

# IDAHO ADMINISTRATIVE BULLETIN

December 7, 2016 -- Volume 16-12

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

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# IDAHO ADMINISTRATIVE BULLETIN

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# Preface

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

State agencies are required to provide public notice of all rulemaking actions and must invite public input. 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](http://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.

### 1. 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.

## 1. 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.

## 1. 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.

## 1. 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.

## 1. 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](http://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](http://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.

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

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

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

**“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 2016**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
16-1	January 2016	<b>*November 27, 2015</b>	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	<b>**September 2, 2016</b>	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

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2017**

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17-5	May 2017	April 7, 2017	May 3, 2017	May 24, 2017
17-6	June 2017	May 5, 2017	June 7, 2017	June 28, 2017
17-7	July 2017	June 9, 2017	July 5, 2017	July 26, 2017
17-8	August 2017	July 7, 2017	August 2, 2017	August 23, 2017
17-9	September 2017	August 4, 2017	September 6, 2017	September 27, 2017
17-10	October 2017	<b>**September 1, 2017</b>	October 4, 2017	October 25, 2017
17-11	November 2017	October 6, 2017	November 1, 2017	November 22, 2017
17-12	December 2017	November 3, 2017	December 6, 2017	December 27, 2017

***\*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.***

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
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<b>IDAPA 38</b>	<b>Administration</b> , Department of
<b>IDAPA 44</b>	<b>Administrative Rules Coordinator</b> , Office of the
<b>IDAPA 02</b>	<b>Agriculture</b> , Idaho Department of
<b>IDAPA 40</b>	<b>Arts</b> , Idaho Commission on the
<b>IDAPA 03</b>	<b>Athletic Commission</b>
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<b>IDAPA 07</b>	<b>Building Safety</b> , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
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<b>IDAPA 06</b>	<b>Correction</b> , Board of
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<b>IDAPA 08</b>	<b>Education</b> , State Board of and State Department of
<b>IDAPA 10</b>	<b>Engineers and Land Surveyors</b> , Board of Professional
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<b>IDAPA 12</b>	<b>Finance</b> , Department of
<b>IDAPA 13</b>	<b>Fish and Game</b> , Department of
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<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
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<b>IDAPA 48</b>	<b>Grape Growers and Wine Producers Commission</b> , Idaho
<b>IDAPA 16</b>	<b>Health and Welfare</b> , Department of
<b>IDAPA 41</b>	<b>Health Districts</b> , Public
<b>IDAPA 45</b>	<b>Human Rights Commission</b>
<b>IDAPA 17</b>	<b>Industrial Commission</b>
<b>IDAPA 18</b>	<b>Insurance</b> , Department of
<b>IDAPA 05</b>	<b>Juvenile Corrections</b> , Department of
<b>IDAPA 09</b>	<b>Labor</b> , Idaho Department of
<b>IDAPA 20</b>	<b>Lands</b> , Department of
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<b>IDAPA 52</b>	<b>Lottery Commission</b> , Idaho State
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**ALPHABETICAL INDEX OF STATE AGENCIES  
AND CORRESPONDING IDAPA NUMBERS**

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<b>IDAPA 33</b>	<b>Real Estate Commission, Idaho</b>
<b>IDAPA 34</b>	<b>Secretary of State, Office of the</b>
<b>IDAPA 57</b>	<b>Sexual Offender Management Board</b>
<b>IDAPA 49</b>	<b>Shorthand Reporters Board, Idaho Certified</b>
<b>IDAPA 60</b>	<b>Soil and Water Conservation Commission, Idaho State</b>

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

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2016-02**

**CONTINUING THE IDAHO HEALTHCARE COALITION**

---

*WHEREAS, energy production, generation, transmission and conservation are vital to Idaho; and*

*WHEREAS, mineral acquisition, production and exploration are key contributors to Idaho's economy; and*

*WHEREAS, stable, reliable and cost-competitive long-term energy supplies are critical to the well-being and future of Idaho; and*

*WHEREAS, it is the responsibility of State government to coordinate energy and mineral planning and policy development for Idaho; and*

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

3. *The IHC is charged with continuing to expand on the work of the Idaho Health Care Council by leading development of an integrated, coordinated healthcare system in Idaho that focuses on improved population health, improved individual health outcomes and cost efficiencies.*
4. *The Department of Health and Welfare, an agency of the State of Idaho, will continue to actively supervise and oversee the activities of the IHC.*
5. *Members of the IHC shall be appointed by and serve at the pleasure of the Governor and include representatives from the Idaho Health Care Council, the Idaho Medical Home Collaborative, and others from the healthcare provider community, private and public payers, policy makers, and consumers.*
6. *The Chair of the IHC shall be appointed by the Governor from its members.*
7. *The IHC shall continue to:*
  - a. *facilitate and support the transformation of primary care practices to the PCMH model;*
  - b. *provide guidance to regional collaboratives established to support local practices in transformation and integration of PCMHs with the medical neighborhood that includes secondary and tertiary care consultants, hospitals, behavioral health, and other community support services;*
  - c. *recognize the critical issues related to Idaho's healthcare provider workforce shortage and work closely with the Idaho Health Professions Education Council, established by executive order in 2009, to ensure that SHIP activities align with the Council's workforce development strategies;*
  - d. *monitor established quality outcome measures and methods to collect and analyze individual patient and population health outcomes*
  - e. *advance primary care payment methods that align with the PCMH model, encouraging public and private payers to reimburse for improved health outcomes rather than volume of visits;*
  - f. *provide guidance to expand health information technology (HIT) at the practice level, enhancing PCMHs' use of electronic health records (EHRs), enabling the coordination of care for patients between providers*

*using interoperable technology connections, reducing the cost and redundancies found in the current healthcare delivery system and, at the state level, compiling population health data for quality measurement and improvement;*

- g. develop a long-range plan for sustainability and growth of Idaho's transformed healthcare system; and*
- 6. *The IHC shall provide quarterly progress reports, through the Department of Health and Welfare to the Governor.*
- 7. *The EO will be effective for 3 years.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 7th day of April, in the year of our Lord two thousand and sixteen, and of the independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.*

C.L. "BUTCH" OTTER  
GOVERNOR

LAWRENCE DENNEY  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2016-03**

**CREATING THE OFFICE OF ENERGY AND MINERAL RESOURCES  
WITHIN THE OFFICE OF THE GOVERNOR  
REPEALING AND REPLACING EXECUTIVE ORDER 2012-08**

---

*WHEREAS, energy production, generation, transmission and conservation are vital to Idaho; and*

*WHEREAS, mineral acquisition, production and exploration are key contributors to Idaho's economy; and*

*WHEREAS, stable, reliable and cost-competitive long-term energy supplies are critical to the well-being and future of Idaho; and*

*WHEREAS, it is the responsibility of State government to coordinate energy and mineral planning and policy development for Idaho; and*

