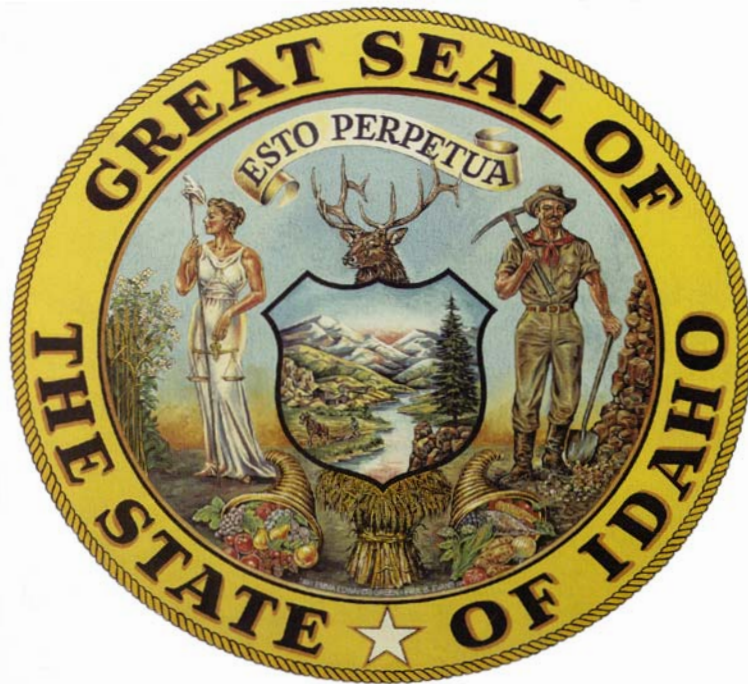


IDAHO ADMINISTRATIVE BULLETIN

January 6, 2016 -- Volume 16-1

Idaho Department of Administration
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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. This is done through negotiated rulemaking procedures or after proposed rulemaking has 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 **13-1** refers to the first Bulletin issued in calendar year **2013**; Bulletin **14-1** refers to the first Bulletin issued in calendar year **2014**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **13-1** refers to January 2013; Volume No. **13-2** refers to February 2013; and so forth. Example: The Bulletin published in January 2014 is cited as Volume **14-1**. The December 2015 Bulletin is cited as Volume **15-12**.

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 until approved as final.

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 must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. 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 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) if any document is incorporated by reference in the proposed rule, a brief written synopsis of why the incorporation is needed must be included in the notice of proposed rulemaking, along with a link to the electronic version of the incorporated material or information on how it can be obtained.
- e) the text of the proposed rule prepared in legislative format;
- f) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- g) 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;
- h) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- i) 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 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, however, 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 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 **“-”**, (**38-0501-1401**). 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. 38-0501-1401”

“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**).

“1401” 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 2014**. A subsequent rulemaking on this same rule chapter in calendar year 2014 would be designated as **“1402”**. The docket number in this scenario would be **38-0501-1402**.

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 2015

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
15-1	January 2015	*November 28, 2014	January 7, 2015	January 28, 2015
15-2	February 2015	January 9, 2015	February 4, 2015	February 25, 2015
15-3	March 2015	February 6, 2015	March 4, 2015	March 25, 2015
15-4	April 2015	March 6, 2015	April 1, 2015	April 22, 2015
15-5	May 2015	April 3, 2015	May 6, 2015	May 27, 2015
15-6	June 2015	May 8, 2015	June 3, 2015	June 24, 2015
15-7	July 2015	June 5, 2015	July 1, 2015	July 22, 2015
15-8	August 2015	July 10, 2015	August 5, 2015	August 26, 2015
15-9	September 2015	August 7, 2015	September 2, 2015	September 23, 2015
15-10	October 2015	**September 4, 2015	October 7, 2015	October 28, 2015
15-11	November 2015	October 9, 2015	November 4, 2015	November 25, 2015
15-12	December 2015	November 6, 2015	December 2, 2015	December 23, 2015

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2016

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
16-1	January 2016	*November 27, 2015	January 6, 2016	January 27, 2016
16-2	February 2016	January 8, 2016	February 3, 2016	February 24, 2016
16-3	March 2016	February 5, 2016	March 2, 2016	March 23, 2016
16-4	April 2016	March 4, 2016	April 6, 2016	April 27, 2016
16-5	May 2016	April 8, 2016	May 4, 2016	May 25, 2016
16-6	June 2016	May 6, 2016	June 1, 2016	June 22, 2016
16-7	July 2016	June 3, 2016	July 6, 2016	July 27, 2016
16-8	August 2016	July 8, 2016	August 3, 2016	August 24, 2016
16-9	September 2016	August 5, 2016	September 7, 2016	September 28, 2016
16-10	October 2016	**September 2, 2016	October 5, 2016	October 26, 2016
16-11	November 2016	October 7, 2016	November 2, 2016	November 23, 2016
16-12	December 2016	November 4, 2016	December 7, 2016	December 28, 2016

****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 08 - STATE BOARD OF EDUCATION

08.01.09 - RULES GOVERNING THE GEAR UP IDAHO SCHOLARSHIP PROGRAM

DOCKET NO. 08-0109-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-101, 33-105, and 33-116, 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 amendment to IDAPA 08.01.09 will allow applications to be submitted after March 1, and specify that applications received after that date may not receive an award until the following year, expand the scholarship award renewal period from eight continuous semesters to 10, reduce the number of days prior to the first day of the academic term for students who have an interruption in their enrollment, and provide additional clarity to the initial application process, the selection of recipients, and continuing eligibility requirements and would make technical corrections. The GEAR UP Idaho Scholarship is a federal program and subject to the federal regulations for the program.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 44 and 45](#).

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

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

DATED this 30th day of November, 2015.

Tracie Bent
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IDAPA 08 - STATE BOARD OF EDUCATION

08.01.13 - RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, and 33-4303 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:

Proposed changes to IDAPA 08.01.13 would make technical corrections and clarify the eligibility and application requirements for the scholarship applicants. Technical corrections include specifying the grade point average used is the cumulative, unweighted grade point average; authorization for the Board's Executive Director to establish the application form; and clarification that after the initial awards are made, there are additional funds available to be awarded, those awards may be made after the June 1 initial award date deadline. Additional changes allow the executive director to approve extensions of the award for those students who have earned over one-hundred (100) credits and will not be able to complete their program of study within two (2) semesters if there are extenuating circumstances. Further, the credit hour requirements have been amended to twenty-four (24) credits in an academic year rather than twelve (12) credits in each semester.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 46-49](#).

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

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

DATED this 30th day of November, 2015.

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IDAPA 08 - STATE BOARD OF EDUCATION

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 Article IX, Section 2 of the Idaho Constitution and under sections 33-105, and 33-107, Idaho Code.

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

The proposed changes will amend language specifying that the High School Equivalency Certificate requests go to the Division of Professional Technical Education, which has been the case since the GED was moved to the Division in 2008; additionally, the “cut scores” are being removed allowing the scoring rubric and passing requirement established by the GED Testing Service to be used for the high school equivalency certificate. With the changes to the exam in 2014, the existing scores in the rule are not aligned with the new assessment. The new exam focus on college and career readiness and passing scores developed by the GED Testing Service are in alignment with what would be considered by the Division as “passing” scores. Additional edits address how test takers obtain records or copies of transcripts to show successful completion. Currently all Idaho GED records and transcription services have been consolidated through a third-party vendor. There has been one change to the proposed text correcting a reference from the Department of Education to the Division of Professional Technical Education that was missed in the original proposed text.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 50–52](#).

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

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

DATED this 30th day of November, 2015.

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IDAPA 08 - STATE BOARD OF EDUCATION

08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 33-101, 33-105, 33-116, and 33-320, 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 Administrative Code, IDAPA 08.02.01.800 establishes the qualification requirements for trainers and the procedures for school districts and charter schools to request reimbursement for qualified training in compliance with Section 33-320, Idaho Code. Section 33-320, Idaho Code, sets out requirements for each school district to have a strategic plan as well as funding to districts to reimburse them for training in strategic planning, administrator evaluations, school finance, and governance and ethics. During the 2015 legislative session the term strategic planning was changed to continuous improvement planning. The Proposed amendment brings the language used in IDAPA 08.02.01.800 into alignment with the terms now used in Section 33-320, Idaho Code.

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 4, 2015 Idaho Administrative Bulletin, **Vol. 15-11, pages 23–25**.

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

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

DATED this 30th day of November, 2015.

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IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-116, 33-1201, 33-1202, 33-1203, and 33-1612, Idaho Code.

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

The proposed amendment would make technical corrections; add clarifying language to existing requirements; restructure the sections pertaining to certification by moving existing language into a logical order and by grouping the certificates together, the endorsement together; and reorder sections by the order processes typically take for obtaining certification. Additional changes would amend the alternate route to certification for the content specialist allowing for some of the existing requirements to be completed within the first year of serving under the alternate authorization rather than prior to entering the classroom. This change is necessary to allow for districts and charter schools who are unable to find qualified candidates in content areas with a full Idaho credential to fill the position with a candidate who has content knowledge and is completing an alternate route to certification. Further changes add the renewal requirement for administrator certification pursuant to Section 33-1204, Idaho Code and clarification that approved alternate authorization programs must be in alignment with the Idaho Standards for Initial Certification and be reviewed under the same timeline as approved traditional postsecondary teacher preparation programs.

The changes between the proposed and pending rule were minor and technical in nature and were based on feedback during the open comment period.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, page 53-93](#).

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

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

DATED this 30th day of November, 2015.

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DOCKET NO. 08-0202-1501 -- 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, Vol. 15-10, page 53-93

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 08-0202-1501
(Only Those Sections With Amendments Are Shown.)

007. DEFINITIONS.

[Subsection 007.07]

067. **Institutional Recommendation.** Signed form or written verification from an accredited institution with an approved teacher preparation program stating that an individual has completed the program, received a basic or higher rating in all twenty-two (22) components of the Idaho framework for teaching evaluation, has an individualized professional learning plan, has demonstrated measurable student achievement or growth and the ability to create student learning objectives, and is now being recommended for state certification. ~~(3-16-04)~~ ()

0165. **IDAHO EDUCATOR CREDENTIAL.**

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

01. **Standard Elementary Certificate.** A Standard Elementary Certificate makes an individual eligible to teach grades Kindergarten (K) through eight (8), and may be issued to any person who has a bachelor's degree from an accredited college or university and who meets the following requirements: ()

b. Meets the following professional education requirements: ()

[Subparagraph 015.01.b.ii.]

ii. The required minimum credit hours must include at least six (6) semester credit hours, or nine (9) quarter credit hours, of either student teaching in grades kindergarten through eight (K-8), or two (2) years of satisfactory experience as a teacher in grades kindergarten through eight (K-8). ()

[Subsection 015.03 through Paragraph 015.05.h.]

03. Blended Early Childhood Education / Early Childhood Special Education Certificate. A Blended Early Childhood Education / Early Childhood Special Education Certificate makes an individual eligible to teach in any early childhood educational setting for youth from birth to grade three (3), including those who are at-risk or have developmental delays. This certificate may be issued to any person with a baccalaureate degree from an accredited college or university and who meets the following minimum requirements: ()

a. Completion of the general education requirements at an accredited college or university is required. ()

b. Meets the following professional education requirements: ()

i. A minimum of thirty (30) semester credit hours, or forty-five (45) quarter credit hours, in the philosophical, psychological, and methodological foundations, in instructional technology, and in the professional subject matter of early childhood and early childhood-special education. The professional subject matter of early childhood and early childhood-special education shall include course work specific to the child from birth through grade three (3) in the areas of child development and learning; curriculum development and implementation; family and community relationships; assessment and evaluation; professionalism; and, application of technologies. ()

ii. The required thirty (30) semester credit hours, or forty-five (45) quarter credit hours, shall include not less than six (6) semester credit hours, or nine (9) quarter credit hours, of early childhood student teaching and three (3) semester credit hours, or four (4) quarter credit hours, of developmental reading. ()

c. An institutional recommendation from an accredited college or university. ()

d. Proficiency in areas noted above is measured by completion of the credit hour requirements provided herein. Additionally, each candidate shall meet or exceed the state qualifying score on approved early-childhood assessments. ()

04. Exceptional Child Certificate. Holders of this certificate are authorized to work with children who have been identified as having an educational impairment. ()

a. Completion of the general education requirements at an accredited college or university is required and six (6) or more semester credit hours, or nine (9) or more quarter credit hours of student teaching in a special education setting. ()

b. Exceptional Child Generalist Endorsement (K-12). The Exceptional Child Generalist K-12 endorsement is non-categorical and allows one to teach in any K-12 special education setting. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. Regardless of prior special education experience, all initial applicants must provide an institutional recommendation that an approved special education program has been completed, with field work to include student teaching in an elementary or secondary special education setting. To be eligible for an Exceptional Child Certificate with a Generalist K-12 endorsement, a candidate must have satisfied the following requirements: ()

i. Completion of a baccalaureate degree from an accredited college or university; ()

ii. Completion, in an Idaho college or university, of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or completion, in an out-of-state college or university, of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; ()

iii. Completion of thirty (30) semester credit hours in special education, or closely related areas, as part of an approved special education program; and ()

iv. Each candidate must have a qualifying score on an approved core content assessment and a second assessment related to the specific endorsement requested. ()

c. Early Childhood Special Education Endorsement (Pre-K-3). The Early Childhood Special Education (Pre-K-3) endorsement is non-categorical and allows one to teach in any Pre-K-3 special education setting. This endorsement may only be added to the Standard Exceptional Child Certificate in conjunction with the Generalist K-12 endorsement and is valid for five (5) years. Six (6) credit hours are required every five (5) years for renewal. To be eligible for an Exceptional Child Certificate with an Early Childhood Special Education (Pre-K-3) endorsement, a candidate must have satisfied the following requirements: ()

i. Completion of a program of a minimum of twenty (20) semester credit hours in the area of Early Childhood Education to include course work in each of the following areas: child development and behavior with emphasis in cognitive-language, physical, social and emotional areas, birth through age eight (8); curriculum and program development for young children ages three to eight (3-8); methodology: planning, implementing and evaluating environments and materials for young children ages three to eight (3-8); guiding young children's behavior: observing, assessing and individualizing ages three to eight (3-8); identifying and working with atypical young children ages three to eight (3-8) parent-teacher relations; and, field work to include an internship and student teaching at the Pre-K - 3 grades. ()

d. Deaf/Hard of Hearing Endorsement (K-12). Completion of a minimum of thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use sign language or completion of a minimum thirty-three (33) semester credit hours in the area of deaf/hard of hearing with an emphasis on instruction for students who use listening and spoken language. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Deaf/Hard of Hearing endorsement, a candidate must have satisfied the following requirements: ()

i. Completion of a baccalaureate degree from an accredited college or university; ()

ii. Completion of a program from an Idaho college or university in elementary, secondary, or special education currently approved by the Idaho State Board of Education; or ()

iii. Completion of a program from an out-of-state college or university in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; and ()

iv. Completion of a program of a minimum of thirty-three (33) semester credit hours in the area of Deaf/Hard of Hearing and must receive an institutional recommendation specific to this endorsement from an accredited college or university. ()

e. Visual Impairment Endorsement (K-12). Completion of a program of a minimum of thirty (30) semester credit hours in the area of visual impairment. An institutional recommendation specific to this endorsement is required. To be eligible for an Exceptional Child Certificate with a Visually Impaired endorsement, a candidate must have satisfied the following requirements: ()

i. Completion of a baccalaureate degree from an accredited college or university; ()

ii. Completion in an Idaho college or university of a program in elementary, secondary, or special education currently approved by the Idaho State Board of Education, or completion in an out-of-state college or university of a program in elementary, secondary, or special education currently approved by the state educational agency of the state in which the program was completed; ()

iii. Completion of a program of a minimum of thirty (30) semester credit hours in the area of Visual Impairment and must receive an institutional recommendation specific to this endorsement from an accredited college or university; and ()

iv. Each candidate must have a qualifying score on an approved core content assessment and a second

assessment related to the specific endorsement requested. ()

05. Pupil Personnel Services Certificate. Persons who serve as school counselors, school psychologists, speech-language pathologists, school social workers, school nurses and school audiologists are required to hold the Pupil Personnel Services Certificate, with the respective endorsement(s) for which they qualify. ()

a. Counselor Endorsement (K-12). To be eligible for a Pupil Personnel Services Certificate endorsed Counselor K-12, a candidate must have satisfied the following requirements. The Pupil Personnel Services Certificate with a Counselor endorsement is valid for five (5) years. Six (6) semester credit hours are required every five (5) years in order to renew the endorsement. ()

i. Hold a master's degree and provide verification of completion of an approved program of graduate study in school counseling from a college or university approved by the Idaho State Board of Education or the state educational agency of the state in which the program was completed. The program must include successful completion of seven hundred (700) clock hours of supervised field experience, seventy-five percent (75%) of which must be in a K-12 school setting. This K-12 experience must be in each of the following levels: elementary, middle/junior high, and high school. Previous school counseling experience may be considered to help offset the field experience clock hour requirement; and ()

ii. An institutional recommendation is required for a Counselor K-12 Endorsement. ()

b. School Psychologist Endorsement. This endorsement is valid for five (5) years. In order to renew the endorsement, six (6) professional development credits are required every five (5) years. The renewal credit requirement may be waived if the applicant holds a current valid National Certification for School Psychologists (NCSP) offered through the National Association of School Psychologists (NASP). To be eligible for initial endorsement, a candidate must complete a minimum of sixty (60) graduate semester credit hours which must be accomplished through one (1) of the following options: ()

i. Completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hours, master's degree in education or psychology and completion of an approved thirty (30) semester credit hour, or forty-five (45) quarter credit hour, School Psychology Specialist Degree program, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; ()

ii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, master's degree program in School Psychology, and completion of a minimum of twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; ()

iii. Completion of an approved sixty (60) semester credit hour, or ninety (90) quarter credit hour, School Psychology Specialist degree program which did not require a master's degree as a prerequisite, with laboratory experience in a classroom, which may include professional teaching experience, student teaching or special education practicum, and completion of a minimum twelve hundred (1,200) clock-hour internship within a school district under the supervision of the training institution and direct supervision of a certificated school psychologist; and ()

iv. Earn a current and valid National Certification for School Psychologists (NCSP) issued by the National Association of School Psychologists (NASP). ()

c. School Nurse Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through completion of either requirements in Subsections 015.04.c.i. or 015.04.c.ii. in addition to the requirement of Subsection 015.04.c.iii. ()

i. The candidate must possess a valid nursing (RN) license issued by the Idaho State Board of Nursing, and a bachelor's degree in nursing, education, or a health-related field from an accredited institution; and

()

ii. The candidate must possess a valid professional nursing (RN) license issued by the Idaho State Board of Nursing and have completed nine (9) semester credit hours from a university or college in at least three (3) of the following areas: ()

- (1) Health program management; ()
- (2) Child and adolescent health issues; ()
- (3) Counseling, psychology, or social work; or ()
- (4) Methods of instruction. ()

iii. Additionally, each candidate must have two (2) years' of full-time (or part-time equivalent) school nursing, community health nursing, or any area of pediatric, adolescent, or family nursing experience. ()

d. Interim Endorsement - School Nurse. This certificate will be granted for those who do not meet the educational and/or experience requirements but who hold a valid professional nursing (RN) license in Idaho. An Interim Certificate *Endorsement - School Nurse* - will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. ()

e. Speech-Language Pathologist Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. *The* initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in a speech/language pathology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. ()

f. Audiology Endorsement. This endorsement is valid for five (5) years. Six (6) credits are required every five (5) years in order to renew the endorsement. *The* initial endorsement will be issued to candidates who possess a master's degree from an accredited college or university in an audiology program approved by the State Board of Education, and who receive an institutional recommendation from an accredited college or university. ()

g. School Social Worker Endorsement. This endorsement is valid for five (5) years. Six (6) credit hours are required every five (5) years in order to renew the endorsement. Initial endorsement may be accomplished through possession of a social work certificate issued by the Idaho Bureau of Occupational Licenses, an institutional recommendation, and completion of one (1) of the following options: ()

i. A master's degree in social work from a postsecondary institution accredited by an organization recognized by the State Board of Education. The program must be currently approved by the state educational agency of the state in which the program was completed; *and* ()

ii. A master's degree in guidance and counseling, sociology, or psychology plus thirty (30) semester credit hours of graduate work in social work education, including course work in all the following areas: understanding the individual; casework method; field placement; social welfare programs and community resources; and research methods. ()

h. Interim Endorsement-Speech Language Pathologist. This certificate will be granted for those who do not meet the educational requirements but who hold a bachelor's degree in speech language pathology and are pursuing a master's degree in order to obtain the pupil personnel services certificate endorsed in speech language pathology. An interim certificate will be issued for three (3) years while the applicant is meeting the educational requirements, and it is not renewable. ()

06. Administrator Certificate. Every person who serves as a superintendent, a secondary school principal, or principal of an elementary school with eight (8) or more teachers (including the principal), or is assigned

administrative duties over and above those commonly assigned to teachers, is required to hold an Administrator Certificate. The certificate may be endorsed for service as a school principal, a superintendent, or a director of special education and related services. Assistant superintendents are required to hold the Superintendent endorsement. Assistant principals or vice-principals are required to hold the Principal endorsement. Applicants for the Director of Special Education and Related Services endorsement will hold that endorsement on an Administrator Certificate. Proof of proficiency in evaluating teacher performance shall be required of all Administrator Certificate holders. Proof of proficiency in evaluating performance shall be demonstrated by passing a proficiency assessment approved by the State Department of Education as an initial certification requirement. Possession of an Administrator Certificate does not entitle the holder to serve as a teacher at a grade level for which the educator is not qualified or certificated. All administrator certificates require candidates to meet the following competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership. ()

c. Director of Special Education and Related Services Endorsement (Pre-K-12). To be eligible for an Administrator Certificate endorsed for Director of Special Education and Related Services Pre-K-12, a candidate must have satisfied all of the following requirements: ()

[Subparagraph 015.06.c.i. through Subsection 015.07]

i. Hold a master's degree from an accredited college or university; ()

ii. Have four (4) years of full-time certificated/licensed experience working with students Pre-K-12, while under contract in a school setting; ()

iii. Obtain college or university verification of demonstrated the competencies of the Idaho Foundation Standards for School Administrators: School Climate, Collaborative Leadership, and Instructional Leadership; ()

iv. Obtain college or university verification of demonstrated competencies in the following areas, in addition to the competencies in the Idaho Foundation Standards for School Administrators: Concepts of Least Restrictive Environment; Post-School Outcomes and Services for Students with Disabilities Ages Three (3) to Twenty-one (21); Collaboration Skills for General Education Intervention; Instructional and Behavioral Strategies; Individual Education Programs (IEPs); Assistive and Adaptive Technology; Community-Based Instruction and Experiences; Data Analysis for Instructional Needs and Professional Training; Strategies to Increase Program Accessibility; Federal and State Laws and Regulations and School District Policies; Resource Advocacy; and Technology Skills for Referral Processes, and Record Keeping; ()

v. Have completed an administrative internship/practicum in the area of administration of special education and related services; and ()

vi. An institutional recommendation is required for Director of Special Education and Related Services Pre-K-12 Endorsement. ()

07. Certification Standards For Professional-Technical Educators. Teachers of professional-technical classes or programs in secondary or postsecondary schools must hold an endorsement in an appropriate occupational discipline. This endorsement may be held on a *secondary teaching certificate* or on an Occupational Specialist Certificate. For postsecondary instructors and administrators, certification fees are set by the State Board for Professional-Technical Education, and application processes are managed by the Division of Professional-Technical Education. ()

08. Degree Based Professional-Technical Certification. ()

b. The Professional-Technical Administrator certificate is required for an individual serving as an administrator, director, manager or coordinator of professional-technical education at the state, secondary or postsecondary level. Individuals must meet the following prerequisites to qualify for the Professional-Technical

Administrator Certificate. Equivalence in each area will be determined on an individual basis by the State Division of Professional-Technical Education. ()

[Subparagraph 015.08.b.i.]

i. Qualify for or hold an Occupational Specialist certificate or hold an occupational endorsement on a secondary teaching certificate; ()

[Subsection 015.09 - entire subsection]

09. Occupational Specialist Certificate. The Occupational Specialist Certificate is an industry based professional-technical certifications. Persons who need to hold the Occupational Specialist Certificate include: secondary educators assigned to Health Professions Education and Technical Sciences; those in specialized occupational areas where specific degree-granting professional technical teacher education programs do not exist; and postsecondary professional-technical educators who teach courses with nine (9) - to twelve (12) students per class. ()

a. Applicants must: be eighteen (18) years of age; document full-time, successful, recent, gainful employment in the area for which certification is requested; possess either a high school diploma or General Educational Development (GED) certificate; meet provisions of Idaho Code; and, verify technical skills through work experience, certification or testing as listed below. When applicable, requirements of occupationally related state agencies must also be met. Since educational levels and work experiences vary, applicants may be determined highly qualified under any one (1) of the following three (3) options; ()

i. Have sixteen-thousand (16,000) hours of full-time, successful, recent, gainful employment in the occupation for which certification is requested. Up to forty-eight (48) months credit can be counted toward the eight (8) years on a month-to-month basis for journeyman training and/or postsecondary training successfully completed as a full-time student in an approved/approvable, postsecondary, professional-technical education program; ()

ii. Have a bachelor's degree in the specific occupation or related area, plus six-thousand (6,000) hours of full-time, successful, recent, gainful employment in the occupation; and ()

iii. Meet one (1) of the following; ()

(1) Have at least journeyman level plus two (2) years of recent, full-time, gainful, related work experience. A person who has completed a formal apprenticeship program in the occupation or related area for which certification is requested. The apprenticeship must be under the direction of an employer and the Bureau of Apprenticeship and Training or an approved State Apprenticeship Agency; ()

(2) Pass approved state or national certification/certification examination plus three (3) years of recent, full-time, gainful, related work experience (length and type of work experience in emergency services and health professions will be determined on an individual basis); or ()

(3) Pass approved industry related certification for skill level requirements (vendor and industry specific) plus three (3) years of recent, full-time, gainful, related work experience (length and type of work experience in emergency services and health professions will be determined on an individual basis). If no competency test exists, a written recommendation from a representative occupational advisory council/committee and recorded in its minutes is required to verify occupational competence. ()

b. Limited Occupational Specialist Certificate. This certificate is issued to individuals who are new to teaching trades and health occupations professions in public schools. The certificate is valid for three (3) years and is non-renewable; ()

i. Within the first eighteen (18) months, the holder must complete the pre-service workshop sponsored by the State Division of Professional-Technical Education and an approved course in professional technical methods and student assessment; ()

- ii. Complete a new-teacher induction workshop at the state or district level; ()
- iii. File a professional development plan with the State Division of Professional-Technical Education;
and ()
- iv. Within the three (3) year period of the Limited Occupational Specialist Certificate, the instructor must satisfactorily complete course work which includes competencies in four (4) of the following: Principles/ Foundations of Occupational Education; Career Pathways and Guidance; Analysis, Integration, and Curriculum Development; Measurement and Evaluation; and Methods of Teaching Occupational Education. ()

c. Standard Occupational Specialist Certificate. This certificate is issued to individuals who have completed course work equivalent to that required of the Limited Occupational Specialist Certificate. The certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or verification of two hundred-forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes, or workshops or any equivalent combination thereof, and file of a professional development plan for the next certification period. ()

d. Advanced Occupational Specialist Certificate. This certificate is issued to individuals who meet all the requirements outlined below: ()

- i. Meet the requirements for the Standard Occupational Specialist Certificate; ()
- ii. Provide evidence of completion of a teacher training degree program or eighteen (18) semester credits of approved course work in addition to the twelve (12) semester credits required for the Standard Occupational Specialist Certificate (a total of thirty (30) semester credits); ()
- iii. File a new professional development plan for the next certification period; and ()
- iv. This certificate must be renewed every five (5) years, which shall include completion of six (6) semester credit hours of approved course work or submit verification of two hundred-forty (240) hours of approved related work experience or ninety (90) hours of attendance at approved technical conferences, institutes and workshops or any equivalent combination thereof, and file a new professional development plan for the next certification period. ()

11. American Indian Language. Each Indian tribe shall provide to the State Department of Education the names of those highly and uniquely qualified individuals who have been designated to teach the tribe's native language in accordance with Section 33-1280, Idaho Code. Individuals identified by the tribe(s) may apply for an Idaho American Indian Certificate as American Indian languages teachers. ()

[Subparagraph 015.11.b.]

b. Once an application with Tribal approval has been received, it will be reviewed and, if approved, it will be forwarded to the Office of Certification for a criminal history background check as required in Section 33-130, Idaho Code. The application must include a ten finger fingerprint card or scan and a fee for undergoing a criminal history check pursuant to Section 33-130, Idaho Code. ()

0156. IDAHO INTERIM CERTIFICATE.

01- Issuance of Interim Certificate. The State Department of Education is authorized to issue a three-year (3) interim certificate to those applicants who hold a valid certificate/license from another state or other entity that participates in the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Agreement or engaged in an alternate route to authorization as prescribed herein. An interim certificate is nonrenewable except under extenuating circumstances approved by the State Department of Education.

(4-2-08)()

[Subsection 016.01]

01. Interim Certificate Not Renewable. Interim certification is only available on a one-time basis per individual. It will be the responsibility of the individual to meet the requirements of the applicable alternate authorization route and to obtain a full Idaho Educator Credential during the term of the interim certificate. ()

042. ALTERNATE ROUTES TO CERTIFICATION.

The purpose of this program is to provide an alternative for individuals to become certificated teachers in Idaho without following a standard teacher education program. Alternative Routes to Certification shall allow individuals to serve as the teacher of record prior to having earned full certification status. The teacher of record is defined as the person who is primarily responsible for planning instruction, delivering instruction, assessing students formatively and summatively, and designating the final grade. Individuals who are currently employed as Para-Educators, ~~individuals who are currently certificated to teach but who are in need of emergency certification in another area,~~ and individuals with strong subject matter background but limited experience with educational methodology shall follow the alternate certification requirements provided herein. Individuals who are currently certificated to teach but who are in need of emergency certification in another area may obtain an endorsement through an alternate route as described in subsection 021.02 of these rules. (4-4-13)()

[Codified Section 043 is being moved and renumbered to proposed Subsection 042.01]

04301. Alternative Authorization -- Teacher To New Certification. The purpose of this alternative authorization is to allow Idaho school districts to request endorsement/certification when a professional position cannot be filled with someone who has the correct endorsement/certification. Alternative authorization in this area is valid for ~~up to three (3) years and is nonrenewable~~ one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (5-8-09)()

02b. Alternative Route Preparation Program. ~~A candidate must participate in an approved alternative route preparation program.~~ (3-20-04)()

[Subparagraph 042.01.b.i.]

i. ~~The~~ The candidate will work toward completion of the alternative route preparation program through a participating college/university, and the employing school district. ~~The~~ The candidate must complete a minimum of nine (9) semester credits annually to ~~be eligible for extension of up to a total of three (3) years~~ maintain eligibility for renewal; and (3-20-04)()

[Subsection 042.02 - entire subsection]

[Codified Section 044 is being moved and renumbered to proposed Subsection 042.02]

04402. Alternative Authorization -- Content Specialist. The purpose of this alternative authorization is to offer an expedited route to certification for individuals who are highly and uniquely qualified in a subject area to teach in a district with an identified need for teachers in that area. Alternative authorization in this area is valid for ~~three (3) years and is not renewable~~ one (1) year and may be renewed for two (2) additional years with evidence of satisfactory progress toward completion of an approved alternative route preparation program. Interim certification is valid for not more than three (3) years total. (3-20-04)()

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

04i. ~~Prior to application,~~ A candidate must hold a Bachelor's degree or have completed all of the requirements of a Bachelor's degree except the student teaching or practicum portion; and (4-4-13)()

~~bii.~~ ~~The candidate shall meet enrollment qualifications of the alternative route preparation program.~~
The hiring district shall ensure the candidate is qualified to teach in the area of identified need through demonstrated content knowledge. This may be accomplished through a combination of employment experience and education.

(3-20-04)()

~~02b.~~ Alternative Route Preparation Program -- College/University Preparation or Other State Board Approved Certification Program.

(3-20-04)()

~~ai.~~ At the time of authorization ~~A~~a consortium comprised of a designee from the college/university to be attended or other state board approved certification program, and a representative from the school district, and the candidate shall determine the preparation needed to meet the Idaho Standards for Initial Certification of Professional School Personnel. This preparation plan must include mentoring and a minimum of one (1) classroom observation per month ~~until certified~~ while teaching under the alternative authorization. The plan must include annual progress goals that must be met for annual renewal.

(3-20-04)()

~~bii.~~ ~~Prior to entering the classroom,~~ ~~†~~The candidate must complete eight (8) to sixteen (16) weeks of accelerated study in education pedagogy prior to the end of the first year of authorization. The number of required weeks will be specified in the consortium developed plan.

(3-20-04)()

~~eiii.~~ At the time of authorization the ~~C~~candidate ~~will~~ must enroll in and work toward completion of the alternative route preparation program through a participating college/university or other state board approved certification program, and the employing school district. A teacher must attend, participate in, and successfully complete an individualized alternative route preparation program as one (1) of the conditions for annual renewal and to receive a recommendation for full certification.

(3-20-04)()

~~iv.~~ The participating college/university or other state board approved certification program shall provide procedures to assess and credit equivalent knowledge, dispositions and relevant life/work experiences; and

(3-20-04)()

~~ev.~~ Prior to entering the classroom, the candidate shall meet or exceed the state qualifying score on appropriate state-approved content, pedagogy, or performance assessment.

(3-20-04)

[Codified Section 045 is being moved and renumbered to proposed Subsection 042.03]

~~04503.~~ **Non-Traditional Route to Teacher Certification.** An individual may acquire interim certification as found in Section 01~~56~~ of these rules through an approved non-traditional route certification program.

(3-20-14)()

[Subsection 042.03.d.]

~~05d.~~ Interim Certificate Not Renewable. Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain a full valid renewable Idaho ~~Teacher Certification~~ Educator Credential during the three (3) year interim certification term.

(4-6-05)()

[Subsection 042.05]

05. Alternate Authorization Renewal. Annual renewal will be based on the school year and satisfactory progress toward completion of the applicable alternate authorization requirements.

()

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1504

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, 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 Professional Standards Commission follows a Strategic Plan of annually reviewing twenty percent (20%) of the Idaho Standards for Initial Certification of Professional School Personnel. This rule revises the standard and endorsements to better align with national standards and best practices.

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 7, 2015, Idaho Administrative Bulletin, **Vol. 15-10, pages 94 and 95**.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Annette Schwab, Program Specialist, Professional Standards Commission, at aschwab@sde.idaho.gov or (208) 332-6864.

DATED this 30th Day of November, 2015.

Sherri Ybarra
Superintendent of Public Instruction
650 West State Street
2nd Floor
Boise, ID 83720-0027
(208) 332-6800
(208) 334-2228 (fax)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1503

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, 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 allows the State Department of Education to collect data from the school districts and public charter schools regarding the costs of dual credit courses and college credit-bearing and professional/technical reimbursements.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the June 3, 2015, Idaho Administrative Bulletin, [Vol. 15-6, pages 22 and 23](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Pete Koehler, Chief Deputy Superintendent, at pkoebler@sde.idaho.gov or (208) 332-6814.

DATED this 30th Day of November, 2015.

Sherri Ybarra
Superintendent of Public Instruction
650 West State Street
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Boise, ID 83720-0027
(208) 332-6800
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IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1505

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, and 33-107, 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 amendments would bring the definition of Advanced Opportunities into alignment with the programs the Idaho public postsecondary institutions offer pursuant to Board of Education Governing Policies and Procedures. This includes replacing “Tech Prep” with “Technical Competency Credit” and updating the existing definition of “Tech Prep” to come into alignment with the Board’s definition of “Technical Competency Credit.”

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 7, 2015 Idaho Administrative Bulletin, [Vol.15-10, pages 96–100](#).

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

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

DATED this 30th day of November, 2015.

Tracie Bent
Chief Planning & Policy Officer
Office of the State Board of Education
P.O. Box 83720-0037
650 W. State Street
Boise, ID 83720
Phone: (208) 332-1582
Fax: (208) 334-2632

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1506

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, 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 incorporates by reference the new Special Education Manual and cut scores for the Idaho Standards Achievement Test (ISAT).

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 5, 2015, Idaho Administrative Bulletin, [Vol. 15-8, pages 24-26](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Charlie Silva, Director Special Education/Exceptional Children, at csilva@sde.idaho.gov or (208) 332-6806.

DATED this 30th Day of November, 2015.

Sherri Ybarra
Superintendent of Public Instruction
650 West State Street
2nd Floor
Boise, ID 83720-0027
(208) 332-6800
(208) 334-2228 (fax)

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1507

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-101, 33-105, and 33-116, 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 amendments address three (3) separate issues that are contained within Idaho Administrative Code, IDAPA 08.02.03, subsection 105 Graduation Requirements. These include the transcription of middle level (school) credits to a student's high school transcript, the Idaho Standards Achievement Test (ISAT) graduation proficiency requirements for students who will graduate in 2017, and the alternate paths to graduation for those students that do not meet the proficiency requirement to graduate. These changes include allowing parents to opt out of having their students eligible grades earned in middle school from transferring to the students high school transcript; exempting students who took the ISAT in 10th grade as part of the field test in 2015 from the proficiency requirement to graduate, and adds clarification to the proficiency requirements alternate paths for graduation purposes. One additional change removes the Compass exam from one of the exams students can take to meet the college entrance exam requirements. The Compass exam is a placement test administered by ACT and will no longer be available from ACT after the end of 2016.

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 4, 2015 Idaho Administrative Bulletin, [Vol. 15-11, pages 27-31](#).

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

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

DATED this 30th day of November, 2015.

Tracie Bent
Chief Planning & Policy Officer
Office of the State Board of Education
P.O. Box 83720-0037
650 W. State Street
Boise, ID 83720
Phone: (208) 332-1582
Fax: (208) 334-2632

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1508

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, 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 changes will bring this section of rule into compliance with the Individuals with Disabilities Act.

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 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 102–107](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Charlie Silva, Director Special Education/Exceptional Children, at csilva@sde.idaho.gov or (208) 332-6806.

DATED this 30th Day of November, 2015.

Sherri Ybarra
Superintendent of Public Instruction
650 West State Street
2nd Floor
Boise, ID 83720-0027
(208) 332-6800
(208) 334-2228 (fax)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1509

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, 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 Science Committee's reviews and revisions of the content standards allow Idaho Schools to select best-suited science standards as per local control. The committee determined the old standards lacked depth, rigor, inquiry, problem solving, and hands-on laboratory experiences, and thus made the revisions needed to respond to a changing set of requirements for science literacy.

