must have security measures to prevent inadvertent or unauthorized access to such data. ()

IDAPA 17 - INDUSTRIAL COMMISSION

17.02.10 - ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- SECURITY FOR COMPENSATION -- INSURANCE CARRIERS

DOCKET NO. 17-0210-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective *sine die*, 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, 72-301, 72-304 and 72-302, 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 244 through 250](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jane McClaran, Financial Officer, (208) 334- 6042.

DATED this 25th day of November, 2013.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 - INDUSTRIAL COMMISSION

17.02.11 - ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- SECURITY FOR COMPENSATION -- SELF-INSURED EMPLOYERS

DOCKET NO. 17-0211-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes final and effective *sine die*, 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, 72-301, 72-304 and 72-302, 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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 251 through 257](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jane McClaran, Financial Officer, (208) 334-6042.

DATED this 25th day of November, 2013.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 20 - DEPARTMENT OF LANDS

20.02.01 - RULES PERTAINING TO THE IDAHO FOREST PRACTICES ACT

DOCKET NO. 20-0201-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

The Idaho Forest Practices Act Advisory Committee (FPAAC) is comprised of 9 voting members across the state of Idaho representing family forest owners, industrial forest owners, fisheries biologists, citizens at large, and logging operators. This committee is statutorily charged with advising the Idaho State Board of Land Commissioners, in cooperation with the Idaho Department of Lands (IDL), in rulemaking matters associated with the Idaho Forest Practices Act. As a result of quadrennial water-quality audits conducted by the Idaho Department of Environmental Quality (IDEQ) in 2000 and 2004, FPAAC has been working over the last 10 years to develop a science-based streamside tree-retention rule (shade rule) that is based on Idaho forest riparian data. The proposed shade rule will allow forest landowners to select from two options which are meant to address both shade and large wood recruitment in streams. The pending rule is being adopted with changes in part as suggested by parties that commented on the rules, internal IDL discussions, and as determined by the Idaho Forest Practices Advisory Committee. These changes include:

- Section 010.60.d - Rescind the proposed rule change to strike the five (5) foot Class II SPZ, the rule shall not be modified, it shall remain in place as it has been since 1996; and
- Section 030.07.e.iii - To protect filtering and shade effects of streamside vegetation adjacent to all Class II streams following harvesting and hazard management activities, live trees will be retained or new trees established within thirty (30) feet on each side of the streams ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04.

Public hearings for the proposed rule were held at the IDL Coeur d'Alene staff office on Tuesday, September 10, 2013 and at the IDL Director's office (Boise) on Thursday, September 19, 2013. Written and verbal comments were submitted at both hearings and published on the IDL website. The written comment period for the proposed rule ran from September 4, 2013 through September 25, 2013. Written comments received were published on the IDL website. The complete text of the proposed rule was published in the September 4, 2013 Idaho Administrative Bulletin, [Vol. 13-9, pages 159 through 170](#).

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.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There will be no fiscal impact due to the adoption of this Rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Archie Gray, Forest Practices Program Manager at 208-666-8636 or agray@idl.idaho.gov.

DATED this 20th day of November 2013.

Archie Gray
Forest Practices Program Manager
Idaho Department of Lands
3284 W. Industrial Loop,
Coeur d'Alene, ID, 83815
208-666-8636

DOCKET NO. 20-0201-1301 - 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 13-9, September 4, 2013, pages 159 through 170.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 20-0201-1301

010. DEFINITIONS.

Unless otherwise required by context as used in these rules:

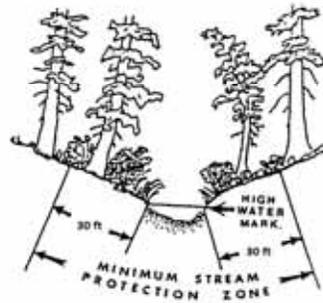
(10-14-75)

5860. 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)

[Paragraph 010.60.d. - proposed changes withdrawn, text remains as codified]

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)

030. TIMBER HARVESTING.

[Subsection 030.07 - entire subsection]

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 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. (4-4-13)

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. Adjacent to all Class I streams, to maintain and enhance shade and large woody debris recruitment, landowners must comply with one of the two following options defining tree retention. The Relative Stocking per acre (RS) referenced in the options is calculated according to the relative-stocking-contribution table in Subsection 030.07.e.ii.* (4-11-06)()

(1) Option 1: Within twenty-five (25) feet from the ordinary high water mark on each side of the stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of thirty (30) must be retained in the stream protection zone between twenty-five (25) feet and seventy-five (75) feet from the ordinary high water mark on both sides of the stream. ()

(2) Option 2: Within fifty (50) feet from the ordinary high water mark on each side of a stream, live conifers and hardwoods will be retained to maintain a minimum relative stocking per acre of sixty (60). A relative stocking per acre of ten (10) must be retained in the stream protection zone between fifty (50) feet and seventy-five (75) feet from the ordinary high water mark on both sides of the stream. ()

(3) Only one (1) option may be implemented within the stream protection zones of a harvesting unit covered by a single notification. Landowners are strongly encouraged to retain all trees immediately adjacent to the stream. ()

Forest Type	Per Tree Contribution to Relative Stocking by Diameter Class						
	Diameter Class (DBH in inches)						
	4-7.9"	8-11.9"	12-15.9"	16-19.9"	20-23.9"	24-27.9"	28-31.9"
NIGF (North Idaho Grand Fir)	0.097	0.209	0.347	0.506	0.683	0.878	1.088
CIGF (Central Idaho Grand Fir)	0.113	0.244	0.405	0.59	0.797	1.024	1.27
SIGF (Southern Idaho Grand Fir)	0.136	0.293	0.486	0.708	0.957	1.229	1.524
WHSF (Western Hemlock-Subalpine Fir)	0.123	0.267	0.442	0.644	0.87	1.117	1.385
DFPP (Douglas-fir-Ponderosa Pine)	0.151	0.326	0.54	0.787	1.063	1.366	1.693

()

iii. To protect filtering and shade effects of streamside vegetation adjacent to all Class II streams following harvesting and hazard management activities, live trees will be retained or new trees established within thirty (30) feet on each side of the streams ordinary high water mark to comply with the minimum stocking standards expressed in Subsection 050.04. ()

iv. 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)

v. 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)

vi. 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)

vii. ~~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 1/2) 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)

~~xviii.~~ 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)

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 36-2107 (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:

Idaho law states that an outfitter is “any individual, firm, partnership, corporation or other organization or any combination thereof, who, while engaging in any of the acts enumerated herein in any manner: (1) advertises or otherwise holds himself out to the public for hire; (2) provides facilities and services for consideration; and (3) maintains, leases, or otherwise uses equipment or accommodations for compensation for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing on Idaho lakes, reservoirs, rivers and streams; and hazardous desert or mountain excursions.” Section 36-2102, Idaho Code. This includes private landowners.

In 1992, the Idaho Supreme Court (*State v. Koller* 112 Idaho 409) held that the outfitting and guides act regulates commercial outfitting whether it’s occurring on public or private lands and that the State of Idaho has jurisdiction. As the result, private land owners have been licensed as outfitters themselves, have designated agents (including existing outfitters) as employees to provide facilities and services and have leased lands to others for outfitting purposes.

The purpose of this rulemaking is to clarify and enhance the ability of private landowners to allow public access to their private lands and in doing so, they also are intended to clarify outfitted use and license requirements when outfitted facilities and services are provided by the landowner or someone authorized by the landowner to do so. The Board states that the rule also is intended to clarify existing rules to address a concern over the loss of access due to the proliferation of organizations and clubs operating commercially due to the ambiguity in existing rules. The Board also notes that in doing so, organizations and clubs offering outfitted facilities and services including acquiring access to private or public land for hunting, fishing or hazardous excursions and for commercial gain will be governed by the same limits and restrictions set forth in the rules governing licensed commercial outfitters.

The Board notes that negotiated rulemaking was conducted.

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 357 through 359](#).

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

No fiscal impact will occur as a result of changes that are being made.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact.

DATED this November 20, 2013.

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706
(208) 327-7380
FAX (208) 327-7382

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-1301

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 2014 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 on July, 1 2014.

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 67-4210, 67-4223, and 67-4249, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee 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 published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 360 through 363](#).

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 IDAPA 26, Title 1, Chapter 20, Section 250.0.