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

1. *Creation of the "Office of Energy and Mineral Resources" within the Office of the Governor.*
2. *The term "energy" as used in this Executive Order shall include, but is not limited to, electricity, oil, natural gas, bio-energy, nuclear energy, renewable energy and transportation fuels.*
3. *The term "mineral" as used in this Executive Order shall include, but is not limited to, naturally occurring, inorganic, metallic, non-metal or solid energy substances that are leasable, salable or locatable.*
4. *The Governor shall appoint an administrator ("Administrator") to lead the Office of Energy and Mineral Resources ("Office"). The Administrator shall serve at the pleasure of the Governor and shall be subject to confirmation by the Idaho Senate. The Administrator shall be the official in Idaho designated to oversee energy and mineral planning, policy and coordination, and to fulfill the duties provided in the Executive Order.*
5. *Employees of the Office shall be non-classified for the purpose of Chapter 53, Title 67 of the Idaho Code.*
6. *The duties, powers and authorities of the Office of Energy and Mineral Resources shall include:*
  - a. *Serve as Idaho's clearing house and first point of contact for energy and mineral information, including addressing policy inquires, and providing information regarding issues;*
  - b. *Coordinating the State's energy and mineral planning development efforts;*
  - c. *Advising the Governor, the Legislature and other public officials of the State's energy requirements, supply, transmission, management, conservation and efficiency efforts;*
  - d. *Coordinating and cooperating with federal and state agencies, departments and divisions and local governments on issues concerning the State's energy requirements, supply, transmission, management, conservation and efficiency efforts;*
  - e. *Pursuing and accepting federal delegation of responsibility and authority for matters that affect the energy supply, transmission, management, consumption and conservation by the citizens of Idaho other than energy codes and standards for buildings and those matters under the jurisdiction of the Idaho Public Utilities Commission;*
  - f. *Advising the Governor, the Legislature and other public officials of the State's mineral acquisition, exploration and production planning and policy development efforts;*
  - g. *Coordinating and cooperating with federal and state agencies, departments and divisions, and local governments on issues concerning the State's mineral supply and management;*
  - h. *Pursuing and accepting federal delegation of responsibility and authority for matters that affect the mineral supply, management, acquisition, exploration and development;*
  - i. *Coordinating, supporting and overseeing the Idaho Strategic Energy Alliance;*

- j. *Assisting State agencies, departments, divisions and local governments to secure funding where available for energy conservation projects and renewable energy resource opportunities;*
  - k. *Administering energy loan programs and other forms of financial assistance for eligible projects;*
  - l. *Entering into other agreements or contracts and do that which is necessary to carry out the provisions of this Executive Order and in the performance of other duties as may be directed by the Governor.*
7. *The Office may accept private contributions, state or federal funds, funds from other public agencies or any other sources. The money shall be expended solely for the purposes provided in the Executive Order and accounted for as provided by law.*
  8. *All orders, regulations, contracts and licenses which are in effect at the time of this Executive Order is signed shall continue in effect according to their terms until modified or terminated.*
  9. *The duties, responsibilities and authority of this Executive Order shall not alter any existing responsibilities, jurisdiction or planning functions of State agencies established by State or federal law; nothing in this Executive Order shall be construed to provide or imply any regulatory authority by the office over activities that are subject to the jurisdiction of another State agency including the Idaho Public Utilities Commission, the Idaho Department of Lands, the Idaho Department of Environmental Quality and the Idaho Department of Water Resources.*

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



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 18th day of October, in the year of our Lord two thousand and sixteen, and of the independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.*

C.L. "BUTCH" OTTER  
GOVERNOR

LAWRENCE DENNEY  
SECRETARY OF STATE

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2016-04**

**CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING  
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM  
REPEALING AND REPLACING EXECUTIVE ORDER 2015-02**

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*WHEREAS, the economic future of Idaho and the prosperity of its residents depends upon the ability of businesses in Idaho to compete in the world economy; and*

*WHEREAS, a well-educated and highly skilled workforce provides businesses in Idaho with a competitive edge critical for their success; and*

*WHEREAS Idaho is committed to preparing its current and future workforce with the skills necessary for the 21st century; and*

*WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in crafting the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and*

*WHEREAS, a comprehensive workforce development strategy for Idaho will improve planning and oversight functions; improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce; and help provide for the most efficient use of federal, state and local workforce development resources;*

*NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:*

1. *The Idaho Workforce Development Council (the "Council") is established in accordance with section 101 (a), (e) of the Workforce Innovation and Opportunity Act (WIOA) of 2014.*
2. *The Council shall consist of not more than 27 members appointed by the Governor, consistent with federal nomination and composition requirements set forth in section 702 of the Job Training Partnership Act as amended. The Council's membership, shall be as follows:*
  - a. *Representatives of business and industry shall comprise at least 40% of the members;*
  - b. *At least 15 percent of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary professional technical educational institutions;*
  - c. *At least 15 percent of the members shall be representatives of organized labor based on nominations from recognized state labor federations;*
  - d. *Representatives from the Department of Commerce, Department of Labor, the State Board of Education, Division of Career-Technical Education, Division of Vocational Rehabilitation and the Superintendent of Public Instruction;*
  - e. *A representative of a community-based organization.*
3. *The Council will be responsible for advising the Governor and the State Board of Education, as appropriate and at regular intervals, on matters related to workforce development policy and programs.*
4. *The Council will assist the Governor in fulfilling the requirements of the state board set forth in WIOA section 101(d).*
5. *The Council will carry out the functions of the local board on behalf of the statewide planning area as provided in WIOA section 107(d).*
6. *The Council shall also be responsible for:*

*Approval Code;*

  - a. *Approval and oversight of the expenditures from the Employment Security Reserve Fund as set forth in Section 72-1347A, Idaho Code;*
  - b. *Development and oversight of procedures, criteria and performance measures for the Workforce*

- Development Training fund established under Section 72-1347B, Idaho Code; and;*
- c. Such other duties as assigned by the Governor;*
  - 7. *The Council may empanel subcommittees, appointed by the chair. Subcommittee members may include individuals from the general public who have special knowledge and qualifications to be of assistance to the Council.*
  - 8. *The Governor shall name the chair and vice-chair from among the private sector members of the Council.*
  - 9. *The Council shall be jointly staffed by a management team of directors or administrators of state agencies that administer workforce development programs, as designated by the Governor. Funding for the council shall be provided by the agencies staffing the council, which shall agree upon appropriate ratios for the allocation of administrative funding. The Idaho Department of Labor shall have responsibility for providing secretarial and logistical support to the Council.*
  - 10. *The Council's members shall serve at the pleasure of the Governor, and appointments shall be for three-year terms.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 2nd day of November, in the year of our Lord two thousand and sixteen, and of the independence of the United States of America the two hundred forty-first and of the Statehood of Idaho the one hundred twenty-seventh.*

C.L. "BUTCH" OTTER  
GOVERNOR

LAWRENCE DENNEY  
SECRETARY OF STATE

## **IDAPA 01 – BOARD OF ACCOUNTANCY**

### **01.01.01 – IDAHO ACCOUNTANCY RULES**

**DOCKET NO. 01-0101-1601**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-204(1) Idaho Code.

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

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 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 17-18](#).

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

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

DATED this 20th Day of October, 2016.

Kent A. Absec  
Executive Director  
Idaho State Board of Accountancy  
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Boise, Idaho 83720-0002  
Phone: (208) 334-2490  
Fax: (208) 334-2615  
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## **IDAPA 02 – DEPARTMENT OF AGRICULTURE**

### **02.04.14 – RULES GOVERNING DAIRY WASTE**

**DOCKET NO. 02-0414-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 initiated proposed rulemaking procedures. The action is authorized pursuant to Title 37, Chapters 3, 4, and 6, 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 change is a result of a petition received from the Idaho Dairyman's Association to change the requirements related to pasture access for dairy cattle. The change will also make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 23-30](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540.