All amendments to the standards were approved as proposed and submitted to the Board on August 13, 2015. Revisions to the standards for Dance, Music and World Languages, incorporated by reference in Subsections 004.01.c.ii., v. and vi., were also approved by the Board but the effective dates were not changed to reflect this Board action. Those dates have been changed in this pending rule. Also, under Subsection 004.01.c., some of the categorical names were changed to reflect the revisions made in the standards but these name changes were inadvertently left out of the proposed rule. These name changes are non-substantive to the rule and do not alter the sense, meaning, or effect of the incorporated standards as approved by the Board.

The pending rule has been adopted with a minor change that clarifies that a course in Interdisciplinary Humanities may satisfy graduation requirements. This aligns the rule with the language already in the standards.

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 7, 2015, Idaho Administrative Bulletin, **Vol. 15-10, pages 108-116**.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Scott Cook, Director of Academic Services, Support and Professional Development, at sccook@sde.idaho.gov or (208) 332-6927.

DATED this 30th Day of November, 2015.

Sherri Ybarra
Superintendent of Public Instruction
650 West State Street
2nd Floor
Boise, ID 83720-0027
Tel: (208) 332-6800
Fax: (208) 334-2228

DOCKET NO. 08-0203-1509 -- 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, Vol. 15-10, pages 108–116.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 08-0203-1509
(Only Those Sections With Amendments To The Proposed Rule Are Shown.)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. (3-29-10)

[Paragraph 004.01.c. through Subparagraph 004.01.c.vii]

- c. Arts and Humanities Categories: (~~3-29-10~~)()
- i. Visual Arts, as revised and adopted on ~~April 17, 2009~~ August 13, 2015; (~~3-29-10~~)()
- ii. Dance, as revised and adopted on ~~April 17, 2009~~ August 13, 2015; (~~3-29-10~~)()
- iii. Drama Theatre, as revised and adopted on ~~April 17, 2009~~ August 13, 2015; (~~3-29-10~~)()
- iv. Interdisciplinary Humanities, as revised and adopted on ~~April 17, 2009~~ August 13, 2015; (~~3-29-10~~)()
- v. Music, as revised and adopted on ~~April 17, 2009~~ August 13, 2015; (~~3-29-10~~)()
- vi. World languages, as revised and adopted on ~~April 17, 2009~~ August 13, 2015; (~~3-29-10~~)()
- vii. Media Arts, as adopted on August 13, 2015. ()

105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate

from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

01. Credit Requirements. The State minimum graduation requirement for all Idaho public high schools is forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

[Paragraph 105.01.g.]

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

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1510

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, 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 adds Physical Education to the Subject Areas for the curricular material review cycle.

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 7, 2015, Idaho Administrative Bulletin, **Vol. 15-10, pages 117 and 118**.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Rhonda Heggen, Coordinator Physical Education, at rheggen@sde.idaho.gov or (208) 332-6950.

DATED this 30th Day of November, 2015.

Sherri Ybarra
Superintendent of Public Instruction
650 West State Street
2nd Floor
Boise, ID 83720-0027
(208) 332-6800
(208) 334-2228 (fax)

IDAPA 08 - STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1511

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 33-105, 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 cleans up and updates the language relating to the Idaho English Language Assessment (IELA).

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 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 119–126](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Christina Nava, Director, Title III, Limited English Proficiency, at cnava@sde.idaho.gov or (208) 332-6876.

DATED this 30th Day of November, 2015.

Sherri Ybarra
Superintendent of Public Instruction
650 West State Street
2nd Floor
Boise ID 83720-0027
(208) 332-6800
(208) 334-2228 (fax)

IDAPA 08 - STATE BOARD OF EDUCATION

08.05.01 - RULES GOVERNING SEED AND PLANT CERTIFICATION

DOCKET NO. 08-0501-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 22-1504, 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:

During the 2014 calendar year the University of Idaho and the Board took action to address compliance within statutory requirements related to certification of seeds, tubers, plants and plant parts in the state of Idaho, as contained in the Seed and Plant Certification Act of 1959 (Idaho Code Title 22 Chapter 15). The Board's action entailed incorporating into Board rules, by reference, the existing published Standards for Certification of the Idaho Crop Improvement Association, Inc. (ICIA). These existing published standards were created through the ICIA's established process involving the ICIA Board working in conjunction with committees for the various seed crops, composed of individuals representing the seed growers and processors, to create and then continuously update the standards. Standards, and any revisions to existing standards, are then presented to the Foundation Seed Stock Committee within the Agriculture Experiment Station at the University of Idaho for approval and then presented for approval by the University's Director of the Agriculture Experiment Station.

In 2014, the ICIA standards were incorporated into Board rule as they were published by the ICIA in 2014 and available to the public through the ICIA web-site. This action brought the standards into compliance with Idaho Code Sections 22-1504 and 22-1505 (which require promulgation of the seed certification standards under the Idaho Administrative Procedures Act (IDAPA) process), and did so in a fashion that did not disrupt the crop seed industry which had been operating under the existing standards for over 50 years.

Following the incorporation of the standards into Administrative Rule in 2014, the ICIA reviewed its published standards and determined that a significant portion of the materials incorporated by reference into the rule fall outside of the standards and are more accurately defined as processes. To address this, ICIA separated the actual standards from the processes that are used for establishing whether the standards are met for a particular crop. These revisions make the standards more concise and easier to read. Additional changes incorporate testing requirements necessary to re-open a 5,000 metric ton market in South Korea, which has imposed a quarantine on US potatoes until seed testing included testing for the causal agent of zebra chip, *Candidatus liberibacte*. The pending changes incorporate the updated standards into administrative rule.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, 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 resulting from this rulemaking: NA

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

DATED this 30th day of November, 2015.

Tracie Bent
Chief Planning & Policy Officer
Office of the State Board of Education
P.O. Box 83720-0037
650 W. State Street
Boise, ID 83720
Phone: (208) 332-1582
Fax: (208) 334-2632

IDAPA 09 - DEPARTMENT OF LABOR

09.01.30 - UNEMPLOYMENT INSURANCE BENEFITS ADMINISTRATION RULES

DOCKET NO. 09-0130-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 72-1333, Idaho Code.

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

A public hearing was held and all public comments were in support of adopting the pending rule. This rule change benefits employers by allowing them to retain skilled workers who are laid off for short periods of time. It also benefits seasonal workers with confirmed return-to-work dates by waiving the work-search requirement. This waiver would allow workers to receive unemployment insurance benefits for a maximum of 16 weeks while they are laid off if they meet all the remaining eligibility requirements of the unemployment insurance program.

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 4, 2015 Idaho Administrative Bulletin, **Vol. 15-11, page 33-36**.

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 to the General Fund or any dedicated fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joshua McKenna, Benefits Bureau Chief, at 208-332-3570 ext. 3919.

DATED this November 27, 2015.

Joshua McKenna
Benefits Bureau Chief
Idaho Department of Labor
317 W. Main Street
Boise, ID 83735
(208) 332-3570 ext. 3919
(208) 334-6125 Fax
joshua.mckenna@labor.idaho.gov

**IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION**

11.04.02 - RULES GOVERNING SIMULCASTING

DOCKET NO. 11-0402-1501

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

AUTHORITY: In compliance with Sections 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has vacated the proposed rulemaking previously initiated under this docket and is rescinding the temporary rule previously adopted under this docket. The action is authorized pursuant to Section 54-2506, Idaho Code.

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

The rulemaking notice and text of the temporary rule adopted under Docket 11-0402-1501 and the proposed rulemaking initiated concurrently under the same docket number by the Idaho State Racing Commission, were published in the August 5, 2015 Idaho Administrative Bulletin, **Vol. 15-8, pages 27-29**. The temporary rule became effective on July 29, 2015.

This rulemaking action hereby rescinds the temporary rule, which the Commission declared null, void and of no force and effect as of December 14, 2015, and vacates the proposed rulemaking.

The temporary and proposed rulemaking was done in order to implement a moratorium on the issuance of any additional licenses for historical horse racing and to cap the number of terminals that a licensee may operate at the location licensed and approved as of January 1, 2015. This rule is no longer necessary as Section 54-2512A, Idaho Code, was repealed by the Idaho Legislature during the 2015 Legislative Session.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rescission of temporary rule and vacation of proposed rule, contact the Idaho State Racing Commission at (208) 884-7080.

DATED this 14th day of December, 2015.

Paul J. Schneider
Chairman
Idaho Racing Commission
700 S Stratford Dr.
Meridian, ID 83642
Phone: 208-884-7080
Fax: 208-884-7098

**IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION**

11.04.06 - RULES GOVERNING RACING OFFICIALS

DOCKET NO. 11-0406-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, 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:

This pending rule will allow the Idaho State Racing Commission to appoint and compensate a third steward for live racing events in Idaho. Under the current rule, the third steward has been compensated for by the racing associations. This rulemaking also outlines the steward's duties as a presiding state steward and the duties of the two deputy state stewards.

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 5, 2015 Idaho Administrative Bulletin, [Vol. 15-8, pages 30-34](#).

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

There is no negative impact on the state general fund. The fiscal impact to dedicated funds will be \$24,000.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact the Idaho State Racing Commission at 208-884-7080.

DATED this 24th day of November, 2015.

Paul J. Schneider
Chairman
Idaho Racing Commission
700 S Stratford Dr.
Meridian, ID 83642
Phone: 208-884-7080
Fax: 208-884-7098

**IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION**

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

DOCKET NO. 11-0411-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, 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 5, 2015 Idaho Administrative Bulletin, [Vol. 15-8, pages 35 and 36](#).

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 impact on the state general fund. The fiscal impact to dedicated funds will be \$850 to \$1,250.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact the Idaho State Racing Commission at 208-884-7080.

DATED this 24th day of November, 2015.

Paul J. Schneider
Chairman
Idaho Racing Commission
700 S Stratford Dr.
Meridian, ID 83642
Phone: 208-884-7080
Fax: 208-884-7098

**IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION**

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

DOCKET NO. 11-0411-1502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2506, 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 October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 133-137](#).

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 impact on the state general fund. The fiscal impact to dedicated funds will be minimal, if any.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Idaho State Racing Commission at 208-884-7080.

DATED this 24th day of November, 2015.

Paul J. Schneider, Chairman
Idaho Racing Commission
700 S Stratford Dr.
Meridian, ID 83642
Phone: 208-884-7080
Fax: 208-884-7098

**IDAPA 11 - IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL BUREAU**

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-1401

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 23-901, 23-392, 23-1330 and 23-1408, Idaho Code.

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

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 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 82-85](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Capt. Russell Wheatley, Idaho State Police Alcohol Beverage Control (208) 884-7060 or abc@isp.idaho.gov and reference Docket Number 11-0501-1401.

DATED this 24th day of November, 2015.

Colonel Ralph W. Powell, Director
Idaho State Police
700 S. Stratford Dr., Meridian, ID 83642
Tel: (208) 884-7003 / Fax: (208) 884-7090

**IDAPA 11 - IDAHO STATE POLICE
ALCOHOL BEVERAGE CONTROL BUREAU**

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-1501

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 2016 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

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 23-932, 23-946(b), 23-1330 and 23-1408, 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 fee rule with an explanation of the reasons for the change:

This pending fee rule defines “growler” and provides the procedures for the sale and transportation of “growlers” within the state of Idaho and creates a “growler” endorsement for retail alcohol licenses.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The original text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 138–139](#).

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 23-932, Idaho Code.

A fee will be charged to alcohol licensees that wish to sell growlers to purchase tamperproof tape to seal a growler at the time it is filled and before it leaves the licensed premise. The tamperproof tape will be provided by ISP Alcohol Beverage Control for \$20 per box. This \$20 fee will cover all expenses of ABC in procuring the tamperproof tape and shipping it to licensees.

Licensees that choose to engage in the sale of growlers will bear the costs as a user fee as it is tied to the number of growlers that are sold by each licensee.

Each box of tamperproof tape will contain approximately 210 three inch strips. Each growler will only require one strip of tamperproof tape to secure the seal. Each strip of tape will cost an alcohol retailer approximately nine cents (\$.09) per growler.

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:

Adoption of this rule with the fee for licensees to purchase tamperproof tape will be revenue neutral. The fee is expected to cover the cost of the tape and shipping to licensees.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule, contact Capt. Russell Wheatley, Idaho State Police Alcohol Beverage Control (208) 884-7060 or abc@isp.idaho.gov and reference Docket Number 11-0501-1501.

DATED this 24th day of November, 2015.

Colonel Ralph W. Powell, Director
Idaho State Police
700 S. Stratford Dr., Meridian, ID 83642
Tel: (208) 884-7003 / Fax: (208) 884-7090

IDAPA 11 - IDAHO STATE POLICE

11.10.03 - RULES GOVERNING THE SEX OFFENDER REGISTRY

DOCKET NO. 11-1003-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 18-8301 through 18-833, Idaho Code.

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

The pending rule will provide a mechanism for Idaho State Police to provide a determination as to what convictions in other jurisdictions are “substantially equivalent” to a conviction under Idaho’s statutes that require a person to be registered as a sex offender in Idaho. This determination will be made before a person moves to, begins working in or becomes a student 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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 140–143](#).

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 or dedicated funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dawn Peck, Manager, Bureau of Criminal Identification, (208) 884-7130.

DATED this 24th day of November, 2015.

Colonel Ralph W. Powell
Director
Idaho State Police
700 S. Stratford Dr.
Meridian, ID 83642
(208) 884-7003/(208) 884-7090

IDAPA 11 - IDAHO STATE POLICE

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 19-5107, 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 differs from the text of the proposed rule due to the following:

1. It was recently discovered that POST does not qualify as a law enforcement agency and therefore must pay for the processing of fingerprint cards. The pending rule text now requires the agencies to maintain records check results and verify an applicant's compliance with the minimum standards for employment to the POST Council.
2. Repetitive language in reference to misdemeanor conviction was deleted.
3. Language was deleted that prohibited the consideration of misdemeanor convictions prosecuted pursuant to Title 18, Chapter 15, 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 October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 144-168](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Victor McCraw at (208) 884-7251.

DATED this 19th day of November, 2015.

Victor R. McCraw
POST Division Administrator
Idaho State Police/Peace Officer Standards & Training
700 S. Stratford Dr.
Meridian, ID 83642
Phone (208) 884-7251
Fax (208) 884-7295

DOCKET NO. 11-1101-1501 -- 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, Vol. 15-10, pages 144-168

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 11-1101-1501
(Only Those Sections With Amendments Are Shown.)

056. CRIMINAL RECORD.

[Subsection 056.01]

01. Fingerprints. The applicant shall must be fingerprinted on ~~two (2) copies of~~ the standard FBI Applicant fingerprint form card, and a search made by the hiring agency of local, state, and national fingerprint files to disclose any criminal record. The original copies of all records check results shall must be retained by the POST Council hiring agency. The hiring agency must verify the applicant's compliance with the minimum standards for employment outlined in this section to the POST Council upon submission of the appropriate notification of employment form designated by the Council. (4-2-03)()

03. Misdemeanor Conviction. A misdemeanor conviction of any federal, state, or local crime may be grounds for rejection of an applicant, subject to the following provisions: (3-20-14)

[Paragraphs 056.03.e. through g.]

~~e. An applicant may be rejected who has been convicted of any other misdemeanor offense within the two (2) years immediately preceding application. If the misdemeanor conviction occurred within the two (2) years immediately preceding application, the applicant may be accepted upon approval of the POST Division Administrator, provided the applicant's agency head, with knowledge of the facts and circumstances concerning the offense or violation, recommends approval. The Division Administrator shall have the discretion to refer the application to the POST Council.~~ (3-20-14)

fe. An applicant may be rejected who has been convicted of any other misdemeanor offense ~~two (2) or more years but less than~~ within the ten (10) years ~~prior to~~ immediately preceding application. ~~If the misdemeanor conviction occurred two (2) or more years but less than ten (10) years prior to application, the~~ Such an applicant may be accepted upon approval of the POST Division Administrator, provided the applicant's agency head, with knowledge of the facts and circumstances concerning the offense or violation, recommends approval. The POST Division Administrator shall will have the discretion to refer the application to the POST Council. This rule is not a

basis for rejection of an applicant if the conviction occurred ten (10) or more years prior to application.

~~(3-20-14)~~ ()

~~§ Any misdemeanor conviction prosecuted pursuant to Title 18, Chapter 15, Idaho Code, or a comparable statute of another state or country, shall not be a basis for rejection of an applicant. (3-20-14)~~

IDAPA 11 - IDAHO STATE POLICE

11.11.04 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR CORRECTION OFFICERS AND ADULT PROBATION AND PAROLE OFFICERS

DOCKET NO. 11-1104-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as 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 19-5107, 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 differs from the text of the proposed rule due to a recent discovery that POST does not qualify as a law enforcement agency and therefore must pay for the processing of fingerprint cards. The pending rule text now requires the agencies to maintain records check results and verify an applicant's compliance with the minimum standards for employment to the POST Council.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 169-174](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Victor McCraw at (208) 884-7251.

DATED this 19th day of November, 2015.

Victor R. McCraw
POST Division Administrator
Idaho State Police/Peace Officer Standards & Training
700 S. Stratford Dr.
Meridian, ID 83642
Phone (208) 884-7251
Fax (208) 884-7295

DOCKET NO. 11-1104-1501 -- 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, Vol. 15-10, pages 169-174

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 11-1104-1501
(Only Those Sections With Amendments Are Shown.)

036. CRIMINAL RECORD.

[Subsection 036.01]

01. **Fingerprints.** The applicant must be fingerprinted on ~~two (2) copies of~~ the standard FBI Applicant fingerprint ~~form~~ card, and a search made by the hiring agency of local, state, and national fingerprint files to disclose any criminal record. The original copies of all records check results must be retained by the ~~POST Council hiring agency.~~ The hiring agency must verify the applicant's compliance with the minimum standards for employment outlined in this section to the POST Council upon submission of the appropriate notification of employment form designated by the Council. (4-11-06) ()

IDAPA 11 - IDAHO STATE POLICE

11.13.01 - THE MOTOR CARRIER RULES

DOCKET NO. 11-1301-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-2901 and 49-901, Idaho Code.

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

This pending rule updates the incorporation by reference of the Federal Motor Carrier Safety Regulations found in the Code of Federal Regulations. This rule does not adopt any new federal regulations.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 175-182](#).

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 or dedicated funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Capt. Tim Horn, Idaho State Police Commercial Vehicle Safety (208) 884-7220 or tim.horn@isp.idaho.gov.

DATED this 24th day of November, 2015.

Colonel Ralph W. Powell, Director
Idaho State Police
700 S. Stratford Dr., Meridian, ID 83642
Tel: (208) 884-7003/ Fax: (208) 884-7090

IDAPA 12 - DEPARTMENT OF FINANCE

12.01.10 - RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 26-31-103, 26-31-204(5), 26-31-302(1)(a), and 26-31-302(2), Idaho Code.

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

The proposed rule updates references to incorporated federal laws and regulations (Truth in Lending and Regulation Z as well as the Real Estate Settlement Procedures Act and Regulation X) and eliminates duplicative disclosure requirements and unnecessary paperwork for mortgage brokers/lenders.

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 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 183-185](#).

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:

No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mike Larsen at 208-332-8060.

DATED this 7th day of December 2015.

Michael Larsen
Consumer Finance Bureau Chief
Department of Finance
800 Park Blvd.
PO Box 83720
Boise, ID 83720-0031
208-332-8060 (office)
208-332-8099 (fax)

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

13.01.02 - RULES GOVERNING HUNTER EDUCATION AND MENTORED HUNTING

DOCKET NO. 13-0102-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 36-401(a)(8), 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 purpose is to clarify the limits of the Hunting Passport for 8 year old children.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 186 and 187](#).

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

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer, Deputy Director, 208-334-3771.

DATED this 23rd Day of November 23, 2015.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707
Tel (208) 334-3715
Fax (208) 334-4128
dallas.burkhalter@idfg.idaho.gov

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

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

DOCKET NO. 13-0108-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

The purpose is to clarify the disabled hunters who are eligible for designated hunter companion exceptions, and to clarify the eligibility of senior and disabled hunters to purchase leftover youth controlled hunt tags.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 188–195](#).

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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer, Deputy Director, 208-334-3771.

DATED this 23rd Day of November, 2015.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707
(208) 334-3715
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IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

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

DOCKET NO. 13-0108-1502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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:

The purpose is to clarify the eligibility requirements for controlled hunt tags designated to a child or grandchild, and to make technical corrections.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 196-202](#).

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

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer, Deputy Director, 208-334-3771.

DATED this 23rd Day of November 23, 2015.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707
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dallas.burkhalter@idfg.idaho.gov

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

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

DOCKET NO. 13-0109-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 rulemaking increases goose hunting opportunities in the Hagerman Valley and helps reduce goose conflicts with agricultural producers. This will benefit both hunters and agricultural producers. Decades ago the Department closed several areas around the state to goose hunting to provide migrating goose populations place to stop over where they wouldn't be hunted. The number of geese migrating through the Hagerman Valley has increased substantially over the past decade and a closure is no longer warranted. Additionally, geese are starting to have a negative impact to agricultural operations within the closed area. The rule partially rescinds the goose hunting closure in the Hagerman Valley in Gooding and Twin Falls Counties. The rescission would not affect the Hagerman Wildlife Management Area Waterfowl Closure. The size of the rescission was reached through negotiated rulemaking.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 203-206](#).

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

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Toby Boudreau, Regional Supervisor, 208-324-4359.

DATED this 23rd Day of November 23, 2015.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707
Tel (208) 334-3715
Fax (208) 334-4128
dallas.burkhalter@idfg.idaho.gov

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

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

DOCKET NO. 13-0109-1502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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:

The purpose is to allow one more method of take (crossbow) for forest grouse, which is already an approved method of take for certain other big game species in general hunts so the weapon allowance does not represent new weaponry or new technology.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 207 and 208](#).

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

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer, Deputy Director, 208-334-3771.

DATED this 23rd Day of November 23, 2015.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, Idaho 83707
Tel (208) 334-3715
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IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2016. The pending rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 and is also adopting this rule as a temporary rule. The action is authorized pursuant to Sections 36-104(b) and 36-901, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a concise explanatory statement of the reasons for adopting the pending rule:

This rule establishes specific conditions to allow the removal of heads and tails of trout, bass, and tiger muskie for transit or while in the field. The effective date coincides with the printing of the next triennial seasons brochure.

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 original text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 209 and 210](#).

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 reason(s):

Conferring a benefit.

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

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact Dave Parrish, 208-287-2773.

DATED this 23rd Day of November 23, 2015.

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DOCKET NO. 13-0111-1501 - ADOPTION OF PENDING 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,
Vol. 15-10, pages 209 and 210.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2016 Idaho State Legislature.

Additionally, this rule has been adopted as a temporary rule and is effective January 1, 2016.

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

**104. IDENTIFICATION OF SPECIES AND SIZE IN POSSESSION AND DURING
TRANSPORTATION OR SHIPMENT.**

01. Length. The length of a fish shall be determined by measuring the distance between the tip of the
nose and the tip of the tail fin. (3-20-97)

02. Restrictions. No person shall have in the field or in transit any trout, tiger muskie, or bass from
which the head or tail has been removed- unless: (~~3-20-97~~)(1-1-16)T

a. The angler is ashore and done fishing for the day; (1-1-16)T

b. The fish is processed or packaged with the skin naturally attached to the flesh; (1-1-16)T

c. The fish must be processed or packaged in a manner that the number of fish harvested can be
readily determined; and (1-1-16)T

d. Processed trout, bass, and tiger muskie cannot be transported by boat. (1-1-16)T

03. Possession Limit. Any processed trout, bass, or tiger muskie count towards an angler's possession
limit while in the field of in transit. (1-1-16)T

IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-1502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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:

The forecasted return of Coho salmon is sufficient to allow Coho salmon fishing seasons and harvest. This would be only the second such opportunity in more than 30 years. Most returning Coho salmon are not adipose fin-clipped, so the rule needs to be amended to allow take and possession of Coho salmon with an intact adipose fin in the Clearwater drainage. Additionally, the rules are updated and obsolete language removed before the printing of the next triennial seasons brochure.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 211–217](#).

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

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dave Parrish, 208-287-2773.

DATED this 23rd Day of November 23, 2015.

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IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME

13.01.16 - THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b), 36-1101(a) and 36-1103, 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 Fish and Game Commission directed the Department to work with trappers on trapper education as a means to avoid catching pets and other non-target animals rather than pursuing additional trapper equipment restrictions. The Department met with trapper association presidents who expressed support for a trapper education requirement. The rule was negotiated, and the proposed rule would establish a mandatory trapper education class, the class length, and required subject matter to be covered.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 218 and 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:

No fiscal impact to the General Fund. A program fee of \$8 (Idaho Code Section 36-412(c)) for each individual enrolling in trapper education will recover some costs of the program. IDFG expects that the trapper education program will cost approximately \$50,000 for the first two years in order to start up the program and meet short term demand for classes. Expenses will decrease in subsequent years. These expenses will affect the fish and game dedicated fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brenda Beckley, 208-287-2884.

DATED this 23rd Day of November 23, 2015.

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IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME
13.01.17 - RULES GOVERNING THE USE OF BAIT AND TRAPPING
FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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:

To align the criteria for the distance of black bear baiting sites from water, trails, and roads.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, 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:

Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sharon Kiefer, Deputy Director, 208-334-3771.

DATED this 23rd Day of November 23, 2015.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0101-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 56-1023, 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:

A new chapter containing EMS education requirements is being promulgated (IDAPA 16.01.05). As part of its responsibilities, EMSAC reviews educational curricula and standards. A citation to this new chapter is being added to the portion of the EMSAC rules that describes EMSAC responsibilities related to EMS education. In addition, the current EMS chapter (IDAPA 16.02.03) is being repealed and some requirements from that chapter (e.g., regarding advance “do not resuscitate” directives) are being moved into this chapter so that they remain in effect.

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 5, 2015, Idaho Administrative Bulletin, [Vol. 15-8, pages 37 through 40](#).

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

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

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 this pending rule, contact Bruce Cheeseman at (208) 334-4000.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.02 - EMERGENCY MEDICAL SERVICES (EMS) -- RULE DEFINITIONS

DOCKET NO. 16-0102-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 56-1023, 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:

A new chapter for EMS education requirements was promulgated and updates were made to this chapter to align it with the new chapter and to other the existing EMS licensing chapters. A clarification of the term "prehospital" is being made to the original proposed text in Section 013.

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 5, 2015, Idaho Administrative Bulletin, [Vol. 15-8, pages 41 through 48](#).

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

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

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 Bruce Cheeseman at (208) 334-4000.

DATED this 25th Day of November, 2015.

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DOCKET NO. 16-0102-1501 -- 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, Vol. 15-8, pages 41 through 48.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 16-0102-1501
(Only Those Sections With Amendments Are Shown.)

013. DEFINITIONS AND ABBREVIATIONS O THROUGH Z.

For the purposes of the Emergency Medical Services (EMS) chapters of rules, the following definitions apply:

(7-1-14)

[Subsection 013.14]

124. Prehospital. Any setting ~~outside of a~~ where emergency medical care is provided prior to or during transport to a hospital, ~~with the exception of transfers, in which the provision of EMS may take place. (7-1-14)~~ ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0103-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 56-1023, 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 EMS Agency Licensing rules are being aligned with a new chapter of rules that provide the education, instructor, and examination standards an individual must meet to be a licensed EMS provider in Idaho. Changes are being made in the pending rule to clarify ambulance-based clinicians for an agency transfer declaration operation. The complete text of the proposed rule was published in the August 5, 2015, Idaho Administrative Bulletin, [Vol. 15-8, pages 49 through 56](#).

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

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 this pending rule, contact Bruce Cheeseman at (208) 334-4000.

DATED this 25th Day of November, 2015.

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DOCKET NO. 16-0103-1501 -- 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, Vol. 15-8, pages 49 through 56.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 16-0103-1501
(Only Those Sections With Amendments Are Shown.)

305. AMBULANCE-BASED CLINICIANS -- PERSONNEL REQUIREMENTS.

[Subsection 305.05]

065. Licensed Personnel Requirements and Ambulance-Based Clinicians. An EMR/BLS, EMT/BLS, or AEMT/ILS agency may use ambulance-based clinicians to meet the licensed personnel requirements for agency licensure. An ALS agency, licensed with an ALS transfer declaration described in Section 204.04 of these rules, may use ambulance-based clinicians to meet the licensed personnel requirements for the transfer declaration.

(7-1-14)()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.01.05 - EMERGENCY MEDICAL SERVICES (EMS) -- EDUCATION, INSTRUCTOR, AND EXAMINATION REQUIREMENTS

DOCKET NO. 16-0105-1501 (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 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 56-1023, 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:

This new chapter of rules implements and provides updated initial education, instructor, and examination requirements to meet the ever-changing technology and techniques used to protect the health and safety of the public in the provision of emergency medical services (EMS). This new chapter replaces the education requirements currently found in IDAPA 16.02.03, "Emergency Medical Services."

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 5, 2015, Idaho Administrative Bulletin, **Vol. 15-8, pages 57 through 69**.

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

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

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 Bruce Cheeseman at (208) 334-4000.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0107-1502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 56-1023, 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 EMS Personnel Licensing rules are being aligned with a new chapter of rules that provide the education, instructor, and examination standards an individual must meet to be a licensed EMS provider in Idaho. Changes are being made to the pending rule to correct the licensing renewal continuing education table that did not list the Paramedic requirements in the original proposed rule docket. The complete text of the proposed rule was published in the August 5, 2015, Idaho Administrative Bulletin, [Vol. 15-8, pages 71 through 88](#).

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

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 this pending rule, contact Bruce Cheeseman at (208) 334-4000.

DATED this 25th Day of November, 2015.

Tamara Prisock
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DOCKET NO. 16-0107-1502 -- 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, Vol. 15-8, pages 71 through 78.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 16-0107-1502
(Only Those Sections With Amendments Are Shown.)

320. ~~EMR LEVEL~~ LICENSE RENEWAL CONTINUING EDUCATION ~~AND SKILLS PROFICIENCY~~ REQUIREMENTS.

An ~~EMR level~~ license renewal candidate must provide documentation of the following continuing education hours provided in the table below during each licensure period. (3-29-12)()

[Section 320 Table]

TABLE 320				
<u>LICENSE RENEWAL CONTINUING EDUCATION (CE) REQUIREMENTS</u>				
<u>CE CATEGORIES</u>	<u>EMR</u>	<u>EMT</u>	<u>AEMT</u>	<u>PARAMEDIC</u>
	<u>24 TOTAL CE Hours</u>	<u>48 TOTAL CE Hours</u>	<u>54 TOTAL CE Hours</u>	<u>72 TOTAL CE Hours</u>
<u>An individual must complete at least 1 hour of continuing education in each category.</u>				
<u>Airway, Respiration, and Ventilation</u>	<u>No more than 7 CE hours in any single category may be counted toward the total number of CE Hours needed for renewal.</u>	<u>No more than 14 CE hours in any single category may be counted toward the total number of CE Hours needed for renewal.</u>	<u>No more than 16 CE hours in any single category may be counted toward the total number of CE Hours needed for renewal.</u>	<u>No more than 22 CE hours in any single category may be counted toward the total number of CE Hours needed for renewal.</u>
<u>Cardiovascular</u>				
<u>Trauma</u>				
<u>Medical</u>				
<u>Operations: Landing Zone & Extrication Awareness</u>				

TABLE 320 <u>LICENSE RENEWAL CONTINUING EDUCATION (CE) REQUIREMENTS</u>				
<u>CE CATEGORIES</u>	<u>EMR</u> <u>24 TOTAL</u> <u>CE Hours</u>	<u>EMT</u> <u>48 TOTAL</u> <u>CE Hours</u>	<u>AEMT</u> <u>54 TOTAL</u> <u>CE Hours</u>	<u>PARAMEDIC</u> <u>72 TOTAL</u> <u>CE Hours</u>
<u>Pediatrics</u>	<u>2 hours</u>	<u>4 hours</u>	<u>6 hours</u>	<u>8 hours</u>

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0112-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 56-1023, 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 EMS Complaints, Investigations, and Disciplinary Actions rules are being aligned with a new chapter of rules that provides the education, instructor, and examination standards an individual must meet to be a licensed EMS provider in Idaho. These rules also update enforcement actions that can be taken. No changes are being made in the pending rule and these rules are adopted as published in the original proposed rules. The complete text of the proposed rule was published in the August 5, 2015, Idaho Administrative Bulletin, **Vol. 15-8, pages 89 through 98**.

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

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 this pending rule, contact Bruce Cheeseman at (208) 334-4000.

DATED this 25th Day of November, 2015.

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

DOCKET NO. 16-0202-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 56-1013A 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. The update of the edition number of the Standards Manual in these rules will ensure that the most recent edition of the manual has the force and effect of law.

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 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 236 and 237](#).

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 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, 2015.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.03 - EMERGENCY MEDICAL SERVICES

DOCKET NO. 16-0203-1501 (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 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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. This action is authorized pursuant to Section 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 Emergency Medical Services (EMS) chapter of rules is being repealed in its entirety.

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 5, 2015, Idaho Administrative Bulletin, **Vol. 15-8, pages 99 and 100**.

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

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

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 Bruce Cheeseman at (208) 334-4000.

DATED this 25th Day of November, 2015.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.19 - FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS (THE IDAHO FOOD CODE)

DOCKET NO. 16-0219-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 date.

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 37-121 and 39-1603, Idaho Code.

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

The 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 2, 2015, Idaho Administrative Bulletin, [Vol. 15-9, pages 88 through 102](#). Based on comments received on the proposed rules, amendments have been made for clarification of farmers markets, roadside stands, and agricultural markets.

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

This rulemaking has no fiscal impact to state general funds or any other funds.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, documents have been incorporated by reference into these rules to give them the force and effect of law. The document is "Food Code, 2013 Recommendations of the United States Public Health Service Food and Drug Administration," Publication PB2013-110462. The document currently incorporated in these rules, is being updated from the 2001 edition to the 2013 edition.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Patrick Guzzle 208-334-5936.

DATED this 25th Day of November, 2015.

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DOCKET NO. 16-0219-1501 -- 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, Vol. 15-9, pages 88 through 102.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 16-0219-1501
(Only Those Sections With Amendments Are Shown.)

001. TITLE, SCOPE AND APPLICABILITY.

04. **These Rules Do Not Apply to These Establishments.** These rules do not apply to the following establishments as exempted in Idaho Code. (4-6-05)

[Paragraph 001.04.f. through Subparagraph 001.04.i.iii.]

f. Farmers market vendors and roadside stands that only offer or sell non-time/temperature control for safety (non-TCS) foods or cottage foods. ()

fg. Non-profit charitable, fraternal, or benevolent organizations that do not prepare or serve food on a regular basis as exempted in Section 39-1602, Idaho Code. Food is not considered to be served on a regular basis if it is not served for more than five (5) consecutive days on no more than three (3) occasions per year for foods which are not potentially hazardous non-time/temperature control for safety (non-TCS). For all other food, it must not be served more than one (1) meal per week. (4-6-05)()

gh. Private homes where food is prepared or served for family consumption or receives catered or home-delivered food as exempted by Section 39-1602, Idaho Code. (4-6-05)

i. Cottage food operations, when the consumer is informed and must be provided contact information for the cottage food operations as follows: ()

i. By a clearly legible label on the product packaging; or a clearly visible placard at the sales or service location that also states: ()

ii. The food was prepared in a home kitchen that is not subject to regulation and inspection by the regulatory authority; and ()

iii. The food may contain allergens. ()

110. DEFINITIONS AND ABBREVIATIONS -- A THROUGH K.

The definitions defined in this section are modifications or additions to the definitions given and terms provided in the 2013 Food Code. (4-6-05)()

[Subsection 110.01]

01. Agricultural Market. ~~Any fixed or mobile retail food establishment engaged in the sale of raw or fresh fruits, vegetables and nuts in the shell. It may also include the sale of factory sealed non-potentially hazardous foods~~ Any venue where a fixed or mobile retail food establishment can engage in the sale of raw or fresh fruits, vegetables, and nuts in the shell. It may also include the sale of factory sealed non-time/temperature control for safety foods (non-TCS). Agricultural market means the same as "farmers market" or "roadside stand." (4-6-05)()

[Subsection 110.13 through Subsection 110.17]

13. Farmers Market. Any fixed or mobile retail food establishment at which farmer producers sell agricultural products directly to the general public. Farmers market means the same as "agricultural market" and "roadside stand." ()

0814. Food Establishment. Modifications to Section 1-201.10(36) ~~by deleting Section 1-201.10(36)(c)(iii)~~ amends the definition of "food establishment" as follows:- (4-6-05)()

a. Delete Subparagraph 3(c) of the term "food establishment" in the 2013 Food Code: ()

b. Add Subparagraph 3(h) to the term "food establishment" to clarify that a cottage food operation is not a food establishment. ()

0915. Food Processing Plant. Modification to Section 1-201.10(37) ~~by deleting Section 1-201.10(37)(b)~~ amends the definition of "food processing plant" by deleting Subparagraph 2 of the term "food processing plant" in the 2013 Food Code. (4-6-05)()

106. High-Risk Food Establishment. A high-risk food establishment does the following operations: (4-6-05)

a. Extensive handling of raw ingredients; (4-6-05)

b. Preparation processes that include the cooking, cooling and reheating of ~~potentially hazardous~~ time/temperature control for safety (TCS) foods; or (4-6-05)()

c. A variety of processes requiring hot and cold holding of ~~potentially hazardous~~ time/temperature control for safety (TCS) foods. (4-6-05)()

17. Intermittent Food Establishment. An intermittent food establishment is ~~one~~ a food vendor that operates for a period of time, not to exceed three (3) days per week, at a single, specified location in conjunction with a recurring event and that offers time/temperature control for safety (TCS) foods to the general public. Examples of a recurring event may be a farmers' or community market, or a holiday market. An intermittent food establishment does not include the vendor of farm fresh ungraded eggs at a recurring event (4-2-08)()

111. DEFINITIONS AND ABBREVIATIONS -- L THROUGH Z.

The definitions defined in this section are modifications or additions to the definitions given and terms provided in the 2013 Food Code. (4-6-05)()

[New Subsection 111.12]

12. **Roadside Stand.** Any fixed or mobile retail food establishment at which an individual farmer producer sells own agricultural products directly to consumers. Roadside stand means the same as "agricultural market" and "farmers market." ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.01 - ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 initiated proposed rulemaking procedures. 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, and 56-260 through 56-266, Idaho Code; also 42 CFR 435.

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 being made in the pending rule aligning this chapter with federal regulations and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 238 through 241](#).