The rule changes requested are to increase the IDAPA approved Fee Caps by \$10 per night for all Idaho state park campsites and by \$50 per night for Idaho state park Camper Cabins and Yurts, as demonstrated in the following table:

Campsite Type	Current IDAPA Approved Fee	Proposed IDAPA Fee
Primitive Campsite	\$13.00	\$23.00
Standard Campsite	\$16.00	\$26.00
Serviced Campsite/W	\$20.00	\$30.00
Serviced Campsite/E	\$20.00	\$30.00
Serviced Campsite/W, E	\$24.00	\$34.00
Serviced Campsite/W, E, SWR	\$26.00	\$36.00
Companion Campsite	Site type x 2	Site type x 2
Camper Cabins and Yurts	\$150.00	\$200.00

The adjustments are necessary in order for Parks and Recreation to apply the following fee changes:

- Increase the fee charged for all serviced campsite types by \$2 per night for all camping customers;
- Increase the fee charged for all campsites by an additional \$3 per night for all non-resident camping customers;
- Increase the fee charged for all camper cabins and yurts by an additional \$5 per night for all non-resident camping customers; and
- Increase the fee charged for all other overnight facilities (Deluxe Cabins, Cottages, Houses, Group Yurts, Lodges, and Lodge Rooms) and group campsites by an additional 10% per night for all non-resident camping customers.

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 direct result of the fees requested, we are unable to provide a reasonable forecast for future usage numbers for this fiscal impact statement. We cannot predict how many of our customers will be able to continue to consider camping in Idaho's state parks an affordable option. As such, the fiscal impact assumes no decrease in occupancy and has been calculated against averaged site usage using the past three years' occupancy. Revenue potential is \$347,149. The potential revenue generated is split as follows:

- \$156,839 - calculated for a \$2 per night increase to the rate charged for all serviced campsite types for all resident and non-resident camping customers.
- \$190,310 - calculated for fee increases for non-resident camping customers for all overnight stays on all individual and group campsites and facilities.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tammy L. Kolsky, 208-514-2427.

DATED this November 15, 2013.

Tammy L. Kolsky
Program Manager
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue, Boise, ID 83716-8700
P.O. Box 87320, Boise ID 83720-0065
Telephone: 208-514-2427; FAX 208-334-3741

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

26.01.20 - RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-1302

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 2014 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 on July, 1 2014.

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 67-4210, 67-4223 and 67-4249, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 364 through 366](#).

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 IDAPA 26, Title 1, Chapter 20, Section 258.05.

This rule change will increase the IDAPA fee caps for the Winter Access Program's existing passes as follows:

- Daily Per Person Pass \$6 (currently \$4);
- Family Season Pass \$100 (currently \$35).

Additionally, this rule change will establish two new Winter Access Program pass types and set IDAPA fee caps for them to be as follows:

- Individual Season Pass \$50;
- Couples Season Pass \$75.

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

Fiscal impact is based upon historical usage trends computed against new rates. Total projected positive fiscal impact is \$29,636.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Tammy L. Kolsky, 208-514-2427.

DATED this November 15, 2013.

Tammy L. Kolsky
Program Manager
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue, Boise, ID 83716-8700
P.O. Box 87320, Boise ID 83720-0065
Telephone: 208-514-2427; FAX 208-334-3741

IDAPA 28 - DEPARTMENT OF COMMERCE

28.02.07 - RULES GOVERNING THE ADMINISTRATION OF THE IGEN GRANT PROGRAM

DOCKET NO. 28-0207-1301 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-4702 and 67-4729, 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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 389 through 391](#).

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

There is no negative fiscal impact to the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Megan Ronk at 208-334-2470.

DATED this 26th day of November 2013.

Megan Ronk
Division Administrator/Chief Administrative Officer
Idaho Department of Commerce
700 W State Street
Boise, ID 83702
Phone: 208-334-2470
Fax: 208-334-2631

IDAPA 28 - DEPARTMENT OF COMMERCE
28.03.01 - RULES OF THE IDAHO OPPORTUNITY FUND
DOCKET NO. 28-0301-1301 (NEW CHAPTER)
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 67-4733, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 189 through 193](#).

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

There is no negative fiscal impact on the state general fund. House Bill 100 formally established the Idaho Opportunity Fund in the Idaho State Treasury. In Fiscal Year 2014 the Idaho Opportunity Fund will be funded as follows:

- \$400,000 ongoing appropriation in Department of Commerce budget (General Fund); and
- \$3,000,000 in onetime funding in Department of Commerce budget (General Fund).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Megan Ronk at 208-334-2470.

DATED this 26th day of November 2013.

Megan Ronk
Division Administrator/Chief Administrative Officer
Idaho Department of Commerce
700 W State Street
Boise, ID 83702
Phone: 208-334-2470
Fax: 208-334-2631

IDAPA 28 - DEPARTMENT OF COMMERCE

28.03.04 - RULES OF THE BUSINESS AND JOBS DEVELOPMENT GRANT FUND

DOCKET NO. 28-0304-1301 (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 2014 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 67-4733, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2013, Idaho Administrative Bulletin, [Vol. 13-9, pages 194 and 195](#).

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

There is no negative fiscal impact to the general fund. A \$400,000 ongoing appropriation in Department of Commerce budget (General Fund) that was available to the Department for Business & Jobs Development Fund grants is now available to the Department under the new Idaho Opportunity Fund per changes made to the department's budget for FY2014.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Megan Ronk at 208-334-2470.

DATED this 26th day of November 2013.

Megan Ronk
Division Administrator/Chief Administrative Officer
Idaho Department of Commerce
700 W State Street
Boise, ID 83702
Phone: 208-334-2470
Fax: 208-334-2631

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 403 through 409](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cynthia Adrian (208) 334-7670.

DATED this 22nd day of November, 2013.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7670

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 410 through 441](#).

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) 334-7670.

DATED this 22nd day of November, 2013.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7670

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.01 - INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1303

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

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 November 6, 2013, Idaho Administrative Bulletin, [Vol. 13-11, pages 40 through 42](#).

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) 334-7670.

DATED this 22nd day of November, 2013.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7670

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.02 - SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 63-105, 63-3635, 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:

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 442 through 456](#).

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 22nd day of November, 2013.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd, Plaza IV
PO Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7844

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 457 through 485](#).

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 22nd day of November, 2013.

Alan Dornfest
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.09 - WINE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0109-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 486 and 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 McLean Russell (208) 334-7531.

DATED this 22nd day of November, 2013.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd, Plaza IV
PO Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7844

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.10 - IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0110-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 488 and 489](#).

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 22nd day of November, 2013.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd, Plaza IV
PO Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7844

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.01.14 - PREPAID WIRELESS E911 FEE ADMINISTRATIVE RULES
DOCKET NO. 35-0114-1301 (NEW CHAPTER)
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 63-105 and 31-4813, 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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 490 through 493](#).

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 22nd day of November, 2013.

McLean Russell
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd, Plaza IV
PO Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7844

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.02.01 - ADMINISTRATION AND ENFORCEMENT RULES
DOCKET NO. 35-0201-1301
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 494 and 495](#).

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) 334-7670.

DATED this 22nd day of November, 2013.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7670

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.02.01 - ADMINISTRATION AND ENFORCEMENT RULES
DOCKET NO. 35-0201-1302
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

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 2, 2013, Idaho Administrative Bulletin, [Vol. 13-10, pages 496 and 497](#).

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) 334-7670.

DATED this 22nd day of November, 2013.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7670

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.02.01 - ADMINISTRATION AND ENFORCEMENT RULES
DOCKET NO. 35-0201-1303
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

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 November 6, 2013, Idaho Administrative Bulletin, [Vol. 13-11, pages 44 through 46](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cynthia Adrian (208) 334-7670.