DATED this 27th day of October, 2016.

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

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.04.15 – RULES GOVERNING BEEF CATTLE ANIMAL FEEDING OPERATIONS

DOCKET NO. 02-0415-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 Title 22, Chapter 1 and 49, 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 change will make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 31-35](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540.

DATED this 27th day of October, 2016.

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

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.04.16 – RULES GOVERNING AGRICULTURE ODOR MANAGEMENT**  
**DOCKET NO. 02-0416-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 25-3802, 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 change is a result of a petition received from the Idaho Dairyman's Association. The changes will make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 36-39](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540.

DATED this 27th day of October, 2016.

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

## IDAPA 02 – DEPARTMENT OF AGRICULTURE

### 02.04.19 – RULES GOVERNING DOMESTIC CERVIDAE

DOCKET NO. 02-0419-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 25-3704, 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 rule change will require Idaho domestic cervidae producers to report the cause of death of each cervid to the Department on the official death certificate form. The rule change will also clarify the minimum surveillance requirements for Chronic Wasting Disease on domestic cervidae facilities.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 40-45](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540.

DATED this 27th day of October, 2016.

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

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.04.21 – RULES GOVERNING THE IMPORTATION OF ANIMALS**  
**DOCKET NO. 02-0421-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 Title 25, Chapters 2, 3, 4, 6 and 37, 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 change will make Idaho rules consistent with federal regulations pertaining to the official identification of imported dairy cattle. The rule change will also clarify requirements to participate in the equine approved feedlot program as well as specify tuberculosis testing requirements for imported domestic cervidae.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 46-53](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540.

DATED this 27th day of October, 2016.

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

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**  
**02.04.32 – RULES GOVERNING POULTRY OPERATIONS**  
**DOCKET NO. 02-0432-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 25-4012, 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 change is a result of a petition received from the Idaho Dairyman's Association. The changes will make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 54-58](#).

**IDAHO CODE SECTION 22-101A STATEMENT:** This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

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

ISDA does not anticipate any fiscal impact as a result of this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the pending rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540.

DATED this 27th day of October, 2016.

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

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.01.06 – RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE**

**DOCKET NO. 07-0106-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-1001 and 54-1006, Idaho Code.

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

The pending rule is being adopted in order to adopt and amend the 2017 edition of the National Electrical Code (NEC). The rulemaking retains all the existing amendments to the NEC; however, the exception related to Arc-Fault Circuit-Interrupter Protection is simplified to ensure more clarity.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 59-61](#).

**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 adoption of the 2017 National Electrical Code is expected to cost the Division of Building Safety approximately \$5,000. This cost includes the cost of new code books and training associated with the implementation of the new code. Local jurisdictions will encounter similar costs.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.02.02 – RULES GOVERNING PLUMBING PERMITS**  
**DOCKET NO. 07-0202-1601**  
**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 2017 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 54-2605, 54-2606, 54-2623 and 67-2601A, 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 pending fee rule is being adopted in order to allow a permit holder to transfer a plumbing permit to another eligible person, and to allow a permit holder to receive a refund of the permit fee or a portion thereof in certain circumstances.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 62-64](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-2606(3)(a) and 67-2601A(5)(e), Idaho Code.

A fee of forty-five dollars (\$45) will be imposed on those who desire to transfer a plumbing permit from one eligible party to another. The fee is authorized pursuant to Sections 54-2606(3)(a) and 67-2601A(5)(e), Idaho Code.

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

This rule does not affect the General Fund and will have only a negligible effect on the dedicated Plumbing Board fund due to a slight decrease in fees previously paid for new permits that will no longer be required.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.02.05 – RULES GOVERNING PLUMBING SAFETY LICENSING**  
**DOCKET NO. 07-0205-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-2605, 54-2606 and 54-2610, 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 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 45-46](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys at (208) 332-8986.

DATED this 26th day of October 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P. O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.02.06 – RULES CONCERNING IDAHO STATE PLUMBING CODE**  
**DOCKET NO. 07-0206-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-2601 and 54-2605, 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 Plumbing Board is adopting this pending rule to update the Idaho State Plumbing Code with the adoption of sections of the Uniform Plumbing Code that positively affect the plumbing trade. Many of these changes are less restrictive and advantageous to contractors and property owners by providing them with more options. Additionally, the rules provide the Division with the ability to make interpretations of the rules in the event that it is advisable to do so in order to provide clarity or direction to those making plumbing installations. A correction is being made to the pending rule to correct a clerical error in the proposed rule citing a Plumbing Code section at IDAPA 07.02.06.011.39.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 65-80](#).

**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 amendments will not have a significant fiscal impact on plumbing contractors and general contractors, but have the potential to positively affect contractors and property owners as a result of having more options in determining what fixtures and equipment they choose to install. The proposed changes have no fiscal impact on the State General Fund, and minimal negative impact on the dedicated plumbing fund in order to update code books.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**DOCKET NO. 07-0206-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 65 through 80.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 07-0206-1601**

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

**011. ADOPTION AND INCORPORATION BY REFERENCE OF THE IDAHO STATE PLUMBING  
CODE.**

The Idaho State Plumbing Code published in 201~~27~~, including Appendices “A, B, C, D, E, G, I, J, K and L,” (herein ISPC) is adopted and incorporated by reference with amendments as prescribed by the Idaho Plumbing Board and contained in this Section. The Idaho State Plumbing Code is modeled after the 20~~09~~15 Uniform Plumbing Code (UPC). The Idaho State Plumbing Code is available at the Division of Building Safety offices located at 1090 E. Watertower St., Suite 150, Meridian, Idaho 83642; 1250 Ironwood Dr., Ste. 220, Coeur d’Alene, Idaho 83814; and 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. It may also be accessed electronically online at <http://dbs.idaho.gov/>. ~~(3-25-13)~~( )

**[Subsection 011.39]**

**3~~5~~9.** Section 80~~15.41~~15.41 ~~Connections from Water Distribution System~~ **General.** Add to the end of the first paragraph the following: Provisions must be made for the discharge of the water softener to terminate in an approved location. The drain line for a water softener must be three-fourths (3/4) inch minimum. A washer box with a dual outlet is an approved location as long as it is on the same floor or one (1) floor below the softener unit and the water softener drain line is a minimum three-fourths (3/4) inch. ~~(3-25-13)~~( )

**IDAPA 07 – DIVISION OF BUILDING SAFETY**

**07.02.07 – RULES GOVERNING CIVIL PENALTIES**

**DOCKET NO. 07-0207-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-2605, 54-2606 and 54-2607, 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 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 47-48](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys at (208) 332-8986.

DATED this 26th day of October 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

**IDAPA 07 – DIVISION OF BUILDING SAFETY**  
**07.03.01 – RULES OF BUILDING SAFETY**  
**DOCKET NO. 07-0301-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 39-4107 and 39-4109, 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 rulemaking is being adopted in order to adopt and amend the 2015 International Building Code (IBC), 2015 International Existing Building Code (IEBC), and the commercial provisions of the 2015 International Energy Conservation Code which serves as the basis for the Idaho Energy Conservation 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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 81-89](#).