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

The anticipated fiscal impact for FY 2017 for Transitional Medicaid will be \$9,771,060, with \$6,928,649 from federal funds and \$2,842,411 from state general funds. The fiscal impact amount was calculated using an estimation of the number of adults with children who will become eligible for Transitional Medicaid in FY 2017 multiplied by the current average monthly Medicaid claim by the Parent/Caretaker eligibility group.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Camille Schiller at (208) 334-5969.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-1501
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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, 7 CFR 273.2(j), and 7 CFR 273.8(a).

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 aligns the Food Stamp rules with a federal requirement that excludes households from qualifying for a \$5000 resource limit when they are not in compliance with program participation requirements. The chapter is also being amended to clarify the language describing the effected households.

Specifically, this rulemaking lowers the food stamp applicant resource limit to \$2,250, or \$3,250 for certain households, and clarifies the description of such households.

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 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 242 through 245](#).

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

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

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Malinda Reissig at (208) 334-5779.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED,
BLIND AND DISABLED (AABD)

DOCKET NO. 16-0305-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective after review by the legislature, unless the rule is approved or rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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, 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 regarding aligning with the current State Plan and the rule is being adopted as proposed. The complete text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 246 through 251](#).

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 Department anticipates that the annual fiscal impact for changes to the pre-existing medical expenses will be \$403,600, with \$282,640 from federal funds and \$120,960 from state general funds. The fiscal impact amount is due to the Department's anticipation of an increase in the number of requests from participants for pre-existing medical expenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Camille Schiller at (208) 334-5969.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE AGED,
BLIND AND DISABLED (AABD)

DOCKET NO. 16-0305-1502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective after review by the legislature, unless the rule is approved or rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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, 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 aligning with federal eligibility requirements and the rule is being adopted as proposed. The complete text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 252 through 255](#).

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

There is no anticipated fiscal impact to the state general fund or any other funds as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Camille Schiller (208) 334-5969.

DATED this 25th Day of November, 2015.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

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

These rule changes clarify gaps that have been identified in these rules and adjust to changes in current Medicaid practice regarding school-based services and therapy services. Further, these rule changes adjust requirements currently resulting in unnecessary regulatory burdens on providers in their efforts to remain in compliance with the rules.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 256 through 274](#).

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

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

This rulemaking has no fiscal impact to the state general fund. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, Frede' Trenkle-MacAllister at (208) 287-1169.

DATED this 25th Day of November, 2015.

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DOCKET NO. 16-0309-1501 -- 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, Vol. 15-10, pages 256 through 274

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 16-0309-1501
(Only Those Sections With Amendments Are Shown.)

730. THERAPY SERVICES: DEFINITIONS.

For the purposes of these rules, the following terms are used as defined below: (4-2-08)

[Subsection 730.03]

023. Maintenance Program. A *maintenance* program established by a therapist that requires the skills of a therapist or therapy professional and consists of ~~any combination of drills, techniques, exercises, treatments, or activities that preserve the participant's present level of functioning and prevent regression of that function. A maintenance program begins when:~~ activities and mechanisms to assist a participant in maximizing or maintaining the progress he or she has made during therapy or to prevent or slow further deterioration due to a disease or illness. (4-2-08)()

034. Occupational Therapy Services. Therapy services that: (4-2-08)

[Paragraph 730.04.a.]

a. Are provided within the scope of practice of licensed occupational therapists istsy professionals; (4-2-08)()

045. Physical Therapy Services. Therapy services that: (4-2-08)

[Paragraph 730.05.a.]

a. Are provided within the scope of practice of licensed physical therapists istsy professionals; (4-2-08)()

732. THERAPY SERVICES: COVERAGE AND LIMITATIONS.

Therapy services are covered under these rules when delivered by a therapy professional and provided by one (1) of

the following providers: outpatient hospitals, outpatient rehabilitation facilities, comprehensive outpatient rehabilitative facilities, nursing facilities, school-based services, Idaho Infant Toddler Program, independent practitioners, and home health agencies. (7-1-13)()

[Subsection 732.02 through Paragraph 732.03.a.]

02. Service Description: Speech-Language Pathology. Speech-language pathology services must be provided as defined in Section 730 of these rules. Services provided by speech-language pathology aides and assistants are considered unskilled services, and will be denied as not medically necessary if they are billed as speech-language pathology services. (4-2-08)()

03. Non-Covered Services: Occupational Therapy, Physical Therapy, and Speech-Language Pathology. (4-2-08)

a. Continuing services for participants who do not exhibit the capability to achieve measurable improvement and who do not meet the criteria for a maintenance program. (4-2-08)()

[Paragraph 732.03.i.]

i. Biofeedback, unless provided to treat urinary incontinence. ()

733. THERAPY SERVICES: PROCEDURAL REQUIREMENTS.

The Department will pay for therapy services rendered by ~~or under the supervision of a licensed therapist~~ a therapy professional if such services are ordered by ~~the attending~~ a physician, nurse practitioner, or physician assistant as part of a plan of care. (4-2-08)()

01. Physician Orders. (4-2-08)

[Paragraph 733.01.a. through Subparagraph 733.01.a.iii.]

a. All therapy must be ordered by a physician, nurse practitioner, or physician assistant. Such orders must include at a minimum, the service to be provided, the frequency, and, where applicable, the expected duration of each therapeutic session time for which the therapy will be needed. If the initial order is to evaluate and treat, but does not specify at least the type of service ordered and the frequency, then: (4-2-08)()

i. The therapist may perform a therapy evaluation based on the initial physician order for the evaluation; and ()

ii. The therapist must then develop a therapy plan of care based on that evaluation and send the plan to the ordering physician, nurse practitioner, or physician assistant and begin care; and ()

iii. The physician, nurse practitioner, or physician assistant must either sign an order specifying the service to be provided, the frequency and the duration, or they must sign the therapy plan of care that includes that information within thirty (30) days for therapy to continue. No claims may be billed until the complete order or the plan of care is signed by the physician, nurse practitioner, or physician assistant. ()

850. SCHOOL-BASED SERVICE: DEFINITIONS.

[Subsection 850.01]

01. Activities of Daily Living (ADL) for Personal Care Services. The performance of basic self-care

activities in meeting an individual's needs for sustaining him in a daily living environment, including, but not limited to, bathing, washing, dressing, toileting, grooming, eating, communication, continence, mobility, and associated tasks. (3-30-07)()

851. SCHOOL-BASED SERVICE: PARTICIPANT ELIGIBILITY.

To be eligible for medical assistance reimbursement for covered services, school districts and charter schools must ensure the student is: (7-1-13)

[Subsection 851.05]

05. Parental Consent. Providers must obtain a one-time parental consent to access public benefits or insurance from a parent or legal guardian for school-based Medicaid reimbursement. ()

853. SCHOOL-BASED SERVICE: COVERAGE AND LIMITATIONS.

The Department will pay school districts and charter schools for covered rehabilitative and health-related services. Services include medical or remedial services provided by school districts or other cooperative service agencies, as defined in Section 33-317, Idaho Code. (7-1-13)

03. Reimbursable Services. School districts and charter schools can bill for the following health-related services provided to eligible students when the services are provided under the recommendation of a physician or other practitioner of the healing arts for the Medicaid services for which the school district or charter school is seeking reimbursement. A school district or charter school may not seek reimbursement for services provided prior to receiving a signed and dated recommendation or referral. The recommendations or referrals are valid up to three hundred sixty-five (365) days. (7-1-13)()

[Paragraph 853.03.f.]

f. Personal Care Services. School based personal care services include medically oriented tasks having to do with the student's physical or functional requirements. Personal care services do not require a goal on the plan of service. The provider must deliver at least one (1) of the following services: (7-1-13)()

[Section 854]

854. SCHOOL-BASED SERVICE: PROCEDURAL REQUIREMENTS.

The following documentation must be maintained by the provider and retained for a period of ~~six~~ five (65) years: (7-1-13)()

855. SCHOOL-BASED SERVICE: PROVIDER QUALIFICATIONS AND DUTIES.

Medicaid will only reimburse for services provided by qualified staff. The following are the minimum qualifications for providers of covered services: (7-1-13)

[Subsections 855.05 through 855.07]

05. Occupational Therapy and Evaluation. Occupation therapy and evaluation must be provided by or under the supervision of an individual qualified and registered to practice in Idaho. For therapy-specific rules, refer to Sections 730 through 739 of these rules. (7-1-13)()

06. Personal Care Services. Personal care services must be provided by or under the direction of a registered nurse licensed by the State of Idaho. (7-1-13)

a. Providers of PCS must have at least one (1) of the following qualifications: (7-1-13)

i. Registered Nurse or Licensed Professional Nurse (RN). A person currently licensed by the Idaho State Board of Nursing as a registered nurse or licensed professional nurse; (7-1-13)

ii. Licensed Practical Nurse (LPN). A person currently licensed by the Idaho State Board of Nursing as a licensed practical nurse; ~~or~~ (7-1-13)()

iii. Certified Nursing Assistant (CNA). A person currently certified by the State of Idaho; or ()

~~iv.~~ Personal Assistant. A person who meets the standards of Section 39-5603, Idaho Code, and receives training to ensure the quality of services and meets the paraprofessional requirements under the Elementary and Secondary Education Act of 1965, as amended, Title I, Part A, Section 1119. The assistant must be at least age eighteen (18) years of age. Medically-oriented services may be delegated to an aide in accordance with IDAPA 23.01.01, "Rules of the Idaho Board of Nursing." The professional nurse may require a certified nursing assistant (CNA) if, in their professional judgment, the student's medical condition warrants a CNA. (7-1-13)()

b. The registered nurse (RN) must review, or complete, or both, the PCS assessment and develop or review, or both, the written plan of care annually. Oversight provided by the RN must include all of the following: (7-1-13)()

i. Development of the written PCS plan of care; (7-1-13)

ii. Review of the treatment given by the personal assistant through a review of the student's PCS ~~record~~ service detail reports as maintained by the provider; and (7-1-13)()

iii. Reevaluation of the plan of care as necessary, but at least annually. (7-1-13)

~~e. In addition to the RN oversight, the Qualified Intellectual Disabilities Professional (QIDP) as defined in 42 CFR 483.430 provides oversight for students with developmental disabilities when identified as a need on the PCS assessment. Oversight must include: (7-1-13)~~

~~i. Assistance in the development of the PCS plan of care for those aspects of developmental disabilities programs that address the student's activities of daily living needs provided in the school by the personal assistant; (7-1-13)~~

~~ii. Review of the developmental disabilities programs given by the personal assistant through a review of the student's PCS record as maintained by the provider and through on-site observation of the student; and (7-1-13)~~

~~iii. Reevaluation of the PCS plan of care as necessary, but at least annually. (7-1-13)~~

~~d.c.~~ The RN, ~~QIDP,~~ or a combination of both, must conduct supervisory visits on a quarterly basis, or more frequently as determined by the IEP team and defined as part of the PCS plan of care. (7-1-13)()

07. Physical Therapy and Evaluation. ~~Physical therapy and evaluation must be provided by an individual qualified and licensed as a physical therapist to practice in Idaho. For therapy-specific rules, refer to Sections 730 through 739 of these rules.~~ (7-1-13)()

[Subsection 855.10 through Subsection 855.11]

10. ~~Psychosocial Rehabilitation (PSR)~~ Community Based Rehabilitation Services (CBRS). ~~Psychosocial rehabilitation~~ CBRS providers must be provided by a one of the following: (7-1-13)()

- a. Licensed physician, licensed practitioner of the healing arts, ~~or licensed psychiatrist;~~ (7-1-13)()
- b. ~~Licensed master's level psychiatric~~ Advanced practice professional nurse; (7-1-13)()
- c. Licensed psychologist; (7-1-13)
- d. Licensed clinical professional counselor or professional counselor; (7-1-13)
- e. Licensed marriage and family therapist ~~or associate marriage and family therapist;~~ (7-1-13)()
- f. Licensed masters social worker, licensed clinical social worker, or licensed social worker; (7-1-13)
- g. Psychologist extender registered with the Bureau of Occupational Licenses; (7-1-13)
- h. Licensed professional or registered nurse (RN); (7-1-13)
- i. Licensed occupational therapist; (7-1-13)
- j. Endorsed or ~~C~~certified school psychologist; (3-20-14)()
- ~~k.~~ Certified school social worker; ~~or~~ (3-20-14)
- ~~k.~~ Psychosocial rehabilitation (PSR) Community Based Rehabilitation Services specialist. A PSR CBRS specialist is: (3-20-14)()
- i. An individual who has a Bachelor's degree and holds a current PRA credential; or (3-20-14)
- ii. An individual who has a Bachelor's degree or higher and was hired on or after November 1, 2010, to work as a PSR CBRS specialist to deliver Medicaid-reimbursable mental health services. This individual may continue to do so for a period not to exceed thirty (30) months from the initial date of hire. The individual must show documentation that they are working towards this certification. In order to continue as a PSR CBRS specialist beyond a total period of thirty (30) months from the date of hire, the worker must have completed a certificate program or earned a certification in psychiatric rehabilitation based upon the primary population with whom he works in accordance with the requirements set by the PRA. (3-20-14)()
- iii. Credential required for PSR CBRS specialists ~~working primarily with adults.~~ (3-20-14)()
- (1) Applicants who intend to work primarily with adults, age eighteen (18) or older, must become a Certified Psychiatric Rehabilitation Practitioner in accordance with the PRA requirements. (3-20-14)
- (a) Applicants must be under the supervision of a licensed behavioral health professional, a physician, nurse, or a endorsed/certified school psychologist. The supervising practitioner is required to have regular one-to-one (1:1) supervision to review treatment provided to student participants on an ongoing basis. The frequency of the 1:1 supervision must occur at least on a monthly basis. ()
- (b) CBRS supervision can be conducted using telehealth when it is equally effective as direct on-site supervision. ()
- (2) Applicants who work primarily with adults, but also intend to work with participants under the age of eighteen (18), must have training addressing children's developmental milestones, or have evidence of classroom hours in equivalent courses. The worker's supervisor must determine the scope and amount of training the worker needs in order to work competently with children assigned to the worker's caseload. (3-20-14)
- (a) Applicants must be under the supervision of a licensed behavioral health professional staff, a

physician, nurse, or an endorsed/certified school psychologist. The supervising practitioner is required to have regular one-to-one (1:1) supervision to review treatment provided to student participants on an ongoing basis. The frequency of the 1:1 supervision must occur at least on a monthly basis. ()

(b) CBRS supervision can be conducted using telehealth when it is equally effective as direct on-site supervision. ()

~~iv. Credential required for PSR specialists working primarily with children.~~ (3-20-14)

~~(3)~~ Applicants who intend to work primarily with children under the age of eighteen (18) must obtain a certificate in children's psychiatric rehabilitation in accordance with the PRA requirements. (3-20-14)

~~(24)~~ Applicants who primarily work with children, but who also intend to work with participants eighteen (18) years of age or older, must have training or have evidence of classroom hours addressing adult issues in psychiatric rehabilitation. The worker's supervisor must determine the scope and amount of training the worker needs in order to competently work with adults assigned to the worker's caseload. (3-20-14)

~~v. An individual who is qualified to apply for licensure to the Idaho Bureau of Occupational Licenses, in any of the professions listed above in Subsections 855.10.a. through 855.10.i., who has failed his licensing exam or has been otherwise denied licensure is not eligible to provide services under the designation of PSR Specialist unless this individual has obtained one (1) of the PRA credentials.~~ (3-20-14)

11. Speech/Audiological Therapy and Evaluation. ~~Speech/audiological therapy and evaluation must be provided by or under the direction of a speech pathologist or audiologist who possesses a certificate of clinical competence from the American Speech, Language and Hearing Association (ASHA); or who will be eligible for certification within one (1) year of employment. Personnel records must reflect the expected date of certification. For therapy-specific rules, refer to Sections 730 through 739 of these rules.~~ (7-1-13)()

[Subsection 855.14 - entire subsection]

14. Therapy Paraprofessionals. The schools may use paraprofessionals to provide occupational therapy, physical therapy, and speech therapy if they are under the supervision of the appropriate professional. The services provided by paraprofessionals must be delegated and supervised by a professional therapist as defined by the appropriate licensure and certification rules. The portions of the treatment plan that can be delegated to the paraprofessional must be identified in the IEP or transitional IFSP. (7-1-13)()

a. Occupational Therapy (OT). Refer to IDAPA 24.06.01, "Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants," for qualifications, supervision, and service requirements. (7-1-13)()

b. Physical Therapy (PT). Refer to IDAPA 24.13.01, "Rules Governing the Physical Therapy Licensure Board," for qualifications, supervision and service requirements. (7-1-13)()

c. Speech-Language Pathology (SLP). Refer to IDAPA 24.23.01, "Rule of the Speech and Hearing Services Licensure Board," and the American Speech-Language-Hearing Association (ASHA) guidelines for qualifications, supervision and service requirements for speech-language pathology. The guidelines have been incorporated by reference in Section 004 of these rules. (7-1-13)()

i. Supervision must be provided by an SLP professional as defined in Section 734 of this chapter of rules. ()

ii. The professional must observe and review the direct services performed by the paraprofessional on a monthly basis, or more often as necessary, to ensure the paraprofessional demonstrates the necessary skills to correctly provide the SLP service. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is February 1, 2016. The pending rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a concise explanatory statement of the reasons for adopting the pending rule.

The Department is implementing outcome-based health care policy initiatives based on legislative intent language passed by the 2015 Legislature. Current rules for primary care case management and for health homes have been revised to support the new health care policy initiatives.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice. The changes to the pending rule provide clarification to services and provider reimbursement. The original text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 275-289](#).

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

The temporary rule is to implement legislative intent language passed by the 2015 Legislature for Healthcare Policy Initiatives and confers a benefit.

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

This rulemaking has no fiscal impact 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 or temporary rule, contact Cindy Brock at (208) 364-1983.

DATED this 25th Day of November, 2015.

Tamara Prisock
DHW - Administrative Rules Unit
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DOCKET NO. 16-0309-1502 - ADOPTION OF PENDING 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,
Vol. 15-10, pages 275 through 289.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2016 Idaho State Legislature.

Additionally, this rule has been adopted as a temporary rule and is effective February 1, 2016.

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

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE AND TEMPORARY RULE
FOR DOCKET NO. 16-0309-1502**

210. CONDITIONS FOR PAYMENT.

01. Participant Eligibility. The Department will reimburse providers for medical care and services, regardless of the current eligibility status of the medical assistance participant in the month of payment, provided a complete and properly submitted claim for payment has been received and each of the following conditions are met: (3-20-14)

a. The participant was found eligible for medical assistance for the month, day, and year during which the medical care and services were rendered; (3-30-07)

b. The participant received such medical care and services no earlier than the third month before the month in which application was made on such participant's behalf; and (3-30-07)

c. The provider verified the participant's eligibility on the date the service was rendered and can provide proof of the eligibility verification. (3-20-14)

d. Not more than twelve (12) months have elapsed since the month of the latest participant services for which such payment is being made. Medicare cross-over claims are excluded from the twelve (12) month submittal limitation. (3-30-07)

02. Time Limits. The time limit set forth in Subsection 210.01.d. of this rule does not apply with respect to retroactive eligibility adjustment. When participant eligibility is determined retroactively, the Department will reimburse providers for services within the period of retroactive eligibility if a claim for those services is submitted within twelve (12) months of the date of the participant's eligibility determination. (3-20-14)

03. Acceptance of State Payment. By participating in the Medical Assistance Program, providers agree to accept, as payment in full, the amounts paid by the Department for services to Medicaid participants. Providers also agree to provide all materials and services without unlawfully discriminating on the grounds of race, age, sex, creed, color, national origin, or physical or intellectual disability. (3-30-07)

04. Payment in Full. If a provider accepts Medicaid payment for a covered service, the Medicaid

payment must be accepted as full payment for that service, and the participant cannot be billed for the difference between the billed amount and the Medicaid allowed amount. (3-30-07)

05. Medical Care Provided Outside the State of Idaho. Out-of-state medical care is subject to the same utilization review and other Medicaid coverage requirements and restrictions as medical care received within the state of Idaho. (3-30-07)

06. Ordering, Prescribing, and Referring Providers. Any service or supply ordered, prescribed, or referred by a physician or other professional who is not an enrolled Medicaid provider will not be reimbursed by the Department. (3-20-14)

07. Referral From Participant's Assigned Primary Care Provider. Medicaid services may require a referral from the participant's assigned primary care provider. Services requiring a referral are listed in the Idaho Medicaid Provider Handbook. Services provided without a referral, when one is required, are not covered and are subject to sanctions, recoupment, or both. The Department may change the services that require a referral after appropriate notification of Medicaid-eligible individuals and providers as specified in Section 563 of these rules. (2-1-16)T

08. Follow-up Communication with Assigned Primary Care Provider. Medicaid services may require timely follow-up communication with the participant's assigned primary care provider. Services requiring post-service communication with the primary care provider and time frames for that communication are listed in the Idaho Medicaid Provider Handbook. Services provided without timely communication of care outcomes, when communication is required, are not covered and are subject to sanctions, recoupment, or both. The Department may change the services that require communication of care outcomes after appropriate notification of Medicaid eligible individuals and providers as specified in section 563 of these rules. (2-1-16)T

09. Services Delivered Via Telehealth. Services delivered via telehealth as defined in Title 54, Chapter 57, Idaho Code, must be identified as such in accordance with billing requirements published in the Idaho Medicaid Provider Handbook. Telehealth services billed without being identified as such are not covered. Services delivered via telehealth may be reimbursed within limitations defined by the Department in the Idaho Medicaid Provider Handbook. Fee for service reimbursement is not available for a telephone conversation, electronic mail message (e-mail), or facsimile transmission (fax) between a physician and a participant. (2-1-16)T

(BREAK IN CONTINUITY OF SECTIONS)

[Section 230 is being added to the Pending and Temporary rule for clarification]

230. GENERAL PAYMENT PROCEDURES.

01. Provided Services. (3-30-07)

a. Each participant may consult a participating physician or provider of his choice for care and receive covered services by presenting his identification card to the provider, subject to restrictions imposed by participation in Healthy Connections or enrollment in a Prepaid Ambulatory Health Plan (PAHP). (3-20-14)

b. The provider must obtain the required information by using the Medicaid number on the identification card from the Electronic Verification System and transfer the required information onto the appropriate claim form. Where the Electronic Verification System (EVS) indicates that a participant is enrolled in Healthy Connections, the provider must ~~obtain a~~ comply with referral ~~from the primary care provider. Claims for services provided to participant designated as participating in Healthy Connections by other than the primary care provider, without proper referral, will not be paid~~ or follow-up communication requirements defined in Section 210 of these rules. (3-30-07)(2-1-16)T

c. Upon providing the care and services to a participant, the provider or his agent must submit a

properly completed claim to the Department. (3-30-07)

d. The Department is to process each claim received and make payment directly to the provider. (3-30-07)

e. The Department will not supply claim forms. Forms needed to comply with the Department's unique billing requirements are included in Appendix D of the Idaho Medicaid Provider Handbook. (3-30-07)

02. Individual Provider Reimbursement. The Department will not pay the individual provider more than the lowest of: (3-30-07)

a. The provider's actual charge for service; or (3-30-07)

b. The maximum allowable charge for the service as established by the Department on its pricing file, if the service or item does not have a specific price on file, the provider must submit documentation to the Department and reimbursement will be based on the documentation; or (3-30-07)

c. The Medicaid-allowed amount minus the Medicare payment or the Medicare co-insurance and deductible amounts added together when a participant has both Medicare and Medicaid. (3-30-07)

03. Services Normally Billed Directly to the Patient. If a provider delivers services and it is customary for the provider to bill patients directly for such services, the provider must complete the appropriate claim form and submit it to the Department. (3-30-07)

04. Reimbursement for Other Noninstitutional Services. The Department will reimburse for all noninstitutional services which are not included in other Idaho Department of Health and Welfare Rules, but allowed under Idaho's Medical Assistance Program according to the provisions of 42 CFR Section 447.325. (3-30-07)

05. Review of Records. (3-30-07)

a. The Department, or its duly authorized agent, the U.S. Department of Health and Human Services, and the Bureau of Audits and Investigations have the right to review pertinent records of providers receiving Medicaid reimbursement for covered services. (3-30-07)

b. The review of participants' medical and financial records must be conducted for the purposes of determining: (3-30-07)

i. The necessity for the care; or (3-30-07)

ii. That treatment was rendered in accordance with accepted medical standards of practice; or (3-30-07)

iii. That charges were not in excess of the provider's usual and customary rates; or (3-30-07)

iv. That fraudulent or abusive treatment and billing practices are not taking place. (3-30-07)

c. Refusal of a provider to permit the Department to review records pertinent to medical assistance will constitute grounds for: (3-30-07)

i. Withholding payments to the provider until access to the requested information is granted; or (3-30-07)

ii. Suspending the provider's number. (3-30-07)

06. Lower of Cost or Charges. Payment to providers, other than public providers furnishing such services free of charge or at nominal charges to the public, is the lesser of the reasonable cost of such services or the customary charges with respect to such services. Public providers that furnish services free of charge or at a nominal

charge are reimbursed fair compensation which is the same as reasonable cost. (3-30-07)

07. Procedures for Medicare Cross-Over Claims. (3-30-07)

a. If a medical assistance participant is eligible for Medicare, the provider must first bill Medicare for the services rendered to the participant. (3-30-07)

b. If a provider accepts a Medicare assignment, the Department will pay the provider for the services, up to the Medicaid allowable amount minus the Medicare payment, and forward the payment to the provider automatically based upon the Medicare Summary Notice (MSN) information on the computer tape which is received from the Medicare Part B Carrier on a weekly basis. (3-30-07)

c. If a provider does not accept a Medicare assignment, a MSN must be attached to the appropriate claim form and submitted to the Department. The Department will pay the provider for the services, up to the Medicaid allowable amount minus the Medicare payment. (3-30-07)

d. For all other services, a MSN must be attached to the appropriate claim form and submitted to the Department. The Department will pay the provider for the services up to the Medicaid allowable amount minus the Medicare payment. (3-30-07)

08. Services Reimbursable After the Appeals Process. Reimbursement for services originally identified by the Department as not medically necessary will be made if such decision is reversed by the appeals process required in IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

399. COVERED SERVICES UNDER BASIC PLAN BENEFITS.

Individuals who are eligible for Medicaid Basic Plan Benefits are eligible for the following benefits, subject to the coverage limitations contained in these rules. Those individuals eligible for services under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," are also eligible for the services covered under this chapter of rules, unless specifically exempted. (5-8-09)

01. Hospital Services. The range of hospital services covered is described in Sections 400 through 449 of these rules. (5-8-09)

a. Inpatient Hospital Services are described in Sections 400 through 406. (3-30-07)

b. Outpatient Hospital Services are described in Sections 410 through 416. (3-30-07)

c. Reconstructive Surgery services are described in Sections 420 through 426. (3-30-07)

d. Surgical procedures for weight loss are described in Sections 430 through 436. (3-30-07)

e. Investigational procedures or treatments are described in Sections 440 through 446. (3-30-07)

02. Ambulatory Surgical Centers. Ambulatory Surgical Center services are described in Sections 450 through 499 of these rules. (5-8-09)

03. Physician Services and Abortion Procedures. Physician services and abortion procedures are described in Sections 500 through 519 of these rules. (5-8-09)

a. Physician services are described in Sections 500 through 506. (3-30-07)

b. Abortion procedures are described in Sections 510 through 516. (3-30-07)

- 04. Other Practitioner Services.** Other practitioner services are described in Sections 520 through 559 of these rules. (5-8-09)
- a.** Midlevel practitioner services are described in Sections 520 through 526. (3-30-07)
 - b.** Chiropractic services are described in Sections 530 through 536. (3-30-07)
 - c.** Podiatrist services are described in Sections 540 through 545. (3-29-12)
 - d.** Licensed midwife (LM) services are described in Sections 546 through 552. (3-29-12)
 - e.** Optometrist services are described in Sections 553 through 556. (3-29-12)
- 05. Primary Care Case Management.** Primary care case management services are described in Sections 560 through 579 of these rules. (5-8-09)
- a.** Healthy Connections services are described in Sections 560 through 566. (4-4-13)
 - b.** ~~Health Home services are described in Sections 570 through 576. (4-4-13)~~
- 06. Prevention Services.** The range of prevention services covered is described in Sections 580 through 649 of these rules. (4-4-13)
- a.** Child Wellness Services are described in Sections 580 through 586. (3-30-07)
 - b.** Adult Physical Services are described in Sections 590 through 596. (3-30-07)
 - c.** Screening mammography services are described in Sections 600 through 606. (3-30-07)
 - d.** Diagnostic Screening Clinic services are described in Sections 610 through 614. (4-4-13)
 - e.** Additional Assessment and Evaluation services are described in Section 615. (4-4-13)
 - f.** Health Questionnaire Assessment is described in Section 618. (4-4-13)
 - g.** Preventive Health Assistance benefits are described in Sections 620 through 626. (5-8-09)
 - h.** Nutritional services are described in Sections 630 through 636. (3-30-07)
 - i.** Diabetes Education and Training services are described in Sections 640 through 646. (3-30-07)
- 07. Laboratory and Radiology Services.** Laboratory and radiology services are described in Sections 650 through 659 of these rules. (5-8-09)
- 08. Prescription Drugs.** Prescription drug services are described in Sections 660 through 679 of these rules. (5-8-09)
- 09. Family Planning.** Family planning services are described in Sections 680 through 689 of these rules. (5-8-09)
- 10. Outpatient Behavioral Health Services.** Community-based outpatient services for behavioral health treatment are described in Sections 707 through 711 of these rules. (3-20-14)
- 11. Inpatient Psychiatric Hospital Services.** Inpatient Psychiatric Hospital services are described in Sections 700 through 706. (3-20-14)

12. **Home Health Services.** Home health services are described in Sections 720 through 729 of these rules. (5-8-09)
13. **Therapy Services.** Occupational therapy, physical therapy, and speech-language pathology services are described in Sections 730 through 739 of these rules. (5-8-09)
14. **Audiology Services.** Audiology services are described in Sections 740 through 749 of these rules. (5-8-09)
15. **Durable Medical Equipment and Supplies.** The range of covered durable medical equipment and supplies is described in Sections 750 through 779 of these rules. (5-8-09)
- a. Durable Medical Equipment and supplies are described in Sections 750 through 756. (3-30-07)
- b. Oxygen and related equipment and supplies are described in Sections 760 through 766. (3-30-07)
- c. Prosthetic and orthotic services are described in Sections 770 through 776. (3-30-07)
16. **Vision Services.** Vision services are described in Sections 780 through 789 of these rules. (5-8-09)
17. **Dental Services.** The dental services covered under the Basic Plan are covered under a selective contract as described in Section 800 through 819 of these rules. (3-29-12)
18. **Essential Providers.** The range of covered essential services is described in Sections 820 through 859 of these rules. (5-8-09)
- a. Rural health clinic services are described in Sections 820 through 826. (3-30-07)
- b. Federally Qualified Health Center services are described in Sections 830 through 836. (3-30-07)
- c. Indian Health Services Clinic services are described in Sections 840 through 846. (3-30-07)
- d. School-Based services are described in Sections 850 through 857. (3-20-14)
19. **Transportation.** The range of covered transportation services is described in Sections 860 through 879 of these rules. (5-8-09)
- a. Emergency transportation services are described in Sections 860 through 866. (3-30-07)
- b. Non-emergency medical transportation services are described in Sections 870 through 876. (4-4-13)
20. **EPSDT Services.** EPSDT services are described in Sections 880 through 889 of these rules. (5-8-09)
21. **Specific Pregnancy-Related Services.** Specific pregnancy-related services are described in Sections 890 through 899 of these rules. (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

413. OUTPATIENT HOSPITAL SERVICES: PROCEDURAL REQUIREMENTS.

01. Review Prior to Delivery of Outpatient Services. Failure to obtain a timely review from the Department or its quality improvement organization (QIO) prior to delivery of outpatient services, listed on the select procedure and diagnosis list in the QIO Idaho Medicaid Providers Manual and the Hospital Provider Handbook, as

amended, for participants who are eligible at the time of service, will result in a retrospective review. The Department will assess a late review penalty, as outlined in Subsection 405.05 of these rules, when a review is conducted due to an untimely request. (4-4-13)

02. Follow-Up for Emergency Room Patients ~~with Chronic Conditions~~. Hospitals must establish procedures to refer Medicaid participants ~~with targeted chronic diseases defined in Section 560 of these rules~~ who are ~~not enrolled in Healthy Connections~~ to an Idaho Medicaid Healthy ~~Home Connections~~ provider, if one is available within a reasonable distance of the participant's residence. Hospitals must coordinate care of patients who already have a Healthy ~~Home Connections~~ provider with that PCP. ~~(4-4-13)~~(2-1-16)T

(BREAK IN CONTINUITY OF SECTIONS)

500. PHYSICIAN SERVICES: DEFINITIONS.

01. Physician Services. Physician services include the treatment of medical and surgical conditions by doctors of medicine or osteopathy subject to the limitations of practice imposed by state law, and to the restrictions and exclusions of coverage contained in Section 390 and Subsection 502.01 of these rules. Physician services as defined in Subsection 500.01 of this rule will be reimbursed by the Department. (5-8-09)

02. ~~Psychiatric Telehealth.~~ ~~Psychiatric Telehealth is an electronic real-time synchronous audio-visual contact between a physician and participant related to the treatment of the participant. The participant is in one (1) location, called the hub site, with specialized equipment including a video camera and monitor, and with the hosting provider. The physician is at another location, called the spoke site, with specialized equipment. The physician and participant interact as if they were having a face-to-face service. This rule does not apply to outpatient behavioral health services provided through the Idaho Behavioral Health Plan (IBHP) that are delivered via telehealth methods as defined in Title 54, Chapter 57, Idaho Code.~~ ~~(3-20-14)~~(2-1-16)T

501. (RESERVED)

502. PHYSICIAN SERVICES: COVERAGE AND LIMITATIONS.

01. Outpatient Psychiatric Mental Health Services. Physician services not provided through the IBHP as outpatient psychiatric mental health services are limited to twelve (12) hours of psychiatric evaluations per eligible participant in any twelve (12) month period; and any combination of individual or group psychotherapy services provided by a physician up to a maximum of forty-five (45) hours of service in the consecutive twelve (12) months period beginning with the first such service. (3-20-14)

02. Sterilization Procedures. Particular restrictions pertaining to payment for sterilization procedures are contained in Sections 680 through 686 of these rules. (3-30-07)

03. Abortions. Restrictions governing payment for abortions are contained in Sections 511 through 514 of these rules. (3-30-07)

04. Tonometry. Payment for tonometry is limited to one (1) examination for individuals over the age of forty (40) years during any twelve (12) month period (in addition to tonometry as a component of examination to determine visual acuity). In the event examination to determine visual acuity is not done, two (2) tonometry examinations per twelve (12) month period are allowed participants over the age of forty (40). This limitation does not apply to participants receiving continuing treatment for glaucoma. (3-30-07)

05. Physical Therapy Services. Payment for physical therapy services performed in the physician's office is limited to those services which are described and supported by the diagnosis. (3-30-07)

06. Injectable Vitamins. Payment for allowable injectable vitamins will be allowed when supported by the diagnosis. Injectable vitamin therapy is limited to Vitamin B12 (and analogues), Vitamin K (and analogues), folic acid, and mixtures consisting of Vitamin B12, folic acid, and iron salts in any combination. (3-30-07)

07. **Corneal Transplants and Kidney Transplants.** Corneal transplants and kidney transplants are covered by the Medical Assistance Program. (3-30-07)

08. **Psychiatric Telehealth.** ~~Payment for psychiatric Synchronous interaction telehealth services not provided through the IBHP is limited to psychiatric services for diagnostic assessments, pharmacological management, and psychotherapy with evaluation and management services twenty (20) to thirty (30) minutes in duration. Reimbursement is not available for a telephone conversation, electronic mail message (e-mail), or facsimile transmission (fax) between a physician and a participant. Service will not be reimbursed when provided via a videophone or webcam.~~ encounters, delivered as defined in Title 54, Chapter 57, Idaho Code, are reimbursable as follows: (3-20-14)(2-1-16)T

a. Physician services delivered via telehealth are subject to primary care provider communication requirements in Section 210 of these rules. The Department will define limitations for telehealth in the Idaho Medicaid Provider Handbook to promote quality services and program integrity. (2-1-16)T

b. Fee for service reimbursement is not available for a telephone conversation, electronic mail message (e-mail), or facsimile transmission (fax) between a physician and a participant. (2-1-16)T

(BREAK IN CONTINUITY OF SECTIONS)

560. HEALTHY CONNECTIONS ~~AND IDAHO MEDICAID HEALTH HOME~~: DEFINITIONS.

Healthy Connections is a primary care case management program in which a primary care provider or team provides comprehensive medical care for participants with the goal of improving health outcomes. For purposes of this Sub Area that includes Sections 560 through 579~~66~~ of these rules, the following terms and definitions apply:

(4-4-13)(2-1-16)T

~~01. **Best Practices Protocol.** A regimen of proven, effective and evidence-based practices. (4-2-08)~~

~~02. **Care Plan.** A patient specific document that identifies health care orders for the patient and serves as a guide to care. It can either be written for an individual patient or be retrieved from a computer and individualized. (4-4-13)~~

~~03. **Chronic Disease Management.** The process of applying best practices protocol to manage a chronic disease in order to produce the best health outcomes for a participant with the targeted chronic disease. (4-2-08)~~

01. Capitated Payments. Payments to a primary care provider made on a per assigned participant per month basis for patient services. Capitated payments will vary to reflect the level of responsibility for services the provider elects to provide as described in Section 564 of these rules. Capitated payments may include payment for all provider services at a set rate per participant per month when that type of full-risk reimbursement is agreed to by the provider and the Department. (2-1-16)T

042. Clinic. Two (2) or more qualified medical professionals who provide services jointly through an organization for which an individual is given authority to act on its behalf. It also includes Federally Qualified Health Centers (FQHCs), Certified Rural Health Clinics, and Indian Health Clinics. (3-30-07)

~~05. **Covered Services.** Those medical services and supplies for which reimbursement is available under the State Plan. (3-30-07)~~

063. Grievance. The formal process by which problems and complaints related to Healthy Connections are addressed and resolved. Grievance decisions may be appealed as provided herein. (3-30-07)

~~07. **Health Home.** A primary care provider organization contracted with Medicaid to lead a team approach for chronic disease management. The Health Home provides comprehensive patient centered care~~

~~management and health promotion services to patients with chronic conditions in accordance with the requirements described in section 560 through 579 of these rules and Section 1945 of the Social Security Act. (4-4-13)~~

~~08. **Health Information Technology.** Electronic tools utilized to securely exchange or manage health information between two or more entities. (4-4-13)~~