DATED this 22nd day of November, 2013.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7670

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.60- RULES GOVERNING LICENSE PLATE PROVISIONS

DOCKET NO. 39-0260-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

Amend administrative rule to implement Senate Bill 1243, 2012 and House Bill 169, 2013, establishing restrictions and guidelines for the introduction and approval of new special plates. Rule changes to implement Senate Bill 1243, 2012, were rejected by the 2013 Legislature. House Bill 169 was passed this session that amends how special plates can be introduced, to also allow such special plate programs to be approved through the Legislature any that were passed but failed to follow through and meet the qualifications.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 498 through 502](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Chris Fisher, Program Specialist, 334-8679.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street
PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810 / fax - 332-4107
lori.garza@itd.idaho.gov

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.71- RULES GOVERNING DRIVER'S LICENSE VIOLATION POINT SYSTEM

DOCKET NO. 39-0271-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes effective on January 1, 2014, after the conclusion of the legislative session if approved by the legislature after review. 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 49-201, 49-326 and 50-336, 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:

House Bill 274, 2013, has established a new program for Traffic Safety Education for use in local jurisdictions to be offered for a fee in lieu of issuing a citation. It is necessary to amend the rule to accommodate this option. Also, ISP has requested the addition of certain moving violation to the list of convictions to eliminate discrepancies between ISTARs and ITD, which we fully support.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2013 Idaho Administrative Bulletin, [Vol. 13-9, pages 211 through 215](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ed Pemble, Driver Services Manager, 334-7830.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street
PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810 / fax - 332-4107
lori.garza@itd.idaho.gov

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.12- RULES GOVERNING SAFETY REQUIREMENTS OF OVERLEGAL PERMITS

DOCKET NO. 39-0312-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

At the request of industry, we are proposing changes to amend lighting and signing requirements to provide greater flexibility. We are also addressing some housekeeping changes to provide clarity. The rule now provides for flashing as well as non flashing lights. Signing dimension minimums have been standardized for towing, oversize and escort vehicles. Limitations and restrictions on a size and/or length of vehicle combinations on color-coded routes have been specified for units traveling in a convoy. Other language has been amended to provide clarity.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 4, 2013 Idaho Administrative Bulletin, [Vol. 13-9, pages 216 through 219](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: 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 and Weight Specialist, 334-8418.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street
PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810 / fax - 332-4107
lori.garza@itd.idaho.gov

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.03.15 - RULES GOVERNING INTERSTATE EXCESS WEIGHT PERMITS

DOCKET NO. 39-0315-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

Amendments to Idaho Code in Senate Bill 1064 have codified the designation of specified routes for loads up to 129,000 pounds. Those amendments require updates to IDAPA 39.03.15.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 299 through 301](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, 334-8418.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street
PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810 / fax - 332-4107
lori.garza@itd.idaho.gov

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.22- RULES GOVERNING OVERLEGAL PERMITS FOR EXTRA-LENGTH VEHICLE COMBINATIONS

DOCKET NO. 39-0322-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes effective on July 1, 2013, after the conclusion of the legislative session if approved by the legislature after review. 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 40-312, Idaho Code.

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

Amendments to Idaho Code in Senate Bill 1064 have codified the designation of specified routes for loads up to 129,000 pounds. Amendments to Idaho Code in Senate Bill 1117 and House Bill 322 have altered the process for the further designation of routes for and permitting of loads of up to 129,000 pounds. Those amendments require updates to this rule, among others to implement this practice.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 302 through 308](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, 334-8418.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street
PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810 / fax - 332-4107
lori.garza@itd.idaho.gov

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.22- RULES GOVERNING OVERLEGAL PERMITS FOR EXTRA-LENGTH VEHICLE COMBINATIONS

DOCKET NO. 39-0322-1302

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 Idaho State Legislature for final approval. The pending rule becomes effective on April 1, 2014, after the conclusion of the legislative session if approved by the legislature after review. 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 40-312, Idaho Code.

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

This rulemaking implements the provisions of Senate Bill 1117 and House Bill 322. It provides for an administrative process to add designated routes for vehicle combinations up to 129,000 pounds, including the application, review and analysis, determination, public hearing and appeals. The rule also re-orders information in the rule for improved flow and understanding requirements.

ITD conducted six hearings throughout the state in October for proposed rules to implement the 129,000 pound truck legislation from last session. Modifications were made to address the comments we received from the hearings.

The rule has been modified to:

- Instruct the requestor that they must forward the request form to adjacent local jurisdictions.
- Define the engineering and safety criteria utilized by ITD when reviewing requested routes.
- Identify the possible actions (proceed to hearing, reject, or request additional information) by the ITD Board subcommittee after reviewing the report from the ITD Chief Engineer.
- Include verbiage that hearings are conducted in the ITD districts where the requested route is located and pursuant to the Idaho Administrative Procedures Act, Title 76, Chapter 52, Idaho Code.

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 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 309 through 314](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist - 334-8418.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street

PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810
fax - 332-4107
lori.garza@itd.idaho.gov

DOCKET NO. 39-0322-1302 - 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 13-8, August 7, 2013, pages 309 through 314.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE FOR DOCKET NO. 39-0322-1302

4200. PILOT PROJECT TO EXCEED ONE HUNDRED FIVE THOUSAND, FIVE HUNDRED POUNDS UP TO ONE HUNDRED TWENTY-NINE THOUSAND POUNDS.

In addition to the previously stated requirements that must be met, vehicles operating at weights in excess of one hundred five thousand five hundred (105,500) pounds, must also meet the following requirements: (3-22-00)

[Subsection 200.04 - entire subsection reprinted]

04. ~~*Failure to Comply. The motor carrier's failure to submit trip logs quarterly, as required by Subsection 400.03, will result in the revocation of all pilot project permits issued to the carrier. Upon submission of all delinquent trip logs, new permits may be issued.*~~ Requests for Adding Idaho Transportation Department Maintained Non-Interstate Routes. Routes not currently designated to operate at up to one hundred twenty-nine thousand (129,000) pounds may be added as follows: (3-20-04)()

a. Request Form Submission. The request form (ITD form number 4886) will be completed and submitted to the Idaho Transportation Department Office of the Chief Engineer by the requestor. The requestor will forward the form to the adjacent local jurisdictions. ()

b. Request Review/Analysis Process. ()

i. Once submitted, the request will be reviewed for completeness and the department's analysis will be completed for engineering and safety criteria. The criteria shall include assessment of pavement and bridges to allow legal tire, axle, and gross weight limits as per Section 49-1001 and 49-1002, Idaho Code, and route off-track requirements which includes road width and curvature. Additional consideration shall be given to traffic volumes and other safety factors. ()

ii. Once the analysis is completed, the request will be submitted to the Chief Engineer, who will report to the Idaho Transportation Board Sub-committee. ()

iii. The Idaho Transportation Board Sub-committee will make a recommendation (proceed to hearing, reject, or request additional information) to the Idaho Transportation Board based upon the department's analysis.

()

iv. If the Idaho Transportation Board recommends that the request proceed to hearing, it shall instruct the Chief Engineer to schedule a hearing in the district(s) where the requested route is located. The hearing will be conducted pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. ()

v. The Chief Engineer or designee will conduct the hearing(s) and make a determination after the hearing(s) are held. Following the determination, the Chief Engineer will issue Findings and a Preliminary Order, hereafter referred to as Preliminary Order. ()

vi. The Department will notify the requestor of the Chief Engineer's Preliminary Order and post to the Idaho Transportation Department Web site. ()

vii. An appeal of the Preliminary Order may be made pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. The appeal shall be made to the Director of the Idaho Transportation Department. ()

c. Local Highways Approved for Travel Up to 129,000 pounds. Local routes will be added or removed on the "Designated Routes Up to 129,000 Pound Map" when information and approval is provided to the Department by the local jurisdiction having authority over the local route. ()

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.03.23- RULES GOVERNING REVOCATION OF OVERLEGAL PERMITS
DOCKET NO. 39-0323-1301
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

Amendments to Idaho Code in Senate Bills 1064 and 1117, and House Bill 322 have altered the process for the permitting of loads of up to 129,000 pounds. Those amendments require updates to IDAPA 39.03.23 to specify permit violations that will result in the revocation of an over legal permit and the revocation process.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 7, 2013 Idaho Administrative Bulletin, [Vol. 13-8, pages 315 through 318](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, 334-8418.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street
PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810 / fax - 332-4107
lori.garza@itd.idaho.gov

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.50- RULES GOVERNING SAFETY REST AREAS

DOCKET NO. 39-0350-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 40-312, Idaho Code.