**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 is not expected to impact the General Fund, but is expected to increase short-term cost to code jurisdictions for code materials and training of inspectors. Amendments to the new commercial building and energy codes will result in some decreases in cost to building contractors and owners.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.05.01 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD**

**DOCKET NO. 07-0501-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-1904 and 54-1907, Idaho Code.

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

The pending rule is being adopted in order to clarify that a public works contractor licensed in the specialty category of Instrumentation and Controls must also possess the appropriate underlying electrical license and a public works electrical specialty license.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 90-101](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83542  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.07.01 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS, DIVISION OF BUILDING SAFETY**

**DOCKET NO. 07-0701-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-5004 and 54-5005, Idaho Code.

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

The pending rule is being adopted in order to provide a new definition of the term “light duty cooking appliance” and similarly to provide a new definition of the term “medium duty cooking appliance,” and to provide that the Division may have written interpretations of the rules available for review.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 102-104](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 07.07.01 – RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS, DIVISION OF BUILDING SAFETY

DOCKET NO. 07-0701-1602

#### 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 2017 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 54-5004 and 54-5005, 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 pending fee rule is being adopted in order to address a critical shortage of skilled HVAC workers by changing the schooling required to qualify to take the journeyman's exam; and to allow a permit holder to transfer a HVAC permit to another eligible person and allow a permit holder to receive a refund of the permit fee or a portion thereof in certain circumstances.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 105-107](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-5005(1) and 67-2601A(5)(e), Idaho Code.

A fee of forty-five dollars (\$45) will be imposed on those who desire to transfer a HVAC permit from one eligible party to another. The fee is authorized pursuant to Sections 54-5005(1) and 67-2601A(5)(e), Idaho Code.

**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 fee itself is expected to be neutral to the Division and the HVAC dedicated fund inasmuch as the fee imposed by the Division for administering the transfer of a HVAC permit to a new permit holder is expected to cover the administrative costs to the Division in processing the request. The effect of the fee would only have a negligible adverse effect on the dedicated HVAC Board fund due to a slight decrease in fees previously paid for new permits that will no longer be required. The impact to the permit holder desiring to transfer a permit would be a one-time fee of forty-five dollars (\$45); however, the fee is expected to be significantly less expensive than securing an entirely new HVAC permit.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.01 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - GENERAL PROVISIONS**

**DOCKET NO. 07-0801-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules regarding minimum safety standards and practices for logging 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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 108-114](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.02 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - HEALTH, SAFETY, AND SANITATION**

**DOCKET NO. 07-0802-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to health, safety and sanitation.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 115-123](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.03 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - EXPLOSIVES AND BLASTING**

#### **DOCKET NO. 07-0803-1601 (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 2017 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 67-2601A(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:

The pending rule is being adopted in order to repeal rules concerning the Idaho minimum safety standards and practice for logging related to explosives and blasting.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, page 124](#). This chapter is repealed in its entirety.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.04 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - GARAGES, MACHINE SHOPS, AND RELATED WORK AREAS**

**DOCKET NO. 07-0804-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to garages, machine shops and related work areas.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 125-127](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 07.08.05 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - SIGNALS AND SIGNAL SYSTEMS

DOCKET NO. 07-0805-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to signals and signal systems.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 128-132](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 07.08.06 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - TRUCK ROAD STANDARDS

DOCKET NO. 07-0806-1601

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to truck road standards.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 133-135](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 07.08.07 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - TRANSPORTATION OF EMPLOYEES

DOCKET NO. 07-0807-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to transportation of employees.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 136-138](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 07.08.08 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - FALLING AND BUCKING

DOCKET NO. 07-0808-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to falling and bucking.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 139-145](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.09 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING - RIGGING, LINES, BLOCKS, AND SHACKLES**

**DOCKET NO. 07-0809-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to rigging, lines, blocks and shackles.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 146-154](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
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## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.10 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- CANOPY AND CANOPY CONSTRUCTION FOR LOGGING EQUIPMENT**

**DOCKET NO. 07-0810-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to canopy and canopy construction for logging equipment.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 155-158](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.11 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- SKIDDING AND YARDING**

**DOCKET NO. 07-0811-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to skidding and yarding.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 159-182](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.12 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- ROAD TRANSPORTATION**

**DOCKET NO. 07-0812-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to road transportation.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 183-192](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## IDAPA 07 – DIVISION OF BUILDING SAFETY

### 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

DOCKET NO. 07-0813-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to 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.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 193-199](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.14 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- HELICOPTER LOGGING**

**DOCKET NO. 07-0814-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to helicopter logging.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 200-203](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.15 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- COMMONLY USED LOGGING TERMS**

**DOCKET NO. 07-0815-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to commonly used logging terms.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 204-209](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 07 – DIVISION OF BUILDING SAFETY**

### **07.08.16 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- RECOMMENDED SAFETY PROGRAM**

**DOCKET NO. 07-0816-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-2601A(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:

The pending rule is being adopted in order to update and clarify the rules concerning the Idaho minimum safety standards and practice for logging related to a recommended safety 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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 210-218](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Steve Keys, Deputy Administrator – Operations, at (208) 332-8986.

DATED this 4th day of November, 2016.

Steve Keys, Deputy Administrator – Operations  
Division of Building Safety  
1090 E. Watertower St., Ste. 150  
P.O. Box 83720  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (877) 810-2840

## **IDAPA 08 – STATE BOARD OF EDUCATION**

### **08.02.01 – RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-1605**

#### **NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 19, 2016.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 33-101, 33-105, 33-107, 33-116, 33-1004B and 33-1004D, Idaho Code, and Article IX, Section 2, Idaho Constitution.

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

This rule clarifies that each of the performance criteria/component needed for calculating movement on the Career Ladder must be reported annually to the State Department of Education so the State Department of Education may calculate movement on the Career Ladder for determining a school district or public charter schools salary based apportionment. The components necessary for computing movement are specified in Section 33-1001, Idaho Code. These requirements include obtaining a professional endorsement for movement from the residency rung to the professional rung on the Career Ladder. The professional endorsement requirements are specified in Section 33-1201A, Idaho Code. There is one additional component in the professional endorsement requirements that is not included in the Career Ladder requirements that are specified in Section 33-1001, Idaho Code, which is having an Individualized Professional Learning Plan. This component is also required for individuals wishing to apply for the Master Teacher Premium, starting July 1, 2019. Currently only one of the components is being collected, that is the overall rating on the state framework for teaching evaluation. This rule will add four additional data elements to the instructional/pupil service staff records that are currently required to be submitted to the State Department of Education. The required components/data elements are: Overall rating on the evaluation (already reported); number of components of the evaluation rated as unsatisfactory; did a majority of the teachers students meet their student achievement targets or student success indicator targets (yes/no); what tool, or tools, were used for measuring student achievement or student success (multiple choice); and does the individual have an individualized professional learning plan.