~~09. **Healthy Connections.** The provision of health care services through a single point of entry for the purposes of managing participant care with an emphasis on preventative and primary care and reducing inappropriate utilization of services and resulting costs. This is sometimes referred to as managed care. Healthy Connections is a primary care case management model. (4-2-08)~~

~~10. **Individual or Family Supports.** Community based social supports or recovery services available to assist individuals or families in need. (4-4-13)~~

~~11. **National Committee for Quality Assurance (NCQA).** Accrediting organization which develops health care performance measurements and provides certifications of quality to health care providers. (4-4-13)~~

04. **Patient-Centered Medical Home.** A model of primary care that is patient-centered, comprehensive, team-based, coordinated, accessible, and focused on quality and safety. This results in primary care being delivered at the right place, at the right time, and in the manner that best suits a patient's needs. (2-1-16)T

~~1205. **Preventive Care.** Medical care that focuses on disease prevention and health maintenance. (4-4-13)~~

~~1306. **Primary Care Case Management.** ~~The process~~ A model of care in which ~~a~~ primary care providers is and their primary care team are responsible for direct care of a participant, and for coordinating ~~and controlling~~ access to ~~or initiating and/or supervising other health care services needed by the participant~~ that improve the health of the participant. (4-2-08)(2-1-16)T~~

~~1407. **Primary Care Provider (PCP).** A ~~qualified medical professional~~ physician, physician assistant, or advanced practice registered nurse as defined in IDAPA 23.01.01, "Rules of the Idaho Board of Nursing," who contracts with Medicaid to coordinate and manage the care of ~~certain~~ participants enrolled in the Healthy Connections program. (4-4-13)(2-1-16)T~~

08. **Primary Care Team.** A multidisciplinary team of health care providers who work together to meet the physical, emotional, and psychological needs of their patients using a patient-centered and coordinated approach. (2-1-16)T

~~15. **Qualified Medical Professional.** A duly licensed physician in the following specialties: Pediatrics, Internal Medicine, Family Practice, General Practice, General Surgery, Obstetrics/Gynecology, or a physician in any other specialty who chooses to assume the function of primary care case management. It also includes nurse practitioners, and physician assistants. Licenses must be held in the state(s) where services are being rendered. (3-30-07)~~

~~16. **Quality Improvement Program.** A program of organized, ongoing, and systematic efforts to improve and assess the quality of care within a primary care provider practice or organization. (4-4-13)~~

~~17. **Quality Measures.** A measure of health care performance based on specified dimensions of care and service. (4-4-13)~~

~~1809. **Referral.** A documented communication from a participant's primary care provider (PCP) to another Medicaid provider authorizing specific covered services subject to primary care case management that are not provided by the participant's PCP. (4-4-13)~~

~~19. **Risk Factor.** A characteristic, condition, or behavior that increases the possibility of disease or injury. (4-4-13)~~

~~20. Targeted Chronic Disease. A disease identified by the Department for management under the Idaho Medicaid Health Home program. Specific conditions are identified in the Medicaid Provider Handbook available at www.idmedicaid.com. (4-4-13)~~

~~210. Transitional Care. The care or services provided by a health care provider~~ A set of actions designed to ensure the coordination and continuity of health care of the as patients as they move transfer between health different locations or different levels of care settings or between healthcare providers within the same location. (4-4-13)(2-1-16)T

(BREAK IN CONTINUITY OF SECTIONS)

562. HEALTHY CONNECTIONS: ~~COVERAGE AND LIMITATIONS~~ PRIMARY CARE SERVICES.

~~01. Exempted Eligible Services. All services are subject to primary care case management unless specifically exempted. The following services are exempt~~ Participants enrolled with a primary care provider (PCP) are eligible to receive: (3-30-07)(2-1-16)T

- ~~a. Family planning services~~ Basic care management and care coordination; (3-30-07)(2-1-16)T
- ~~b. Treatment for emergency medical conditions defined in Subsection 010.23 of these rules~~ Timely access to routine primary care; and (4-4-13)(2-1-16)T
- ~~c. Hospital admissions subsequent to an emergency room visit provided that the patient's discharge is coordinated with a PCP~~ A patient-centered health care decision making process; (4-4-13)(2-1-16)T
- ~~d. Dental care~~ Twenty-four (24) hour, seven (7) days per week access to an on-call medical professional; and (4-2-08)(2-1-16)T
- ~~e. Podiatry (performed in the office);~~ Referral to other medically necessary services as specified in Section 210 of these rules, based on the clinical judgement of their primary care provider. (3-30-07)(2-1-16)T
- ~~f. Audiology (hearing tests or screening, does not include ear/nose/throat services);~~ (3-30-07)
- ~~g. Optical/Ophthalmology/Optomist services (performed in the office);~~ (3-30-07)
- ~~h. Chiropractic (performed in the office);~~ (3-30-07)
- ~~i. Pharmacy (prescription drugs only);~~ (3-30-07)
- ~~j. Nursing home;~~ (3-30-07)
- ~~k. ICF/ID services;~~ (3-30-07)
- ~~l. Immunizations (not requiring an office visit);~~ (4-2-08)
- ~~m. Flu shots and/or pneumococcal vaccine (not requiring an office visit);~~ (3-30-07)
- ~~n. Diagnosis and/or treatment for sexually transmitted diseases;~~ (3-30-07)
- ~~o. One screening mammography per calendar year for women age forty (40) or older;~~ (3-30-07)
- ~~p. Indian Health Clinic/638 Clinic services provided to individuals eligible for Indian Health Services;~~ (4-2-08)
- ~~q. In-home services, known as Personal Care Services and Personal Care Services Case~~

Management;	(4-2-08)
• Laboratory services, including pathology;	(4-2-08)
• Anesthesiology services;	(3-29-12)
• Radiology services;	(4-4-13)
• Services rendered at an Urgent Care Clinic when the participant's PCP's office is closed;	(4-4-13)
• School based services;	(4-4-13)
• Services managed directly by the Department, as defined in the provider handbook for those services at www.idmedicaid.com; and	(4-4-13)
• Pregnancy related services provided by an obstetrician or gynecologist not enrolled as a Healthy Connections provider.	(4-4-13)

02. ~~Change in Services That Require a Referral~~ **Primary Care Provider.** ~~The Department may change the services that require a referral after appropriate notification of Medicaid eligible individuals and providers. Participants may change their primary care provider at any time by contacting Healthy Connections staff.~~ ~~(3-30-07)(2-1-16)T~~

563. HEALTHY CONNECTIONS: PROCEDURAL REQUIREMENTS.

01. ~~Primary Care Case Management.~~ ~~Under the Healthy Connections model of managed care, each participant obtains medical services through a PCP. This provider either provides the needed service, or makes a referral for needed services. This management function neither reduces nor expands the scope of covered services.~~ **Changes to Requirements.** ~~The Department will provide sixty (60) day notice of any substantive and significant changes to requirements for referrals, primary care provider reimbursement, as specified in Section 565 of these rules, or provider duties on its website and provider portal. The Department will provide a method to allow providers to provide input and comment on proposed changes.~~ ~~(4-2-08)(2-1-16)T~~

~~a. Referrals. The primary care provider is responsible for making all reasonable efforts to monitor and manage the participant's care, providing primary care services, and making referrals for services when medically necessary. All services not specifically exempted in Section 562 of these rules require receipt of a referral prior to delivery of services. Services that require a referral, but are provided without a referral are not covered. All referrals must be documented in the participant's patient record.~~ ~~(4-4-13)~~

~~b. Changing PCP. If a participant is dissatisfied with his PCP, he may change providers by contacting his designated Healthy Connections Representative at least ten (10) days prior to the end of the month. The change is effective the first day of the following month. This advance notice requirement may be waived by the Department.~~ ~~(4-4-13)~~

~~c. Changing Service Areas. A participant who moves from the area where he is enrolled must contact his designated Healthy Connections Representative to disenroll from his current PCP and enroll with a new PCP in the area where moving. Enrollment with the new PCP is effective the first day of the month following the request.~~ ~~(4-4-13)~~

02. Problem Resolution. (3-30-07)

a. To help assure the success of Healthy Connections, the Department provides a mechanism for timely and personal attention to problems and complaints related to the program. (4-4-13)

b. To facilitate problem resolution, the Department will have a designated representative who will receive and attempt to resolve all complaints and problems related to the program and function as a liaison between participants and providers. It is anticipated that most problems and complaints will be resolved informally at this

level. (4-4-13)

c. A participant or a provider may register a complaint or notify the Department of a problem related to Healthy Connections either in writing, electronically, or by telephone to the designated representative. The designated representative will attempt to resolve conflicts and disputes whenever possible and refer the complainant to alternative forums where appropriate. (4-4-13)

d. If a participant or provider is not satisfied with the resolution of a problem or complaint addressed by the designated representative, he may file a formal grievance in writing to the representative. The manager of the managed care program may, where appropriate, refer the matter to a review committee designated by the Department to address issues such as quality of care or medical necessity. However, such decisions are not binding on the Department. The Department will respond in writing to grievances within thirty (30) days of receipt. (4-4-13)

e. Decisions in response to grievances may be appealed. Appeals are governed by the requirements of IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings," and must be filed according to the provisions of that chapter. (4-4-13)

564. HEALTHY CONNECTIONS: PROVIDER QUALIFICATIONS AND DUTIES.

~~01. Provider Participation Qualifications. Primary care case management services may be provided by qualified medical professionals, licensed to practice in the state where services are being rendered. **Primary Care Providers.** Primary care services may be provided by enrolled physicians, physician assistants, advanced practice registered nurses, and by care teams under those providers' direction. (3-30-07)(2-1-16)T~~

~~02. Provider Duties. All Healthy Connections providers are responsible for delivering the services listed in Section 562 of these rules. (2-1-16)T~~

~~03. Additional Services. Healthy Connections providers may also elect to provide specific additional sets of patient-centered medical home services in exchange for increased reimbursement as described in Section 565 of these rules. The definition and provision of additional patient-centered medical home services are subject to specific requirements as defined by the Department and described in the Idaho Medicaid Provider Handbook and individual provider agreements with the Department. Additional services may include: (2-1-16)T~~

~~a. Connection to the Idaho Health Data Exchange; (2-1-16)T~~

~~b. Maintaining third-party patient-centered medical home recognition or certification; (2-1-16)T~~

~~c. Expanded patient access to services; (2-1-16)T~~

~~d. Provision of an evidence-based primary care service model that enables improved patient health outcomes; (2-1-16)T~~

~~e. Reporting clinical data to the Department to allow for assessment of provider abilities and impact of their services on patient health outcomes; (2-1-16)T~~

~~f. Coordination of transitions of care between health care settings; (2-1-16)T~~

~~g. Integration of behavioral health services; and (2-1-16)T~~

~~h. Other indicators of improved patient health outcomes associated with primary care provider abilities. (2-1-16)T~~

~~024. **Provider Participation Conditions and Restrictions.** (3-30-07)~~

~~a. Quality of Services. Each provider must: (4-4-13)~~

~~i. Maintain and provide services in accordance with community standards of care; (4-4-13)~~

- ~~ii. Exercise his best efforts to effectively control utilization of services; and (4-4-13)~~
- ~~iii. Provide twenty-four (24) hour coverage by telephone to assure participant access to services. (4-4-13)~~
- ba.** Provider Agreements. Each independent provider or provider organization participating in primary care case management must: (4-4-13)
- i. Sign an agreement; (4-4-13)
- ii. Enroll with the Department all primary care providers and all clinic locations participating in the Healthy Connections program; and (4-4-13)
- iii. ~~Sign an addendum to the primary care case management provider agreement when participating in the Idaho Medicaid Health Home program~~ Complete pre-enrollment requirements for participation in the Healthy Connections program as defined by the Department in the Idaho Medicaid Provider Handbook. (4-4-13)(2-1-16)T
- eb.** Patient Limits. A provider may limit the number of participants he manages. Subject to this limit, the provider must accept all participants who either elect or are assigned to the provider, unless disenrolled in accordance with Subsection 564.02.d. of this rule. A provider may change the participant limit effective the first day of any month. The provider must make the request in writing to the Department thirty (30) days prior to the effective date of the change. ~~This advance notice requirement may be waived by the Department.~~ (4-4-13)(2-1-16)T
- ec.** Disenrollment. When the provider-patient relationship breaks down due to failure of the participant to follow the care plan or for other reasons, a provider may choose to withdraw as the participant's primary care provider effective the first day of any month. The PCP must notify in writing, both the participant and the Department thirty (30) days prior to the date of withdrawal. This advance notice requirement may be waived by the Department. (4-4-13)
- ed.** Record Retention. Each provider must: (4-4-13)
- i. Retain patient and financial records and provide the Department access to those records for a minimum of six (6) years from the date of service; (4-4-13)
- ii. Upon the reassignment of a participant to another PCP, the provider must transfer (if a request is made) a copy of the patient's medical record to the new PCP; and (4-4-13)
- iii. Disclose information required by Subsection 205.01 of these rules, when applicable. (4-4-13)
- fe.** Termination or Amendment of Provider Agreements. The Department may terminate a provider's agreement as provided in Subsection 205.03 of these rules. An agreement may be amended for the same reasons. (3-30-07)

565. HEALTHY CONNECTIONS: PROVIDER REIMBURSEMENT.

- ~~**01- Case Management Fee. Reimbursement is as follows:- (4-2-08)**~~
- ~~**a- A PCP is paid a case management fee for primary care case management services based on the level of each participant's health care needs. (4-4-13)**~~
- ~~**b- A PCP enrolled in the Idaho Medicaid Health Home program is paid a chronic disease case management fee. (4-4-13)**~~
- ~~**e- The amount of the fee is determined by the Department. (4-4-13)**~~
- ~~**d- The amount of the fee is fixed and the same for all participating PCPs. (4-2-08)**~~

01. **Capitated Payments.** Healthy Connections providers are compensated for their patient care services on a per participant per month basis. (2-1-16)T

~~02. **Primary Care Case Management Reimbursement is based on:**~~ (3-29-12)

~~a. The number of participants enrolled with the provider on the first day of each month multiplied by the amount of the case management fee established for participants enrolled in the Basic Plan Benefit package;~~ (4-4-13)

~~b. The number of participants enrolled with the provider on the first day of each month, multiplied by the amount of the case management fee established for participants enrolled in the Enhanced Plan Benefit package; and~~ (4-4-13)

~~c. An incentive payment is added per participant to the primary care case management fee in Subsection 565.01.a. of this rule when the PCP offers extended hours of service in one (1) of the following ways:~~ (4-4-13)

~~i. The number of hours the PCP's office is available for delivery of service to participants equals or exceeds forty six (46) hours per week. The extended hours must be verified by and on file with the Department prior to an increase to the monthly case management fee; or~~ (4-4-13)

~~ii. The PCP has electronic health records available and accessible for delivery of services at a nearby service location that is within the same Healthy Connections provider organization and makes services available to the participant at least forty six (46) hours per week. The alternate location and extended hours must be verified by and on file with the Department prior to an increase to the monthly case management fee.~~ (4-4-13)

~~d. The number of participants enrolled with an Idaho Medicaid Health Home provider on the first day of the month for services described in Section 572 these rules, multiplied by the case management fee established per participant enrolled in that program.~~ (4-4-13)

02. **Capitated Payment Amounts.** Capitated payment amounts are determined by the Department and reflect the complexity of the patient's health combined with the provider's ability to impact patient health outcomes. This monthly payment to a provider is based on the number of participants assigned to the provider on the first day of each month. (2-1-16)T

03. **Advanced Practice Registered Nurse Telehealth Services.** Services provided via telehealth by advanced practice registered nurse enrolled as Healthy Connections providers will be reimbursed within the limitations defined by the Department for telehealth services in the Idaho Medicaid Provider Handbook. Fee for service reimbursement is not available for a telephone conversation, electronic mail message (e-mail), or facsimile transmission (fax) between an advanced practice registered nurse and a participant. (2-1-16)T

(BREAK IN CONTINUITY OF SECTIONS)

~~567.—569. (RESERVED)~~

SUB-AREA: PREVENTION SERVICES
(Sections 570—649)

~~570. **IDAHO MEDICAID HEALTH HOME: DEFINITIONS.**~~

~~For purposes of the Idaho Medicaid Health Home program, the terms and definitions in Section 560 of these rules apply.~~ (4-4-13)

~~571. **IDAHO MEDICAID HEALTH HOME: PARTICIPANT ELIGIBILITY.**~~

~~01. Eligibility. A Medicaid participant diagnosed with two (2) targeted chronic diseases, or one (1) targeted chronic disease and one (1) or more risk factors is eligible for enrollment in the Idaho Medicaid Health Home program. (4-4-13)~~

~~02. Eligibility Determination. A participant who meets the diagnostic criteria for health home eligibility is identified by the PCP to the Department. The Department will utilize claims data and other documentation as needed to verify the participant is eligible for Idaho Medicaid Health Home services. (4-4-13)~~

~~572. IDAHO MEDICAID HEALTH HOME: COVERAGE AND LIMITATIONS. The following services are covered for an eligible participant assigned to a Health Home provider: (4-4-13)~~

~~01. Comprehensive Care Management. A Health Home provider must develop and implement a patient-centered care plan based on an individual's health risk assessment. The care plan must describe how the Health Home provider will coordinate clinical care with other providers as well as non-clinical health care related needs and services. (4-4-13)~~

~~02. Care Coordination and Health Promotion. A Health Home provider must: (4-4-13)~~

~~a. Coordinate the participant's care by sharing clinical information relevant to patient care with other providers; (4-4-13)~~

~~b. Provide educational information and information about health care resources to the participant; (4-4-13)~~

~~c. Have ongoing communication with the participant to encourage compliance with prescribed treatment; and (4-4-13)~~

~~d. Provide other activities necessary to facilitate improved health outcomes for the participant. (4-4-13)~~

~~03. Comprehensive Transitional Care. A Health Home provider must: (4-4-13)~~

~~a. Receive relevant medical information from and share relevant medical information with emergency rooms and inpatient facilities to foster a coordinated approach to preventing avoidable readmissions; and (4-4-13)~~

~~b. Review and update care plans after unplanned admissions to adjust care coordination and management activities to address identifiable causes for the admission. (4-4-13)~~

~~04. Individual, Family, Community, and Social Support Services. A Health Home provider must: (4-4-13)~~

~~a. Coordinate care in a manner that effectively utilizes available individual and family supports to improve and maintain the health of the participant; and (4-4-13)~~

~~b. Provide information on available community and social support services that aid in promoting healthy behaviors and reducing physical and mental health risk factors. (4-4-13)~~

~~573. IDAHO MEDICAID HEALTH HOME: PROCEDURAL REQUIREMENTS.~~

~~01. Provider Agreement. A Health Home provider must sign an addendum to the primary care case management provider agreement which identifies the location of the Health Home and other requirements necessary to meet the Health Home service requirements in these rules. (4-4-13)~~

~~02. Data Reporting. Health Home providers must report data to the Department on a periodic basis in keeping with schedules outlined in the provider handbook and the terms of the Health Homes provider agreement. (4-4-13)~~

~~03. **Quality Improvement Program.** A provider must establish a continuous quality improvement program directed towards improving care for patients with chronic conditions. (4-4-13)~~

~~574. **IDAHO MEDICAID HEALTH HOME: PROVIDER QUALIFICATIONS AND DUTIES.**~~

~~01. **Provider Infrastructure and Health Home Assessment.** A prospective Health Home provider must complete a Health Home practice assessment in cooperation with the Department to determine the ability of the provider to provide the required services in keeping with a patient centered medical home model. This assessment must demonstrate that the provider; (4-4-13)~~

~~a. Has identified the qualified medical and mental health professionals and other resources available to provide Health Home services; (4-4-13)~~

~~b. Has the ability to utilize health information technology to coordinate and facilitate communication of health information and to link to services; (4-4-13)~~

~~c. Is able to submit clinical and practice transformation data within six (6) months of the date the provider agreement is signed; and (4-4-13)~~

~~d. Has a chronic disease patient registry in place within three (3) months of the date the provider agreement is signed. (4-4-13)~~

~~02. **Qualifications.** An Idaho Medicaid Health Home provider must: (4-4-13)~~

~~a. Possess a current NCQA patient centered medical home level one (1) recognition, or demonstrate that the provider is actively pursuing that recognition. A provider that does not achieve this NCQA recognition within two (2) years of the initiation date of their Idaho Medicaid Health Home provider agreement will be terminated as a Health Home provider for non-compliance with the provider agreement; (4-4-13)~~

~~b. Be enrolled as a Healthy Connections primary care provider (PCP); (4-4-13)~~

~~c. Sign an addendum to their primary care provider agreement which identifies the location of the enrolled site and indicates reporting schedule and quality measurement requirements; (4-4-13)~~

~~d. Have qualified medical professionals, licensed to practice in the state where services are being rendered; and (4-4-13)~~

~~e. Maintain office hours that allow enhanced access to care as described in Section 565.02 of these rules. (4-4-13)~~

~~03. **Provider Duties.** A Health Home provider must provide or coordinate the following elements of Health Home services: (4-4-13)~~

~~a. **Care Plan.** Develop a patient centered care plan for each participant that coordinates and integrates both clinical and non-clinical health care related needs and services; (4-4-13)~~

~~b. **Chronic Disease Management.** Provide access to chronic disease management, including self-management support to the participant and the participant's family; (4-4-13)~~

~~c. **Individual, Family, and Community Supports.** Facilitate access to individual, family, and community supports outlined in the provider's agreement. (4-4-13)~~

~~d. **Mental Health & Substance Abuse Services.** Facilitate access to mental health and substance abuse services. (4-4-13)~~

~~e. **Preventive Care.** Coordinate and provide access to preventive and health promotion services, including prevention of mental illness and substance abuse disorders. (4-4-13)~~

~~f. Quality Improvement Program. Establish a continuous quality improvement program and report on quality improvement measures outlined in the provider agreement and the provider handbook. (4-4-13)~~

~~g. Quality of Services. Maintain and provide quality services for each Home Health participant. (4-4-13)~~

~~h. Transitional Care. Coordinate and provide access to comprehensive care management and transitional care from and to inpatient settings and from a pediatric to an adult system of health care. (4-4-13)~~

~~575. (RESERVED)~~

~~576. IDAHO MEDICAID HEALTH HOME: QUALITY ASSURANCE.~~

~~The Department will establish performance measurements to evaluate the effectiveness of the Idaho Medicaid Health Home program through the collection and reporting of quality measures as specified in Section 1945 of the Social Security Act. (4-4-13)~~

~~576~~7. -- 579. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

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

These rule changes are needed to align with and implement new requirements in federal regulations that went into effect March 17, 2014, for Idaho's Home and Community Based Services (HCBS) offered through the State Plan, and under the authority of the HCBS 1915(c) waiver and the 1915(i) State Plan Option. The purpose of the regulations is to enhance participants' opportunity to receive services in the most integrated settings appropriate, and to increase their opportunities for choice and access to the benefits of community living.

New rules pertaining to Home and Community Based Services are being added to this chapter to ensure that participants receiving HCBS live in and receive services in settings that comply with required qualities of settings, service delivery methods, and person-centered planning processes.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 290-343](#).

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

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

This rulemaking has no fiscal impact to the state general fund. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, Stephanie Perry at (208) 364-1878.

DATED this 25th Day of November, 2015.

Tamara Prisock
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DOCKET NO. 16-0310-1501 -- 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, Vol. 15-10, pages 290 through 343.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 16-0310-1501
(Only Those Sections With Amendments Are Shown.)

013. DEFINITIONS: P THROUGH Z.

For the purposes of these rules, the following terms are used as defined below: (3-19-07)

[Proposed Subsection 013.06 has been deleted. Subsequent numbering remains as codified.]

075. ENHANCED PLAN BENEFITS: COVERED SERVICES.

Individuals who are eligible for the Medicaid Enhanced Plan Benefits are eligible for all benefits covered under IDAPA 16.03.09, "Medicaid Basic Plan Benefits." In addition to those benefits, individuals in the enhanced plan are eligible for the following enhanced benefits as provided for in this chapter of rules. (4-11-15)

08. Developmental Disabilities Services. (3-19-07)

[Paragraph 075.08.b.]

eb. Adult Developmental Disabilities Services as described in Sections 507 through 520¹⁹, and 64⁹⁵ through 657, and 700 through 706 of these rules. (~~77-13~~)()

302. PERSONAL CARE SERVICES: ELIGIBILITY.

02. Other Eligibility Requirements. Regional Medicaid Services (RMS) will prior authorize payment for the amount and duration of all services when all of the following conditions are met: (3-19-07)

[Paragraph 302.02.d.]

d. The participant has a plan of care that meets the person-centered planning requirements described in Sections 316 and 317 of these rules. (~~4-2-08~~)()

304. PERSONAL CARE SERVICES: PROCEDURAL REQUIREMENTS.

01. Service Delivery Based on Plan of Care or NSA. All PCS services are provided based on a written plan of care or a negotiated service agreement (NSA). The requirements for the NSA for participants in Residential Care or Assisted Living Facilities are described in IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho." The requirements for the NSA for participants in Certified Family Homes are described in IDAPA 16.03.19, "Rules Governing Certified Family Homes." The Personal Assistance Agency and the participant who lives in his own home are responsible to prepare the plan of care. (3-19-07)

[Paragraph 304.01.d.]

d. The plan of care or NSA must meet the person-centered planning requirements described in Sections 316 and 317 of these rules. ()

04. PCS Record Requirements for a Participant in His Own Home. The PCS records must be maintained on all participants who receive PCS in their own homes or in a PCS Family Alternate Care Home.

[Paragraphs 304.04.c. through f.]

c. Provider Signature. The Plan of Care must be signed by the provider indicating that they will deliver services according to the authorized service plan and consistent with home and community based requirements. ()

ed. Copy Requirement. A copy of the information required in Subsection 304.04 of these rules must be maintained in the participant's home unless the RMS authorizes the information to be kept elsewhere. Failure to maintain this information may result in recovery of funds paid for undocumented services. (3-19-07)()

de. Telephone Tracking System. Agencies may employ a software system that allows personal assistants to register their start and stop times and a list of services by placing a telephone call to the agency system from the participant's home. This system will not take the place of documentation requirements of Subsection 304.04 of these rules. (3-19-07)

~~e.~~ ~~Participant in a Residential or Assisted Living Facility. The PCS record requirements for participants in Residential Care or Assisted Living Facilities are described in IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho."~~ (3-19-07)

~~f.~~ ~~Participant in a Certified Family Home. The PCS record requirements for participants in Certified Family Homes are described in IDAPA 16.03.19, "Rules Governing Certified Family Homes."~~ (3-19-07)

[New Subsection 304.05 through 304.06]

05. PCS Record Requirements for a Participant in a Residential Care or Assisted Living Facility or Certified Family Home. The PCS records must be maintained on all participants who receive PCS in a Residential Care or Assisted Living Facility or Certified Family Home. ()

a. Participant in a Residential Care or Assisted Living Facility. The additional PCS record requirements for participants in Residential Care or Assisted Living Facilities are described in IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho." ()

b. Participant in a Certified Family Home. The additional PCS record requirements for participants

in Certified Family Homes are described in IDAPA 16.03.19, "Rules Governing Certified Family Homes." ()

c. Participant's Signature. The participant or legal guardian must sign the NSA agreeing to the delivery of services as specified. ()

d. Provider Signature. The NSA must be signed by the supervisory nurse or agency personnel responsible for developing the NSA with the participant, and must indicate that they will deliver services according to the authorized NSA and consistent with home and community-based requirements. ()

056. Provider Responsibility for Notification. The Personal Assistance Agency is responsible to notify the RMS and physician or authorized provider when any significant changes in the participant's condition are noted during service delivery. This notification must be documented in the Personal Assistance Agency record. (3-19-07)

308. PERSONAL CARE SERVICES (PCS): QUALITY ASSURANCE.

[Subsection 308.01]

01. Responsibility for Quality. Personal Assistance Agencies, Residential Care or Assisted Living Facilities, and Certified Family Homes furnishing PCS are responsible for assuring that they provide quality services in compliance with applicable rules. (3-19-07)()

[Subsection 308.04]

04. HCBS Compliance. Personal Assistance Agencies are responsible for ensuring they meet the setting requirements described in Section 313 of these rules. Residential Care or Assisted Living Facilities, and Certified Family Homes are responsible for ensuring that they meet the setting requirements described in Sections 313 and 314 of these rules. All providers furnishing PCS are responsible for ensuring they meet the person-centered planning requirements described in Sections 316 through 317 of these rules. PCS providers must comply with associated Department quality assurance activities. The Department may take enforcement actions as described in IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Section 205, if the provider fails to comply with any term or provision of the provider agreement, or any applicable state or federal regulation. ()

[Section 310 and Subsection 310.01]

310. HOME AND COMMUNITY BASED SERVICES.

Home and Community Based Services (HCBS) are those long-term services and supports that assist eligible participants to remain in their home and community. The federal authorities under 42 CFR 441.301, 42 CFR 441.710, and 42 CFR 441.725 require the state to deliver HCBS in accordance with the rules described in Sections 310 through 318 of these rules. HCBS include the following: ()

01. Children's Developmental Disability Services. Children's developmental disability services as defined in Sections 663 and 683 of these rules. ()

[New Section 311 - entire section]

311. HCBS REQUIREMENTS AND DECISION-MAKING AUTHORITY.

HCBS requirements, contained in Sections 312 through Sections 317 of these rules, do not supersede decision-making authority legally assigned to another individual or entity on the participant's behalf. This includes: ()

01. Payee. A representative payee appointed by the Social Security Administration; ()

02. Restrictions (Probation or Parole). Court-imposed restrictions related to probation or parole; ()

03. Restrictions (When Committed). Court-imposed restrictions when committed to the Director of Health and Welfare; and ()

04. Legal Guardians Who Retain Full Decision-making Authority. It is presumed that the parent or parents of participants birth through seventeen (17) years of age have full decision-making authority unless the minor child has another legally assigned decision-making authority. ()

[(Renumbered) Section 312]

312. HOME AND COMMUNITY BASED SETTINGS.

Home and community based settings include all locations where participants who receive HCBS live or receive their services. ()

[(Renumbered) Section 313 - entire section]

313. REQUIRED HOME AND COMMUNITY BASED QUALITIES.

Home and community based settings must support eligible participants to have the same opportunities for integration, independence, choice, and rights as individuals who do not require supports or services to remain in their home or community. If a setting requirement described in this rule presents a health or safety risk to the participant or those around the participant, goals must be identified with strategies to mitigate the risk. These goals and strategies must be documented in the person-centered plan. Providers must develop and implement policies and procedures to address the following HCBS setting requirements. ()

01. Required Home and Community Based Qualities. Home and community based settings are required to have the following qualities: ()

a. Integration and Access. The setting is integrated in and supports full access to the greater community for participants receiving HCBS. Typical, age-appropriate activities include opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community in the same manner as individuals who do not require supports or services to remain in their home or community. ()

b. Selection of Setting. Home and community based settings are selected by the participant or the participant's decision-making authority from among disability-specific and non-disability-specific settings, and are based on the participant's needs and preferences including consideration of the participant's safety and the safety of those around the participant. ()

c. Participant Rights. The setting ensures a participant's rights of privacy, dignity, and respect, and freedom from coercion and unauthorized restraint are honored. ()

d. Autonomy and Independence. The setting optimizes, but does not regiment, an individual's initiative, autonomy, and independence in making life choices, including daily activities, physical environment, and with whom to interact. ()

e. Choice. The setting promotes opportunities for participant choice regarding the services and supports provided in the setting. ()

[(Proposed Subsection 313.02 has been omitted)]

02. Services Delivered in the Participant's Own Home. It is presumed that services delivered in the

participant's own home, that is not a provider-owned or controlled residence, meet the HCBS setting requirements described in this rule. Providers may not impose restrictions on HCBS setting qualities in a participant's own home without *goals and strategies to mitigate risk described in this rule that have* been agreed to through the person-centered planning process. ()

[(Renumbered) Section 314]

314. RESIDENTIAL PROVIDER-OWNED OR CONTROLLED SETTING QUALITIES.

In addition to the setting *requirements* described in Section 313 of these rules, provider-owned or controlled settings, including Residential Care or Assisted Living Facilities and Certified Family Homes that provide services to HCBS participants, must also meet the following conditions: ()

[Subsection 314.06]

06. Visitors. Participants are able to have visitors of their choosing at any time *in accordance with the applicable requirements under IDAPA 16.03.19, "Rules Governing Certified Family Homes," and IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho."* ()

[(Renumbered) Section 315]

315. EXCEPTIONS TO RESIDENTIAL PROVIDER-OWNED OR CONTROLLED SETTING QUALITIES.

Exceptions to residential setting requirements outlined in Section 314 of these rules must be made based on the needs of the participant that are identified through person-centered planning. Service plans with exceptions to residential setting requirements must be submitted to the Department or its designee for review and approval. When an exception is made, the following information must be documented in the person-centered service plan: ()

[(Renumbered) Section 316 and Subsection 316.01]

316. HOME AND COMMUNITY BASED PERSON-CENTERED PLANNING REQUIREMENTS.

All participants *or their decision-making authority* must direct the development of their service plan through a person-centered planning process. Information and support must be given to the HCBS participant to maximize their ability to make informed choices and decisions. Individuals invited to participate in the person-centered planning process should be identified by the participant or *the participant's decision-making authority*. Legal guardians who do not have full decision-making authority as described in Section 311 of these rules will have a participatory role as needed and defined by the participant. The person-centered planning process must: ()

01. Timely and Convenient. Be conducted timely and occur at convenient times and locations to the participant and the participant's decision-making authority in accordance with program requirements. ()

[Proposed Subsection 316.05 has been deleted]

[(Renumbered) Subsection 317]

317. HOME AND COMMUNITY BASED PERSON-CENTERED SERVICE PLAN REQUIREMENTS.

All person-centered service plans must reflect the following components: ()

[Subsection 317.03]

03. Setting Selection. HCBS settings selected by the participant or the participant's decision-making authority are chosen from among a variety of setting options, as required in Section 313 of these rules. The person-centered service plan must identify and document the alternative home and community setting options that were considered by the participant, or the participant's decision-making authority. ()

[Subsection 317.10 and Paragraph 317.10.a.]

10. Plan Signatures. Be finalized and agreed to, by the participant, or the participant's decision-making authority, in writing, indicating informed consent. The plan must also be signed by all individuals and providers responsible for its implementation indicating they will deliver services according to the authorized plan of service and consistent with home and community based requirements. ()

a. Children's DD service providers responsible for implementation of the plan include the providers of those services defined in Sections 663 and 683 of these rules. ()

[Paragraph 317.10.d.]

d. Personal Care and Aged and Disabled Waiver service providers responsible for the implementation of the plan include the providers of those services defined in Sections 303 and 326 of these rules. ()

[Subsection 317.11 and Paragraph 317.11.a.]

11. Plan Distribution. Be distributed to the participant and the participant's decision-making authority, if applicable, and other people involved in the implementation of the plan. At a minimum, the following providers will receive a copy of the plan: ()

a. Children's DD providers of services defined in Sections 663 and 683 of these rules as identified on the plan of service developed by the family-centered planning team. ()

[Paragraph 317.11.c. through Reserved Section 319]

c. Consumer-Directed service providers as defined in IDAPA 16.03.13, "Consumer-Directed Services," Section 110. Additionally, the participant, or the participant's decision-making authority will determine during the person-centered planning process whether the service plan, in whole or in part, will be distributed to any other community support worker or vendors. ()

d. Personal Care and Aged and Disabled Waiver service providers furnishing those services defined in Sections 303 and 326 of these rules. ()

12. Residential Requirements. For participants living in residential provider owned or controlled settings as described in Section 314 of these rules, the following additional requirements apply: ()

a. Options described in Subsection 317.03 of this rule must include a residential setting option that allows for private units. Selection of residential settings will be based on the participant's needs, preferences, and resources available for room and board. ()

b. Any exception to residential provider owned or controlled setting qualities as described in Section 314 of these rules must be documented in the person-centered plan as described in Section 315 of these rules. ()

318. HCBS TRANSITION PLAN.

As required by the Department, all current providers of HCBS must complete a Department-approved self assessment form related to the setting requirements and qualities described in Sections 311 through 314 of these rules. ()

01. Provider Transition Plan. As part of the self-assessment process, providers not in compliance with any portion of the new requirements and qualities must develop a plan for coming into compliance. Self-assessment forms are subject to review and validation by the Department via quality assurance activities. ()

02. New HCBS Providers or Service Settings. New HCBS providers or service settings are expected to fully comply with the HCBS requirements and qualities as a condition of becoming a Medicaid provider. ()

03. Quality Assurance. The Department will begin enforcement of quality assurance compliance with Sections 311 through 314 of these rules on January 1, 2017. ()

~~309.~~—319. (RESERVED)

328. AGED AND DISABLED WAIVER SERVICES: PROCEDURAL REQUIREMENTS.

05. Service Delivered Following a Written Plan of Care. All services that are provided must be based on a written plan of care. (3-30-07)

c. The plan of care must include the following: (3-30-07)

[Subparagraph 328.05.c.vi. (proposed changes omitted, remains as codified) and 328.05.c.vii.]

vi. The signature of the participant or his legal representative. (3-30-07)

vii. The signature of the agency or provider indicating that they will deliver services according to the authorized service plan and consistent with home and community based requirements. ()

[Paragraph 328.05.e.]

e. The Department's ~~case manager~~ Nurse Reviewer monitors the plan of care and all waiver services. ~~(3-30-07)~~ ()

[Subsection 328.06]

06. Individual Service Plan and Written Plan of Care. The development and documentation of the individual service plan and written plan of care must meet the person-centered planning requirements described in Sections 316 and 317 of these rules. ()

329. AGED AND DISABLED WAIVER SERVICES: PROVIDER QUALIFICATIONS AND DUTIES.
Each provider must have a signed provider agreement with the Department for each of the services it provides.