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

This rule prohibits the discharge of firearms at Safety Rest Areas. The department has posted signs prohibiting firearms at Safety Rest Areas. In Senate Bill 1441, 2008 the Legislature completely pre-empted the field of firearm regulation and prohibited state agencies from regulating firearms because it interfered with second amendment rights. Under Idaho Code Section 18-3302J, counties and cities may regulate the discharge of firearms within its boundaries. State agencies, with the exceptions of universities and the Idaho Department of Fish Game, do not have that authority. As a result, this rule must be amended.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 503 through 506](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cathy Ford, Roadside Program Administrator, 334-8416.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street
PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810 / fax - 332-4107
lori.garza@itd.idaho.gov

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.04.02- RULES GOVERNING MARKING OF HAZARDS TO AIR FLIGHT

DOCKET NO. 39-0402-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 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:

Amendments to Idaho Code Section 21-515A(4), during 2013 Legislature, included House Bill 216 (BPA Guyed Towers) that exempted power marketing firms from lighting and marking guyed towers, and Senate Bill 1065 (Amateur Radio Towers) that exempted ‘Ham’ and ‘CB’ radio towers from the requirement to light and mark their guyed towers. These amendments require changes to IDAPA 39.04.02, Rules Governing Marking of Hazards to Air Flight.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 507 through 510](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Bill Statham, Manager, 334-8784.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street
PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810 / fax - 332-4107
lori.garza@itd.idaho.gov

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.04.04- RULES GOVERNING IDAHO AIRPORT AID PROGRAM

DOCKET NO. 39-0404-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 21-105 and 21-111, 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 Transportation Department, Division of Aeronautics, Aeronautics Advisory Board, approved new procedures for the administration of the Idaho Airport Aid Program. The new procedures entitled the 'Airport Project Prioritization and Annual Program Allocation' establish a uniform project prioritization methodology and a uniform annual grant program funding allocation methodology. Certain formulas, priorities, percentages, and procedures of the program changes, and require changes to IDAPA 39.04.04.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, pages 511 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: There is no fiscal impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Bill Statham, Manager, 334-8784.

DATED this 25th day of November, 2013.

Lori Garza, Program Specialist
Office of Governmental Affairs
Idaho Transportation Department
3311 W State Street
PO Box 7129, Boise ID 83707-1129
phone - 208-334-8810 / fax - 332-4107
lori.garza@itd.idaho.gov

IDAPA 53 - IDAHO BARLEY COMMISSION

53.01.01 - RULES OF THE IDAHO BARLEY COMMISSION

DOCKET NO. 53-0101-1301

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2014 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 22-4009, 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 November 6, 2013 Idaho Administrative Bulletin, [Vol. 13-11, pages 49 through 51](#).

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 Ms. Kelly Olson, 208-334-2090.

DATED this 27 November 2013.

Kelly Olson, Administrator
Idaho Barley Commission
821 W. State Street
Boise, ID 83702
Phone: 208-334-2090
Fax: 208-334-2335

IDAPA 57 - SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01 - RULES GOVERNING THE SEXUAL OFFENDER MANAGEMENT BOARD

DOCKET NO. 57-0101-1201 (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 2014 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 18-8314, Idaho Code.

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

Due to the extensive changes necessary to implement procedures mandated of the Sexual Offender Management Board by Idaho's 2011 Legislature, the entire chapter of IDAPA 57.01.01 was repealed with this rulemaking and re-written under docket 57-0101-1202.

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 2, 2013 Idaho Administrative Bulletin, [Vol. 13-10, page 525](#).

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

No fiscal impact should be realized as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kathy Baird at (208) 954-8511.

DATED this 22nd day of November, 2013.

Kathy Baird, Management Assistant
Sexual Offender Management Board
IDOC Clinical Services Annex
3125 S. Shoshone St.
Boise, ID 83705
Phone: (208) 954-8511
Fax: (208) 954-8518

IDAPA 57 - SEXUAL OFFENDER MANAGEMENT BOARD

57.01.01 - RULES GOVERNING THE SEXUAL OFFENDER MANAGEMENT BOARD

DOCKET NO. 57-0101-1202 (CHAPTER REWRITE)

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 1, 2013. This pending rule has been adopted by the agency and is now pending review by the 2014 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 18-8314, Idaho Code.

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

This rulemaking was initiated to implement procedures that were mandated of the Sexual Offender Management Board by Idaho's 2011 Legislature.

The incorporated document, "Idaho Sexual Offender Management Board's Standards and Guidelines for Adult Sexual Offender Management Practices" edition 2013, 11/2013 revision has been updated to include a protective variables addendum, revised notice and consent form and a modified/standardized professional liability insurance requirement. These changes were made as a result of public comments received by the Board.

Additionally, housekeeping changes and small additions of clarifying language have been made to the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions which have been made to the pending rule. Only those 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 2, 2013 Idaho Administrative Bulletin, [Vol. 10-13, pages 526 through 543](#).

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 18-8314, Idaho Code.

Section 18-8314, Idaho Code, provides authority for the agency to collect fees for provider certification processing.

With this rulemaking, three (3) levels of provider certification are established for psychosexual evaluators and sexual offender treatment providers, and one (1) level of certification is established for post-conviction sexual offender polygraph examiners. The application processing fee structure will be set as follows:

- Seventy-five dollars (\$75) for initial certification applications and fifty dollars (\$50) for biennial certification renewal applications for: senior/approved level psychosexual evaluators, associate/supervised level psychosexual evaluators, senior/approved level sexual offender treatment providers, associate/supervised level sexual offender treatment providers, and post-conviction sexual offender polygraph examiners; and
- Fifty dollars (\$50) for initial certification applications and thirty dollars (\$30) for annual certification renewal applications for entry-level provisional/supervised psychosexual evaluators and provisional/supervised sexual offender treatment providers.

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

No negative fiscal impact on state general funds is anticipated with this rulemaking. Provider certification processing fees collected by the agency are deposited into a dedicated fund. No additional costs to the agency are anticipated to carry out the quality assurance processes as funding is currently factored into the agency's budget.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Kathy Baird at (208) 954-8511.

DATED this 22nd day of November, 2013.

Kathy Baird, Management Assistant
Sexual Offender Management Board
IDOC Clinical Services Annex
3125 S. Shoshone St.
Boise, ID 83705
Phone: (208) 954-8511
Fax: (208) 954-8518

**DOCKET NO. 57-0101-1202 - ADOPTION OF PENDING FEE RULE
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made to the pending rule.
Italicized red text that is *underscored* is new text that has been added to the temporary rule.
Italicized blue text that is *struck through* is codified temporary text that is being removed from the temporary rule. These are also amendments 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 13-10, October 2, 2013, pages 526 through 543.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2014 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR FEE DOCKET NO. 57-0101-1202**

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into these rules:

(11-1-13)T

[Subsection 004.05]

05. “Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices” edition 2013 *November 2013 revision*, is herein incorporated by reference and is available from the Board’s office and on the Board website, <http://somb.idaho.gov/>. ~~(11-1-13)F~~*(11-1-13)T*

150. REQUEST FOR CONDITIONAL WAIVER.

[Subsection 150.02]

02. **Duration.** A conditional waiver is limited to a period of ~~three two~~ *(32)* years. Conditional waivers may not be extended or renewed after the third year. ~~(11-1-13)F~~*(11-1-13)T*

380. DENIAL AND GROUNDS FOR DISCIPLINE.

01. **Cause.** The Board may deny, suspend, revoke, restrict or otherwise monitor certification of an applicant or certificate holder for the following reasons: (11-1-13)T

[Paragraph 380.01.d.]

d. Failure to comply with Section 18-8316, Idaho Code, any portion of this chapter, or the *established* standards ~~adopted~~ *issued* by the Board; ~~(11-1-13)F~~*(11-1-13)T*

[Paragraph 380.01.h.]

h. Engaging in conduct that departs from the *standards* established *standards issued* by the Board; ~~(11-1-13)F~~*(11-1-13)T*

[Subsection 380.02]

02. **Mirroring Orders.** ~~In the event~~ *If* a state licensing board with authority over a certificate holder’s professional license takes action against the ~~certificate holder’s~~ professional license ~~in any fashion~~ which suspends, restricts, limits, or affects the certificate holder’s ability to provide services pursuant to their SOMB certification, the SOMB ~~shall be~~ *is* authorized to issue ~~its~~ *an* order suspending, restricting, limiting, or otherwise affecting the certificate holder’s SOMB certification in the same fashion as the professional licensing board’s ~~action as outlined in the established standards issued by the Board.~~ ~~(11-1-13)F~~*(11-1-13)T*

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
THE PALISADES SUBBASIN TOTAL MAXIMUM DAILY LOADS (TMDL) 2013 ADDENDUM
AND FIVE YEAR REVIEW (HUC 17040104)

DOCKET NO. 58-0000-1401

NOTICE OF FINAL DECISION

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Palisades Subbasin TMDL 2013 Addendum and Five Year Review.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Palisades Subbasin TMDL 2013 Addendum and Five Year Review. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Palisades Subbasin TMDL 2013 Addendum and Five Year Review (Hydrologic Unit Code 17040104) addresses three (3) assessment units within the Palisades subbasin on Idaho's 2010 Section 303(d) list. DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at www.deq.idaho.gov/palisades-subbasin or by contacting Ms. Marti Bridges, TMDL Program Manager, 208-373-0382, marti.bridges@deq.idaho.gov.