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

The Career Ladder sets out specific performance criteria that are required to be met for movement on the Career Ladder from one cell to the next, as well as, movement from the residency rung to the professional rung. Section 33-1001, Idaho Code outlines each of the components/data elements necessary for calculating whether or not an individual has met the performance criteria and is eligible to move. Section 33-1004B, Idaho Code, requires each school district to submit annually the data necessary to determine whether an individual has met the performance criteria for movement on the Career Ladder and then requires the State Department of Education to calculate annually whether the individual has met the criteria based on the data submitted.

Calculating the movement on the Career Ladder for FY2019 and beyond is contingent on data collected starting in the 2015-2016 school year. It is necessary to promulgate a temporary rule to clarify exactly what data elements are collected to calculate movement on the Career Ladder so that data may be collected not only for the 2016-2017 school year, but also, retroactively for the 2015-2016 school year. If the data is not collected, the State Department of Education will not be able to do the calculations necessary to determine if the individuals have met all of the performance criteria and are thereby eligible to move on the Career Ladder. If the calculation cannot be completed it could result in a lesser amount being distributed to an individual school district or public charter school for their salary based apportionment.

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

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

DATED this 2nd day of November, 2016.

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

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0201-1605  
(Only Those Sections With Amendments Are Shown.)**

**251. CAREER LADDER DATA COLLECTION.**

School districts and charter schools must submit annually each component (data element) required to determine if an instructional staff or pupil service staff member has met the performance criteria required for movement on the applicable compensation rung of the career ladder starting with instructional staff employed in FY2016 and pupil service staff employed in FY2017. (Section 33-1004B, Idaho Code). (10-19-16)T

**01. Required Components.** The required components for each instructional staff or pupil service staff member include: (10-19-16)T

**a.** Summative rating on the state framework for teaching evaluation established in IDAPA 08.02.02.120; and (10-19-16)T

**b.** Number of components on the state framework for teaching evaluation rated as unsatisfactory; and (10-19-16)T

**c.** Did the majority of the employees students meet their measurable student achievement or growth targets or student success indicator targets; and (10-19-16)T

**d.** Which measurable student achievement or growth or student success indicators were used; and (10-19-16)T

**e.** Did the employee have an individualized professional learning plan (yes/no). (10-19-16)T

~~251~~2. -- 299. (RESERVED)

# **IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION**

## **08.02.03 – RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1612**

### **NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 20, 2016.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 33-105, 33-1612, 33-2002, Idaho Code.

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

In 2011, Idaho joined the National Center and State Collaborative (NCSC) to build an alternate assessment based on alternate achievement standards (AA-AAS) for students with significant cognitive disabilities. The NCSC AA-AAS was developed to ensure that all students with significant cognitive disabilities are able to participate in an assessment that is a measure of what they know and can do in relation to the grade-level Idaho Content Standards. NCSC's AA-AAS is a component of a system of curriculum, instruction, and professional development that allows students with the most significant cognitive disabilities to access grade-level content aligned to the Idaho Content Standards.

Idaho administered the operational assessment developed by the collaborative in the spring of 2015. Data from the 2015 test administration provided the necessary elements to establish and recommend achievement standards for state adoption. The adoption of the NCSC recommended standards were approved by the State Board of Education in September 2015. The same standards are being adopted to maintain consistency in assessment results for the 2016 and 2017 test administrations.

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

This rule is necessary for the 2016-2017 school year to be in compliance with the Individuals with Disabilities Act (IDEA) and the Elementary and Secondary Education Act (ESEA).

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

**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:

Because of the number of pages within the document, the republication of the text would be unduly cumbersome and expensive. A complete copy of the incorporated by reference document can be found on our website at [sde.idaho.gov/topics/admin-rules/](http://sde.idaho.gov/topics/admin-rules/).

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Dr. Charlie Silva, Director of Special Education, at (208) 332-6806 or [csilva@sde.idaho.gov](mailto:csilva@sde.idaho.gov).

DATED this 24th Day of October, 2016.

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

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0203-1612**  
**(Only Those Sections With Amendments 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](http://www.boardofed.idaho.gov). (3-29-10)

- a.** Driver Education, as revised and adopted on August 21, 2008. (3-29-10)
- b.** Health, as revised and adopted on April 17, 2009. (3-29-10)
- c.** Humanities Categories: (3-29-10)
  - i.** Art, as revised and adopted on April 17, 2009; (3-29-10)
  - ii.** Dance, as revised and adopted on April 17, 2009; (3-29-10)
  - iii.** Drama, as revised and adopted on April 17, 2009; (3-29-10)
  - iv.** Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)
  - v.** Music, as revised and adopted on April 17, 2009; (3-29-10)
  - vi.** World languages, as revised and adopted on April 17, 2009; (3-29-10)
- d.** English Language Arts, as revised and adopted on August 11, 2010. (4-7-11)
- e.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- f.** Mathematics, as revised and adopted on August 11, 2010. (4-7-11)
- g.** Physical Education, as revised and adopted on April 17, 2009. (3-29-10)
- h.** Science, as revised and adopted on April 17, 2009. (3-29-10)
- i.** Social Studies, as revised and adopted on April 17, 2009. (3-29-10)
- j.** Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)

**02. The English Language Development (ELD) Standards.** The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at [www.wida.us/standards/eld.aspx](http://www.wida.us/standards/eld.aspx). (4-4-13)

**03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures.** The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)

- 04. The Idaho English Language Assessment (IELA) Achievement Standards.** The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at [www.sde.idaho.gov](http://www.sde.idaho.gov). (4-7-11)
- 05. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors.** Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (5-14-16)T
- 06. The Idaho Extended Content Standards.** The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (5-8-09)
- 07. The Idaho Alternate Assessment Achievement Standards.** Alternate Assessment Achievement Standards as adopted by the State Board of Education on ~~May 18, 2011~~ September 3, 2015. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (~~3-29-12~~)(10-20-16)T
- 08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)
- 09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired.** As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at [www.boardofed.idaho.gov](http://www.boardofed.idaho.gov). (4-2-08)

## IDAPA 12 – DEPARTMENT OF FINANCE

### 12.01.10 – RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 pending 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).

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 5, 2016, Idaho Administrative Bulletin, [Vol.16-10, pages 373-374](#).

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

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

DATED this 1st day of November 2016.

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

**IDAPA 15 – MILITARY DIVISION  
OFFICE OF EMERGENCY MANAGEMENT**

**15.06.06 – RULES GOVERNING USE OF DISASTER EMERGENCY ACCOUNT FUNDS**

**DOCKET NO. 15-0606-1601 (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 2017 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 46-1027, 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 Office of Emergency Management is responsible for managing the disaster emergency account. In the past, there has been some confusion as to what events and circumstances may qualify for funding from this account. In an effort to curb this confusion, the Office of Emergency Management has promulgated these rules to specify what qualifies for fund use.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 430-432](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Brad Richy at (208) 422-3035.

DATED this 4th day of November, 2016.

Brad Richy  
Director, Office of Emergency Management  
Idaho Military Division  
700 S. Stratford Dr., Bldg. 600  
Meridian, ID 83642  
Phone: (208) 422-3035  
Fax: (208) 288-2605

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

**16.03.03 – RULES GOVERNING CHILD SUPPORT SERVICES**

**DOCKET NO. 16-0303-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 56-203A, 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:

Changes were made to the proposed text to amend the amount and when arrears of child support reports to consumer agencies begin after a court order is finalized. 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 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 437 and 438](#).