04. Quality Assurance. Providers of Aged and Disabled waiver services are responsible for ensuring that they provide quality services in compliance with applicable rules. ()

[New Paragraph 329.04.c.]

c. The Department may take enforcement actions as described in IDAPA 16.03.09, "Medicaid Basic

Plan Benefits,” Section 205, if the provider fails to comply with any term or provision of the provider agreement, or any applicable state or federal regulation. ()

[Subsection 329.05 - proposed Paragraphs 329.05.a. and b. have been omitted]

05. HCBS Setting Compliance. Providers of Aged and Disabled waiver services are responsible for ensuring that they meet the person-centered planning and setting quality requirements described in Sections 311 through 318 of these rules, as applicable, and must comply with associated Department quality assurance activities. ()

[Section 508 is being published in its entirety at the pending rule stage]

508. ADULT DEVELOPMENTAL DISABILITY SERVICES PRIOR AUTHORIZATION: DEFINITIONS.

For the purposes of these rules the following terms are used as defined below. (3-29-12)

01. **Adult.** A person who is eighteen (18) years of age or older. (3-29-10)
02. **Assessment.** A process that is described in Section 509 of these rules for program eligibility and in Section 512 of these rules for plan of service. (3-19-07)
03. **Clinical Review.** A process of professional review that validates the need for continued services. (3-19-07)
04. **Community Crisis Support.** Intervention for participants who are at risk of losing housing, employment or income, or who are at risk of incarceration, physical harm, family altercations or other emergencies. (3-19-07)
05. **Concurrent Review.** A clinical review to determine the need for continued prior authorization of services. (3-19-07)
06. **Exception Review.** A clinical review of a plan that falls outside the established standards. (3-19-07)
07. **Interdisciplinary Team.** For purposes of these rules, the interdisciplinary team is a team of professionals, determined by the Department, that reviews requests for reconsideration. (3-19-07)
08. **Level of Support.** An assessment score derived from the SIB-R that indicates types and amounts of services and supports necessary to allow the individual to live independently and safely in the community. (3-19-07)
09. **Person-Centered Planning Process.** A meeting facilitated by the participant or plan developer, comprised of family and individuals significant to the participant who collaborate with the participant to develop the plan of service. ~~(3-19-07)~~ ()
10. **Person-Centered Planning Team.** The group who develops the plan of service. This group includes, at a minimum, the participant and the service coordinator or plan developer chosen by the participant. The person-centered planning team may include others identified by the participant or agreed upon by the participant and the Department as important to the process. (3-19-07)
11. **Plan Developer.** A paid or non-paid person identified by the participant who is responsible for developing one (1) plan of service and subsequent addenda that cover all services and supports, based on a person-centered planning process. (3-19-07)
12. **Plan Monitor.** A person who oversees the provision of services on a paid or non-paid basis. (3-19-07)

13. Plan of Service. An initial or annual plan that identifies all services and supports based on a person-centered planning process. Plans are authorized annually every three hundred sixty-five (365) days. (3-19-07)

14. Prior Authorization (PA). A process for determining a participant's eligibility for services and medical necessity prior to the delivery or payment of services as provided by these rules. (3-19-07)

15. Provider Status Review. The written documentation that identifies the participant's progress toward goals defined in the plan of service. (3-19-07)

16. Right Care. Accepted treatment for defined diagnosis, functional needs and abilities to achieve the desired outcome. The right care is consistent with best practice and continuous quality improvement. (3-19-07)

17. Right Place. Services delivered in the most integrated setting in which they normally occur, based on the participant's choice to promote independence. (3-19-07)

18. Right Price. The most integrated and least expensive services that are sufficiently intensive to address the participant's needs. The amount is based on the individual's needs for services and supports as identified in the assessment. (3-19-07)

19. Right Outcomes. Services based on assessed need that ensure the health and safety of the participant and result in progress, maintenance, or delay or prevention of regression for the participant. (3-19-07)

20. Service Coordination. Service coordination is an activity which assists individuals eligible for Medicaid in gaining and coordinating access to necessary care and services appropriate to the needs of an individual. (3-19-07)

21. Service Coordinator. An individual who provides service coordination to a Medicaid-eligible participant, is employed by a service coordination agency, and meets the training, experience, and other requirements under Sections 729 through 732 of these rules. (3-19-07)

22. Services. Services paid for by the Department that enable the individual to reside safely and effectively in the community. (3-19-07)

23. SIB-R. The Scales of Independent Behavior - Revised (SIB-R) is a standardized assessment tool evaluating functional skill levels and evaluating maladaptive behavior. The SIB-R is used by the Department to determine developmental disability eligibility, waiver eligibility, skill level to identify the participant's needs for the plan of service, and for determining the participant budget. (3-19-07)

24. Supports. Formal or informal services and activities, not paid for by the Department, that enable the individual to reside safely and effectively in the setting of his choice. (3-19-07)

513. ADULT DEVELOPMENTAL DISABILITY SERVICES PRIOR AUTHORIZATION: PLAN OF SERVICE.

In collaboration with the participant, the Department must assure that the participant has one (1) plan of service. This plan of service is based on the individualized participant budget referred to in Section 514 of these rules and must identify all services and supports. Participants may develop their own plan or designate a paid or non-paid plan developer. In developing the plan of service, the plan developer and the participant must identify services and supports available outside of Medicaid-funded services that can help the participant meet desired goals. Authorized services must be delivered by providers who are selected by the participant. (3-29-12)

[Subsection 513.02]

02. Plan Development. ~~The plan must be developed with the participant. With the participant's consent, the person-centered planning team~~ All participants must direct the development of their service plan through

a person-centered planning process. Individuals invited to participate in the person-centered planning process will be identified by the participant and may include family members, guardian, or individuals who are significant to the participant. In developing the plan of service, the plan developer and participant must identify any services and supports available outside of Medicaid-funded services that can help the participant meet desired goals and outcomes. ()

[Paragraph 513.02.b. and new Paragraph 513.02.c.]

b. The plan development process must meet the person-centered planning requirements described in Section 316 of these rules. ()

c. The participant may facilitate his own person-centered planning meeting, or designate a paid or non-paid plan developer to facilitate the meeting. Individuals responsible for facilitating the person-centered planning meeting cannot be providers of direct services to the participant. ()

07. Content of the Plan of Service. The plan of service must identify the type of service to be delivered, goals to be addressed within the plan year, frequency of supports and services, and identified service providers. The plan of service must include activities to promote progress, maintain functional skills, or delay or prevent regression. (3-19-07)

[Paragraph 513.07.a.]

a. The written plan of service must meet the person-centered planning requirements described in Section 317 of these rules. ()

[Paragraph 513.07.c. through Subsection 513.08]

c. The Department will distribute a copy of the plan of service to adult DD service providers defined in Section 317 of these rules. Additionally, the plan developer will be responsible to distribute a copy of the plan of service, in whole or part, to any other developmental disability service provider identified by the participant during the person-centered planning process. ()

08. Informed Consent. Unless the participant has a guardian ~~with appropriate~~ who retains full decision-making authority, the participant must make decisions regarding the type and amount of services required. Prior to plan development, the plan developer must document that they have provided information and support to the participant to maximize their ability to make informed choices regarding the services and supports they receive and from whom. During plan development and amendment, planning team members must each indicate whether they believe the plan meets the needs of the participant, and represents the participant's choice. If ~~not~~, there is a conflict that cannot be resolved among person-centered planning members or if a member does not believe the plan meets the participant's needs or represents the participant's choice, the plan or amendment ~~must~~ may be referred to the Bureau of ~~Care Management's Medicaid Consumer Relations Specialist~~ Developmental Disability Services to negotiate a resolution with members of the planning team. (3-19-07)()

[Subsection 513.10 through Paragraph 513.11.c.]

10. Home and Community Based Services Plan of Service Signature. Upon receipt of the authorized plan of service, HCBS providers responsible for the implementation of the plan as identified in Section 317 of these rules must sign the plan indicating they will deliver services according to the finalized and authorized plan of service, and consistent with home and community based requirements. Each HCBS provider responsible for the implementation of the plan must maintain their signed plan in the participant's record. Documentation of

signature must include the signature of the professional responsible for service provision complete with their title and the date signed. Provider signature will be completed each time an initial or annual plan of service is implemented. ()

101. Addendum to the Plan of Service. ()

a. A plan of service may be adjusted during the year with an addendum to the plan. These adjustments must be based on a change to a cost, addition of a service or increase to a service, or a change of provider. Additional assessments or information may be clinically necessary. Adjustment of the plan of service is subject to prior authorization by the Department. (3-29-12)()

b. When a service plan has been adjusted, the Department will distribute a copy of the addendum to HCBS providers responsible for the implementation of the plan of service as identified in Section 317 of these rules. ()

c. Upon receipt of the addendum, the HCBS provider must sign the addendum indicating they have reviewed the plan adjustment and will deliver services accordingly. Documentation must include the signature of the professional responsible for service provision complete with their title and the date signed, and must be maintained in the participant's record. Provider signature will be completed each time an addendum is authorized. ()

515. ADULT DEVELOPMENTAL DISABILITY SERVICES: QUALITY ASSURANCE AND IMPROVEMENT.

[Subsection 515.04]

04. Concurrent Review. The Department will obtain the necessary information to determine that participants continue to meet eligibility criteria, participant rights are maintained services continue to be clinically necessary, services continue to be the choice of the participant, services support participant integration, and services constitute appropriate care to warrant continued authorization or need for the service. (3-19-07)()

[Section 520]

520. CHILDREN'S DEVELOPMENTAL DISABILITY PRIOR AUTHORIZATION (PA).

The purpose of the children's DD Prior Authorization is to ensure the provision of the right care, in the right place, at the right price, and with the right outcomes in order to enhance health and safety, and to promote participants' rights, self-determination, and independence. Prior authorization involves the assessment of the need for services, development of a budget, development of a plan of service, prior approval of services, and a quality improvement program. Prior authorization is intended to help ensure the provision of necessary and appropriate services and supports. Services are reimbursable if they are identified on the authorized plan of service and are consistent with the purpose and rule for prior authorization as well as rules for HCBS as described in Section 310 through 317 of these rules, and for the specific services included on the plan. Delivery of each service identified on the plan of service cannot be initiated until after the plan has been signed by the provider agency professional responsible for service provision. (7-1-11)()

521. CHILDREN'S DEVELOPMENTAL DISABILITY PRIOR AUTHORIZATION (PA): DEFINITIONS.

[Subsections 521.05 and 521.06]

05. Family-Centered Planning Process. A participant-focused planning process directed by the participant or the participant's decision-making authority and facilitated by the paid or non-paid plan developer. ~~by~~

~~which~~ The family-centered planning team ~~collaborates with the participant to develop~~ discusses the participant's strengths, needs, and preferences, including the participant's safety and the safety of those around the participant. This discussion helps the participant or the participant's decision-making authority make informed choices about the services and supports included on the plan of service. (7-1-11)()

06. Family-Centered Planning Team. The planning group who helps inform the participant about available services and supports in order to develops the participant's plan of service. This group includes, at a minimum, the child participant ~~(unless otherwise determined by the family-centered planning team)~~, the participant's decision-making authority, and the plan developer. If the participant is unable to attend the family-centered planning (FCP) meeting, the Plan of Service must contain documentation to justify the participant's absence. The family-centered planning team ~~may~~ must include ~~others identified by~~ people chosen by the participant and the family, or agreed upon by the participant and the family ~~and the Department~~ as important to the process. (7-1-11)()

[Subsection 521.08]

08. Individualized Family Service Plan (IFSP). An initial or annual plan of service, ~~for providing early intervention services to children from birth to three (3) years of age (thirty-six (36) months old).~~ The plan is developed by the family-centered planning team that includes the child participant, the participant's decision-making authority and other planning team members chosen by the participant's decision-making authority, and the Department or its designee, ~~for providing early intervention services to children from birth up to three (3) years of age (36 months).~~ This plan IFSP must meet the provisions of the Individuals with Disabilities Education Act (IDEA), Part C, and must be developed in accordance with Sections 316 through 317 of these rules. The IFSP may serve as the plan of service if it meets all of the components of the plan of service. The IFSP may also serve as a program implementation plan. (7-1-13)()

[Subsection 521.11]

11. Plan Developer. A paid or non-paid person ~~identified by the participant~~ who, under the direction of the participant or the participant's decision-making authority, is responsible for developing ~~one (1) a single~~ plan of service and subsequent addenda. The service plan must that cover all services and supports ~~based on a identified~~ during the family-centered planning process and must meet the HCBS person-centered plan requirements as described in Section 317 of these rules. (7-1-11)()

[Subsection 521.13]

13. Plan of Service. An initial or annual plan of service, developed by the participant, the participant's decision-making authority, and the family-centered planning team, that identifies all services and supports ~~based on that were determined through~~ a family-centered planning process, ~~and which is.~~ The plan developed ~~ment for is~~ required in order to provide DD services to children from birth through seventeen (17) years of age. This plan must be developed in accordance with Sections 316 and 317 of these rules. (7-1-11)()

526. CHILDREN'S DEVELOPMENTAL DISABILITY PRIOR AUTHORIZATION (PA): PLAN OF SERVICE PROCESS.

In collaboration with the participant, the Department must ensure that the participant has one (1) plan of service. This plan of service is developed within the individualized participant budget referred to in Section 527 of these rules and must identify all services and supports. The participant and his parent or legal guardian may develop their own plan or use a paid or non-paid plan developer to assist with plan development. The plan of service must identify services and supports if available outside of Medicaid-funded services that can help the participant meet desired goals.

(7-1-11)

[Subsection 526.01 - entire subsection]

01. **Plan Development ~~and Monitoring~~.** Paid plan development ~~and monitoring~~ must be provided by the Department or its contractor in accordance with Section 316 of these rules. Non-paid plan development ~~and monitoring~~ may be provided by the family, or a person of their choosing, in accordance with the Home and Community Based Services (HCBS) regulations in Section 316 of these rules, when this person is not a paid provider of services identified on the child's plan of service. (7-1-11)()

a. The plan developer is responsible for the documentation of the developed plan and any subsequent plan changes as determined by the family-centered planning team. ()

b. Individuals responsible for facilitating the person-centered planning meeting and developing the plan of service cannot be providers of direct services to the participant. ()

[Subsection 526.02 - entire subsection]

02. **Plan of Service Development.** The plan of service must meet the requirements described in Section 317 of these rules. The service plan must be developed with ~~the parent or legal guardian, and~~ the child participant, ~~(unless otherwise determined by the family-centered planning team)~~ the participant's decision-making authority, and facilitated by the Department or its designee. If the participant is unable to attend the family-centered planning (FCP) meeting, the Plan of Service must contain documentation to justify the participant's absence. With the ~~parent or legal guardian's~~ decision-making authority's consent, the family-centered planning team may include other family members or individuals who are significant to the participant. (7-1-11)()

a. In developing the plan of service, the family-centered planning team must identify any services and supports available outside of Medicaid-funded services that can help the participant meet desired goals. The development of the service plan must be conducted in accordance with the Home and Community Based Services requirements in Section 317 of these rules. (7-1-11)()

b. The plan of service must identify, at a minimum, the type of service to be delivered, goals and desired outcomes to be addressed within the plan year, strengths and preferences of the participant, including the participant's safety and the safety of those around the participant, target dates, and methods for collaboration. (7-1-11)()

[Subsection 526.04 - entire subsection]

04. **Plan Monitoring.** The family-centered planning team must identify the frequency of monitoring, which must be at least every six (6) months, and document the plan monitor's name along with the monitoring frequency on the plan. The plan developer is considered the plan monitor and must meet face-to-face with the participant and the participant's decision-making authority at least annually. Plan monitoring must include the following: (7-1-11)()

a. Review of the plan of service with the participant and parent or legal guardian the participant's decision-making authority to identify the current status of programs and changes if needed; (7-1-11)()

b. Maintain ~~€~~contact with service providers to identify and remediate barriers to service provision; (7-1-11)()

c. Discuss with the participant and his parent or legal guardian decision-making authority their satisfaction regarding quality and quantity of services; and (7-1-11)()

d. Review of provider status reviews for compliance with the plan of service. (7-1-11)()

[Subsection 526.06 - entire subsection]

06. Informed Consent. The participant and ~~his parent or legal guardian~~ the participant's decision-making authority must make decisions regarding the type and amount of services required. ()

a. Prior to plan development, the plan developer must document that they have provided information and support to the participant and the participant's decision-making authority to maximize their ability to make informed choices regarding the services and supports they receive and from whom. ()

b. During plan development and amendments, planning team members must ~~each indicate~~ document whether they believe the plan is in accordance with the participant's choices of the services and supports identified in the meeting and whether they believe the plan meets the needs of the participant, ~~and represents the participant's choice.~~ (7-1-11)()

c. If there is a conflict that cannot be resolved among the family-centered planning members or if the participant or the participant's decision-making authority does not believe the plan meets the participant's needs or represents the participant's choice, the plan or amendment may be referred to the Bureau of Developmental Disability Services to negotiate a resolution with the planning team. ()

[Subsection 526.08]

08. Addendum to the Plan of Service. A plan of service may be adjusted during the year with an addendum to the plan. These adjustments must be based on changes in a participant's need or demonstrated outcomes that result in the need for an addition or reduction of a service, or a change in a provider. Additional assessments or information may be clinically necessary. Adjustment of the plan of service requires ~~a parent's or legal guardian's~~ the decision-making authority's signature and ~~may be subject to~~ prior authorization by the Department. The Department will distribute the addendum to the providers involved in the addendum's implementation. Upon receipt by the provider, the addendum must be reviewed, signed, and returned to the Department, with a copy maintained in the participant's record. (7-1-11)()

528. CHILDREN'S DEVELOPMENTAL DISABILITIES PRIOR AUTHORIZATION (PA): DEPARTMENT'S QUALITY ASSURANCE AND IMPROVEMENT PROCESSES.

[Subsection 528.04]

04. HCBS Compliance. Providers of children's developmental disability services are responsible for ensuring that they meet the setting quality requirements described in Section 313 of these rules, as applicable, and must comply with associated Department quality assurance activities. The Department may take enforcement actions as described in IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Section 205, if the provider fails to comply with any term or provision of the provider agreement, or any applicable state or federal regulation. ()

[Section 645]

645. HOME AND COMMUNITY BASED SERVICES (HCBS) STATE PLAN OPTION. Home and community based services are provided through the HCBS State Plan option as allowed in Section 1915(i) of the Social Security Act for adults with developmental disabilities who do not meet the ICF/ID level of care. HCBS state plan option services must comply with Sections 310 through 318, and Sections 647 through 659 of these rules. ()

648. COMMUNITY CRISIS SUPPORTS COVERAGE AND LIMITATIONS.

Community crisis support may be authorized the following business day after the intervention if there is a documented need for immediate intervention, no other means of support are available, and the services are appropriate to rectify the crisis. Community crisis support is limited to a maximum of twenty (20) hours during any consecutive five (5) day period. ()

[Subsection 648.03]

03. Crisis Resolution Plan. After community crisis support has been provided, the provider of the community crisis support service must complete a crisis resolution plan and submit it to the Department for approval within seventy-two (72) hours of providing the service. ()

651. DEVELOPMENTAL THERAPY: COVERAGE REQUIREMENTS AND LIMITATIONS.

Developmental therapy must be recommended by a physician or other practitioner of the healing arts. (7-1-13)

01. Requirements to Deliver Developmental Therapy. Developmental therapy may be delivered in a developmental disabilities agency center-based program, the community, or the home of the participant. Participants living in a certified family home must not receive home-based developmental therapy in a certified family home. Developmental therapy includes individual developmental therapy and group developmental therapy. Developmental therapy must be delivered by Developmental Specialists or paraprofessionals qualified in accordance with these rules, based on an assessment completed prior to the delivery of developmental therapy. (7-1-13)

[Paragraph 651.01.d.]

d. Settings for Developmental Therapy. Developmental Therapy may be provided in home and community based settings as described in Section 312 of these rules. Developmental therapy, in both individual and group formats, must be available in both community-based and home-based settings, and be based on participant needs, interests, or choices. ~~(7-1-13)~~ ()

653. DEVELOPMENTAL THERAPY: PROCEDURAL REQUIREMENTS FOR INDIVIDUALS WITH AN IPP.

[Subsection 653.06]

06. Home and Community Based Person-Centered Planning. Individual Program Plans completed by a DDA must meet the person-centered planning requirements described in Sections 316 and 317 of these rules and must be included in the participant's individual service plan as described in Section 328 of these rules. ()

654. DEVELOPMENTAL THERAPY: PROCEDURAL REQUIREMENTS.

[Subsection 654.05]

05. DDA Program Implementation Plan Requirements. For each participant, the DDA must develop a Program Implementation Plan for each DDA objective included on the participant's required plan of service. All Program Implementation Plans must be related to a goal or objective on the participant's plan of service. The Program Implementation Plan must be ~~written and implemented~~ developed within fourteen (14) days ~~after the first day of ongoing programming~~ from the plan of service start date or receipt of the authorized plan of service and be revised whenever participant needs change. If the Program Implementation Plan is not completed within this time frame, the participant's records must contain participant-based documentation justifying the delay. If consistent with

the timeframes above, a participant's annual Program Implementation Plan is completed after the start date of the annual plan of service, the provider will address goals and objectives as agreed to by the participant until the annual Program Implementation Plan is complete and must document service provision related to these interim goals and objectives consistent with Section 654 of these rules. The Program Implementation Plan must include the following requirements: ~~(7-1-11)~~()

[Paragraph 654.05.c.]

c. Objectives. Measurable, behaviorally-stated objectives that correspond to those goals or objectives ~~previously identified on~~ authorized and agreed to in the required plan of service. ~~(7-1-11)~~()

[Paragraph 654.05.h.]

h. Home and Community Based Services Requirements. All program implementation plans must meet home and community based setting qualities defined in Section 313 of these rules. ()

[Section 663]

663. CHILDREN'S HCBS STATE PLAN OPTION: COVERAGE AND LIMITATIONS.

All children's home and community based services must be identified on a plan of service developed by the family-centered planning team, ~~including the plan developer,~~ and must be recommended by a physician or other practitioner of the healing arts. The following services are reimbursable when provided in accordance with these rules: ~~(7-1-11)~~()

[Section 683]

683. CHILDREN'S WAIVER SERVICES: COVERAGE AND LIMITATIONS.

All children's DD waiver services must be identified on a plan of service developed by the family-centered planning team, ~~including the plan developer,~~ and must be recommended by a physician or other practitioner of the healing arts. In addition to the children's home and community based state plan option services described in Section 663 of these rules, the following services are available for waiver eligible participants and are reimbursable services when provided in accordance with these rules: ~~(7-1-11)~~()

703. ADULT DD WAIVER SERVICES: COVERAGE AND LIMITATIONS.

[Subsection 703.14]

14. **Place of Service Delivery.** Waiver services may be provided in home and community settings as described in Section 312 of these rules. Approved places of services include the participant's personal residence, a certified family home, day habilitation/supported employment program, or community. The following living situations are specifically excluded as a place of service for waiver services: ~~(3-19-07)~~()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.13 - CONSUMER-DIRECTED SERVICES

DOCKET NO. 16-0313-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

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

These rule changes align with and implement new requirements in federal regulations that went into effect March 17, 2014, for Idaho's Home and Community Based Services (HCBS) offered through the State Plan, and under the authority of the HCBS 1915(c) waiver and the 1915(i) State Plan Option. The purpose of the regulations is to enhance participants' opportunities to receive services in the most appropriate integrated settings, and to increase their opportunities for choice and access to the benefits of community living.

New rules pertaining to Home and Community Based Services are being added to ensure that participants receiving HCBS services live in and receive services in settings that comply with required qualities of settings, service delivery methods, and person-centered planning processes.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 344 through 353](#).

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

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

This rulemaking has no fiscal impact to the state general fund. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, Stephanie Perry at (208) 364-1878.

DATED this 25th Day of November, 2015.

Tamara Prisock
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DOCKET NO. 16-0313-1501 -- 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, Vol. 15-10, pages 344 through 353.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 16-0313-1501
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

[Subsection 010.10]

10. Home and Community Based Services (HCBS). HCBS are those long-term services and supports that assist eligible participants to remain in their home and community. ()

101. ELIGIBILITY.

02. **Participant Agreement Form.** The participant, and his legal representative, if one exists, must agree in writing using a Department-approved form to the following: (3-30-07)

[Paragraph 101.02.d.]

d. Acknowledge and follow the rules in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 310 through 317. ()

120. PARTICIPANT RESPONSIBILITIES.

With the assistance of the support broker and the legal representative, if one exists, the participant is responsible for the following: (3-30-07)

[Subsection 120.05]

05. **Agreement Detail.** Ensuring that employment agreements specifically identify the type of support being purchased, the rate negotiated for the support, and the frequency and duration of the scheduled support or

service. The participant is responsible for ensuring that each employment agreement: clearly identifies the qualifications needed to provide the support or service; includes a statement signed by the hired worker that he possesses the needed skills; and the signature of the participant that verifies the same. Additionally, each employment agreement will include statements that: the participant is the employer even though payment comes from a third party; employees are under the direction and control of the participant; services must be delivered consistent with the rules in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 317 through 317; and no employer-related claims will be filed against the Department. (3-30-07) ()

136. SUPPORT BROKER DUTIES AND RESPONSIBILITIES.

02. Required Support Broker Duties. Support broker services may include only a few required tasks or may be provided as a comprehensive service package depending on the participant's needs and preferences. At a minimum, the support broker must: (3-30-07)

[Paragraph 136.02.a.]

a. ~~Participate in~~ Assist in facilitating the person-centered planning process as directed by the participant and consistent with the rules in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 313, 316, and 317; (3-30-07) ()

[Paragraph 136.02.j.]

j. Sign the written support and spending plan as required in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 317. ()

03. Additional Support Broker Duties. In addition to the required support broker duties, each support broker must be able to provide the following services when requested by the participant: (3-30-07)

[Paragraph 136.03.h.]

h. Assist the participant in distributing the support and spending plan to community support workers or vendors as described in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 317. ()

160. SUPPORT AND SPENDING PLAN DEVELOPMENT.

01. Support and Spending Plan Requirements. The participant, with the help of his support broker, must develop a comprehensive support and spending plan based on the information gathered during the person-centered planning. The support and spending plan is not valid until authorized by the Department and must include the following: (3-30-07)

[Paragraph 160.01.g.]

g. Additional HCBS person-centered plan requirements as defined in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 313, 316, and 317. ()

170. PERSON-CENTERED PLANNING.

[Subsection 170.06]

06. HCBS Person-Centered Planning Requirements. The person-centered planning process must meet all HCBS requirements as defined in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 316. ()

200. QUALITY ASSURANCE.

The Department will implement quality assurance processes to assure: access to consumer-directed services, participant direction of plans and services, participant choice and direction of providers, safe and effective environments, and participant satisfaction with services and outcomes. (7-1-11)

[Subsection 200.09]

09. Home and Community Based Service Specific Reviews. The Department will implement quality assurance and improvement activities to ensure compliance with the rules in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 310 through 317. ()

301. FISCAL EMPLOYER AGENT DUTIES AND RESPONSIBILITIES: CONSUMER-DIRECTED COMMUNITY SUPPORTS.

[Subsection 301.11]

11. Home and Community Based Person-Centered Service Plan Requirements. The provider must sign the written support and spending plan as required in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 317. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.19 - RULES GOVERNING CERTIFIED FAMILY HOMES

DOCKET NO. 16-0319-1502

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 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not be final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. Pursuant to Section 67-5224(5)(b), Idaho Code, as provided herein the pending fee rule becomes final and effective on effective on July 1, 2016.

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 39-3505, and 56-1005, 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 fee rule with an explanation of the reasons for the change:

The CFH program is a self-sustaining licensing and certification program. These rules were adopted to update and increase fees to cover the cost of administering the certified family homes program. The updates include:

1. The one-time application fee to become a CFH provider is being increased by \$25;
2. The monthly certification fee for the CFH providers is being increased by \$5 per month; and
3. A "Basic Medication Awareness" training course provided by the Department is being added for \$60.

Changes are being made to the pending fee rule to move the Basic Medication Awareness Course Fee into a three numbered section on its own in Section 403. The complete text of the proposed rule was published in the September 2, 2015, Idaho Administrative Bulletin, [Vol. 15-9, pages 138 and 139](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 56-264 and 56-1007, Idaho Code.

Fee increases are being made in this rulemaking in order to maintain this self-sustaining program for Certified Family Homes. The one-time application fee is being increased to \$175, the monthly certification fee is being increased to \$30, and a medication assistance training provided by the Department is being added for \$60.

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

The CFH program is meant to be a self-sustaining program. The increase to the fees is to cover costs of certification for CFH providers. The annual certification cost is increasing from \$300 to \$360 per year for an approximate total of \$828,000 for SFY 2017. New CFH applications which include a site survey inspection fee is increased to \$175 per application for an approximate total of \$39,900. Medication Awareness training is being offered for \$60 per new CFH providers for an approximate total of \$13,680.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Karen Vasterling at (208) 239-6263.

DATED this 25th Day of November, 2015.

Tamara Prisock
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DOCKET NO. 16-0319-1502 -- ADOPTION OF PENDING FEE RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-9, pages 138 and 139.

This rule has been adopted as a pending fee rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING FEE RULE
FOR DOCKET NO. 16-0319-1502
(Only Those Sections With Amendments Are Shown.)

[Proposed Subsection 109.03 has been moved and renumbered to Section 403]

401. -- ~~499~~02. (RESERVED)

403. BASIC MEDICATION AWARENESS COURSE FEE.

A "Basic Medication Awareness for Certified Family Homes" course is provided by the Department at a cost of sixty dollars (\$60). This course is approved to meet the medication assistance requirement in Sections 100 and 400 of these rules. A certified family home provider may elect to take the Department's course, in place of the "Assistance with Medications" course available through the Idaho Professional Technical Education Program. The fee for the Department's "Basic Medication Awareness for Certified Family Homes" course must be paid at the time the provider or substitute caregiver takes the course. ()

404. -- 499. (RESERVED)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.04.02 - IDAHO TELECOMMUNICATION SERVICE ASSISTANCE PROGRAM RULES

DOCKET NO. 16-0402-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 56-901, Idaho Code, and 47 CFR Sections 54.101 through 54.422.

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 being made in the pending rule aligning this chapter with state policies and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 354 through 356](#).

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

There is no anticipated fiscal impact to the state general fund or to any other funds due to this rulemaking.

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

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.04.13 - RULES GOVERNING THE EMERGENCY FOOD ASSISTANCE PROGRAM

DOCKET NO. 16-0413-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202 and 56-203, Idaho Code, and Sections 201 through 212 of Public Law 98-8 as amended.

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 being made in the pending rule aligning this chapter with state policies and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, 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 as a result of this rulemaking:

There is no anticipated fiscal impact to the state general fund or to any other funds due to this rulemaking.

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

DATED this 25th Day of November, 2015.

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
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.04.14 - RULES GOVERNING THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

DOCKET NO. 16-0414-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 the Low-Income Home Energy Assistance Act of 1981, 42 U.S.C Sections 8621 to 8629, and by provisions of Section 56-202 Idaho Code.

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

There are no changes being made in the pending rule aligning this chapter with state policies and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 360 through 363](#).

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

There is no anticipated fiscal impact to the state general fund or to any other funds due to this rulemaking.

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

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.04.16 - WEATHERIZATION ASSISTANCE PROGRAM IN IDAHO

DOCKET NO. 16-0416-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202 and 56-203, Idaho Code; also to Part A of the Weatherization Assistance for Low-Income Persons, 42 U.S.C. 6861-6872, and the Department of Energy Organization Act, 42 U.S.C. 7101.

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 being made in the pending rule aligning this chapter with state policies and it is being adopted as originally proposed. The complete text of the proposed rule published in the October 7, 2015, Idaho Administrative Bulletin, [Vol. 15-10, pages 364 through 368](#).

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

There is no anticipated fiscal impact to the state general fund or to any other funds due to this rulemaking.

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

DATED this 25th Day of November, 2015.

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.01 - USE AND DISCLOSURE OF DEPARTMENT RECORDS

DOCKET NO. 16-0501-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-242, 39-5403, 56-221, 56-222, 56-1003, and 56-1004, Idaho Code (Joint rules).

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 2015 legislature passed S1077 which clarified that the person with authority to designate disposition of a decedent's remains should be considered a person with a "direct and tangible interest" and thus is entitled to receive an official death certificate. This rule amendment aligns these rules with the amended statute.

Specifically, this rulemaking adds the clarification that any person designated in Section 54-1142(1), Idaho Code, has "a direct and tangible interest" in the death certificate of a decedent in accordance with to Section 39-270(b), Idaho Code.

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 5, 2015, Idaho Administrative Bulletin, [Vol. 15-8, pages 102 through 104](#).

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

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 rulemaking has no fiscal impact to the state general fund or any other funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact James Aydelotte (208) 334-4969.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.06.01 - CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 16-1629, 16-2102, 39-1209 through 1211, 39-5603, 39-7501, 56-202(b), 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, Idaho Code; Public Law 113-183 (the Preventing Sex Trafficking and Strengthening Families Act); 42 U.S.C. 673(a)(1)(B)(ii), and 42 U.S.C. 673(a)(3).

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 aligns this chapter of rules with federal requirements for guardianships and adoption assistance programs, as well as relative notification for foster care.

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 2, 2015, Idaho Administrative Bulletin, [Vol. 15-9, pages 140 through 145](#).

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

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

This rulemaking has no fiscal impact to the state general fund, or any other funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephanie Miller at (208) 334-5697.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.02 - RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING
DOCKET NO. 16-0602-1501
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is affected by concurrent resolution, the concurrent resolution shall specify the effective date of the rule.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code, and Public Law 113-183 (the Preventing Sex Trafficking and Strengthening Families 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:

This rulemaking aligns this chapter of rules with federal requirements regarding foster care and the application of the “reasonable and prudent parent standard.” In this rulemaking:

1. The term “reasonable and prudent parent standard” is being defined for the purpose of the Department’s child welfare program. The definition is required in accordance with Public Law 113-183 and the proposed definition utilizes wording acceptable to the federal Department of Health and Human Services.
2. Public Law 113-183 requires child care institutions providing foster care to have the presence of at least one on-site official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard.

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 2, 2015, Idaho Administrative Bulletin, [Vol. 15-9, pages 146 and 147](#).

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

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

This rulemaking has no fiscal impact to the state general fund, or any other funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sabrina Brown at (208) 334-5648.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.01 - BEHAVIORAL HEALTH SLIDING FEE SCHEDULES

DOCKET NO. 16-0701-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 39, Chapter 3, and Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, Idaho Code.

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

There are no changes to the pending rule combining the fee schedules into one table and updating to a behavioral health system of care. These rules are being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2015, Idaho Administrative Bulletin, **Vol. 15-9, pages 148 through 155**.

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

There is no anticipated fiscal impact to the state general funds or any other funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Treena Clark at (208) 334-6611.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.07.15 - BEHAVIORAL HEALTH PROGRAMS

DOCKET NO. 16-0715-1501 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not be final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. Pursuant to Section 67-5224(5)(b), Idaho Code, as provided herein the pending fee rule becomes final and effective on effective on July 1, 2016.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. This action is authorized pursuant to Title 39, Chapter 3, and Chapter 31, and Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, Idaho Code.

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

This new chapter of rule is to meet the needs of developing and implementing a behavioral health system of care. 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 changes were based on comments received for clarification and grammar. The original text of the proposed rule was published in the September 2, 2015, Idaho Administrative Bulletin, [Vol. 15-9, pages 157 through 177](#).

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

These rules have a flat fee structure of \$100 per each behavioral health program location. This fee replaces fees that are currently being charged under IDAPA 16.07.20, "Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs," which is being repealed in this same Bulletin under Docket 16-0720-1501.

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

The fiscal impact for this rule change is anticipated to be cost-neutral for state general funds and all other funds. Currently, the Department collects a fee from alcohol and substance use disorders treatment and recovery support facilities that is \$100 per facility for treatment and \$50 per facility for recovery support services. The new fee structure will be a flat fee of \$100 for each behavioral health program location.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule, contact Treena Clark at (208) 334-6611.

DATED this 25th Day of November, 2015.

Tamara Prisock
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DOCKET NO. 16-0715-1501 -- ADOPTION OF PENDING FEE RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-9, pages 157 through 177.

This rule has been adopted as a pending fee rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING FEE RULE
FOR DOCKET NO. 16-0715-1501
(Only Those Sections With Amendments Are Shown.)

[Section 370]

370. PARTICIPANT RIGHTS.

Each behavioral health program must have a written statement of individual participant rights. The program must ensure and protect the fundamental human, civil, constitutional, and statutory rights of each participant. ()

390. PERSONNEL POLICIES AND PROCEDURES.

Each behavioral health program must have and adhere to personnel policies and procedures that meet the minimum requirements in this rule. ()

04. Content of Personnel Record for Each Staff Member. A personnel record must be kept on each staff member and must contain the following items: ()

[Paragraph 390.04.b.]

b. *Verification* of qualifications; ()

391. STAFFING AND SUPERVISION.

02. Staff Supervision. Each program must ensure that: ()

[Paragraphs 391.02.a. and 391.02.b.]

a. Staff have access to regularly scheduled supervision with program supervisors: *and* ()

b. *Staff members practice only within the scope of their credentials.* ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.07.17 - ALCOHOL AND SUBSTANCE USE DISORDERS SERVICES
DOCKET NO. 16-0717-1501
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 39, Chapter 3, Idaho Code.

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:

Alcohol and substance use disorders treatment and recovery support services and program requirements from a chapter repeal have been added to this chapter of rules. Changes have been made to the proposed rules to clarify definitions, terminology, and references. The complete text of the proposed rule was published in the September 2, 2015, Idaho Administrative Bulletin, [Vol. 15-9, pages 178 through 200](#).

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

There is no anticipated fiscal impact to the state general funds or any other funds due to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Treena Clark at (208) 334-6611.

DATED this 25th Day of November, 2015.

Tamara Prisock
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DOCKET NO. 16-0717-1501 -- 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,
Vol. 15-9, pages 178 through 200.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 16-0717-1501
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS - A THROUGH F.