Dated this 11th day of December, 2013.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
Paula.wilson@deq.idaho.gov

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
THE LAKE WALCOTT TMDL 2013 ADDENDUM: MARSH CREEK (HUC ID 17040209)
DOCKET NO. 58-0000-1402
NOTICE OF FINAL DECISION

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Lake Walcott Total Maximum Daily Load (TMDL) 2013 Addendum: Marsh Creek.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Lake Walcott TMDL 2013 Addendum: Marsh Creek. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Lake Walcott TMDL 2013 Addendum (Hydrologic Unit Code 17040209) for Marsh Creek addresses two (2) assessment units (AUs) that are water quality impaired. One (1) of the AUs is on Idaho's 2010 Section 303(d) list. DEQ has submitted the Lake Walcott TMDL 2013 Addendum: Marsh Creek to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at www.deq.idaho.gov/lake-walcott-subbasin or by contacting Ms. Marti Bridges, TMDL Program Manager, 208-373-0382, Marti.Bridges@deq.idaho.gov.

Dated this 20th day of December, 2013.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
paula.wilson@deq.idaho.gov

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.03 - CONTRIBUTION RULES FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

DOCKET NO. 59-0103-1401

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 15, 2013.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

To delay scheduled increase in contribution rates for employers and employees.

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:

To delay scheduled increase in contribution rates. Actuarial valuation indicates it is appropriate to delay the currently scheduled increases. Next increase will now begin July 1, 2015 rather than July 1, 2014.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Joanna L. Guilfooy, 287-9371.

DATED this 4th day of December, 2013.

Don Drum
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: 208-287-9230
Fax: 208-334-3408

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 59-0103-1401

026. PERSI EMPLOYER GENERAL MEMBER CONTRIBUTION RATE (RULE 26).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, shall be nine point seventy-seven percent (9.77%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point thirty-nine percent (10.39%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point thirty-two percent (11.32%) of payroll through June 30, 201~~4~~⁵. Beginning July 1, 201~~4~~⁵, the rate shall be twelve point twenty-four percent (12.24%) of payroll through June 30, 201~~5~~⁶. Beginning July 1, 201~~5~~⁶, the rate shall be thirteen point sixty-five percent (13.65%) of payroll until next determined by the Board.

Statutory Reference: Sections 59-1302(16), 59-1391, 59-1394, and 59-1397, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(4-4-13)~~(10-15-13)T

027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

01. Option I and II Firefighters. For option I and II firefighters hired before October 1, 1980, as follows:

Option I And II Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 201 4 ⁵ . Beginning July 1, 201 4 ⁵ , the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 201 5 ⁶ . Beginning July 1, 201 5 ⁶ , the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board.
Additional Employer Rate:	One percent (1.00%)
Social Security Rate:	Seven point sixty-five percent (7.65%)
Excess Merger Costs:	Seventeen point twenty-four percent (17.24%) until next determined by the Board.
TOTAL Contribution:	Thirty-six percent (36%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be thirty-six point sixty-two percent (36.62%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be thirty-seven point fifty-five percent (37.55%) of payroll through June 30, 201 4 ⁵ . Beginning July 1, 201 4 ⁵ , the rate shall be thirty-eight point forty-seven percent (38.47%) of payroll through June 30, 201 5 ⁶ . Beginning July 1, 201 5 ⁶ , the rate shall be thirty-nine point eighty-eight percent (39.88%) of payroll until next determined by the Board.

~~(4-4-13)~~(10-15-13)T

02. Class D Firefighters. For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as follows:

Class D Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 201 4 ⁵ . Beginning July 1, 201 4 ⁵ , the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 201 5 ⁶ . Beginning July 1, 201 5 ⁶ , the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board.
Excess Merger Costs:	Seventeen point twenty-four percent (17.24%) until next determined by the Board.
TOTAL Contribution:	Twenty-seven point thirty-five percent (27.35%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be twenty-seven point ninety-seven percent (27.97%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be twenty-eight point nine percent (28.9%) of payroll through June 30, 201 4 ⁵ . Beginning July 1, 201 4 ⁵ , the rate shall be twenty-nine point eighty-two percent (29.82%) of payroll through June 30, 201 5 ⁶ . Beginning July 1, 201 5 ⁶ , the rate shall be thirty one point twenty-three percent (31.23%) of payroll until next determined by the Board.

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(4-4-13)~~(10-15-13)T

03. Class E Members. For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

028. PERSI EMPLOYER CLASS II CONTRIBUTION RATE (RULE 28).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, for an employee classified as a police officer member excluding those listed in Rule 29 of this chapter when applicable, and firefighters excluding those listed in Rule 27 of this chapter, shall be ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 201~~4~~5. Beginning July 1, 201~~4~~5, the rate shall be twelve point fifty-eight percent (12.58%) of payroll through June 30, 201~~5~~6. Beginning July 1, 201~~5~~6, the rate shall be thirteen point ninety-nine percent (13.99%) of payroll until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(4-4-13)~~(10-15-13)T

(BREAK IN CONTINUITY OF SECTIONS)

100. PERSI EMPLOYEE GENERAL MEMBER CONTRIBUTION RATE (RULE 100).

The PERSI employee contribution rate as provided in Section 59-1333, Idaho Code, for all members not classified as police members or firefighters, shall be five point eighty-six percent (5.86%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be six point twenty-three percent (6.23%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be six point seventy-nine percent (6.79%) of salary through June 30, 201~~4~~5. Beginning July 1, 201~~4~~5, the rate shall be seven point thirty-four percent (7.34%) of salary through June 30, 201~~5~~6. Beginning July 1, 201~~5~~6, the rate shall be eight point nineteen percent (8.19%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(4-4-13)~~(10-15-13)T

101. PERSI EMPLOYEE CLASS II CONTRIBUTION RATE (RULE 101).

The employee contribution rate as provided in Section 59-1334, Idaho Code, for an employee classified as a police officer member is seven point twenty-one percent (7.21%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be seven point sixty-five percent (7.65%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be eight point thirty-two percent (8.32%) of salary through June 30, 201~~4~~5. Beginning July 1, 201~~4~~5, the rate shall be eight point ninety-nine percent (8.99%) of salary through June 30, 201~~5~~6. Beginning July 1, 201~~5~~6, the rate shall be ten percent (10%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(4-4-13)~~(10-15-13)T

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

There are no proposed rules being promulgated or published in this month's Bulletin.

Please refer to the Idaho Administrative Bulletin, [January 1, 2014, Volume 14-1](#), 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*

April 4, 2013 -- January 1, 2014

*(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 April 4, 2013 that have not been
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- 02-0214-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0214-1302** Proposed Rulemaking, Bulletin Vol. 13-7
- 02-0214-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-9
- 02-0214-1302** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. *PLR 2014)
- 02-0214-1301** Adoption of Pending Fee Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

02.03.03, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application

- 02-0303-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0303-1302** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0303-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0303-1302** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0303-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)
- 02-0303-1302** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

02.04.19, Rules Governing Domestic Cervidae

- 02-0419-1301** Proposed Rulemaking, Bulletin Vol. 13-7
- 02-0419-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. *PLR 2014)

02.04.20, Rules Governing Brucellosis

- 02-0420-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 02-0420-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0420-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

02.04.21, Rules Governing the Importation of Animals

- 02-0421-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0421-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0421-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

02.04.27, Rules Governing Deleterious Exotic Animals

- 02-0427-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7 (Rulemaking discontinued)

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

- 02-0602-1301** Proposed Rulemaking, Bulletin Vol. 13-6
- 02-0602-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. *PLR 2014)

02.06.09, Rules Governing Invasive Species

- 02-0609-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0609-1301** Proposed Rulemaking, Bulletin Vol. 13-8
- 02-0609-1301** Public Hearing, Bulletin Vol. 13-10
- 02-0609-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