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

There is no anticipated fiscal impact to the State General Fund or to any other funds for this rule change. The child support automated system is currently able to comply with this reporting change. This rulemaking is intended to be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Julie Hammon at (208) 249-8369.

DATED this 4th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

DOCKET NO. 16-0303-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 437 through 438.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

603. CONSUMER REPORTING AGENCIES.

*[Subsection 603.02]*

02. **Reports.** Reports are made to consumer reporting agencies ~~once arrears accrue in excess of five hundred~~ of any non-custodial parent who owes overdue support exceeding two thousand dollars (~~\$52000~~) and is at least three (3) months in arrears after the court order is finalized. Notice will be provided to the non-custodial parent prior to the report being made available to the agencies and ~~shall~~ will inform the non-custodial parent of the methods available for contesting the accuracy of the information. ~~(7-1-98)~~ ( )

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.04 – RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO**  
**DOCKET NO. 16-0304-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 56-203, Idaho Code.

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

The Department amended these rules to improve business process and to align the Able Bodied Adult Without Dependents (ABAWD) program requirements with 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 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 439 and 440](#).

**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 as a result of this rulemaking.

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

DATED this 4th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

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

**DOCKET NO. 16-0305-1601**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 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:

Changes were made to the pending rule to ensure that the an irrevocable, non-assignable annuity is not treated as an asset transfer if the requirements in Subsections 838.03 through 838.05 apply. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule was published in the October 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 441 through 445](#).

**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 as a result of this rulemaking. The rules clarify current practices for long term care and are intended to be cost neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Callie Harrold at (208) 334-0663.

DATED this 4th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

DOCKET NO. 16-0305-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-10, October 5, 2016, pages 441 through 445.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

*[Section 838 is being printed in its entirety]*

**838. ANNUITY AS ASSET TRANSFER.**

Except as provided in this rule, when assets are used to purchase an annuity during the look-back period, it is an asset transfer presumed to be made for the purpose of qualifying for Medicaid. To rebut this presumption, the participant must provide proof that clearly establishes the annuity was not purchased to make the participant eligible for Medicaid or avoid recovery from the estate following death. Proof is met if the participant shows the annuity meets the requirements described in Subsections 838.02 through 838.05 of this rule. (4-2-08)

**01. Revocable Annuity.** A revocable annuity is an annuity that can be assigned. The surrender amount of a revocable annuity is a countable resource. (4-2-08)

**02. Irrevocable Annuity.** The purchase price of an irrevocable, non-assignable annuity is treated as an asset transfer, unless the requirements of Subsections ~~838.02-a, 838.02-b,~~ 838.03 and through 838.04~~5~~ of this rule are met. (4-2-08)(    )

**#03. Irrevocable Annuity Life Expectancy Test.** The participant's life expectancy, as shown in the following table, must equal or exceed the term of the annuity. Using the Table 838.02-a-3 compare the face value of the annuity to the participant's life expectancy at the purchase time. The annuity meets the life expectancy test if the participant's life expectancy equals or exceeds the term of the annuity. If the exact age is not in the Table, use the next lower age.

TABLE 838.0 <u>2-a-3</u> - LIFE EXPECTANCY TABLE					
Age	Years of Life Remaining Male	Years of Life Remaining Female	Age	Years of Life Remaining Male	Years of Life Remaining Female
0	73.26	79.26	74	10.12	12.74
10	64.03	69.93	75	9.58	12.09
20	54.41	60.13	76	9.06	11.46
30	45.14	50.43	77	8.56	10.85
40	35.94	40.86	78	8.07	10.25
50	27.13	31.61	79	7.61	9.67
60	19.07	22.99	80	7.16	9.11

61	18.33	22.18
62	17.60	21.38
63	16.89	20.60
64	16.19	19.82
65	15.52	19.06
66	14.86	18.31
67	14.23	17.58
68	13.61	16.85
69	13.00	16.14
70	12.41	15.44
71	11.82	14.75
72	11.24	14.06
73	10.67	13.40

81	6.72	8.57
82	6.31	8.04
83	5.92	7.54
84	5.55	7.05
85	5.20	6.59
86	4.86	6.15
87	4.55	5.74
88	4.26	5.34
89	3.98	4.97
90	3.73	4.63
95	2.71	3.26
100	2.05	2.39
110	1.14	1.22

(3-30-07)( )

~~b.~~ *Annual Interest Test.* Any annuity is presumed to produce interest, at minimum, that is equal to the treasury rate. (4-2-08)

~~034.~~ **State Named as Beneficiary.** The purchase of an annuity is treated as an asset transfer unless the State of Idaho, Medicaid Estate Recovery is named as: (3-30-07)

a. The remainder beneficiary in the first position for at least the total amount of medical assistance paid on behalf of the institutionalized individual under this title; or (4-2-08)

b. The remainder beneficiary in the second position after the community spouse or minor or disabled child and is named in the first position if the community spouse or a representative of the minor or disabled child disposes of any remainder for less than fair market value. (3-30-07)

~~045.~~ **Equal Payment Test.** The annuity must provide for payments in equal amounts during the term of the annuity with no deferral and no balloon payments made. (3-30-07)

~~056.~~ **Permitted Annuity.** The purchase of an annuity is not treated as an asset transfer if the annuity meets any of the descriptions in Sections 408(b), or 408(q), Internal Revenue Code; or is purchased with proceeds from an account or trust described in Sections 408(a), 408(c), or 408(p), Internal Revenue Code, or is a simplified employee pension as described in Section 408(k), Internal Revenue Code, or is a Roth IRA described in Section 408A, Internal Revenue Code. (3-30-07)

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

**16.03.08 – RULES GOVERNING THE TEMPORARY ASSISTANCE  
FOR FAMILIES IN IDAHO (TAFI) PROGRAM**

**DOCKET NO. 16-0308-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 56-202, Idaho Code and 45 CFR Parts 260 - 265.

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

The Department amended these rules to clarify definitions for parents, step-parents, and caretaker relatives. 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 5, 2016, Idaho Administrative Bulletin, [Vol. 16-10, pages 446 through 449](#).

**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 to dedicated funds for this rule change. This rulemaking is intended to be cost-neutral.

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

DATED this 4th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

## IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

### 16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code, and 42 CFR 418.302.

**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 implement a two-tiered routine home care reimbursement for Medicaid hospice providers, and add a new service intensity add-on payment to the hospice payment methodology for Medicaid. This will align this chapter of rules with recent changes in federal regulations (42 CFR 418.302).

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 1, 2016, Idaho Administrative Bulletin, **Vol. 16-6, pages 35 through 37**.

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

There is an estimated increase of \$213,000 in annual aggregate expenditures as a result of this rulemaking. \$64,000 of this will come from the State General Fund; the remaining \$149,000 will come from federal matching funds.

The associated system changes needed are minor and will occur within existing business processes and funding.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cale Coyle at (208) 364-1817.

DATED this 4th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

# IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

## 16.03.18 – MEDICAID COST-SHARING

DOCKET NO. 16-0318-1601

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 56-253 and 56-257, Idaho Code, and 42 CFR 435.726.