For the purposes of these rules, the following terms are used as defined below:

(5-8-09)

[Subsection 010.04]

04. ASAM ~~PPC-2R~~. Refers to the ~~second~~ third edition ~~revised~~, manual of the patient placement criteria for the treatment of substance-related disorders, published by the American Society of Addiction Medicine, incorporated by reference in Section 004 of these rules. ~~(5-8-09)~~ ()

011. DEFINITIONS - G THROUGH Z.

For the purposes of these rules, the following terms are used as defined below:

(7-1-14)

[Subsection 011.01]

01. Idaho Board of Alcohol/Drug Counselor Certification, Inc. (IBADCC). A board affiliated with the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC). The IBADCC is the certifying entity that oversees credentialing of Idaho Student of Addiction Studies (ISAS), and Certified Alcohol/Drug Counselors (CADC) in the state of Idaho. The IBADCC may be contacted at: PO Box 1548, Meridian, ID 83680; phone (208) 468-8802; Fax: (208) 466-7693; e-mail: IBADCC@ibadcc.org; http://ibadcc.org/. ()

200. QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL PERSONNEL REQUIRED.

Each behavioral health program providing substance use disorders services must employ the number and variety of staff needed to provide the services and treatments offered by the program as a multidisciplinary team. The program must employ at least one (1) qualified substance use disorders professional for each behavioral health program location. ()

[Subsection 200.01 - entire subsection]

01. Qualified Substance Use Disorders Professional. A qualified substance use disorders professional includes individuals with the following qualifications: ()

- a.** Idaho Board of Alcohol/Drug Counselor Certification - Certified Alcohol/Drug Counselor; ()
- b.** Idaho Board of Alcohol/Drug Counselor Certification - Advanced Certified Alcohol/Drug Counselor; ()
- c.** Northwest Indian Alcohol/Drug Specialist Certification - Counselor II or Counselor III; ()

- d.** National Board for Certified Counselors (NBCC) - Master Addictions Counselor (MAC): ()
- e.** “Licensed Clinical Social Worker” (LCSW) or a “Licensed Masters Social Worker” (LMSW) licensed under Title 54, Chapter 32, Idaho Code, and IDAPA 24.14.01, “Rules of the State Board of Social Work Examiners”; ()
- f.** “Marriage and Family Therapist” or “Associate Marriage and Family Therapist,” licensed under Title 54, Chapter 34, Idaho Code, and IDAPA 24.15.01, “Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists”; ()
- g.** “Nurse Practitioner” licensed under Title 54, Chapter 14, Idaho Code, and IDAPA 23.01.01, “Rules of the Idaho Board of Nursing”; ()
- h.** “Clinical Nurse Specialist” licensed under Title 54, Chapter 14, Idaho Code, and IDAPA 23.01.01, “Rules of the Idaho Board of Nursing”; ()
- i.** “Physician Assistant” licensed under Title 54, Chapter 18, Idaho Code, and IDAPA 22.01.03, “Rules for the Licensure of Physician Assistants”; ()
- j.** “Licensed Professional Counselor” (LPC) or a “Licensed Clinical Professional Counselor” (LCPC) licensed under Title 54, Chapter 34, Idaho Code, and IDAPA 24.15.01, “Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists”; ()
- k.** “Psychologist” or “Psychologist Extender” licensed under Title 54, Chapter 23, Idaho Code, and IDAPA 24.12.01, “Rules of the Idaho State Board of Psychologist Examiners”; ()
- l.** “Physician” licensed under Title 54, Chapter 18, Idaho Code; and ()
- m.** “Registered Nurse (RN)” licensed under Title 54, Chapter 14, Idaho Code, and IDAPA 23.01.01, “Rules of the Idaho Board of Nursing”; ()

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. 16-0720-1501 (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 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 date.

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 Title 39, Chapter 3, and Sections 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, Idaho Code.

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

The Department is integrating services to better match current practices for behavioral health and mental health services. There are no changes to the pending rule and it is being adopted as originally proposed to repeal the entire chapter. The Notice Of Repeal of the entire chapter published in the September 2, 2015, Idaho Administrative Bulletin, [Vol. 15-9, page 201](#).

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

This rulemaking has no fiscal impact to the state general fund, or any other funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 334-6611.

DATED this 25th Day of November, 2015.

Tamara Prisock
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IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.06 - EMPLOYERS' REPORTS

DOCKET NO. 17-0206-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective sine die, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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, 72-432, and 72-602, 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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 369-372](#).

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Scott McDougall, Benefits Administration Manager, (208) 334-6063.

DATED this 20th day of November, 2015.

Mindy Montgomery, Director
Industrial Commission
P.O. Box 83720
700 So. Clearwater Lane
Boise, Idaho 83720-0041
Phone: 208-334-6000
Fax: 208-334-2321

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.07 - PROCEDURES TO OBTAIN COMPENSATION

DOCKET NO. 17-0207-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective sine die, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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, 72-432, 72-602, and 67-5229, 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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 373-378](#).

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Scott McDougall, Benefits Administration Manager, (208) 334- 6063.

DATED this 20th day of November, 2015.

Mindy Montgomery, Director
Industrial Commission
P.O. Box 83720
700 So. Clearwater Lane
Boise, Idaho 83720-0041
Phone: 208-334-6000
Fax: 208-334-2321

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.08 - MISCELLANEOUS PROVISIONS

DOCKET NO. 17-0208-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective sine die, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 and 72-806, 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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 379 and 380](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Scott McDougall, Benefits Administration Manager, (208) 334-6063.

DATED this 20th day of November, 2015.

Mindy Montgomery, Director
Industrial Commission
P.O. Box 83720
700 So. Clearwater Lane
Boise, Idaho 83720-0041
Phone: 208-334-6000
Fax: 208-334-2321

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.09 - MEDICAL FEES

DOCKET NO. 17-0209-1502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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, 2016, after review by the legislature, unless the rule is approved or rejected in part 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 72-508, 72-720, 72-721, 72-722, 72-723 and 72-803, Idaho Code.

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

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 381-384](#).

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Patti Vaughn, Medical Fee Schedule Analyst (208) 334-6084.

DATED this 20th day of November, 2015.

Mindy Montgomery, Director
Industrial Commission
P.O. Box 83720
700 So. Clearwater Lane
Boise, Idaho 83720-0041
Phone: 208-334-6000
Fax: 208-334-2321

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.10 - ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- SECURITY FOR COMPENSATION -- INSURANCE CARRIERS

DOCKET NO. 17-0210-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective sine die, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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, 72-404, 72-707, 72-735 and 72-803, Idaho Code.

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

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 385-391](#).

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 fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Scott McDougall, Benefits Administration Manager, (208) 334-6063.

DATED this 20th day of November, 2015.

Mindy Montgomery, Director
Industrial Commission
P.O. Box 83720
700 So. Clearwater Lane
Boise, Idaho 83720-0041
Phone: 208-334-6000
Fax: 208-334-2321

IDAPA 17 - IDAHO INDUSTRIAL COMMISSION

17.02.11 - ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW -- SECURITY FOR COMPENSATION -- SELF-INSURED EMPLOYERS

DOCKET NO. 17-0211-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective sine die, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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, and 72-304, 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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 392-399](#).

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Scott McDougall, Benefits Administration Manager, (208) 334-6063.

DATED this 20th day of November, 2015.

Mindy Montgomery, Director
Industrial Commission
P.O. Box 83720
700 So. Clearwater Lane
Boise, Idaho 83720-0041
Phone: 208-334-6000
Fax: 208-334-2321

IDAPA 22 - IDAHO STATE BOARD OF MEDICINE

22.01.01 - RULES OF THE BOARD OF MEDICINE FOR THE LICENSURE TO PRACTICE MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY IN IDAHO

DOCKET NO. 22-0101-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1806(2), 54-1806(4), (11), 54-1806A, 54-1812, 54-1813, 54-1814 and 54-1841, Idaho Code.

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

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 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 227-229](#).

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 proposed rule change is budget neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anne K. Lawler, Executive Director, (208) 327-7000.

DATED this 24th day of November, 2015.

Anne K. Lawler, JD, RN
Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Suite 140
PO Box 83720
Boise, ID 83720-0058
Phone (208) 327-7000 / Fax (208) 327-7005

IDAPA 22 - IDAHO STATE BOARD OF MEDICINE
22.01.15 - RULES RELATING TO TELEHEALTH SERVICES
DOCKET NO. 22-0115-1501 (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 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1806(2), 54-1806(4), (11), 54-1806A, 54-1812, 54-1813, 54-1814 and 54-1841, Idaho Code.

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

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 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 230–233](#).

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 proposed rule change is budget neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anne K. Lawler, Executive Director, (208) 327-7000.

DATED this 24th Day of November, 2015.

Anne K. Lawler, JD, RN
Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Suite 140
PO Box 83720
Boise, ID 83720-0058
Phone (208) 327-7000 / Fax (208) 327-7005

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.03.01 - RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

DOCKET NO. 24-0301-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date as specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-707, 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 pending rule adopts the amendments made in the proposed rule to Rule 20. This rule is being amended to remove the words "in all their forms" and to make sure everyone understands that clinical nutritional methods cannot exceed the scope of practice set forth in 54-704(2), Idaho Code.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 416 and 417](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 23rd day of November, 2015.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83702
Ph. (208) 334-3233 / Fax (208) 334-3945

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the 2016 legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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) and (d), Idaho Code.

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

Section 36-2107, Idaho Code, directs the Board to prescribe and establish rules of procedure to carry into effect the provisions of its governing statute. This includes the issuance of outfitter licenses with such restrictions and limitations thereon as the board may find reasonable for safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides and for the conservation of wildlife and range resources. In doing so the Board has the power to cooperate with the federal and state government in matters of mutual concern regarding the business of outfitting and guiding. The Board adopted the pending rule at its November 18th meeting in Boise with one minor change as follows.

The Board licenses Outfitter businesses that provide boating and fishing services to the public on the South Fork of the Snake River (SS1). The rule recognizes one outfitter historically licensed for Waterfowl hunting who will be grandfathered in on a portion of (SS1) for that purpose and initially limited to two boats. Based on input from that outfitter, the Board expanded the limit by added two additional boats for that purpose.

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 Oct. 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 460-472](#).

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 the pending rule, contact Jake Howard, Executive Director, Outfitters and Guides Licensing Board (208) 327-7380.

DATED this 4th Day of December, 2015.

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 N. Orchard Street, Suite 172
Boise, ID 83706
(208) 327-7380 office / (208) 327-7382 fax

DOCKET NO. 25-0101-1501 -- 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, Vol. 15-10, pages 460–472.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

**THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 25-0101-1501
(Only Those Sections With Amendments Are Shown.)**

03. Licensable Waters -- River Sections (SH1) Henry's Fork Snake River Through (TE3) Teton River -- Table. The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides.

[Subsection 059.03, Table Item "(SS1) Snake River - South Fork," (Last Paragraph)]

** One (1) license additional for waterfowl hunting covering both BLM and USFS managed lands and waters for the South Fork (Palisades Dam to Wolf Flats Boat Access may be issued. This license opportunity is in addition to the eight (8) float licenses and is limited to providing waterfowl hunting during waterfowl hunting season as defined by Idaho Fish and Game Rules and where no more than two (2) float or power boat boats per day per section a and b only can be used by the outfitter at any one time for that purpose. Fishing may not be provided or conducted unless the outfitter is also licensed and permitted as one (1) of the eight (8) outfitters addressed in this rule who may not provide hunting activities. This business opportunity may be sold separately.

IDAPA 26 - IDAHO DEPARTMENT OF PARKS AND RECREATION

26.01.06 - RULES GOVERNING COOPERATOR RECOGNITION AND SALE OF ADVERTISING

DOCKET NO. 26-0106-1501 (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 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 67-4210, 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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 473-477](#).

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 expected negative fiscal impact. IDPR is requesting the rules as part of our ongoing efforts to provide additional revenue sources through cooperator recognition and the sale of advertising.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Anna Canning, 208-514-2252.

DATED this 7th Day of December, 2015.

Anna Canning, Management Services Administrator
Idaho Department of Parks and Recreation
5657 Warm Springs Avenue, Boise, ID 83716-8700
P.O. Box 87320, Boise ID 83720-0065
Telephone: 208-514-2252 / FAX 208-334-5232

IDAPA 28 - IDAHO DEPARTMENT OF COMMERCE

28.02.01 - IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (ICDBG)

DOCKET NO. 28-0201-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule becomes final and effective on July 1, 2016, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 67-47021(2) Idaho Code, and Housing and Community Development Act of 1974, as amended, (42 USC, Sec. 5301) and Department of Housing and Urban Development Rules 24 CFR, Part 570, Subpart I.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 506-544](#).

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Megan Ronk, Chief Operating Officer, at 208-334-2470.

DATED this 7th day of December, 2015.

Megan Ronk
Chief Operating Officer
Idaho Department of Commerce
700 West State Street
PO Box 83720
Boise, ID 83720-0093
Tel: (208)-334-2470 / Fax: (208)-334-2631

IDAPA 28 - DEPARTMENT OF COMMERCE

28.02.07 - RULES GOVERNING THE ADMINISTRATION OF THE IGEN GRANT PROGRAM

DOCKET NO. 28-0207-1501

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 67-4702 and 67-4729, Idaho Code.

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

This rule making is vacated in response to public comment received. The public comment indicated a need for further consensus between the Idaho Department of Commerce, Idaho Global Entrepreneurial Mission Council, Boise State University, Idaho State University, and University of Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Megan Ronk, Chief Operating Officer, Idaho Department of Commerce at (208) 334-2470.

DATED this 24th day of November, 2015.

Megan Ronk
Chief Operating Officer
Idaho Department of Commerce
700 W State Street
Boise, ID 83702
Phone: 208-334-2470
Fax: 208-334-2631

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.11.01 - SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Public Utilities Commission and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-515, Idaho Code.

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

The Commission did not receive any written comments. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 548-550](#).

FISCAL IMPACT: There is no fiscal impact on the state general fund resulting from this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 17th day of November 2015.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
Facsimile: (208) 334-3762

Street address for express delivery:
472 W Washington
Boise, Idaho 83702-5918

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION
31.71.03 - RAILROAD SAFETY AND ACCIDENT REPORTING RULES
DOCKET NO. 31-7103-1501
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Public Utilities Commission and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-515, Idaho Code.

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

The Commission received no comments regarding the proposed rule. The pending rule is being adopted as originally proposed. The complete text of the proposed rule was published in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 551 and 552](#).

FISCAL IMPACT: There is no fiscal impact on the state general fund resulting from this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 17th day of November 2015.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
Facsimile: (208) 334-3762

Street address for express delivery:
472 W Washington
Boise, Idaho 83702-5918

IDAPA 34 - OFFICE OF THE SECRETARY OF STATE

34.02.01 - PRESIDENTIAL PRIMARY

DOCKET NO. 34-0201-1501 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The pending rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 97-903(9), Idaho Code.

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

As Idaho's statutory code no longer allows for write-in candidates during a presidential primary, this chapter is no longer necessary and is being repealed in its entirety.

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 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, page 553](#).

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:

Repeal of this chapter will have no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jeff Harvey, UCC Supervisor at (208) 332-2849.

DATED this 7th day of December, 2015.

Tim Hurst, Chief Deputy
Office of the Secretary of State
700 W. Jefferson, Rm. E205
P.O. Box 83720
Boise, ID 83720-0080
(208) 334-2300

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.03.01 - RULES GOVERNING GROUP INSURANCE

DOCKET NO. 38-0301-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 67-5761(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:

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 2, 2015 Idaho Administrative Bulletin, [Vol. 15-9, pages 290–292](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jennifer Pike, Administrator, Office of Group Insurance, (208) 332-1865.

DATED this 8th Day of December.

Robert L. Geddes, Director
Department of Administration
650 W. State Street, Suite 100
P.O. Box 83720
Boise, ID 83720-0024
Phone: (208) 332-1824
Fax: (208) 334-2307

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.04.04 - RULES GOVERNING CAPITOL MALL PARKING

DOCKET NO. 38-0404-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 67-5709, 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 June 3, 2015 Idaho Administrative Bulletin, [Vol. 15-6, pages 57-62](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ric Johnston, Facilities Services Manager, (208) 332-1937.

DATED this 8th Day of December, 2015.

Robert L. Geddes, Director
Department of Administration
650 W. State Street, Suite 100
P.O. Box 83720
Boise, ID 83720-0024
Phone: (208) 332-1824
Fax: (208) 334-2307

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

**38.04.07 - RULES GOVERNING USE OF THE INTERIOR OF STATE PROPERTY
IN THE CAPITOL MALL AND OTHER STATE FACILITIES**

DOCKET NO. 38-0407-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 67-5709, 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 June 3, 2015 Idaho Administrative Bulletin, [Vol. 15-6, pages 63-65](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ric Johnston, Facilities Services Manager, (208) 332-1937.

DATED this 8th Day of December, 2015.

Robert L. Geddes, Director
Department of Administration
650 W. State Street, Suite 100
P.O. Box 83720
Boise, ID 83720-0024
Phone: (208) 332-1824
Fax: (208) 334-2307

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION

DOCKET NO. 47-0101-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part 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 33-2301, Idaho Code, and the Rehabilitation Act of 1973 and all subsequent amendments.

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

The Idaho Division of Vocational Rehabilitation (IDVR) Field Service Manual is currently incorporated by reference into administrative rule. The manual contains internal processes to IDVR as well as eligibility and program requirements for the people and agencies IDVR serves. IDVR has identified a number of processes in the Field Service Manual that belong, more appropriately, in a policies and procedures manual of the agency, the proposed changes would remove these section from the Field Service Manual and make technical corrections. The rule amendment then updates the date of the Field Service Manual to the current version of the manual.

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 4, 2015 Idaho Administrative Bulletin, **Vol. 15-11, pages 53 and 54.**

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

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

DATED this 30th day of November, 2015.

Tracie Bent
Chief Planning & Policy Officer
Office of the State Board of Education
P.O. Box 83720-0037
650 W. State Street
Boise, ID 83720
Phone: (208) 332-1582
Fax: (208) 334-2632

IDAPA 50 - IDAHO COMMISSION OF PARDONS AND PAROLE

50.01.01 - RULES OF THE COMMISSION OF PARDONS AND PAROLE

DOCKET NO. 50-0101-1501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2016 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 or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part 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 20-223, Idaho Code.

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

The pending rule updates and revises the rules to include changes passed through the legislative session for 2015.

Changes made to the pending rule include report information in the restoration of firearms and clarifies victim's information and notifications.

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 Idaho Administrative Bulletin, [Vol. 15-10, pages 618-644](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mary Schoeler 208-334-2520.

DATED this 25th day of November 2015.

Sandy Jones
Executive Director
3506 Elder St
Boise, Idaho 83705
208-334-2520

DOCKET NO. 50-0101-1501 -- 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, Vol. 15-10, pages 618-644.

This rule has been adopted as a pending fee rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 50-0101-1501
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

[Subsection 010.29]

29. **Non Technical Violation.** Violation of parole by absconding or a new felony or ~~violent~~ misdemeanor ~~or infraction~~ conviction. (4-11-15)()

[Section 108 - entire section]

108. RIGHTS, POWERS, AND AUTHORITY OF THE COMMISSION.

01. **Commutation, Pardon, Restoration of Firearms, and Remission.** The commission succeeds to and has all rights, powers and authority of the Board of Pardons as granted and provided by the provision of the constitution of the state of Idaho, in reference to commutation, pardon, restoration of firearms, and remission of fines. (4-11-15)()

[Proposed Subsection 108.02 deleted; subsequent subsections remain as codified]

02. **Decision to Release to Parole.** The commission has the power to decide whether or not any offender eligible for parole may be released to parole. (4-11-15)

03. **Advisory Commission to Board of Correction.** The commission may act as the advisory commission to the board of correction. The commission has any and all authority necessary to fulfill the duties and responsibilities and other duties imposed upon it by law under Section 20-201, Idaho Code and other applicable provisions of Idaho law. (4-11-15)

200. HEARING PROCESS.

[Subsection 200.06]

06. **Witnesses and Documents.** The commission allows for the ~~offender/parolee~~ participation of attorneys, families of the subject, victims, and others who have a direct relationship to the specific hearing or offender/parolee of the hearing. (4-11-15)()

250. PAROLE.

02. **Primary Review.** ~~For offenders eligible for parole~~ ~~A~~ review for the purpose of setting the initial parole hearing will be conducted on all offenders, ~~except those serving a court-retained jurisdiction and those offenders sentenced to death;~~ ~~†~~The commission is not responsible for the setting of a hearing until an official sentence calculation document has been received. (4-11-15)()

a. The executive director or a designee will conduct the review following receipt of the sentence calculation from the department of correction, records office. The month and year of the initial parole hearing will be established based upon the sentence calculation. (4-11-15)

[Subparagraph 250.02.a.i.]

~~i. In cases of an offender serving a court-retained jurisdiction and have a current sentence, the primary review will not be scheduled on that case until the court-retained jurisdiction has been adjudicated. ()~~

[Subparagraph 250.02.a.viii.]

viii. If an offender is committed to the department of correction and such offender is eligible for parole immediately, or within the first six (6) months of their incarceration, the initial parole hearing will be scheduled ~~within~~ six (6) months from the month the commission was notified of the commitment. (4-11-15)()

300. VICTIMS.

[Subsections 300.01 through 300.02]

01. **Program Process for Victims.** The commission has established a ~~program process~~ for victims of criminal offenses for which an offender is currently incarcerated and is not serving a ~~court-ordered retained~~ jurisdiction. Victims of non-adjudicated cases may be given courtesy treatment. This includes victims who may not be in the instant offense and those removed from the instant offense as a result of the plea bargain process. The victims may be located in the hearing officer report or from another victim coordinator or the prosecutor. The Victim ~~Witness~~ Coordinator will verify the victims with the prosecutor when not included with the instant offense. (4-11-15)()

a. The commission will establish a record for victims of offenders who may be considered for parole, early discharge, ~~or~~ commutation, or pardon. To establish a victim record, the commission must receive official written notice from the clerk of the sentencing court or the county prosecutor's office; the commission will use all tools at its disposal and will exercise all due diligence to notify victims of their rights if this official notice has not been received. If the commission has not received official notice of the victim, the commission or staff may be advised of the victim's identity directly by the victim, victim's family or other individual. Commission staff will verify the name or names of the victim(s) with the county prosecutor and a record will be established. (4-11-15)()

b. The commission will notify ~~legal~~ ~~the~~ victims of ~~offenders of the instant offense of~~ their right to be notified of parole, early discharge, and commutation hearings and the decision ~~of these hearings;~~ ~~Notification will inform victims of their~~ right to submit written statements or information; and; their right to provide testimony. (4-11-15)()

c. Notice of rights, hearings, decisions, early discharges, and parole releases will be sent to the victim of record to the last known address, and it is the responsibility of the victim to provide any change of address. (4-11-15)

d. A victim may request not be notified or contacted. (4-11-15)

e. Victims will receive notices of releases to parole and offenders who have absconded, ~~but, #~~ The commission is not responsible to advise of any other releases such as offender transfers to other facilities, release by completion of the sentence, or escapes from custody as these are not under the authority of the commission. (4-11-15)()

02. Confidentiality of Victim's Address and Written Testimony. The victim's record maintained by the commission ~~to~~ will include ~~the address~~ contact information and written testimony or information will be maintained in a confidential manner ~~and is not subject to disclosure to anyone for any reason.~~ The commission may only release to the Idaho Department of Corrections the victim's contact information. (3-23-98)()

400. PAROLE REVOCATION PROCESS.

[Subsection 400.02 through Paragraph 400.04.i.]

02. Warrants. A warrant may be issued for the offender's arrest. (3-23-98)

a. A supervising agency may issue an investigative warrant referred to as an agent's warrant. The agent's warrant authorizes local law enforcement to transport the parolee to the appropriate jurisdiction to be housed pending an appearance before the commission. (4-11-15)

b. A commission warrant may be signed by the executive director or by a member or members of the commission. Issuance of this warrant suspends the offender's parole until a determination has been made on the merits of the case. (4-11-15)

i. If the location of the offender is unknown, the warrant will be entered into NCIC, I-HOT, or other law enforcement data base and will designate which states the commission will extradite the offender from once arrested. At any time the executive director or designee may change the area of extradition. (4-11-15)

ii. If an offender is being held in custody on new charges in a state other than Idaho, the warrant may be placed as a detainer only and written notice of this action will be submitted to the holding facility; if the detainer is officially served on the offender without notice of this action to the commission, the commission will not be held responsible for the time limits prescribed by law for service of charges. (4-11-15)()

iii. If the offender is arrested in a state other than Idaho and refuses extradition to Idaho, it may be necessary to request a governor's warrant; during the time period in which the subject refuses to waive extradition, time incarcerated will not be credited toward the sentence. (3-23-98)

c. Parolees who have allegedly absconded from supervision are considered to be a Fugitive from Justice, starting from the day a Fugitive Warrant is issued by the commission and ending upon the day of arrest on that warrant. Per Idaho Code Section 20-228 upon issuance of a Fugitive Warrant parole is suspended and that time that a parolee is considered to be a Fugitive from Justice will not be counted towards the time on parole, or as part of the sentence. ()

03. Due Process. Every parolee arrested on a commission warrant for alleged violation(s) of parole is entitled to pertinent due process including notice of the date, time and location of any and all hearings involved in the revocation process, the right to appear at a hearing and address the allegations, and to confront and cross-examine person(s) who have given adverse information on which the charges have been based. (4-11-15)

04. Intermediate Sanctions on Technical Parole Violations and Absconding Supervision. If the violation does not result from a conviction of a new felony or violent misdemeanor, then the parolee will be afforded the opportunity to serve an intermediate sanction rather than proceeding through the formal parole violation process. (4-11-15)()

a. For a first parole violation other than absconding, ~~the~~ the commission or hearing officer will cause the parolee to be confined for a period of up to ninety (90) days effective immediately ~~upon entering the decision on the initial violation~~. upon either: (4-11-15)()

i. The date of waiver document, which indicates the parolee's acknowledgment of guilt and acceptance of sanctions in lieu of a violation hearing; or ()

ii. Notice of the hearing officer's decision in event the parolee did not waive the hearing. ()

b. For a second parole violation other than absconding, the commission or hearing officer will cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately ~~upon entering the decision~~. upon either: (4-11-15)()

i. The date of waiver document, which indicates the parolee's acknowledgment of guilt and acceptance of sanctions in lieu of a violation hearing or entering the decision; or ()

ii. Notice of the hearing officer's decision in event the parolee did not waive the hearing. ()

c. For a third or subsequent parole violation other than by absconding, a dispositional hearing will be convened during a regular session of the commission to execute an order of parole revocation and determine the period of time the parole violator will be returned to state custody. (4-11-15)()

d. ~~If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of parole by absconding supervision have been proven by a preponderance of the evidence~~ For a first violation by absconding, the commission or hearing officer will cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon ~~entering the decision~~. either: (4-11-15)()

i. The date of waiver document, which indicates the parolee's acknowledgment of guilt and acceptance of sanctions in lieu of a violation hearing or entering the decision; or ()

ii. Notice of the hearing officer's decision in event the parolee did not waive the hearing. ()

e. For a second or subsequent parole violation by absconding supervision, a dispositional hearing during a regular session of the commission will be convened to execute an order of parole revocation and determine the period of time the parole violator will be returned to state custody. (4-11-15)()

f. During any period of confinement on an intermediate sanction, the commission or hearing officer may reduce the period of confinement by up to thirty (30) days if the commission or hearing officer finds that there has been no instance of misconduct during the period of time the parolee is confined. (4-11-15)()

g. Upon successful completion of a term of intermediate sanctioning under this section, the parolee will be released to parole supervision unless prior to completing the sanction, the parolee is convicted of a violent misdemeanor or felony crime. If convicted of a violent misdemeanor or felony crime, the parolee will proceed through the formal violation process. (4-11-15)()

h. The commission or hearing officer will ~~establish criteria~~ use the intermediate sanctions pursuant to Section 20-229B, Idaho Code, to determine ~~the necessary~~ length of confinement ~~up to the allowed periods of time~~. The criteria may include the parolee's supervision history, stability in the community, severity and type of violation(s), risk and needs assessment score, and the violations report by the parole officer. (4-11-15)

i. When the member or members or hearing officer, having heard the matter, conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of evidence, or those that have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee will be reinstated on parole on the same or modified conditions of parole. ~~The commission will consider alternatives to revocation for offenders whose violations do not require reincarceration.~~ (4-11-15)()

07. Hearings. The alleged parole violator will be advised of any and all hearing dates and locations within a reasonable time frame. The hearing officer or executive director will determine the location of all hearings.

b. The type of charges addressed in the allegations will determine the kinds of hearings available to the alleged parole violator. (3-23-98)

[Subparagraphs 400.07.b.i. and ii.]

i. Non-technical Violations. If the alleged parole violator is ~~charged with a conviction for convicted~~ of a ~~violent~~ misdemeanor, or new felony ~~criminal conviction~~, or is charged with absconding ~~from supervision~~, the subject is not entitled to a preliminary or on-site hearing, but is entitled to a hearing to determine guilt or innocence within a reasonable time following service of the charges. (4-11-15)()

ii. Technical Violations. If the alleged parole violator is charged with a violation of the conditions of parole other than a ~~violent~~ misdemeanor, or new felony criminal conviction, or absconding ~~from supervision~~, the subject is entitled to a preliminary hearing ~~conducted by the supervising authority~~ within a reasonable amount of time. An on-site hearing will be conducted ~~by a hearing officer. The hearing is~~ to determine guilt or innocence within thirty (30) days from the date the accused was served with the charges of the violation. (4-11-15)()

551. RESTORATION OF FIREARMS RIGHTS UNDER SECTION 18-310, IDAHO CODE.

[New Subsection 551.03 through renumbered Subsection 551.06]

03. Report. Pursuant to the receipt of the completed report, a review may be conducted at the next scheduled hearing session of the commission. Once the report is received, staff may determine if additional information is needed. ()

a. The commission will conduct such review in executive session. ()

b. The commission will determine whether a hearing will be granted and the applicant will be advised of the decision. ()

c. Any application may be continued for further consideration or additional information. ()

~~**034.**~~ **Hearing.** The scheduling of a hearing is at the complete discretion of the commission or the executive director. (4-11-15)

a. If a hearing is scheduled, the commission will determine the date of the hearing. (4-11-15)

b. Any petition may be continued for additional information. (4-11-15)

~~**045.**~~ **Authority to Grant.** The commission has the full and final authority and discretion to grant restoration of civil rights to ship, transport, possess, or receive a firearm under Section 18-310, Idaho Code. (4-11-15)

~~**056.**~~ **Exceptions.** See the exceptions listed in Section 18-310, Idaho Code. (4-11-15)

IDAPA 50 - IDAHO COMMISSION OF PARDONS AND PAROLE

50.01.01 - RULES OF THE COMMISSION OF PARDONS AND PAROLE

DOCKET NO. 50-0101-1502

NOTICE OF RULEMAKING - AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: A temporary rule was adopted under this docket number in the October 7, 2015 Idaho Administrative Bulletin, [Vol. 15-10, pages 645-649](#). The effective date of the amendment to the temporary rule is November 25, 2015.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has amended a temporary rule. The action is authorized pursuant to Section 20-223, Idaho Code.

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

To update rules to comply with statutory language of Section 20-229B, Idaho Code, effective October 1, 2015 (10-1-2015). To implement violation hearing officers' authority to impose 90/180 day sanctions and changes made to the pending rule to further clarify and mirror language of IC-20-229B regarding implementation of 90/180 day sanctions for first, second and third parole violation; to further clarify and mirror statutory language of IC20-229B regarding implementation of 90/180 day sanctions for absconding while on parole.

The text of the temporary rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the original temporary text are printed in this bulletin. The complete text of the original temporary rule was published in the Idaho Administrative Bulletin, [Vol. 15-10, pages 645-649](#).

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:

To conform the rule with statutory changes made in Section 20-229B, Idaho Code, effective October 1, 2015.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the amendments to the temporary rule, contact Mary Schoeler (208) 332-2520.

DATED this 25th, day of November 2015.

Sandy Jones
Executive Director
3506 Elder St.
Boise, Idaho
208-334-2520

**THE FOLLOWING IS THE AMENDED TEXT OF THE TEMPORARY RULE
FOR DOCKET NO. 50-0101-1502
(Only Those Sections With Amendments Are Shown.)**

400. PAROLE REVOCATION PROCESS.

01. Initiated. The parole revocation process is initiated by a written or verbal report describing the conditions of parole which are alleged to have been violated. The parolee is required to be present at the violation or revocation hearing, unless waived by the offender with the exception of an absentia revocation hearing as explained in Subsection 400.06.h. (4-11-15)

02. Warrants. A warrant may be issued for the offender's arrest. (3-23-98)

a. A supervising agency may issue an investigative warrant referred to as an agent's warrant. The agent's warrant authorizes local law enforcement to transport the parolee to the appropriate jurisdiction to be housed pending an appearance before the commission. (4-11-15)

b. A commission warrant may be signed by the executive director or by a member or members of the commission. Issuance of this warrant suspends the offender's parole until a determination has been made on the merits of the case. (4-11-15)

i. If the location of the offender is unknown, the warrant will be entered into NCIC, I-HOT, or other law enforcement data base and will designate which states the commission will extradite the offender from once arrested. At any time the executive director or designee may change the area of extradition. (4-11-15)

ii. If an offender is being held in custody on new charges, in a state other than Idaho the warrant may be placed as a detainer only and written notice of this action will be submitted to the holding facility; if the detainer is officially served on the offender without notice of this action to the commission, the commission will not be held responsible for the time limits prescribed by law for service of charges. ~~(4-11-15)~~(10-1-15)T

iii. If the offender is arrested in a state other than Idaho and refuses extradition to Idaho, it may be necessary to request a governor's warrant; during the time period in which the subject refuses to waive extradition, time incarcerated will not be credited toward the sentence. (3-23-98)

c. Parolees who have allegedly absconded from supervision are considered to be a Fugitive from Justice, starting from the day a Fugitive Warrant is issued by the commission and ending upon the day of arrest on that warrant. Per Idaho Code Section 20-228 upon issuance of a Fugitive Warrant parole is suspended and that time that a parolee is considered to be a Fugitive from Justice will not be counted towards the time on parole, or as part of the sentence. (11-25-15)T

03. Due Process. Every parolee arrested on a commission warrant for alleged violation(s) of parole is entitled to pertinent due process including notice of the date, time and location of any and all hearings involved in the revocation process, the right to appear at a hearing and address the allegations, and to confront and cross-examine person(s) who have given adverse information on which the charges have been based. (4-11-15)

04. Intermediate Sanctions on Technical Violations and Absconding ~~Supervision~~. If the violation does not result from a conviction of a new felony or violent misdemeanor, then the parolee will be afforded the opportunity to serve an intermediate sanction rather than proceeding through the formal parole violation process. ~~(4-11-15)~~(11-25-15)T

a. For a first parole violation other than absconding, ~~The~~ the commission or hearing officer will cause the parolee to be confined for a period of up to ninety (90) days effective immediately upon entering the decision on the initial violation. upon either: ~~(4-11-15)~~(10-1-15)T(11-25-15)T

i. The date of waiver document, which indicates the parolee's acknowledgment of guilt and acceptance of sanctions in lieu of violation hearing; or (10-1-15)T

ii. Notice of the hearing officer's decision in event the parolee did not waive the hearing. (10-1-15)T

b. For a second parole violation other than by absconding, the commission or hearing officer will cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately ~~upon entering the decision.~~ upon either: (4-11-15)(10-1-15)T(11-25-15)T

i. The date of waiver document, which indicates the parolee's acknowledgment of guilt and acceptance of sanctions in lieu of a violation hearing; or (10-1-15)T

ii. Notice of the hearing officer's decision in event the parolee did not waive the hearing. (10-1-15)T

c. For a third or subsequent parole violation other than by absconding, a dispositional hearing will be convened during a regular session of the commission to execute an order of parole revocation and determine the period of time the parole violator will be returned to state custody. (4-11-15)(11-25-15)T

d. ~~If the member or members or hearing officer, having heard the matter, should conclude that the allegations of violation of parole by absconding supervision have been proven by a preponderance of the evidence~~ For a first violation by absconding, the commission or hearing officer will cause the parolee to be confined for a period of up to one hundred eighty (180) days effective immediately upon ~~entering the decision.~~ either: (4-11-15)(10-1-15)T(11-25-15)T

i. The date of waiver document, which indicates the parolee's acknowledgment of guilt and acceptance of sanctions in lieu of a violation hearing or entering the decision; or (11-25-15)T

ii. Notice of the hearing officer's decision in event the parolee did not waive the hearing. (11-25-15)T

e. For a second or subsequent parole violation by absconding ~~supervision~~, a dispositional hearing during a regular session of the commission will be convened to execute an order of parole revocation and determine the period of time the parole violator will be returned to state custody. (4-11-15)(11-25-15)T

f. During any period of confinement on an intermediate sanction, the commission or hearing officer may reduce the period of confinement by up to thirty (30) days if the commission or hearing officer finds that there has been no instance of misconduct during the period of time the parolee is confined. (4-11-15)(10-1-15)T

g. Upon successful completion of a term of intermediate sanctioning under this section, the parolee will be released to parole supervision unless prior to completing the sanction, the parolee is convicted of a violent misdemeanor or felony crime. If convicted of a violent misdemeanor or felony crime, the parolee will then be moved to non-technical status and will proceed through the formal violation process. (4-11-15)(10-1-15)T(11-25-15)T

h. The commission or hearing officer will ~~establish criteria~~ use the intermediate sanctions pursuant to Section 20-229B, Idaho Code, to determine ~~the necessary~~ length of confinement ~~up to the allowed periods of time.~~ The criteria may include the parolee's supervision history, stability in the community, severity and type of violation(s), risk and needs assessment score, and the violations report by the parole officer. (4-11-15)(10-1-15)T

i. When the member or members or hearing officer, having heard the matter, conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of evidence, or those that have been proven by a preponderance of the evidence are not sufficient cause for the revocation of parole, then the parolee will be reinstated on parole on the same or modified conditions of parole. ~~The commission will consider alternatives to revocation for offenders whose violations do not require reincarceration.~~ (4-11-15)(10-1-15)T

05. Witnesses. The alleged parole violator or the accusing parole officer may present witnesses in support of the claims of the allegations or in defense of the charges. (3-23-98)

a. The commission has no subpoena power to compel any witness to attend a hearing. The alleged parole violator may make a timely written request to the commission office for certain adverse witnesses to be available for cross-examination, and such request must include the name, address, telephone number, and relationship to the case; the hearing officer will make reasonable efforts to request their participation. (4-11-15)

b. If it is determined by the hearing officer or the executive director that the identification of an informant or the personal appearance of a witness would subject such person to risk or harm, confrontation or cross-examination will not be allowed and the record will reflect such determination. (3-23-98)

c. It is the alleged parole violator's responsibility and the accusing parole officer's responsibility to notify their witnesses of the date, time, and location of any and all hearings or change of hearings. (4-11-15)

06. Attorney. The alleged parole violator may utilize the services of an attorney at any hearing conducted during the revocation process. (3-23-98)

a. An attorney will be paid at the alleged parole violator's expense unless it is determined by a hearing officer for the commission, the executive director, or the commission that there is a colorable claim that the alleged violation(s) did not occur, that the alleged parole violator does not understand the proceedings, or is otherwise incapable of representing himself. (3-23-98)

b. It is the alleged parole violator's responsibility to notify his attorney of the date, time, and location of any and all hearings or change of hearings. The alleged parole violator's attorney may make a request of the commission office of any hearings and **if requested in writing, the commission office will** provide the attorney with ~~any and all copies of reports and or documents; in addition, the subject's attorney may also obtain copies by making a request to the commission office~~ **that are public records according to the public records act.** ~~(4-11-15)~~**(10-1-15)T**