- 02-0612-1301** Proposed Rulemaking, Bulletin Vol. 13-6
- 02-0612-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. *PLR 2014)

02.06.13, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho

- 02-0613-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 02-0613-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 02-0613-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

02.06.22, Noxious Weed Rules

- 02-0622-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0622-1301** Proposed Rulemaking, Bulletin Vol. 13-8
- 02-0622-1301** Adoption of Pending Rule, Bulletin Vol. 13-10 (eff. *PLR 2014)

02.06.23, Noxious Weed Free Gravel and Rock Products Rules

- 02-0623-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 02-0623-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-8
- 02-0623-1301** Adoption of Pending Rule, Bulletin Vol. 13-10 (eff. *PLR 2014)

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- 02-0625-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 13-7
- 02-0625-1301** Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 13-10
- 02-0625-1301** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

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- 02-0641-1301** Proposed Rulemaking, Bulletin Vol. 13-6
- 02-0641-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. *PLR 2014)

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- 05-0102-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 05-0102-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

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- 07-0106-1201** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-4 (Rulemaking discontinued by agency)
- 07-0106-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 07-0106-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 07-0106-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

07.01.10, Rules Governing Certification and Approval of Electrical Products and Materials

- 07-0110-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 07-0110-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

07.03.01, Rules of Building Safety

- 07-0301-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 07-0301-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0301-1302** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0301-1303** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0301-1304** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0301-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)
- 07-0301-1302** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)
- 07-0301-1303** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)
- 07-0301-1304** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

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- 07-0311-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 07-0311-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

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- 07-0501-1301** Proposed Rulemaking, Bulletin Vol. 13-10

07-0501-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

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07-0701-1301 Proposed Rulemaking, Bulletin Vol. 13-10

07-0701-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

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08-0105-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

08-0105-1301 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-8

08-0105-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

08.01.06, Leveraging Educational Assistance Partnership Program

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08-0106-1301 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-8

08-0106-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program

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08-0109-1301 Proposed Rulemaking, Bulletin Vol. 13-8

08-0109-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

08.01.11, Registration of Postsecondary Educational Institutions and Proprietary Schools

08-0111-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

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08-0112-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

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08-0112-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

08.01.13, Rules Governing the Idaho Opportunity Scholarship Program

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08-0113-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

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08-0201-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-1 (eff. 12-13-12)T

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08-0201-1301 Adoption of Pending Rule, Bulletin Vol. 13-6 (eff. *PLR 2014)

08-0201-1302 Proposed Rulemaking, Bulletin Vol. 13-10

08-0201-1302 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

08.02.02, Rules Governing Uniformity

08-0202-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-6 (eff. 4-18-13)T

08-0202-1302 Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T

08-0202-1303 Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T

08-0202-1304 Proposed Rulemaking, Bulletin Vol. 13-8

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08-0202-1301 Adoption of Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 13-10 (eff. 8-16-13)T - (eff. *PLR 2014)

08-0202-1306 Proposed Rulemaking, Bulletin Vol. 13-10

08-0202-1307 Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T

08-0202-1308 Proposed Rulemaking, Bulletin Vol. 13-10

- 08-0202-1302** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 08-0202-1303** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 08-0202-1304** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 08-0202-1305** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 08-0202-1306** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 08-0202-1307** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 08-0202-1308** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

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- 08-0203-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 08-0203-1302** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T
- 08-0203-1303** Proposed Rulemaking, Bulletin Vol. 13-8
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- 08-0203-1301** Proposed Rulemaking, Bulletin Vol. 13-10
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- 08-0203-1305** Temporary Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T
- 08-0203-1306** Proposed Rulemaking, Bulletin Vol. 13-10
- 08-0203-1307** Proposed Rulemaking, Bulletin Vol. 13-10
- 08-0203-1301** Adoption of Pending and Temporary Rule, Bulletin Vol. 13-12 (eff. (10-17-13)T *PLR 2014)
- 08-0203-1303** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 08-0203-1304** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 08-0203-1305** Amendment to Temporary Rule, Bulletin Vol. 13-12 (eff. 11-1-13)T
- 08-0203-1306** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 08-0203-1307** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

08.02.04, Rules Governing Public Charter Schools

- 08-0204-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 08-0204-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T
- 08-0204-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

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- 08-0301-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 08-0301-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-20-13)T
- 08-0301-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

IDA PA 09 -- IDAHO DEPARTMENT OF LABOR***09.01.30, Unemployment Insurance Benefits Administration Rules***

- 09-0130-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 09-0130-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 09-0130-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

09.01.35, Unemployment Insurance Tax Administration Rules

- 09-0135-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 09-0135-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 09-0135-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

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- 10-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 10-0101-1301** Notice of Proposed Rule, Bulletin Vol. 13-7
- 10-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. *PLR 2014)

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- 10-0102-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 10-0102-1301** Notice of Proposed Rule, Bulletin Vol. 13-7
- 10-0102-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. *PLR 2014)

10.01.04, Rules of Continuing Professional Development

- 10-0104-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
- 10-0104-1301** Notice of Proposed Rule, Bulletin Vol. 13-7
- 10-0104-1301** Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. *PLR 2014)

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- 11-0402-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T
- 11-0402-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

11.04.11, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses

- 11-0411-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T
- 11-0411-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

11.10.01, Rules Governing Idaho Public Safety and Security Information System

- 11-1001-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10
- 11-1001-1301** Adoption of Pending Fee Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

11.10.02, Rules Establishing Fees for Services - Idaho Criminal Justice Information System

- 11-1002-1301*** Proposed Rulemaking, Bulletin Vol. 13-10
- 11-1002-1301*** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

* Rulemaking changes chapter name from: "Rules Establishing Fees for Services - Idaho Criminal Justice Information System" to: "Rules Governing State Criminal History Records and Crime Information"

Peace Officer Standards and Training (POST) Council**11.11.01, Rules of the Idaho Peace Officer Standards and Training Council**

- 11-1101-1301** Notice of Proposed Rule, Bulletin Vol. 13-9
- 11-1101-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

IDAPA 13 -- IDAHO FISH AND GAME COMMISSION**13.01.04, Rules Governing Licensing**

- 13-0104-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-1

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

- 13-0108-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 13-0108-1302** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 13-0108-1302** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T
- 13-0108-1303** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T
- 13-0108-1302** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
- 13-0108-1303** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
- 13-0108-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-1

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

- 13-0109-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T

13-0109-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

13.01.11, Rules Governing Fish

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13-0111-1302 Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-26-13)T

13-0111-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

13-0111-1302 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

13-0117-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-1

IDAPA 14 -- BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

14.01.01, Rules of Procedure of the Board of Registration for Professional Geologists

14-0101-1301 Proposed Rulemaking, Bulletin Vol. 13-10

14-0101-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

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Division of Human Resources and Personnel Commission

15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission

15-0401-1301 Temporary Rulemaking, Bulletin Vol. 13-6 (eff. 7-1-13)T

15-0401-1302 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6

15-0401-1302 Proposed Rulemaking, Bulletin Vol. 13-9

15-0401-1302 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

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15.06.03, Public Safety Communications Rules

15-0603-1301* Proposed Rulemaking, Bulletin Vol. 13-10

15-0603-1301* Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

**Rulemaking changes chapter name from: "Public Safety Communications Rules"*

to: "Public Safety Communications Systems Installation and Maintenance Fee Rules"

15.06.04, Rules Governing the Idaho Youth Challenge Program

15-0604-1301 Proposed Rulemaking (New Chapter), Bulletin Vol. 13-10

15-0604-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

15.06.05, Hazardous Substance Response Rules

15-0605-1300L Notice of Legislative Action - Previously Codified IDAPA 15.13.02 has been redesignated as IDAPA 15.06.05, "Hazardous Substance Response Rules," Bulletin Vol. 13-10

Emergency Response Commission

15.13.01, Rules of the Idaho Emergency Response Commission

15-1301-1301 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-10

15-1301-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE**16.01.01, Emergency Medical Services (EMS) -- Advisory Committee (EMSAC)**

- 16-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-8
16-0101-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.01.02, Emergency Medical Services (EMS) - Rule Definitions

- 16-0102-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-8
16-0102-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements

- 16-0103-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-8
16-0103-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements

- 16-0107-1301** Proposed Rulemaking, Bulletin Vol. 13-8
16-0107-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.01.12, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions