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

In order to keep pace with the increase of housing and utility expenses in Idaho, these rule changes increase the Personal Needs Allowance (PNA) amounts used in the financial eligibility calculation for those Medicaid participants who reside in the community and who are responsible for their own rent or mortgage expenses. The PNA will be increased from 150% of the federal SSI amount to 180% of the federal SSI amount for eligible waiver participants who incur a mortgage or rent expense.

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 1, 2016, Idaho Administrative Bulletin, [Vol. 16-6, pages 38 through 40](#).

**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 total anticipated cost of this rule change is projected to be \$1,524,158 per year, due to the reduced participant Share of Cost for Medicaid waiver services. The SFY17 blended rate Federal Medical Assistance Percentage (FMAP) is 70.91%. The impact to the state general fund is projected to be \$443,377 per year, based on current participant counts. This rule change will result in an increased cost of \$443,337 per year in state general funds and \$1,080,780 in federal dollars.

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

DATED this 4th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

**16.04.17 – RULES GOVERNING RESIDENTIAL HABILITATION AGENCIES**

**DOCKET NO. 16-0417-1701**

**NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 39-4605, Idaho Code.

**MEETING SCHEDULE:** Public meetings on the negotiated rulemaking will be held as follows:

<b>Thursday December 8, 2016 1:00 pm (Local)</b>	<b>Friday December 9, 2016 1:30 pm (Local)</b>	<b>Monday December 12, 2016 1:30 pm (Local)</b>
<b>Medicaid Central Office - DHW 3232 W. Elder Street Conf. Rooms D-East &amp; D-West Boise, ID</b>	<b>Twin Falls - DHW Office 601 Pole Line Road Conference Rooms A &amp; C Twin Falls, ID</b>	<b>Pocatello - DHW Office 1070 Hiline Road Room 230 Pocatello, ID</b>
<b>Wednesday December 14, 2016 1:30 pm (Local)</b>	<b>Monday January 30, 2017 8:30 am (Local)</b>	<b>Friday February 3, 2017 10:30 am (Local)</b>
<b>Idaho Falls - DHW Office 150 Shoup Avenue 2nd Floor Large Conference Room Idaho Falls, ID</b>	<b>Lewiston - DHW Office 1118 F Street 3rd Floor Conference Room Lewiston, ID</b>	<b>Northern Idaho - DHW Office 1120 Ironwood Drive Suite 102 Large Conference Room Coeur d’Alene, ID</b>

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking may do any of the following:

1. Attend the negotiated rulemaking meetings as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before February 10, 2017:

Eric Brown  
DDA/ResHab Certification Program Manager  
Idaho Department of Health and Welfare  
3232 Elder Street  
P.O. Box 83720  
Boise, ID 83720-0009

**DESCRIPTIVE SUMMARY:** The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:

The Department is holding negotiated rulemaking meetings on this chapter to update and revise certification requirements for Residential Habilitation Agencies operating in Idaho.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Eric Brown at (208) 334-0649. Materials pertaining to the negotiated rulemaking under Docket 16-0417-1701, including any available preliminary rule drafts, can be found on the Department's web site at the following web address: [www.healthandwelfare.idaho.gov](http://www.healthandwelfare.idaho.gov)

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before Friday, February 10, 2017.

DATED this 4th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

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

**DOCKET NO. 16-0612-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 56-202, Idaho Code, and CFR 45 Part 98.42, for the Reauthorization of the Child Care and Development Block Grants.

**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 administers the Idaho Child Care Program through grants and other funding sources. These rules became effective on October 1, 2016 to meet federal requirements. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 118 through 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:

The fiscal impact for SFY 2017 was appropriated by the 2016 Legislature under Line items 9 and 13 in HB 0574. The amount of the grant and federal funds include one-time funding to migrate and modernize the Child Care Program's automation system and to increase the subsidy for child care support and increased caseload funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Ericka Rupp at (208) 334-5815.

DATED this 4th day of November, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036  
Tel: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

## IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

### 18.01.48 – RULE TO IMPLEMENT THE PRIVACY OF CONSUMER FINANCIAL INFORMATION

DOCKET NO. 18-0148-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 41-211 and 41-1334, 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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 513-515](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Thomas A. Donovan at (208) 334-4214, or [Tom.Donovan@doi.idaho.gov](mailto:Tom.Donovan@doi.idaho.gov).

DATED this 7th day of November, 2016.

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

## IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

### 18.01.56 – REBATES AND ILLEGAL INDUCEMENTS TO OBTAINING TITLE INSURANCE BUSINESS RULES

DOCKET NO. 18-0156-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 41-211, 41-1314 and 41-2708(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:

This existing rule concerns rebates and illegal inducements in title insurance and provides limits on what items of value may be provided to producers of title business. Changes in technology have increased efficiencies of operations for title agents such that items of value can be produced much more quickly, easily, and therefore inexpensively. Additionally, some of the limitations in the rule have not been changed in many years.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 516-520](#). The following changes are how the pending rule differs from the proposed rule:

- Subsection 010.05 defining social media is being removed.
- Subsection 014.02 clarifying the use of social media is being removed.

The agency is making these changes because there was not consensus. The existing rule provides some guidance on advertising. It is understood that if future issues arise related to any co-branding or co-advertising between title entities and producers of title business or trade associations, the agency may elect to conduct future rulemaking.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Jim Scanlon at (208) 334-4321, or [Jim.Scanlon@doi.idaho.gov](mailto:Jim.Scanlon@doi.idaho.gov).

DATED this 4th day of November, 2016.

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83720-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

DOCKET NO. 18-0156-1601 - ADOPTION OF PENDING FEE RULE

Substantive changes have been made to the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
[Volume 16-10, October 5, 2016, pages 516 through 520.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 18-0156-1601

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

*[Proposed changes to Subsection 010.05 have been withdrawn. This section to remain as  
codified, including any subsequent renumbering after Subsection 010.05]*

*[Proposed changes to Subsection 014.02 have been withdrawn. This section to remain as  
codified. Proposed changes to Paragraph 014.02.a. will remain as previously published.]*

**IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY**  
**19.01.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY**  
**DOCKET NO. 19-0101-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-912, 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 clarifies certain requirements for licensees, sets standards for patient records, emergency drugs, and infection control practices, and clarifies requirements for renewal of licenses and permits and requires continuing education on the prescription monitoring program. Changes are being made to these pending rules to delete unnecessary wording proposed in Rule 041.03; and deleting the proposed amendment to require attestation of completed continuing education. The requirement for documenting continuing education will remain.

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 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 159-177](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Susan Miller, Executive Director, at (208) 334-2369 or at [susan.miller@isbd.idaho.gov](mailto:susan.miller@isbd.idaho.gov).

DATED 4th day of November, 2016.