07. Hearings. The alleged parole violator will be advised of any and all hearing dates and locations within a reasonable time frame. The hearing officer or executive director will determine the location of all hearings. (4-11-15)

a. The subject may request continuance or waiver of any hearing which is subject to the final determination of the hearing officer, executive director, or the commission. (3-23-98)

b. The type of charges addressed in the allegations will determine the kinds of hearings available to the alleged parole violator. (3-23-98)

i. Non-technical Violations. If the alleged parole violator is ~~charged with a conviction for convicted~~ **of a violent** misdemeanor, or new felony ~~criminal conviction~~, or is charged with absconding ~~from supervision~~, the subject is not entitled to a preliminary or on-site hearing, but is entitled to a hearing to determine guilt or innocence within a reasonable time following service of the charges. ~~(4-11-15)~~**(11-25-15)T**

ii. Technical Violations. If the alleged parole violator is charged with a violation of the conditions of parole other than a ~~violent~~ misdemeanor, or new felony criminal conviction, or absconding ~~from supervision~~, the subject is entitled to a preliminary hearing ~~conducted by the supervising authority~~ within a reasonable amount of time. An on-site hearing will be conducted ~~by a hearing officer. The hearing is~~ to determine guilt or innocence within thirty (30) days from the date the accused was served with the charges of the violation. ~~(4-11-15)~~**(11-25-15)T**

c. Preliminary Hearing. A technical parole violator is entitled to a preliminary hearing to establish whether or not there is probable cause to believe the violations may have occurred, and such hearing will be conducted by staff of the supervising authority or as otherwise directed by the executive director. The alleged parole violator is entitled to a verbal or written decision within a reasonable time following the preliminary hearing. (4-11-15)

d. On-Site Hearing. A technical parole violator is entitled to an on-site hearing conducted by a hearing officer. The on-site hearing is conducted reasonably near the site of the alleged parole violation(s). The executive director or hearing officer will determine where the hearing will be conducted. In situations where the violation(s)

occurred outside the state of Idaho, the executive director or hearing officer will determine the location of the hearing. Based on Interstate Compact rules, an on-site hearing may not be possible if charged and arrested in a state other than Idaho. (4-11-15)

e. Violation Hearing. In most cases, a hearing officer will conduct a fact-finding or violation hearing and will make a finding on each allegation as to the guilt or innocence and may dismiss some or all allegations. If a hearing officer is unavailable, the executive director will appoint someone to conduct the hearing. The offender is entitled to a verbal or written decision within twenty (20) days of the violation hearing. (4-11-15)

f. Revocation. Pursuant to a violation hearing or waiver of such hearing and a finding of guilt was made on one (1) or more of the violations, the commission will consider whether or not parole will be revoked. (5-3-03)

i. The commission has full discretion in granting reinstatement on parole or revocation of parole. A hearing with the offender may be conducted or the decision may be made along with deliberation on an Absentia Parole Revocation. (see Subsections 400.067.hg.i. and 400.067.hg.ii.) The Commission will consider whether the parole will be reinstated or revoked and will state the reasoning if parole is revoked. ~~(4-11-15)~~(10-1-15)T

g. Absentia Hearing. The commission can revoke parole without the subject's appearance if the subject has signed the proper commission form waiving the right to appear before the commission. The commission will determine if parole will be considered once the revocation decision has been made. (3-23-98)

i. If new criminal charges result in a new commitment and incarceration, the subject can admit guilt and waive an appearance at a violation or revocation hearing. (3-23-98)

ii. If the subject has absconded supervision and is reincarcerated in another state without a new conviction, the subject can admit guilt and waive an appearance at a violation or revocation hearing. (3-23-98)

08. Miscellaneous Revocation Information. (3-23-98)

a. The executive director will determine who will conduct all hearings involved in the revocation process. (3-23-98)

b. The commission, through the executive director shall designate the county, state, or other facility where the alleged parole violator shall be held. The commission's order shall be sufficient authority by law to direct any county sheriff or the board of correction to hold an alleged parole violator in custody until such time as the commission directs his removal or transfer. (3-23-98)

c. The alleged parole violator can request a continuance of any hearing. The hearing officer, executive director, or the commission will determine if the continuance will be granted. If the alleged parole violator requests a continuance of any hearing, said request will constitute a waiver of any and all time limits involved. (4-11-15)

09. Inability to Assist in Defense. (3-23-98)

a. Specific time limits pertinent to the case may be waived. (3-23-98)

b. At the hearing officer or executive director's discretion, an attorney may be appointed for the offender at commission expense. (4-11-15)

c. A psychological evaluation may be requested by the commission and mental health treatment may be deemed appropriate. (4-11-15)

d. A status update of the case will be made at regular intervals, and the executive director will determine how the case will proceed. (3-23-98)

10. Findings/Decisions. (3-23-98)

a. At any time following arrest on a commission warrant, the executive director or the commission will decide if the parolee will be released to continue parole. (5-3-03)

b. If it is determined at the preliminary hearing that there is no probable cause to support the charges, the parolee will be released to continue parole. (3-23-98)

c. After a violation hearing, the hearing officer will prepare a report of findings summarizing the violation hearing, to include testimony, and will make specific findings for each allegation. (4-11-15)

i. The hearing officer may make a finding of guilt but may recommend to the executive director that the offender be reinstated on parole without further proceedings. (3-23-98)

ii. The offender is entitled to receive a copy of all reports of findings of hearings. (3-23-98)

11. Forfeiture of Time on Parole. If parole is revoked, the time during which the offender was on parole from the parole release date to the arrest date on an agent's warrant and/or commission warrant may be forfeited, in whole or in part, and may not be deemed a part of the sentence for which the offender was committed. (4-11-15)

a. The time the offender is incarcerated on an agent's warrant and a commission warrant will be credited toward the sentence. (4-11-15)

b. If the offender was incarcerated at any time during the parole period and such incarceration was on an agent's warrant and/or commission warrant, this time will be credited toward the sentence; this includes a reinstatement case. (3-23-98)

c. The offender will not receive credit for incarceration time if the incarceration was for a new crime and the commission and parole officer did not initiate violation proceedings. (3-23-98)

d. The offender must provide the hearing officer or the executive director with dates of incarceration and the location of the incarceration. (3-23-98)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

PARADISE CREEK TOTAL MAXIMUM DAILY LOAD (TMDL): 2015 BACTERIA ADDENDUM (HUC ID 17060108)

DOCKET NO. 58-0000-1601

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 Paradise Creek Total Maximum Daily Load (TMDL): 2015 Bacteria Addendum.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Paradise Creek TMDL: 2015 Bacteria Addendum. 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 Paradise Creek TMDL: 2015 Bacteria Addendum (Hydrologic Unit Code 17060108) establishes two (2) new E. coli TMDLs to replace two (2) existing approved fecal coliform TMDLs on water quality impaired stream reaches (assessment units). 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 <http://www.deq.idaho.gov/media/60177629/paradise-creek-tmdl-2015-bacteria-addendum.pdf> or by contacting Mark Shumar, TMDL Program Coordinator, 208-373-0132, mark.shumar@deq.idaho.gov.

Dated this 6th day of January, 2016.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
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(208)373-0418/Fax No. (208)373-0481
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IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1201

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code §§ 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Idaho Code §§ 39-105, 39-107, and 39-3601 et seq.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, October 7, 2015, [Vol. 15-10, pages 653-678](#). After consideration of public comments, the rule has been revised at Section 210. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0102-1201 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Dated this 6th day of January, 2016.

Paula J. Wilson
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DOCKET NO. 58-0102-1201 -- ADOPTION OF PENDING RULE

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

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 15-10, pages 653 through 678

This rule has been adopted as a pending fee rule by the Agency and is now awaiting review and final approval by the 2016 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEXT OF THE PENDING RULE
FOR DOCKET NO. 58-0102-1201
(Only Those Sections With Amendments Are Shown.)

[Subsection 210.01 - All]

210. NUMERIC CRITERIA FOR TOXIC SUBSTANCES FOR WATERS DESIGNATED FOR AQUATIC LIFE, RECREATION, OR DOMESTIC WATER SUPPLY USE.

- 01. Criteria for Toxic Substances.** The criteria of Section 210 apply to surface waters of the state as follows. (5-3-03)
- a. Columns B1, and B2, ~~and C2~~ of the following table apply to waters designated for aquatic life use. ~~(5-3-03)~~ ()
 - b. Column C2 of the following table applies to waters designated for primary or secondary contact recreation use. ~~(5-3-03)~~ ()
 - c. Column C1 of the following table applies to waters designated for domestic water supply use.

Note: In 2006, Idaho updated 167 human health criteria for 88 chemicals. On May 10, 2012, EPA disapproved Idaho's 2006 update of 167 human health criteria for toxic substances and the use of 17.5 g/day fish consumption rate for human health criteria (see IDAPA 58.01.02.210.05.b.i). This action was based on EPA's judgment that the fish consumption rate used in criteria derivation was not adequately protective. As a result of this action, the human health criteria published in the 2005 version of IDAPA 58.01.02.210.01 continue to apply and are effective for federal Clean Water Act purposes. These criteria are summarized in "Numeric Criteria for Toxic Substances (2005)" located at http://www.deq.idaho.gov/media/451725-human_health_criteria.pdf.

For more information regarding this EPA disapproval, go to <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>.

A		B Aquatic life				C Human health for consumption of:			
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & organisms fish (µg/L)		Organisms Fish only (µg/L)		
		B1	B2		C1	C2			
1 Antimony	7440360				5-6 <u>5.2</u>	c	640 <u>190</u>	c	
2 Arsenic	7440382	340 e	150 e	Y	10	d fg	10	d fg	
3 Beryllium	7440417					h		h	
4 Cadmium	7440439	1.3 i	0.6 i			h		h	
5a Chromium III	16065831	570 i	74 i			h		h	
5b Chromium VI	18540299	16 e	11 e			h		h	
6 Copper	7440508	17 i	11 i		<u>1,300</u>	q			
7 Lead	7439921	65 i	2.5 i			h		h	
8a Mercury	7439976	g	g						
<p>Note: In 2005, Idaho adopted EPA's recommended methylmercury fish tissue criterion for protection of human health. The decision was made to remove the old tissue-based aquatic life criteria and rely on the fish tissue criterion to provide protection for aquatic life as well as human health. Thus, current Idaho water quality standards do not have mercury water column criteria for the protection of aquatic life. While EPA approved Idaho's adoption of the fish tissue criterion in September 2005, it had withheld judgment on Idaho's removal of aquatic life criteria. On December 12, 2008, EPA disapproved Idaho's removal of the old aquatic life criteria. The water column criteria for total recoverable mercury effective for federal Clean Water Act purposes are located at http://www.deq.idaho.gov/epa-actions-on-proposed-standards.</p>									
8b Methylmercury	22967926						0.3 mg/kg	p	
9 Nickel	7440020	470 i	52 i		640 <u>58</u>	c	4600 <u>100</u>	c	
10 Selenium	7782492	20 f	5 f		470 <u>29</u>	c	4200 <u>250</u>	c	
11 Silver	7440224	3.4 i							
12 Thallium	7440280				0.24 <u>0.017</u>	c	0.47 <u>0.023</u>	c	
13 Zinc	7440666	120 i	120 i		7400 <u>870</u>	c	26000 <u>1,500</u>	c	
14 Cyanide	57125	22 j	5.2 j		440 <u>3.9</u>	c	440 <u>140</u>	c	
15 Asbestos	1332214				7,000,000 fibers/L	kq			
16 2, 3, 7, 8-TCDD Dioxin	1746016			Y	0.000000005 <u>1.8E-08</u>	cl	0.0000000054 <u>1.9E-08</u>	cl	
17 Acrolein	107028				490 <u>3.2</u>	c	290 <u>120</u>	c	
18 Acrylonitrile	107131			Y	0.054 <u>0.60</u>	cl	0.25 <u>22</u>	cl	
19 Benzene	71432				2.2 <u>3.0</u>	cl	54 <u>28</u>	cl	
20 Bromoform	75252			Y	4.362	cl	440 <u>380</u>	cl	

A		B Aquatic life			C Human health for consumption of:				
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & organisms fish (µg/L)		Organisms Fish only (µg/L)		
		B1	B2		C1		C2		
21	Carbon Tetrachloride	56235			Y	0.23 <u>3.6</u>	cl	1.6 <u>15</u>	cl
22	Chlorobenzene	108907				130 <u>89</u>	c	1600 <u>270</u>	c
23	Chlorodibromomethane	124481			Y	0.40 <u>7.4</u>	cl	13 <u>67</u>	cl
24	Chloroethane	75003				<u>h</u>		<u>h</u>	
25	2-Chloroethylvinyl Ether	110758				<u>h</u>		<u>h</u>	
26	Chloroform	67663				5.7 <u>61</u>	lc	470 <u>730</u>	lc
27	Dichlorobromomethane	75274			Y	0.55 <u>8.8</u>	cl	17 <u>86</u>	cl
28	1,1-Dichloroethane	75343				<u>h</u>		<u>h</u>	
29	1,2-Dichloroethane	107062			Y	0.38 <u>96</u>	cl	37 <u>2,000</u>	cl
30	1,1-Dichloroethylene	75354				330 <u>310</u>	lc	7100 <u>5,200</u>	lc
31	1,2-Dichloropropane	78875			Y	0.50 <u>8.5</u>	cl	15 <u>98</u>	cl
32	1,3-Dichloropropene	542756			Y	0.34 <u>2.5</u>	cl	21 <u>38</u>	cl
33	Ethylbenzene	100414				530 <u>32</u>	c	2100 <u>41</u>	c
34	Methyl Bromide	74839				47 <u>130</u>	c	1500 <u>3,700</u>	c
35	Methyl Chloride	74873					h		h
36	Methylene Chloride	75092				4.6 <u>38</u>	cl	590 <u>960</u>	cl
37	1,1,2,2-Tetrachloroethane	79345			Y	0.17 <u>1.4</u>	cl	4.0 <u>8.6</u>	cl
38	Tetrachloroethylene	127184				0.69 <u>15</u>	cl	3.3 <u>23</u>	cl
39	Toluene	108883				1300 <u>47</u>	c	15000 <u>170</u>	c
40	1,2-Trans-Dichloroethylene	156605				140 <u>120</u>	c	10000 <u>1,200</u>	c
41	1,1,1-Trichloroethane	71556				<u>11,000</u>	hc	<u>56,000</u>	hc
42	1,1,2-Trichloroethane	79005			Y	0.59 <u>4.9</u>	cl	16 <u>29</u>	cl
43	Trichloroethylene	79016				2.5 <u>2.6</u>	cl	30 <u>11</u>	cl
44	Vinyl Chloride	75014			Y	0.025 <u>0.21</u>	cl	2.4 <u>5.0</u>	cl
45	2-Chlorophenol	95578				81 <u>30</u>	c	150 <u>260</u>	c
46	2,4-Dichlorophenol	120832				77 <u>9.6</u>	c	290 <u>19</u>	c
47	2,4-Dimethylphenol	105679				380 <u>110</u>	c	850 <u>820</u>	c
48	2-Methyl-4,6-Dinitrophenol	534521				13 <u>1.6</u>	c	280 <u>8.6</u>	c

A		B Aquatic life				C Human health for consumption of:	
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & organisms fish (µg/L)	Organisms Fish only (µg/L)	
		B1	B2		C1	C2	
49	2,4-Dinitrophenol	51285			69 <u>12</u> c	5300 <u>110</u> c	
50	2-Nitrophenol	88755			h	h	
51	4-Nitrophenol	100027			h	h	
52	3-Methyl-4-Chlorophenol	59507			350 <u>c</u>	750 <u>c</u>	
53	Pentachlorophenol	87865	20 m	13 m	0.27 <u>0.11</u> cl	3.0 <u>0.12</u> cl	
54	Phenol	108952			24000 <u>3,800</u> c	1700000 <u>85,000</u> c	
55	2,4,6-Trichlorophenol	88062			1.4 <u>1.5</u> cl	2.4 <u>2.0</u> cl	
56	Acenaphthene	83329			670 <u>26</u> c	990 <u>28</u> c	
57	Acenaphthylene	208968			h	h	
58	Anthracene	120127			8300 <u>110</u> c	40000 <u>120</u> c	
59	Benzidine	92875		Y	0.000086 <u>0.0014</u> cl	0.00020 <u>0.033</u> cl	
60	Benzo(a)Anthracene	56553		Y	0.0038 <u>0.0042</u> cl	0.018 <u>0.0042</u> cl	
61	Benzo(a)Pyrene	50328		Y	0.0038 <u>0.00042</u> cl	0.018 <u>0.00042</u> cl	
62	Benzo(b)Fluoranthene	205992		Y	0.0038 <u>0.0042</u> cl	0.018 <u>0.0042</u> cl	
63	Benzo(ghi)Perylene	191242			h	h	
64	Benzo(k)Fluoranthene	207089		Y	0.0038 <u>0.042</u> cl	0.018 <u>0.042</u> cl	
65	Bis(2-Chloroethoxy) Methane	111911			h	h	
66	Bis(2-Chloroethyl)Ether	111444		Y	0.030 <u>0.29</u> cl	0.53 <u>6.8</u> cl	
67	Bis(2-Chloroisopropyl) Ether	108601			1400 <u>220</u> c	65000 <u>1,200</u> c	
68	Bis(2-Ethylhexyl) Phthalate	117817		Y	1.2 <u>1.2</u> cl	2.2 <u>1.2</u> cl	
69	4-Bromophenyl Phenyl Ether	101553			h	h	
70	Butylbenzyl Phthalate	85687			1500 <u>0.33</u> c	1900 <u>0.33</u> c	
71	2-Chloronaphthalene	91587			1000 <u>330</u> c	1600 <u>380</u> c	
72	4-Chlorophenyl Phenyl Ether	7005723			h	h	

A		B Aquatic life		C Human health for consumption of:			
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & organisms fish (µg/L)	Organisms Fish only (µg/L)	
		B1	B2		C1	C2	
73	Chrysene	218019			<u>0.0038</u> <u>0.42</u> cl	<u>0.018</u> <u>0.42</u> cl	
74	Dibenzo (a,h) Anthracene	53703			<u>0.0038</u> <u>0.00042</u> cl	<u>0.018</u> <u>0.00042</u> cl	
75	1,2-Dichlorobenzene	95501			<u>420</u> <u>700</u> c	<u>4300</u> <u>1,100</u> c	
76	1,3-Dichlorobenzene	541731			<u>320</u> <u>3.5</u> c	<u>960</u> <u>4.8</u> c	
77	1,4-Dichlorobenzene	106467			<u>63</u> <u>180</u> c	<u>490</u> <u>300</u> c	
78	3,3'-Dichlorobenzidine	91941			<u>0.021</u> <u>0.29</u> cl	<u>0.028</u> <u>0.48</u> cl	
79	Diethyl Phthalate	84662			<u>17000</u> <u>200</u> c	<u>44000</u> <u>210</u> c	
80	Dimethyl Phthalate	131113			<u>270000</u> <u>600</u> c	<u>4100000</u> <u>600</u> c	
81	Di-n-Butyl Phthalate	84742			<u>2000</u> <u>8.2</u> c	<u>4500</u> <u>8.3</u> c	
82	2,4-Dinitrotoluene	121142			<u>0.11</u> <u>0.46</u> cl	<u>3.4</u> <u>5.5</u> cl	
83	2,6-Dinitrotoluene	606202			<u>h</u>	<u>h</u>	
84	Di-n-Octyl Phthalate	117840			<u>h</u>	<u>h</u>	
85	1,2-Diphenylhydrazine	122667			<u>0.036</u> <u>0.25</u> cl	<u>0.20</u> <u>0.65</u> cl	
86	Fluoranthene	206440			<u>130</u> <u>6.3</u> c	<u>140</u> <u>6.4</u> c	
87	Fluorene	86737			<u>1100</u> <u>21</u> c	<u>5300</u> <u>22</u> c	
88	Hexachlorobenzene	118741			<u>0.00028</u> <u>0.00026</u> cl	<u>0.00029</u> <u>0.00026</u> cl	
89	Hexachlorobutadiene	87683			<u>0.44</u> <u>0.031</u> cl	<u>48</u> <u>0.031</u> cl	
90	Hexachloro-cyclopentadiene	77474			<u>40</u> <u>1.3</u> c	<u>1100</u> <u>1.3</u> c	
91	Hexachloroethane	67721			<u>1.4</u> <u>0.23</u> cl	<u>3.3</u> <u>0.24</u> cl	
92	Ideno (1,2,3-cd) Pyrene	193395			<u>0.0038</u> <u>0.0042</u> cl	<u>0.018</u> <u>0.0042</u> cl	
93	Isophorone	78591			<u>35</u> <u>330</u> cl	<u>960</u> <u>6,000</u> cl	
94	Naphthalene	91203			<u>h</u>	<u>h</u>	
95	Nitrobenzene	98953			<u>47</u> <u>12</u> c	<u>690</u> <u>180</u> c	
96	N-Nitrosodimethylamine	62759			<u>0.00069</u> <u>0.0065</u> cl	<u>3.0</u> <u>9.1</u> cl	
97	N-Nitrosodi-n-Propylamine	621647			<u>0.0050</u> <u>0.046</u> cl	<u>0.51</u> <u>1.5</u> cl	

A		B Aquatic life		C Human health for consumption of:				
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & organisms fish (µg/L)	Organisms Fish only (µg/L)		
		B1	B2		C1	C2		
98	N-Nitrosodiphenylamine	86306			3.314	6.0 18	cl	
99	Phenanthrene	85018					h	
100	Pyrene	129000			830 8.1	4000 8.4	c	
101	1,2,4-Trichlorobenzene	120821			35 0.24	70 0.24	c	
102	Aldrin	309002	3	Y	0.000049 2.5E-06	0.000050 2.5E-06	cl	
103	alpha-BHC	319846		Y	0.0026 0.0012	0.0049 0.0013	cl	
104	beta-BHC	319857		Y	0.0091 0.036	0.017 0.045	cl	
105	gamma-BHC (Lindane)	58899	2		0.98 1.4	4.8 1.4	lc	
106	delta-BHC	319868					h	
107	Chlordane	57749	2.4	0.0043	Y	0.00080 0.0010	0.00081 0.0010	cl
108	4,4'-DDT	50293	1.1	0.001	Y	0.00022 9.8E-05	0.00022 9.8E-05	cl
109	4,4'-DDE	72559			Y	0.00022 5.5E-05	0.00022 5.5E-05	cl
110	4,4'-DDD	72548			Y	0.00031 0.00042	0.00031 0.00042	cl
111	Dieldrin	60571	2.5	0.0019	Y	0.000052 4.2E-06	0.000054 4.2E-06	cl
112	alpha-Endosulfan	959988	0.22	0.056		62 7.0	89 8.5	c
113	beta-Endosulfan	33213659	0.22	0.056		62 11	89 14	c
114	Endosulfan Sulfate	1031078				62 9.9	89 13	c
115	Endrin	72208	0.18	0.0023		0.059 0.011	0.060 0.011	c
116	Endrin Aldehyde	7421934				0.29 0.38	0.30 0.40	c
117	Heptachlor	76448	0.52	0.0038	Y	0.000079 2.0E-05	0.000079 2.0E-05	cl
118	Heptachlor Epoxide	1024573	0.52	0.0038	Y	0.000039 0.00010	0.000039 0.00010	cl
119	Polychlorinated Biphenyls PCBs:	n		0.014 n	Y	0.000064 0.00019	0.000064 0.00019	clo
120	Toxaphene	8001352	0.73	0.0002	Y	0.00028 0.0023	0.00028 0.0023	cl

A		B Aquatic life			C Human health for consumption of:	
(Number) Compound	a CAS Number	b CMC (µg/L)	b CCC (µg/L)	Carcinogen?	Water & organisms fish (µg/L)	Organisms Fish only (µg/L)
		B1	B2		C1	C2
121	Chlorine					
122	<u>1,2,4,5-Tetrachlorobenzene</u>	<u>95943</u>			<u>0.0093</u> c	<u>0.0094</u> c
123	<u>2,4,5-Trichlorophenol</u>	<u>95954</u>			<u>140</u> c	<u>190</u> c
124	<u>Bis (Chloromethyl) Ether</u>	<u>542881</u>		Y	<u>0.0015</u> cl	<u>0.055</u> cl
125	<u>Chlorophenoxy Herbicide (2,4,5-TP) [Silvex]</u>	<u>93721</u>			<u>82</u> c	<u>130</u> c
126	<u>Chlorophenoxy Herbicide (2,4-D)</u>	<u>94757</u>			<u>1,000</u> c	<u>3,900</u> c
127	<u>Dinitrophenols</u>	<u>25550587</u>			<u>13</u> c	<u>320</u> c
128	<u>Hexachlorocyclohexane (HCH)-Technical</u>	<u>608731</u>		Y	<u>0.027</u> cl	<u>0.032</u> cl
129	<u>Methoxychlor</u>	<u>72435</u>			<u>0.0054</u> c	<u>0.0055</u> c
130	<u>Pentachlorobenzene</u>	<u>608935</u>			<u>0.035</u> c	<u>0.036</u> c
Table Footnotes						
a. Chemical Abstracts Service (CAS) registry numbers which provide a unique identification for each chemical.						
b. See definitions of Acute Criteria (CMC) and Chronic Criteria (CCC), Section 010 of these rules.						

A		B Aquatic life		C Human health for consumption of:		
(Number) Compound	a CAS Number	b CMC (µg/L) B1	b CCC (µg/L) B2	Carcinogen?	Water & organisms fish (µg/L) C1	Organisms Fish only (µg/L) C2
<p>c. This criterion has been revised to reflect The Environmental Protection Agency's q1* or RfD, as contained in the Integrated Risk Information System (IRIS) as of May 17, 2002. The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case. This criterion is based on input values to human health criteria calculation specified in Idaho's Technical Support Document (TSD) for Human Health Criteria Calculations - 2015. Criteria for non-carcinogens are calculated using the formula:</p> $AWQC = RfD * RSC * \left(\frac{BW}{DI + (FI * BAF)} \right)$ <p>and criteria for carcinogens are calculated using the formula:</p> $AWQC = RSD * \left(\frac{BW}{DI + (FI * BAF)} \right)$ <p><u>Where:</u> <u>AWQC = Ambient water quality criterion (mg/L)</u> <u>BW = Human Body Weight (kg), 80 is used in these criteria</u> <u>DI = Drinking Water Intake, (L/day), 2.4 is used in these criteria</u> <u>FI = Fish Intake, (kg/day), 0.0665 is used in these criteria</u> <u>BAF = Bioaccumulation Factor, L/kg, chemical specific value, see TSD</u> <u>RfD = Reference dose (mg/kg-day), chemical specific value, see TSD</u></p> $RSD = \frac{\text{Target Incremental Cancer Risk}}{\text{Cancer Potency Factor}} \text{ (mg/kg-day), chemical specific value, see TSD}$ <p><u>RSC = Relative Source Contribution, chemical specific value, see TSD</u></p>						
d. Inorganic forms only.						
e. Criteria for these metals are expressed as a function of the water effect ratio, WER, as defined in Subsection 210.03.c.iii. CMC = column B1 value X WER. CCC = column B2 value X WER.						
f. Criterion expressed as total recoverable (unfiltered) concentrations.						
g. No aquatic life criterion is adopted for inorganic mercury. However, the narrative criteria for toxics in Section 200 of these rules applies. The Department believes application of the human health criterion for methylmercury will be protective of aquatic life in most situations.						
h. No numeric human health criteria has been established for this contaminant. However, permit authorities should address this contaminant in NPDES permit actions using the narrative criteria for toxics from Section 200 of these rules.						

A		B Aquatic life		C Human health for consumption of:	
(Number) Compound	^a CAS Number	^b CMC (µg/L) B1	^b CCC (µg/L) B2	<i>Carcinogen?</i> Water & organisms fish (µg/L) C1	Organisms Fish only (µg/L) C2
i. Aquatic life criteria for these metals are a function of total hardness (mg/L as calcium carbonate), the pollutant's water effect ratio (WER) as defined in Subsection 210.03.c.iii. and multiplied by an appropriate dissolved conversion factor as defined in Subsection 210.02. For comparative purposes only, the example values displayed in this table are shown as dissolved metal and correspond to a total hardness of one hundred (100) mg/L and a water effect ratio of one (1.0).					
j. Criteria are expressed as weak acid dissociable (WAD) cyanide.					
k. Total chlorine residual concentrations.					
l. EPA guidance allows states to choose <u>a risk factor from a range</u> of 10 ⁻⁴ to 10 ⁻⁶ <u>for the incremental increase in cancer risk used in human health criteria calculation</u> . Idaho has chosen to base this criterion on carcinogenicity of 10 ^{-6.5} risk.					
m. Aquatic life criteria for pentachlorophenol are expressed as a function of pH, and are calculated as follows. Values displayed above in the table correspond to a pH of seven and eight tenths (7.8). CMC = exp(1.005(pH)-4.830) CCC = exp(1.005(pH)-5.290)					
n. PCBs are a class of chemicals which include Aroclors, 1242, 1254, 1221, 1232, 1248, 1260, and 1016, CAS numbers 53469219, 11097691, 11104282, 11141165, 12672296, 11096825 and 12674112 respectively. The aquatic life criteria apply to this set of PCBs.					
o. This criterion applies to total PCBs, (e.g. the sum of all congener, isomer, or Aroclor analyses).					
p. This fish tissue residue criterion (TRC) for methylmercury is based on a human health reference dose (RfD) of 0.0001 mg/kg body weight-day; a relative source contribution (RSC) estimated to be 27% of the RfD; a human body weight (BW) of 70 kg (for adults); and a total fish consumption rate of 0.0175 kg/day for the general population, summed from trophic level (TL) breakdown of TL2 = 0.0038 kg fish/day + TL3 = 0.0080 kg fish/day + TL4 = 0.0057 kg fish/day. This is a criterion that is protective of the general population. A site-specific criterion or a criterion for a particular subpopulation may be calculated by using local or regional data, rather than the above default values, in the formula: TRC = [BW x {RfD - (RSCxRfD)}] / Σ TL. In waters inhabited by species listed as threatened or endangered under the Endangered Species Act or designated as their critical habitat, the Department will apply the human health fish tissue residue criterion for methylmercury to the highest trophic level available for sampling and analysis.					
q. <u>This criterion is based on the drinking water Maximum Containment Level (MCL).</u>					

(3-29-10)()

05. Development of Toxic Substance Criteria. (4-5-00)

b. Human Health Criteria. (4-5-00)

[Subparagraph 210.05.b.ii.]

ii. When using EPA recommended criteria toxicity thresholds to derive water quality criteria to protect human health, a fish consumption rate of seventeen point five (17.5) grams/day, a representative of the population to be protected, a mean adult body weight, an adult 90th percentile water ingestion rate of two (2) liters/day, a trophic level weighted BAF or BCF, and a hazard quotient of one (1) for non-carcinogens or a cancer risk level of 10^{-6} for carcinogens shall be utilized. (4-11-06) ()

Note: In 2006, Idaho updated 167 human health criteria for 88 chemicals. On May 10, 2012, EPA disapproved Idaho's 2006 update of 167 human health criteria for toxic substances (see IDAPA 58.01.02.210.01) and the use of 17.5 g/day fish consumption rate for human health criteria. This action was based on EPA's judgment that the fish consumption rate used in criteria derivation was not adequately protective. As a result of this action, the fish consumption rate of 6.5 g/day published in the 2005 version of IDAPA 58.01.02.210.05.b.i. continues to apply and is effective for federal Clean Water Act purposes. For more information regarding this EPA disapproval, go to <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.03 - INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES

DOCKET NO. 58-0103-1501

NOTICE OF RULEMAKING - PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Chapters 1 and 36, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before January 20, 2016. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to create an effective and useful means of approving and overseeing service providers for DEQ and the health districts and will expand choices of service for private property owners.

Complex alternative septic systems are engineered and/or manufactured systems and products that contain many different mechanical components to achieve secondary wastewater treatment. Without complex alternative septic systems, an individual property owner's options for subsurface sewage disposal system installation may be extremely limited in many environmentally sensitive areas. It is important that complex alternative septic systems undergo a minimum of annual operation, maintenance, and monitoring by a qualified service technician that is familiar with the technology to ensure system functionality and efficacy. Without the proper operation, maintenance, and monitoring, these wastewater treatment systems do not achieve their designed treatment levels prior to discharge. Improper wastewater treatment prior to discharge to the subsurface may result in degradation of Idaho's ground water resources where these systems are located.

Currently, DEQ's ability to approve qualified service technicians and ensure that they have baseline knowledge of the technology that they are servicing is limited because there are no state requirements supported by rule for the minimum qualifications, responsibilities, and approval of service providers for complex alternative treatment systems. DEQ is currently limited to approving service providers through guidance and has found that manufacturers of the treatment technology are limiting the number of service providers they are willing to train. The limited training of service providers by manufacturers under DEQ's current guidance system has resulted in a limited number of service providers who can conduct routine operation, maintenance and repair for private property owners.

Several private property owners have requested via public comment that DEQ develop an approval process for service providers that allows the property owner to have a larger base of service providers from which to choose. The private property owners also hope that an unlimited service provider system would help foster healthy and open competition for their business, resulting in better service and effective cost control for the provider's services. DEQ also received recommendation from its Technical Guidance Committee for Individual and Subsurface Alternative Sewage Disposal, authorized by IDAPA 58.01.03.004.07, to pursue a service provider based operation, maintenance, and monitoring model for complex alternative treatment units for septic systems during the committee's March and May 2015 meetings. The Idaho Attorney General's Office has advised that approval and oversight of service providers should be done under authorized agency rule.

DEQ is responding to the desires of the private property owners that have complex alternative treatment systems installed on their property and the Technical Guidance Committee for Individual and Subsurface Alternative Sewage Disposal by pursuing an amendment to IDAPA 58.01.03.006. The amendment to IDAPA 58.01.03.006 will allow DEQ to authorize individuals to be service providers for complex alternative treatment systems through the issuance of a complex installer's registration permit with a service provider certification. The rule amendment creates minimum application contents and responsibilities that service providers would have to meet.

Idahoans who own or purchase property that necessitates the installation of a complex alternative subsurface sewage disposal system and permitted installers may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the spring of 2016 for adoption of a pending rule. The rule is expected to be final and effective on July 1, 2017 if adopted by the Board and approved by the Legislature.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: The text of the proposed rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code § 67-5220 and IDAPA 58.01.23.810-815. The Notice of Negotiated Rulemaking was published in the October 2015 Idaho Administrative Bulletin, **Vol. 15-10, pages 681-682**, and a preliminary draft rule was made available for public review. A meeting was held on October 22, 2015. Members of the public participated in this negotiated rulemaking process by attending the meeting and by submitting written comments. A record of the negotiated rule drafts, written comments, documents distributed during the negotiated rulemaking process, and the negotiated rulemaking summary is available at www.deq.idaho.gov/58-0103-1501.

All comments received during the negotiated rulemaking process were considered by DEQ when making decisions that resulted in drafting the proposed rule. At the conclusion of the negotiated rulemaking process, DEQ formatted the final rule draft for publication as a proposed rule. DEQ is now seeking public comment on the proposed rule.

IDAHO CODE SECTION 39-107D STATEMENT: The standards included in this proposed rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Tyler Fortunati at tyler.fortunati@deq.idaho.gov or (208)373-0140.

Anyone may submit written comments by mail, fax or email at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before February 3, 2016.

DATED this 6th day of January, 2016.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 58-0103-1501
(Only Those Sections With Amendments Are Shown.)**

003. DEFINITIONS.

For the purposes of these rules, the following definitions apply. (5-7-93)

01. Abandoned System. A system which has ceased to receive blackwaste or wastewater due to diversion of those wastes to another treatment system or due to termination of waste flow. (10-1-90)

02. Alternative System. Any system for which the Department has issued design guidelines or which the Director judges to be a simple modification of a standard system. (10-1-90)

03. Authorized or Approved. The state of being sanctioned or acceptable to the Director as stated in a written document. (10-1-90)

04. Blackwaste. Human body waste, specifically excreta or urine. This includes toilet paper and other products used in the practice of personal hygiene. (10-1-90)

05. Blackwater. A wastewater whose principal pollutant is blackwaste; a combination of blackwaste and water. (10-1-90)

06. Board. Idaho State Board Of Environmental Quality. (10-1-90)

07. Building Sewer. The extension of the building drain beginning five (5) feet outside the inner face of the building wall. (10-1-90)

08. Central System. Any system which receives blackwaste or wastewater in volumes exceeding twenty-five hundred (2,500) gallons per day; any system which receives blackwaste or wastewater from more than two (2) dwelling units or more than two (2) buildings under separate ownership. (10-1-90)

09. Construct. To make, form, excavate, alter, expand, repair, or install a system, and, their derivations. (5-7-93)

10. Director. The Director of the Idaho Department of Environmental Quality or the Director's designee or authorized agent. (10-1-90)

11. Existing System. Any system which was installed prior to the effective date of these rules. (5-7-93)

12. Expand. To enlarge any nonfailing system. (10-1-90)

13. Failing System. Any system which exhibits one (1) or more of the following characteristics: (10-1-90)

a. The system does not meet the intent of these rules as stated in Subsection 004.01. (5-7-93)

b. The system fails to accept blackwaste and wastewater. (10-1-90)

c. The system discharges blackwaste or wastewater into the waters of the State or onto the ground surface. (10-1-90)

14. Ground Water. Any water of the state which occurs beneath the surface of the earth in a saturated geological formation of rock or soil. (5-7-93)

- 15. High Groundwater Level -- Normal, Seasonal.** High ground water level may be established by the presence of low chroma mottles, actual ground water monitoring or historic records. (5-7-93)
- a.** The normal high groundwater level is the highest elevation of ground water that is maintained or exceeded for a continuous period of six (6) weeks a year. (5-7-93)
- b.** The seasonal high groundwater level is the highest elevation of ground water that is maintained or exceeded for a continuous period of one (1) week a year. (5-7-93)
- 16. High Water Mark.** The line which the water impresses on the soil by covering it for sufficient periods of time to prevent the growth of terrestrial vegetation. (10-1-90)
- 17. Individual System.** Any standard, alternative or subsurface system which is not a central system. (10-1-90)
- 18. Install.** To excavate or to put in place a system or a component of a system. (10-1-90)
- 19. Installer.** Any person, corporation, or firm engaged in the business of excavation for, or the construction of individual or subsurface sewage disposal systems in the State. (10-1-90)
- 20. Large Soil Absorption System.** A large soil absorption system is a subsurface sewage disposal system designed to receive two thousand five hundred (2,500) gallons of wastewater or more per day, including where the total wastewater flow from the entire proposed project exceeds two thousand five hundred (2,500) gallons per day but the flow is separated into absorption modules which receive less than two thousand five hundred (2,500) gallons per day. (5-7-93)
- 21. Limiting Layer.** A characteristic subsurface layer or material which will severely limit the capability of the soil to treat or absorb wastewater including, but not limited to, water tables, fractured bedrock, fissured bedrock, excessively permeable material and relatively impermeable material. (10-1-90)
- 22. Mottling.** Irregular areas of different color in the soil that vary in contrast, density, number and size. Mottling generally indicates poor aeration and impeded drainage. (5-7-93)
- 23. New System.** A system which is or might be authorized or approved on or after the effective date of these rules. (5-7-93)
- 24. Nondischarging System.** Any system which is designed and constructed to prevent the discharge of blackwaste or wastewater. (10-1-90)
- 25. Permit.** An individual or subsurface system installation permit or installer's registration permit. (10-1-90)
- 26. Pollutants.** Any chemical, biological, or physical substance whether it be solid, liquid, gas, or a quality thereof, which if released into the environment can, by itself or in combination with other substances, create a public nuisance or render that environment harmful, detrimental, or injurious to public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, aesthetic, or other beneficial uses. (10-1-90)
- 27. Public System.** Any system owned by a county, city, special service district, or other governmental entity or Indian tribe having the authority to dispose of blackwaste or wastewater; a municipal wastewater treatment facility. (10-1-90)
- 28. Repair.** To remake, reform, replace, or enlarge a failing system or any component thereof as is necessary to restore proper operation. (10-1-90)
- 29. Scarp.** The side of a hill, canyon, ditch, river bank, roadcut or other geological feature characterized by a slope of forty-five (45) degrees or more from the horizontal. (10-1-90)

30. Service Provider. Any person, corporation, or firm engaged in the business of providing operation, maintenance, and monitoring of complex alternative systems in the state of Idaho. ()

- ~~301.~~ **Sewage.** Sewage has the same meaning as wastewater. (10-1-90)
- ~~342.~~ **Soil Texture.** The relative proportion of sand, silt, and clay particles in a mass of soil. (10-1-90)
- ~~323.~~ **Standard System.** Any system recognized by the Board through the adoption of design and construction regulations. (10-1-90)
- ~~334.~~ **Subsurface System.** Any system with a point of discharge beneath the earth's surface. (10-1-90)
- ~~345.~~ **Surface Water - Intermittent, Permanent, Temporary.** (7-1-93)
- a.** Any waters of the State which flow or are contained in natural or man-made depressions in the earth's surface. This includes, but is not limited to, lakes, streams, canals, and ditches. (10-1-90)
- b.** An intermittent surface water exists continuously for a period of more than two (2) months but not more than six (6) months a year. (10-1-90)
- c.** A permanent surface water exists continuously for a period of more than six (6) months a year. (10-1-90)
- d.** A temporary surface water exists continuously for a period of less than two (2) months a year. (10-1-90)
- ~~356.~~ **System.** Beginning at the point of entry physically connected piping, treatment devices, receptacles, structures, or areas of land designed, used or dedicated to convey, store, stabilize, neutralize, treat, or dispose of blackwaste or wastewater. (10-1-90)
- ~~367.~~ **Wastewater.** Any combination of liquid or water and pollutants from activities and processes occurring in dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water, and storm water that may be present; liquid or water that is chemically, biologically, physically or rationally identifiable as containing blackwater, grey water or commercial or industrial pollutants; and sewage. (10-1-90)
- ~~378.~~ **Waters of the State.** All the accumulations of water, surface and underground, natural and artificial, public and private or parts thereof which are wholly or partially within, which flow through or border upon the state of Idaho. (10-1-90)
- ~~389.~~ **Water Table.** The surface of an aquifer. (10-1-90)

(BREAK IN CONTINUITY OF SECTIONS)

006. INSTALLER'S REGISTRATION PERMIT AND SERVICE PROVIDER CERTIFICATION.

01. Permit and Certification Required. Every installer and service provider shall secure from the Director an installer's registration permit. Service providers must also obtain a service provider's certification. Two (2) types of installer permits and one (1) type of service provider certification are available. ~~(5-7-93)~~()

- a.** A standard and basic alternative system installer's registration permit is required to install all individual systems not listed under Subsection 006.01.b. (5-7-93)
- b.** A complex alternative system installer's registration permit is required to install evapotranspiration systems, extended treatment systems, lagoon systems, large soil absorption systems, pressure distribution systems,

intermittent sand filters, ~~in-trench sand filter~~, sand mounds or other systems as may be specified by the Director.