- 16-0112-1301** Proposed Rulemaking, Bulletin Vol. 13-8
16-0112-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission

- 16-0202-1301** Proposed Rulemaking, Bulletin Vol. 13-7
16-0202-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.02.03, Emergency Medical Services

- 16-0203-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-4
16-0203-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Second Notice), Bulletin Vol. 13-5
16-0203-1301 Proposed Rulemaking, Bulletin Vol. 13-8
16-0203-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.03.01, Eligibility for Health Care Assistance for Families and Children

- 16-0301-1301** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-10
16-0301-1302 Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 13-10
16-0301-1301 Adoption of Pending and Temporary Rule, Bulletin Vol. 14-1 (eff. (1-1-14)T - *PLR 2014)
16-0301-1302 Adoption of Pending and Temporary Rule, Bulletin Vol. 14-1 (eff. (1-1-14)T - *PLR 2014)

16.03.04, Rules Governing the Food Stamp Program in Idaho

- 16-0304-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 11-1-13)T
16-0304-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

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

- 16-0305-1301** Proposed Rulemaking, Bulletin Vol. 13-10
16-0305-1301 Adoption of Pending and Temporary Rule, Bulletin Vol. 14-1 (eff. (1-1-14)T - *PLR 2014)

16.03.06, Refugee Medical Assistance

- 16-0306-1301** Proposed Rulemaking, Bulletin Vol. 13-10
16-0306-1301 Adoption of Pending and Temporary Rule, Bulletin Vol. 14-1 (eff. (1-1-14)T - *PLR 2014)

16.03.09, Medicaid Basic Plan Benefits

- 16-0309-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 9-1-13)T
16-0309-1302 Proposed Rulemaking, Bulletin Vol. 13-10
16-0309-1303 Proposed Rulemaking, Bulletin Vol. 13-10

- 16-0309-1301 Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)
- 16-0309-1302 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
- 16-0309-1303 Adoption of Pending and Temporary Rule, Bulletin Vol. 14-1 (eff. (1-1-14)T - *PLR 2014)

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 9-1-13)T
- 16-0310-1301 Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

16.03.15, Rules and Minimum Standards for Semi-Independent Group Residential Facilities for the Developmentally Disabled or Mentally Ill

- 16-0315-1301 Proposed Rule (Chapter Repeal), Bulletin Vol. 13-6
- 16-0315-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.04.02, Idaho Telecommunication Service Assistance Program Rules

- 16-0402-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-7 (eff. 9-1-13)T
- 16-0402-1301 Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

16.05.01, Use and Disclosure of Department Records

- 16-0501-1301 Proposed Rulemaking, Bulletin Vol. 13-9
- 16-0501-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.05.04, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding

- 16-0504-1301 Proposed Rulemaking, Bulletin Vol. 13-10
- 16-0504-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.05.06, Criminal History and Background Checks

- 16-0506-1301 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-8 (eff. 7-1-13)T
- 16-0506-1302 Proposed Rulemaking, Bulletin Vol. 13-9
- 16-0506-1303 Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-9
- 16-0506-1301 Adoption of Pending Fee Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)
- 16-0506-1302 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
- 16-0506-1303 Vacation of Proposed Rule, Bulletin Vol. 14-1

16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct

- 16-0507-1301 Proposed Rulemaking, Bulletin Vol. 13-10
- 16-0507-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.06.01, Child and Family Services

- 16-0601-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-6 (eff. 7-1-13)T
- 16-0601-1302 Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-9
- 16-0601-1301 Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)
- 16-0601-1302 Adoption of Pending Fee Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

- 16-0612-1301 Proposed Rulemaking, Bulletin Vol. 13-10
- 16-0612-1302 Temporary and Proposed Rulemaking, Bulletin Vol. 13-11 (eff. 10-1-13)T
- 16-0612-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
- 16-0612-1302 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
- 16-0612-1401 Temporary Rulemaking, Bulletin Vol. 14-1 (eff. 11-1-13)T

16.07.17, Alcohol and Substance Use Disorders Services

- 16-0717-1301 Proposed Rulemaking, Bulletin Vol. 13-9
- 16-0717-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs

- 16-0720-1301** Proposed Rulemaking, Bulletin Vol. 13-9
16-0720-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.07.30, Behavioral Health Community Crisis Centers

- 16-0730-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-10
16-0730-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

16.07.33, Adult Mental Health Services

- 16-0733-1301** Proposed Rulemaking, Bulletin Vol. 13-9
16-0733-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. (7-1-14) *PLR 2014)

IDAPA 17 -- INDUSTRIAL COMMISSION**17.02.09, Medical Fees**

- 17-0209-1301** Temporary Rulemaking, Bulletin Vol. 13-7 (eff. 7-1-13)T
17-0209-1301 Proposed Rulemaking, Bulletin Vol. 13-10
17-0209-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

17.02.10, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Insurance Carriers

- 17-0210-1301** Proposed Rulemaking, Bulletin Vol. 13-10
17-0210-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

17.02.11, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Self-Insured Employers

- 17-0211-1301** Proposed Rulemaking, Bulletin Vol. 13-10
17-0211-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

IDAPA 18 -- DEPARTMENT OF INSURANCE**18.01.04, Rules Pertaining to Bail Agents**

- 18-0104-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
18-0104-1301 Proposed Rulemaking, Bulletin Vol. 13-9
18-0104-1301 Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

18.01.23, Rules Pertaining to the Idaho Insurance Holding Company System Regulatory Act

- 18-0123-1301*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
18-0123-1301* Proposed Rulemaking, Bulletin Vol. 13-10
18-0123-1301* Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

* Rulemaking changes chapter name from: "Rules Pertaining to the Idaho Insurance Holding Company System Regulatory Act" to: "Rules Pertaining to Idaho Acquisitions of Control and Insurance Holding Company Systems"

18.01.30, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

- 18-0130-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

18.01.50, Adoption of the International Fire Code

- 18-0150-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
18-0150-1301 Proposed Rulemaking, Bulletin Vol. 13-10
18-0150-1301 Adoption of Pending and Temporary Rule, Bulletin Vol. 13-12 (eff. (1-1-14)T *PLR 2014)

IDAPA 19 -- BOARD OF DENTISTRY

19.01.01, Rules of the Idaho State Board of Dentistry

- 19-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 19-0101-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10
- 19-0101-1301** Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

IDAPA 20 -- DEPARTMENT OF LANDS***20.02.01, Rules Pertaining to the Idaho Forest Practices Act***

- 20-0201-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-6
- 20-0201-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 20-0201-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

IDAPA 21 -- DIVISION OF VETERANS SERVICES***21.01.02, Rules Governing Emergency Relief for Veterans***

- 21-0102-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 21-0102-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

21.01.08, Rules Governing Veterans Recognition Fund Grant Program

- 21-0108-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-10
- 21-0108-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

IDAPA 22 -- BOARD OF MEDICINE***22.01.03, Rules for the Licensure of Physician Assistants***

- 22-0103-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-28-13)T
- 22-0103-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

22.01.13, Rules for the Licensure of Dietitians

- 22-0113-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 8-28-13)T
- 22-0113-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

IDAPA 23 -- BOARD OF NURSING***23.01.01, Rules of the Idaho Board of Nursing***

- 23-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 23-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-9
- 23-0101-1302** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 7-1-13)T
- 23-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)
- 23-0101-1302** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES***24.02.01, Rules of the Board of Barber Examiners***

- 24-0201-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 24-0201-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.04.01, Rules of the Idaho Board of Cosmetology

- 24-0401-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10

24-0401-1301 Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals

24-0501-1301 Temporary Rulemaking (Fee Rule), Bulletin Vol. 13-7 (eff. 5-8-13)T

24-0501-1302 Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10

24-0501-1302 Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

(Moved From IDAPA 22) (This rule was moved, re-indexed, and renumbered from IDAPA 22.01.09 - Board of Medicine)

24-0601-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-9 (eff. 7-1-13)T

24-0601-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.07.01, Rules of the Idaho State Board of Landscape Architects

24-0701-1301 Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-9

24-0701-1301 Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.08.01, Rules of the State Board of Morticians

24-0801-1301 Proposed Rulemaking, Bulletin Vol. 13-9

24-0801-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.11.01, Rules of the State Board of Podiatry

24-1101-1301 Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10

24-1101-1301 Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.13.01, Rules Governing the Physical Therapy Licensure Board

24-1301-1301 Proposed Rulemaking, Bulletin Vol. 13-8

24-1301-1302 Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-8

24-1301-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24-1301-1302 Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.14.01, Rules of the State Board of Social Work Examiners

24-1401-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-9 (eff. 6-19-13)T

24-1401-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.18.01, Rules of the Real Estate Appraiser Board

24-1801-1301 Proposed Rulemaking, Bulletin Vol. 13-10

24-1801-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.25.01, Rules of the Idaho Driving Businesses Licensure Board

24-2501-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-7 (eff. 5-3-13)T

24-2501-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

24.26.01, Rules of the Idaho Board of Midwifery

24-2601-1301 Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10

24-2601-1301 Adoption of Pending Fee Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

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

25-0101-1201 Notice of Public Hearing and Extension of Written Comment Period, Bulletin Vol. 12-11

25-0101-1201 Second Notice of Public Hearing/Extension of Comment Period, Bulletin Vol. 12-12

25-0101-1201 Proposed Rulemaking, Bulletin Vol. 13-10

25-0101-1201 Notice of Public Hearing, Bulletin Vol. 13-11

25-0101-1201 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

- 26-0120-1301** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10
- 26-0120-1302** Proposed Rulemaking (Fee Rule), Bulletin Vol. 13-10
- 26-0120-1301** Adoption of Pending Fee Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
- 26-0120-1302** Adoption of Pending Fee Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

IDAPA 27 -- BOARD OF PHARMACY

27.01.01, Rules of the Idaho State Board of Pharmacy

- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 12-12
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-1
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-2
- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-3
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- 27-0101-1207** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-8
- 27-0101-1207** Proposed Rulemaking, Bulletin Vol. 13-10
- 27-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 27-0101-1302** Proposed Rulemaking, Bulletin Vol. 13-10
- 27-0101-1207** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 27-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)
- 27-0101-1302** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

IDAPA 28 -- DEPARTMENT OF COMMERCE

28.02.07, Rules Governing the Administration of the IGEN Grant Program

- 28-0207-1301** Temporary Rulemaking (New Chapter), Bulletin Vol. 13-4 (eff. 4-30-13)T
- 28-0207-1301** Proposed Rulemaking (New Chapter, Bulletin Vol. 13-10
- 28-0207-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

28.03.01, Rules of the Idaho Opportunity Fund

- 28-0301-1301** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 13-9 (eff. 8-1-13)T
- 28-0301-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

28.03.04, Rules of the Business and Jobs Development Grant Fund

- 28-0304-1301** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 13-9 (eff. 8-1-13)T
- 28-0304-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

IDAPA 31 -- PUBLIC UTILITIES COMMISSION

31.01.01, Rules of Procedure of the Idaho Public Utilities Commission

- 31-0101-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-8
- 31-0101-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 31-0101-1301** Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. 2-15-13 *PLR 2014)

31.71.03, Railroad Safety and Accident Reporting Rules

- 31-7103-1301** Proposed Rulemaking, Bulletin Vol. 13-10

31-7103-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

IDAPA 33 -- REAL ESTATE COMMISSION

33.01.01, Rules of the Idaho Real Estate Commission

- 33-0101-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 6-13-13)T
33-0101-1301 Adoption of Pending Rule, Bulletin Vol. 13-12 (eff. *PLR 2014)

IDAPA 34 -- SECRETARY OF STATE

34.06.01, Rules Governing the Electronic Recording of Real Property

- 34-0601-1301** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 13-7 (eff. 5-21-13)T
34-0601-1301 Adoption of Pending Rule, Bulletin Vol. 13-9 (eff. *PLR 2014)

IDAPA 35 -- STATE TAX COMMISSION

35.01.01, Income Tax Administrative Rules

- 35-0101-1300L** Legislative Action - Final Rule, Bulletin Vol. 13-5
35-0101-1301 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
35-0101-1301 Proposed Rulemaking, Bulletin Vol. 13-10
35-0101-1302 Proposed Rulemaking, Bulletin Vol. 13-10
35-0101-1303 Temporary and Proposed Rulemaking, Bulletin Vol. 13-11 (eff. 1-1-13)T
35-0101-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
35-0101-1302 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
35-0101-1303 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

35.01.02, Idaho Sales and Use Tax Administrative Rules

- 35-0102-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-1 (*Rulemaking Discontinued*)
35-0102-1302 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
35-0102-1302 Proposed Rulemaking, Bulletin Vol. 13-10
35-0102-1302 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

35.01.03, Property Tax Administrative Rules

- 35-0103-1301** Temporary Rulemaking, Bulletin Vol. 13-5
35-0103-1302 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-9
35-0103-1303 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-9
35-0103-1302 Proposed Rulemaking, Bulletin Vol. 13-10
35-0103-1302 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

35.01.05, Motor Fuels Tax Administrative Rules

- 35-0105-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-5
35-0105-1301 Proposed Rulemaking, Bulletin Vol. 13-9
35-0105-1301 Adoption of Pending Rule, Bulletin Vol. 13-11 (eff. *PLR 2014)

35.01.06, Hotel/Motel Room and Campground Sales Tax Administrative Rules

- 35-0106-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7

35.01.09, Idaho County Option Kitchen and Table Wine Tax Administrative Rules

- 35-0109-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
35-0109-1301 Proposed Rulemaking, Bulletin Vol. 13-10
35-0109-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules

- 35-0110-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 13-7
- 35-0110-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 35-0110-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

35.01.14, Prepaid Wireless E911 Fee Administrative Rules

- 35-0114-1301** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 13-7
- 35-0114-1301** Proposed Rulemaking (New Chapter), Bulletin Vol. 13-10
- 35-0114-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

35.02.01, Tax Commission Administration and Enforcement Rules

- 35-0201-1301** Proposed Rulemaking, Bulletin Vol. 13-10
- 35-0201-1302** Proposed Rulemaking, Bulletin Vol. 13-10
- 35-0201-1303** Temporary and Proposed Rulemaking, Bulletin Vol. 13-11 (eff. 1-1-13)T
- 35-0201-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
- 35-0201-1302** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)
- 35-0201-1303** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

IDAPA 37 -- DEPARTMENT OF WATER RESOURCES**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**

- 38-0406-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-5 (eff. 4-5-13)T
- 38-0406-1301** Adoption of Pending Rule, Bulletin Vol. 13-7 (eff. *PLR 2014)

38.04.08, Rules Governing Use of Idaho State Capitol Exterior

- 38-0408-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-5 (eff. 4-5-13)T
- 38-0408-1301** Adoption of Pending Rule, Bulletin Vol. 13-7 (eff. *PLR 2014)

IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT**39.02.60, Rules Governing License Plate Provisions**

- 39-0260-1301** Temporary and Proposed Rulemaking, Bulletin Vol. 13-10 (eff. 7-1-13)T
- 39-0260-1301** Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

39.02.71, Rules Governing Drivers License Violation Point Count System

- 39-0271-1301** Proposed Rulemaking, Bulletin Vol. 13-9

39-0271-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

39.03.12, Rules Governing Safety Requirements of Overlegal Permits

39-0312-1301 Temporary and Proposed Rulemaking, Bulletin Vol. 13-9

39-0312-1301 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

39.03.15, Rules Governing Excess Weight Permits for Reducible Loads

39-0315-1301* Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T

39-0315-1301* Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

**Rulemaking changes chapter name to: "Rules Governing Excess Weight Permits for Reducible Loads"
from: "Rules Governing Interstate Excess Weight Permits"*

**39.03.22, Rules Governing Overlegal Permits for Extra-Length, Excess Weight,
and Up to 129,000 Pound Vehicle Combinations**

39-0322-1301* Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T

39-0322-1302 Proposed Rulemaking, Bulletin Vol. 13-8

39-0322-1301* Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

**Rulemaking changes chapter name to: "Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to
129,000 Pound Vehicle Combinations" from: "Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations"*

39-0322-1302 Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

39.03.23, Rules Governing Revocation of Overlegal Permits

39-0323-1301* Temporary and Proposed Rulemaking, Bulletin Vol. 13-8 (eff. 7-1-13)T

39-0323-1301* Adoption of Pending Rule, Bulletin Vol. 14-1 (eff. *PLR 2014)

**Rulemaking changes chapter name to: "Rules Governing Revocation of Overlegal Permits"
from: "Rules Governing Revocation of Special Permits"*

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