(5-7-93)()

c. A service provider certification is required to perform operation, maintenance, and monitoring of complex alternative systems. ()

02. Examination. The initial issuance of the installer's permit and service provider certification shall be based on the completion of an examination, with a passing score of seventy (70) or more, of the applicant's knowledge of the principles set forth in ~~this chapter~~ these rules and the applicable sections of the Technical Guidance Manual. The examinations will be prepared, administered and graded by the Director. The installer examination and service provider examination shall be separate exams. (5-7-93)()

03. Permits and Certifications Required Annually. Registration permits and service provider certifications expire annually on the first (1st) day of January, and all permits and certifications issued thereafter will be issued for the balance of the calendar year. Additionally, installers and service providers shall attend at least one (1) refresher course approved by the state of Idaho, Department of Environmental Quality, ~~be attended~~ every three (3) years. (5-7-93)()

04. Contents of Application. Applications for installer permits and service provider certifications shall be in writing; shall be signed by the applicant or by an officer or authorized agent of a corporation, shall contain the name and address of the applicant; shall indicate whether the permit is to be for installation of standard and basic alternative systems ~~or for~~ installation of standard, basic and complex alternative systems, or installation of standard, basic and complex alternative systems and certification as a service provider; and shall contain the expiration date of the bond required by Subsection 006.05. Additionally, for applicants seeking certification as a service provider, the application shall also contain annual documentation of manufacturer specific training, as required by Subsection 006.06.a. (5-7-93)()

05. Bond Required. At the time of application, all applicants, including those seeking a service provider certification, shall deliver to the Director a bond in a form approved by the Director in the sum of five thousand dollars (\$5,000) for a standard and basic alternative system installer's registration permit, or in the sum of fifteen thousand dollars (\$15,000) for standard, basic and complex alternative system installer's registration permit. The bond will be executed by a surety company duly authorized to do business in the state of Idaho and must run concurrent with the installer's registration permit ~~to~~. The bond shall be approved by the Director and must guarantee the installer or service provider's faithful performance of all work undertaken under the provisions of the installer's registration permit or service provider certification, or both. Any person who suffers damage as the result of ~~the~~ negligent or wrongful acts of the ~~registrant~~ installer or service provider or by ~~his~~ the installer or service provider's failure to competently perform any of the work agreed to be done under the terms of the registration permit or certification shall, in addition to other legal remedies, have a right of action in his own name on the bond for all damages not exceeding five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, and monitoring by certified service providers. The maximum liability of the surety and/or sureties on the bond, regardless of the number of claims filed against the bond, shall not exceed the sum of five thousand dollars (\$5,000) for standard and basic alternative systems or fifteen thousand dollars (\$15,000) for complex alternative systems or required operation, maintenance, and monitoring by certified service providers. (5-7-93)()

06. Service Provider Responsibilities. All certified service providers who provide operation, maintenance, and monitoring for any complex alternative system are responsible for compliance with each of these rules that are relevant to those services. Additionally, each certified service provider shall: ()

a. Obtain documentation of the completed manufacturer-specific training for each system that is a manufactured and packaged treatment system. Proper documentation includes a certificate or letter of training completion provided by the manufacturer. If a system manufacturer is no longer in business, that manufacturer-specific training is not required. ()

b. Maintain a comprehensive list of real property owners who contracted with the certified service provider. The list shall include the current real property owner name, service property address, real property owner contact address, and subsurface sewage disposal permit number. This list shall be provided to the Director as part of

the annual operation, maintenance, and monitoring reports for individual real property owners; and ()

c. Submit all operation, maintenance, and monitoring records in the form of an annual report for each individual real property owner with whom the service provider contracts to fulfill the real property owner's operation, maintenance, and monitoring responsibilities required through the real property owner's subsurface sewage disposal installation permit as allowed in Subsection 005.14. The annual reports shall be provided to the Director by the timeframe specified in the Technical Guidance Manual for the specific complex alternative system for which operation, maintenance, and monitoring is required. ()

067. Exemption. An installer's permit shall not be required for: (10-1-90)

a. Any person, corporation, or firm constructing a central or municipal subsurface sewage disposal system if that person, corporation, or firm is a licensed public works contractor as provided in Title 54, Chapter 19, Idaho Code, is experienced in the type of system to be installed and is under the direction of a professional engineer licensed in the state of Idaho; or (5-7-93)

b. ~~An o~~wners installing ~~his~~ their own standard or basic alternative systems. (5-7-93)()

078. Application Fee. All applications shall be accompanied by payment of the fee specified in IDAPA 58.01.14, Section 120, "Rules Governing Fees for Environmental Operating Permits, Licenses, and Inspection Services". (5-7-93)

089. Grounds for Revocation. Failure to comply with these rules shall be grounds for revocation of the permit or the certification, or both. (5-7-93)()

10. Transfer from Non-Profit Operation and Maintenance Entity to Certified Service Provider. ()

a. Real property owners who want to install extended treatment package systems must retain a permitted installer and certified service provider. An easement granting general access to a non-profit operation and maintenance entity is no longer required for extended treatment package system installation permits. ()

b. Beginning July 1, 2017, real property owners who had extended treatment package systems installed are not required to be members of non-profit operation and maintenance entities. To meet the operation, maintenance, and monitoring requirements of their extended treatment package systems, real property owners shall retain a certified service provider for their existing extended treatment package systems. ()

(BREAK IN CONTINUITY OF SECTIONS)

009. OTHER COMPONENTS.

01. Design Approval Required. Commercially manufactured blackwaste and wastewater treatment and storage components may not be used in the construction of a system unless their design is approved by the Director. (10-1-90)

02. Plan and Specification Submittal. Plans and specifications for all commercially manufactured individual and subsurface treatment and storage components will be submitted to the Director for approval. Plans and specifications will show or include as requested by the Director, detailed construction drawings, capacities, structural calculations, list of materials, evidence of stability and durability, manufacturers installation, operation and maintenance instructions, and other relevant information. (10-1-90)

03. Effect of Design Approval. The Director may condition a design approval by specifying circumstances under which the component must be installed, used, operated, ~~or~~ maintained, or monitored. (10-1-90)()

a. The Director shall specify the complex alternative systems that must undergo professionally managed operation, maintenance, service, and effluent testing. ()

b. Manufacturers shall not restrict the number of service providers trained in their products to perform required operation, maintenance, or monitoring as specified by the Director. ()

c. Manufacturers may enter into agreements with certified service providers trained in their technology but shall not limit the service providers from being trained in the technology of other manufacturers. ()

04. Notice of Design Disapproval. If the Director is satisfied that the component described in the submittal may not be in compliance with or may not consistently function in compliance with these rules, or that the manufacturer of the proposed system failed to comply with Subsection 009.03, the Director will disapprove the design as submitted. The manufacturer or distributor submitting the design for approval will be notified in writing of the disapproval and the reason for that action. (5-7-93)()

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.02.01 - RULES FOR THE JUDGES' RETIREMENT FUND

DOCKET NO. 59-0201-1601

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 1, 2015.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 1-2012, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 20, 2016.

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

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

These rules apply to the Judges' Retirement Fund (JRF). The actuarial valuation for the JRF for the period ending June 30, 2015, reflected that the amortization period is above the maximum 25 year amortization period contained in statute. The PERSI Board has acted to adopt the rate increase as it is required to do to bring the amortization period to 25 years or less as required by Idaho Code section 1-2004A. The rate increase becomes effective July 1, 2017.

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:

These rate increase is required to bring the amortization period to 25 years or less as required by Section 1-2004A, Idaho Code.

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

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:

Employer contribution rates will increase by 7.25% of salaries, beginning July 1, 2017. This will affect the general fund to the extent the contributions required of the employer (Supreme Court) are made from general fund dollars.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because negotiated rulemaking is not feasible because it would be inconsistent with the Retirement Board's need to bring the amortization rate to 25 years or less and with the Board's exclusive fiduciary responsibility for plan operations.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Joanna L. Guilfooy, 208-287-9371.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 27, 2016.

DATED this 1st day of December, 2015.

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 TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 59-0201-1601
(Only Those Sections With Amendments Are Shown.)

300. EMPLOYER CONTRIBUTION RATE (RULE 300).

The employer contribution rate shall be fifty-five point twenty-eight percent (55.28%) of salaries until next determined by the Board. Beginning July 1, 2017, the employer contribution rate shall be sixty-two point fifty-three percent (62.53%) of salaries until next determined by the Board. ~~(7-1-14)~~(12-1-15)T

301. EMPLOYEE CONTRIBUTION RATE (RULE 301).

The employee contribution rate shall be ten point twenty-three percent (10.23%) of salary until next determined by the Board. Beginning July 1, 2017, the employee contribution rate shall be eleven point fifty-seven percent (11.57%) of salaries until next determined by the Board. ~~(7-1-14)~~(12-1-15)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.

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

58-0103-1501, Individual/Subsurface Sewage Disposal Rules. Allows DEQ to authorize individuals to be service providers for complex alternative treatment systems through the issuance of a complex installer's registration permit with a service provider certification. The amendment creates minimum application contents and establishes requirements for certification. Comment by: 2/3/16.

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO PO Box 83720, Boise, ID 83720-0078

59-0201-1601, Rules for the Judges' Retirement Fund. Increases the employer contribution rate by 7.25% of salaries to bring the amortization period, based on the actuarial valuation of the fund, to 25 years or less as required by Idaho statute. Comment by: 1/27/16.

Please refer to the Idaho Administrative Bulletin, [January 6, 2016, Volume 16-1](#), 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

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

July 1, 1993 -- Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES (Index of Current Rulemakings)

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

April 11, 2015 -- January 6, 2016

(eff. PLR) - Final Effective Date Is 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 11, 2015 that are still in process and all current rulemakings promulgated after April 11, 2015 - Sine Die, 2015 Legislative Session.)

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- 02-0214-1501 Adoption of Pending Rule, Bulletin Vol. 15-9 (eff. PLR 2016)

02.04.21, Rules Governing the Importation of Animals

- 02-0421-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 02-0421-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 02-0421-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

02.04.29, Rules Governing Trichomoniasis

- 02-0429-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 02-0429-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 02-0429-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

- 02-0602-1501 Proposed Rulemaking, Bulletin Vol. 15-7
- 02-0602-1501 Adoption of Pending Rule, Bulletin Vol. 15-9 (eff. PLR 2016)

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

- 02-0612-1501 Proposed Rulemaking, Bulletin Vol. 15-7
- 02-0612-1501 Adoption of Pending Rule, Bulletin Vol. 15-9 (eff. PLR 2016)

02.06.22, Noxious Weed Rules

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- 02-0622-1501 Proposed Rulemaking, Bulletin Vol. 15-9
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- 02-0641-1501 Proposed Rulemaking, Bulletin Vol. 15-7
- 02-0641-1501 Adoption of Pending Rule, Bulletin Vol. 15-9 (eff. PLR 2016)

IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS

05.01.02, Rules and Standards for Secure Juvenile Detention Centers

- 05-0102-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 05-0102-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

05.02.01, Rules for Residential Treatment Providers

- 05-0201-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 05-0201-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

05.02.02, Rules for Staff Secure Providers

- 05-0202-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 05-0202-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

05.02.03, Rules for Reintegration Providers

- 05-0203-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 05-0203-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

IDAPA 06 -- STATE BOARD OF CORRECTION

06.01.02, Rules of Correctional Industries

- 06-0102-1502 Notice of Proclamation of Rulemaking, Bulletin Vol. 15-10 (eff. 11-6-15)

IDAPA 07 -- DIVISION OF BUILDING SAFETY

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules for Minimum Safety Standards and Practices for Logging Operations - Senate Bill No. 1001, Bulletin Vol. 15-7 (eff. 7-1-15)

- 07-0901-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules Concerning Safety and Health for Places of Public Employment - Senate Bill No. 1001, Bulletin Vol. 15-7 (eff. 7-1-15)

- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 (Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")

07.02.03, Rules Governing Permit Fee Schedule

- 07-0203-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0203-1501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 07-0203-1501 Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

07.02.05, Rules Governing Plumbing Safety Licensing

- 07-0205-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0205-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.02.06, Rules Concerning Uniform Plumbing Code

- 07-0206-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

07.03.01, Rules of Building Safety

- 07-0301-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 07-0301-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 07-0301-1502 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 07-0301-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 07-0301-1502 Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

07.04.02, Safety Rules for Elevators, Escalators, and Moving Walks

- 07-0402-1501 Adoption of Temporary Fee Rule, Bulletin Vol. 15-6 (eff. 5-1-15)T (*Expires Sine Die 2016*)

07.05.01, Rules of the Public Works Contractors License Board

- 07-0501-1301 Adoption of Temporary Fee Rule, Bulletin Vol. 15-10 (eff. 9-1-15)T (*Expires Sine Die 2016*)

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules for Minimum Safety Standards and Practices for Logging Operations - Senate Bill No. 1001 Bulletin Vol. 15-7 (eff. 7-1-15)

- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12 (Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")

07.08.01, Idaho Minimum Safety Standards and Practices for Logging - General Provisions

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.02, Idaho *Minimum Safety Standards and Practices for Logging - Health, Safety, and Sanitation*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.03, Idaho *Minimum Safety Standards and Practices for Logging - Explosives and Blasting*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.04, Idaho *Minimum Safety Standards and Practices for Logging - Garages, Machine Shops, and Related Work Areas*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.05, Idaho *Minimum Safety Standards and Practices for Logging - Signals and Signal Systems*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.06, Idaho *Minimum Safety Standards and Practices for Logging - Truck Road Standards*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.07, Idaho *Minimum Safety Standards and Practices for Logging - Transportation of Employees*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.08, Idaho *Minimum Safety Standards and Practices for Logging - Falling and Bucking*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.09, Idaho *Minimum Safety Standards and Practices for Logging - Rigging, Lines, Blocks, and Shackles*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.10, Idaho *Minimum Safety Standards and Practices for Logging - Canopy and Canopy Construction for Logging Equipment*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.11, Idaho *Minimum Safety Standards and Practices for Logging - Skidding and Yarding*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.12, Idaho *Minimum Safety Standards and Practices for Logging - Road Transportation*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.13, Idaho *Minimum Safety Standards and Practices for Logging - Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists*

- 07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)
- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.14, Idaho Minimum Safety Standards and Practices for Logging - Helicopter Logging

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.15, Idaho Minimum Safety Standards and Practices for Logging - Commonly Used Logging Terms

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07.08.16, Idaho Minimum Safety Standards and Practices for Logging - Recommended Safety Program

07-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

07-0901-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules Concerning Safety and Health for Places of Public Employment - Senate Bill No. 1001
Bulletin Vol. 15-7 (eff. 7-1-15)

07.09.01, Safety and Health Rules for Places of Public Employment

07-0901-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to DBS,
Bulletin Vol. 15-7 (eff. 7-1-15)

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

08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program

08-0109-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08-0109-1501 Proposed Rulemaking, Bulletin Vol. 15-10

08-0109-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

08.01.13, Rules Governing the Idaho Opportunity Scholarship Program

08-0113-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08-0113-1501 Proposed Rulemaking, Bulletin Vol. 15-10

08-0113-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

08.02.01, Rules Governing Administration

08-0201-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08-0201-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-9

08-0201-1501 Proposed Rulemaking, Bulletin Vol. 15-10

08-0201-1502 Proposed Rulemaking, Bulletin Vol. 15-11

08-0201-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

08-0201-1502 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

08.02.02, Rules Governing Uniformity

08-0202-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6

08-0202-1502* Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6 (***Rulemaking Terminated**)

08-0202-1503 Notice of Adoption of Temporary Rule, Bulletin Vol. 15-7 (eff. 5-20-15)T (Expires Sine Die 2016)

08-0202-1501 Proposed Rulemaking, Bulletin Vol. 15-10

08-0202-1504 Proposed Rulemaking, Bulletin Vol. 15-10

08-0202-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

08-0202-1504 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

08.02.03, Rules Governing Thoroughness

08-0203-1501 Adoption of Temporary Rule, Bulletin Vol. 15-2 (eff. 1-22-15)T

- 08-0203-1502 Adoption of Temporary Rule, Bulletin Vol. 15-4 (eff. 2-19-15)T (Expires Sine Die 2016)
- 08-0203-1503 Proposed Rulemaking, Bulletin Vol. 15-6
- 08-0203-1504 Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (4-16-15)T
- 08-0203-1505 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 08-0203-1506 Proposed Rulemaking, Bulletin Vol. 15-8
- 08-0203-1507 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-9
- 08-0203-1505 Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0203-1506 Notice of Public Hearing, Bulletin Vol. 15-10
- 08-0203-1508 Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (8-13-15)T
- 08-0203-1509 Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0203-1510 Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0203-1511 Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0203-1512 Adoption of Temporary Rule, Bulletin Vol. 15-10 (eff. 9-3-15)T (Expires Sine Die 2016)
- 08-0203-1501 Notice of Rescission of Temporary Rule, Bulletin Vol. 15-11 (Rescission effective 8-13-15)
- 08-0203-1507 Proposed Rulemaking, Bulletin Vol. 15-11
- 08-0203-1503 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 08-0203-1505 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 08-0203-1506 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 08-0203-1507 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 08-0203-1508 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 08-0203-1509 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 08-0203-1510 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 08-0203-1511 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho

- 08-0501-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 08-0501-1502 Notice of Adoption of Temporary Rule, Bulletin Vol. 15-7 (eff. 5-20-15)T (Expires Sine Die 2016)
- 08-0501-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 08-0501-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

IDA PA 09 -- IDAHO DEPARTMENT OF LABOR

09.01.06, Rules of the Appeals Bureau

- 09-0106-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 09-0106-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 09-0106-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

09.01.30, Unemployment Insurance Benefits Administration Rules

- 09-0130-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-9
- 09-0130-1501 Proposed Rulemaking, Bulletin Vol. 15-11
- 09-0130-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

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

10.01.01, Rules of Procedure

- 10-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 10-0101-1502 Adoption of Temporary Rule, Bulletin Vol. 15-6 (eff. 7-1-15)T (Expires Sine Die 2016)
- 10-0101-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 10-0101-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

10.01.02, Rules of Professional Responsibility

- 10-0102-1501* Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6 (*Rulemaking Terminated)

10.01.04, Rules of Continuing Professional Development

- 10-0104-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 10-0104-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 10-0104-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

IDAPA 11 -- IDAHO STATE POLICE

Idaho State Racing Commission

11.04.02, Rules Governing Simulcasting

- 11-0402-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-8 (eff. 7-29-15)T
- 11-0402-1501** Notice of Rescission of Temporary and Vacation of Proposed Rulemaking, Bulletin Vol. 16-1 (Res. eff. 12-14-15)

11.04.06, Rules Governing Racing Officials

- 11-0405-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-8 (eff. 7-29-15)T
- 11-0406-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

11.04.11, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses

- 11-0411-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-8 (eff. 7-29-15)T
- 11-0411-1502** Proposed Rulemaking, Bulletin Vol. 15-10
- 11-0411-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 11-0411-1502** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

Alcohol Beverage Control Bureau

11.05.01, Rules Governing Alcohol Beverage Control

- 11-0501-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-10
- 11-0501-1401** Proposed Rulemaking, Bulletin Vol. 15-9
- 11-0501-1501** Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 11-0501-1401** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 11-0501-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

Public Safety And Security Information Bureau

11.10.03, Rules Governing the Sex Offender Registry

- 11-1003-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 9-1-15)T
- 11-1003-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

Peace Officer Standards and Training (Post) Council

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

- 11-1101-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 11-1101-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

11.11.04, Rules of the Idaho POST Council for Correctional Officers and Adult Probation and Parole Officers

- 11-1104-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 11-1104-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

Idaho State Police Commercial Vehicle Safety

11.13.01, The Motor Carrier Rules

- 11-1301-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 9-1-15)T
- 11-1301-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

IDAPA 12 -- DEPARTMENT OF FINANCE

12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act

- 12-0110-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 12-0110-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

IDAPA 13 -- IDAHO FISH AND GAME COMMISSION

13.01.02, Rules Governing Hunter Education and Mentored Hunting

- 13-0102-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 13-0102-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

- 13-0108-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 9-4-15)T
- 13-0108-1502** Proposed Rulemaking, Bulletin Vol. 15-10
- 13-0108-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 13-0108-1502** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

- 13-0109-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-2
- 13-0109-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 8-28-15)T
- 13-0109-1502** Proposed Rulemaking, Bulletin Vol. 15-10
- 13-0109-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 13-0109-1502** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

13.01.11, Rules Governing Fish

- 13-0111-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 13-0111-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 13-0111-1502** Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff. 8-28-15)T
- 13-0111-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 13-0111-1502** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

- 13-0116-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 13-0116-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 13-0116-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

- 13-0117-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 13-0117-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 13-0117-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

IDAPA 14 -- BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

14.01.01, Rules of Procedure of the Board of Registration for Professional Geologists

- 14-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 14-0101-1502** Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 14-0101-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 14-0101-1502** Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

IDAPA 15 -- OFFICE OF THE GOVERNOR

EXECUTIVE ORDERS OF THE GOVERNOR

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Executive Order No. 2015-10	Bulletin Vol. 15-12
Executive Order No. 2015-09	Bulletin Vol. 15-12
Executive Order No. 2015-08	Bulletin Vol. 15-12
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Idaho Commission for the Blind and Visually Impaired

15.02.02, Vocational Rehabilitation Services

- 15-0202-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 15-0202-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

Idaho Military Division

15.06.03, Public Safety Communications Systems Installation and Maintenance Fee Rules

- 15-0603-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 15-0603-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

15.06.05, Hazardous Substance Response Rules

- 15-0605-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE

16.01.01, Emergency Medical Services (EMS) -- Advisory Committee (EMSAC)

- 16-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0101-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.01.02, Emergency Medical Services (EMS) - Rule Definitions

- 16-0102-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0102-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements

- 16-0103-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0103-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.01.05, Emergency Medical Services (EMS) -- Education, Instructor, & Examination Requirements

- 16-0105-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-3
- 16-0105-1501** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-4
- 16-0105-1501** (Third) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-5
- 16-0105-1501** Proposed Rulemaking (New Chapter), Bulletin Vol. 15-8
- 16-0105-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements

- 16-0107-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-1 (eff. 1-1-15)T
- 16-0107-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 16-0107-1501** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

- 16-0107-1502 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0107-1501 Vacation of Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0107-1502 Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0107-1502 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.01.12, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions

- 16-0112-1501 Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0112-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

- 16-0201-1401 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 14-9
- 16-0201-1401 Notice of Adoption of Temporary Rule (New Chapter - Fee Rule), Bulletin Vol. 15-2 (eff. 1-1-15)T
- 16-0201-1401 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T
- 16-0201-1401 Proposed Rulemaking and Amendment to Temporary Rule (New Chapter - Fee Rule), Bulletin Vol. 15-7 (eff. 7-1-15)T
- 16-0201-1401 Adoption of Pending Fee Rule and Amendment to Temporary Rule, Bulletin Vol. 15-12 (eff. PLR 2016) (eff. 1-1-16)T

16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission

- 16-0202-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0202-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.02.03, Emergency Medical Services

- 16-0203-1501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-8
- 16-0203-1501 Adoption of Pending Rule (Repeal), Bulletin Vol. 16-1 (eff. PLR 2016)

16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)

- 16-0219-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 16-0219-1501 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0219-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0219-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.03.01, Eligibility for Health Care Assistance for Families and Children

- 16-0301-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0301-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.03.04, Rules Governing the Food Stamp Program in Idaho

- 16-0304-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0304-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

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

- 16-0305-1501 Temporary and Proposed Rulemaking, Bulletin Vol. 15-10 (eff 1-1-15)T
- 16-0305-1502 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0305-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0305-1502 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.03.09, Medicaid Basic Plan Benefits

- 16-0309-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0309-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0309-1503 Proposed Rulemaking, Bulletin Vol. 15-7
- 16-0309-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0309-1502 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0309-1503 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 16-0309-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0309-1502 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0310-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0310-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.03.13, Consumer-Directed Services

- 16-0313-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0313-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0313-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.03.16, Premium Assistance

- 16-0316-1501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-8
- 16-0316-1501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-11 (eff. PLR 2016)

16.03.18, Medicaid Cost-Sharing

- 16-0318-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

16.03.19, Rules Governing Certified Family Homes

- 16-0319-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0319-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 15-6
- 16-0319-1501* Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0319-1502 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-9
- 16-0319-1501* Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 15-11
- 16-0319-1502 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.04.02, Idaho Telecommunication Service Assistance Program Rules

- 16-0402-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0402-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.04.13, Rules Governing the Emergency Food Assistance Program

- 16-0413-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0413-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.04.14, Rules Governing the Low Income Home Energy Assistance Program

- 16-0414-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0414-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.04.16, Weatherization Assistance Program in Idaho

- 16-0416-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0416-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.05.01, Use and Disclosure of Department Records

- 16-0501-1501 Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0501-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.06.01, Child and Family Services

- 16-0601-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0601-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.06.02, Rules Governing Standards for Child Care Licensing

- 16-0602-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0602-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

- 16-0612-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

16.07.01, Behavioral Health Sliding Fee Schedules

- 16-0701-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0701-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.07.10, Behavioral Health Development Grants

- 16-0710-1501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-9
- 16-0710-1501 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-12 (eff. PLR 2016)

16.07.15, Behavioral Health Programs

- 16-0715-1501 Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 15-9
- 16-0715-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.07.17, Alcohol and Substance Use Disorders Services

- 16-0717-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0717-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0717-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs

- 16-0720-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0720-1501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-9
- 16-0720-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

IDAPA 17 -- INDUSTRIAL COMMISSION

- 17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules for Minimum Safety Standards and Practices for Logging Operations - Senate Bill No. 1001
Bulletin Vol. 15-7 (eff. 7-1-15)
- 17-1001-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules Concerning Safety and Health for Places of Public Employment - Senate Bill No. 1001
Bulletin Vol. 15-7 (eff. 7-1-15)

17.02.06, Employers' Reports

- 17-0206-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0206-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 17-0206-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

17.02.07, Procedures to Obtain Compensation

- 17-0207-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0207-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 17-0207-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

17.02.08, Miscellaneous Provisions

- 17-0208-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0208-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 17-0208-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

17.02.09, Medical Fees

- 17-0209-1501 Adoption of Temporary Rule, Bulletin Vol. 15-1 (eff. 1-1-15)T (Expired July 1, 2015)
- 17-0209-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T
- 17-0209-1502 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0209-1503 Adoption of Temporary Rule, Bulletin Vol. 15-7 (eff. 7-1-15)T (Expires Sine Die 2016)
- 17-0209-1502 Proposed Rulemaking, Bulletin Vol. 15-10
- 17-0209-1502 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

***17.02.10, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law --
Security for Compensation -- Insurance Carriers***

- 17-0210-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0210-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 17-0210-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

***17.02.11, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law --
Security for Compensation -- Self-Insured Employers***

- 17-0211-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0211-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 17-0211-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules for Minimum Safety Standards and Practices for Logging Operations - Senate Bill No. 1001
Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.01)

17.08.01, Idaho Minimum Safety Standards and Practices for Logging - General Provisions

- 17-0800-1500** Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.02)

17.08.02, Idaho Minimum Safety Standards and Practices for Logging - Health, Safety, and Sanitation

- 17-0800-1500** Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.03)

17.08.03, Idaho Minimum Safety Standards and Practices for Logging - Explosives and Blasting

- 17-0800-1500** Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.04)

***17.08.04, Idaho Minimum Safety Standards and Practices for Logging - Garages, Machine Shops,
and Related Work Areas***

- 17-0800-1500** Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.05)

17.08.05, Idaho Minimum Safety Standards and Practices for Logging - Signals and Signal Systems

- 17-0800-1500** Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.06)

17.08.06, Idaho Minimum Safety Standards and Practices for Logging - Truck Road Standards

- 17-0800-1500** Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.07)

17.08.07, Idaho Minimum Safety Standards and Practices for Logging - Transportation of Employees

- 17-0800-1500** Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.08)

17.08.08, Idaho Minimum Safety Standards and Practices for Logging - Falling and Bucking

- 17-0800-1500** Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.09)

17.08.09, Idaho Minimum Safety Standards and Practices for Logging - Rigging, Lines, Blocks, and Shackles

- 17-0800-1500** Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.10)

17.08.10, Idaho Minimum Safety Standards and Practices for Logging - Canopy and Canopy Construction for Logging Equipment

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.11)

17.08.11, Idaho Minimum Safety Standards and Practices for Logging - Skidding and Yarding

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.12)

17.08.12, Idaho Minimum Safety Standards and Practices for Logging - Road Transportation

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.13)

17.08.13, Idaho Minimum Safety Standards and Practices for Logging - Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.14)

17.08.14, Idaho Minimum Safety Standards and Practices for Logging - Helicopter Logging

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.15)

17.08.15, Idaho Minimum Safety Standards and Practices for Logging - Commonly Used Logging Terms

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.08.16)

17.08.16, Idaho Minimum Safety Standards and Practices for Logging - Recommended Safety Program

17-0800-1500 Notice of Legislative Action Transferring Rulemaking Authority to DBS from IC, Bulletin Vol. 15-7 (eff. 7-1-15)

17-1001-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to the Division of Building Safety for Rules Concerning Safety and Health for Places of Public Employment - Senate Bill No. 1001
Bulletin Vol. 15-7 (eff. 7-1-15)

(Rule Transferred to IDAPA 07.09.01)

17.10.01, Safety and Health Rules for Places of Public Employment

17-1001-1500 Notice of Legislative Action Transferring Rulemaking Authority from the Idaho Industrial Commission to DBS,
Bulletin Vol. 15-7 (eff. 7-1-15)

IDAPA 18 -- DEPARTMENT OF INSURANCE

18.01.27, Self-Funded Employee Health Care Plans Rule

18-0127-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

18-0127-1501 Proposed Rulemaking, Bulletin Vol. 15-9

18-0127-1501 Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges

18-0144-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7

18-0144-1501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-9

18-0144-1501 Adoption of Pending Fee Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

18.01.60, Long-Term Care Insurance Minimum Standards

- 18-0160-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 18-0160-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 18-0160-1501** Adoption of Pending Rule, Bulletin Vol. 15-11 (eff. PLR 2016)

IDAPA 20 -- DEPARTMENT OF LANDS

20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands

- 20-0316-1401** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 14-7

20.07.01, Rules of Practice and Procedure Before the Idaho Oil And Gas Conservation Commission

- 20-0701-1501*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6 (*Rulemaking Terminated)*

IDAPA 22 -- BOARD OF MEDICINE

22.01.01, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho

- 22-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 22-0101-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

22.01.15, Rules Relating to Telehealth Services

- 22-0115-1501** Proposed Rulemaking (New Chapter), Bulletin Vol. 15-9
- 22-0115-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

IDAPA 23 -- BOARD OF NURSING

23.01.01, Rules of the Idaho Board of Nursing

- 23-0101-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 23-0101-1502*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6 (*Rulemaking Terminated)*
- 23-0101-1503** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 23-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 23-0101-1503** Proposed Rulemaking, Bulletin Vol. 15-10
- 23-0101-1501** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 23-0101-1503** Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES

- 24-0001-1500** Omnibus Rulemaking Notice for Certain Licensing Boards Served by the Bureau of Occupational Licenses Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-0001-1500** Omnibus Rulemaking Notice for Certain Licensing Boards Served by the Bureau of Occupational Licenses Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.03.01, Rules of the State Board of Chiropractic Physicians

- 24-0301-1501** Proposed Rulemaking, Bulletin Vol. 15-10
- 24-0301-1501** Notice of Public Hearing, Bulletin Vol. 15-11
- 24-0301-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals

- 24-0001-1500** Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10

- 24-0501-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 24-0001-1500 Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 24-0501-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.06.01, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants

- 24-0001-1500 Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-0601-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 24-0001-1500 Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 24-0601-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.07.01, Rules of the Idaho State Board of Landscape Architects

- 24-0001-1500 Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-0001-1500 Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.08.01, Rules of the State Board of Morticians

- 24-0801-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 24-0801-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.12.01, Rules of the State Board of Psychologist Examiners

- 24-1201-1501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-1201-1501 Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.13.01, Rules Governing the Physical Therapy Licensure Board

- 24-0001-1500 Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-0001-1500 Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists

- 24-1501-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 24-1501-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.17.01, Rules of the State Board of Acupuncture

- 24-0001-1500 Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-1701-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 24-0001-1500 Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 24-1701-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.18.01, Rules of the Real Estate Appraiser Board

- 24-0001-1500 Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-1801-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 24-0001-1500 Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 24-1801-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.21.01, Rules of the Idaho State Contractors Board

- 24-2101-1501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-2101-1501 Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board

- 24-0001-1500 Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-0001-1500 Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.24.01, Rules of the Genetic Counselors Licensing Board

- 24-2401-1501 Proposed Rulemaking (New Chapter) (Fee Rule), Bulletin Vol. 15-10
- 24-2401-1501 Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 15-12 (eff. PLR 2016)

24.25.01, Rules of the Idaho Driving Businesses Licensure Board

- 24-0001-1500 Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-2501-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 24-0001-1500 Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 24-2501-1501 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

24.27.01, Rules of the Idaho State Board of Massage Therapy

- 24-0001-1500 Omnibus Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 24-0001-1500 Omnibus Notice of Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

IDAPA 25 -- OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01, Rules of the Outfitters and Guides Licensing Board

- 25-0101-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 25-0101-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION

26.01.06, Rules Governing Cooperator Recognition and Sale of Advertising

- 26-0106-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-8
- 26-0106-1501 Proposed Rulemaking (New Chapter), Bulletin Vol. 15-10
- 26-0106-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

IDAPA 27 -- BOARD OF PHARMACY

27.01.01, Rules of the Idaho State Board of Pharmacy

- 27-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-7
- 27-0101-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-8 (2nd Notice)
- 27-0101-1501 Proposed Rulemaking (Fee Rule), Bulletin Vol. 15-10
- 27-0101-1502 Proposed Rulemaking, Bulletin Vol. 15-10
- 27-0101-1503 Proposed Rulemaking, Bulletin Vol. 15-10
- 27-0101-1504 Proposed Rulemaking, Bulletin Vol. 15-10
- 27-0101-1505 Proposed Rulemaking, Bulletin Vol. 15-10
- 27-0101-1501 Adoption of Pending Fee Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 27-0101-1502 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 27-0101-1503 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 27-0101-1504 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)
- 27-0101-1505 Adoption of Pending Rule, Bulletin Vol. 15-12 (eff. PLR 2016)

IDAPA 28 -- DEPARTMENT OF COMMERCE

28.02.01, Idaho Community Development Block Grant Program (ICDBG)

- 28-0201-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 28-0201-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

28.02.07, Rules Governing the Administration of the IGEN Grant Program

- 28-0207-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 28-0207-1501 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 16-1 (Rulemaking Terminated)

IDAPA 31 -- PUBLIC UTILITIES COMMISSION

31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by Idaho Public Utilities Commission

- 31-1101-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 31-1101-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

31.71.03, Railroad Safety and Accident Reporting Rules

- 31-7103-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 31-7103-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

IDAPA 34 -- SECRETARY OF STATE

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