Susan Miller  
Executive Director  
Idaho Board of Dentistry  
350 N. 9th St., Ste. M100  
P.O. Box 83720  
Boise, ID 83720-0021  
Phone: (208) 334-2369  
Fax: (208) 334-3247  
[susan.miller@isbd.idaho.gov](mailto:susan.miller@isbd.idaho.gov)

DOCKET NO. 19-0101-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-09, September 7, 2016, pages 159 through 177.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 19-0101-1601

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

**041. PATIENT RECORDS (RULE 41).**

*[Subsection 041.03 through Paragraph 041.03.c.]*

**03. Record Retention.** Each dentist shall maintain patient records as long as practicable, but in no  
event less than seven (7) years from the date of last entry unless: ( )

- a.** The patient requests the records be transferred to another dentist who shall maintain the records. ( )
- b.** The dentist gives the records to the patient; or ( )
- c.** The dentist transfers the dentist's practice to another dentist who shall maintain the records. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**050. CONTINUING EDUCATION FOR DENTISTS (RULE 50).**

~~Effective October 1994,~~ Renewal of any active dental license will require evidence of completion of continuing  
education or volunteer dental practice that meets the following requirements: (4-6-05)( )

*[Subsection 050.04 renumbered (proposed changes withdrawn)]*

**e04. Prorated Credits.** Any person who becomes licensed as an active dentist during any biennial  
renewal period shall be required at the time of the next successive license renewal to report a prorated amount of  
continuing education credits as specified by the Board. (3-30-07)( )

*[Subsection 050.05 renumbered (proposed changes withdrawn)]*

**025.** **Documentation.** In conjunction with license renewal, the dentist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental practice performed and certify that the minimum requirements were completed in the biennial renewal period. (3-30-07)

**051. CONTINUING EDUCATION FOR DENTAL HYGIENISTS (RULE 51).**

~~Effective April 1994,~~ **R**enewal of any active dental hygiene license or dental hygiene license endorsement will require evidence of completion of continuing education or volunteer dental hygiene practice that meets the following requirements. (4-6-05)( )

**01. Requirements for Renewal of an Active Status Dental Hygiene License:** (4-6-05)

***[Paragraph 051.01.d. renumbered (proposed changes withdrawn)]***

**ed.** Any person who becomes licensed as an active dental hygienist during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of continuing education credits as specified by the Board. (3-30-07)

***[Subsection 051.03 remains as codified]***

**03. Documentation.** In conjunction with license and endorsement renewal, the dental hygienist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental hygiene practice performed and certify that the minimum requirements were completed in the biennial renewal period. (3-30-07)

## **IDAPA 22 – BOARD OF MEDICINE**

### **22.01.03 – RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS**

**DOCKET NO. 22-0103-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 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:

The pending rule was adopted to clarify requirements for volunteer licensure.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 585-594](#).

**FISCAL IMPACT:** This rule change is budget neutral and there is no fiscal impact to the general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Anne K. Lawler, Executive Director, at (208) 327-7000.

DATED this 15th day of November 2016.

Anne K. Lawler, Executive Director  
Idaho State Board of Medicine  
1755 Westgate Drive, Suite 140  
P.O. Box 83720, Boise, Idaho 83720-0058  
Phone (208) 327-7000 / Fax (208) 327-7005

**DOCKET NO. 22-0103-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
**Volume 16-10, October 5, 2016, pages 585 through 594.**

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 22-0103-1601**

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

*[Section 051 is being published in its entirety at this Pending stage due to revisions that were not published at the Proposed stage. The following addition of Section 051 is a logical outgrowth from the Proposed rulemaking.]*

**051. FEES -- LICENSE ISSUANCE, RENEWAL, CANCELLATION AND REINSTATEMENT.**

All licenses to practice as a physician assistant or graduate physician assistant shall be issued for a period of not more than five (5) years. All licenses shall expire on the expiration date printed on the face of the certificate and shall become invalid after that date unless renewed. The Board shall collect a fee for each renewal year. The failure of any person to renew his license shall not deprive such person of the right to renewal, except as provided for herein and Title 67, Chapter 52, Idaho Code. All Fees are nonrefundable. (3-27-13)

**01. Licensure Fee.** The fee for initial licensure shall be no more than two hundred fifty dollars (\$250) for a physician assistant and graduate physician assistant. (4-9-09)

**02. License Renewal Fee.** The Board shall collect a fee of no more than one hundred fifty dollars (\$150) for each renewal year of a license. (4-9-09)

**03. License Cancellation.** (3-16-04)

**a.** Failure to renew a license to practice as a physician assistant and pay the renewal fee shall cause the license to be canceled. However, such license can be renewed up to two (2) years following cancellation by payment of past renewal fees, plus a penalty fee of fifty dollars (\$50). After two (2) years, an initial application for licensure with payment of the appropriate fee shall be filed with the Board. In addition, the Board may require evidence of an educational update and close supervision to assure safe and qualified performance. (4-9-09)

**b.** Failure to renew a license to practice as a graduate physician assistant and pay the renewal fee shall cause the license to be canceled. However, such license can be renewed up to six (6) months following cancellation by payment of the past renewal fee, plus a penalty fee of no more than one hundred dollars (\$100). After six (6) months, an original application for licensure with payment of the appropriate fee shall be filed with the Board. (4-9-09)

**04. Inactive License.** (3-16-04)

**a.** A person holding a current license issued by the Board to practice as a physician assistant may be issued, upon written application provided by the Board and payment of required fees to the Board, an inactive license on the condition that he will not engage in the provision of patient services as a physician assistant in this state. An initial inactive license fee of no more than one hundred fifty dollars (\$150) shall be collected by the Board. (3-16-04)

**b.** Inactive licenses shall be issued for a period of not more than five (5) years and such licenses shall be renewed upon payment of an inactive license renewal fee of no more than one hundred dollars (\$100) for each renewal year. The inactive license certificate shall set forth its date of expiration. (3-16-04)

**c.** An inactive license may be converted to an active license to practice as a physician assistant upon written application and payment of required conversion fees of no more than one hundred fifty dollars (\$150) to the Board. The applicant must account for the time during which an inactive license was held and document continuing competence. The Board may, in its discretion, require a personal interview to evaluate the applicant's qualifications. In addition, the Board may require evidence of an educational update and close supervision to assure safe and qualified performance. (3-16-04)

**05. Volunteer License. (4-9-09)**

**a.** License. Upon completion of an application and verification of qualifications, the Board may issue a volunteer license to a physician assistant who is retired from active practice for the purpose of providing physician assistant service to people who, due to age, infirmity, handicap, indigence or disability, are unable to receive regular medical treatment. (4-9-09)

**b.** Retired Defined. A physician assistant previously holding a license to practice as a physician assistant in Idaho or another state shall be considered retired if, prior to the date of the application for a volunteer's license, he has: (4-9-09)

i. Allowed his license with active status to expire with the intent of ceasing active practice as a physician assistant for remuneration; or (4-9-09)

ii. Converted his active license to an inactive status with the intention of ceasing to actively practice physician assistant for remuneration; or (4-9-09)

iii. Converted his license with active or inactive status to a license with retirement or similar status that proscribed the active practice as a physician assistant. (4-9-09)

**c.** Eligibility. A physician assistant whose license has been restricted, suspended, revoked, surrendered, resigned, converted, allowed to lapse or expire as the result of disciplinary action or in lieu of disciplinary action shall not be eligible for a volunteer license. The volunteer license cannot be converted to a license with active, inactive or temporary status. (4-9-09)

**d.** Application. The application for a volunteer license shall include the requirements listed in Section 021 of these rules ~~and~~, except for the certification requirement in Subsection 021.04 of these rules. In addition, the application shall include the following: (4-9-09) ( )

i. Verification that the applicant held an active physician assistant license in good standing in Idaho or another state within five (5) years of the date of application for a volunteer license. (4-9-09)

ii. The Board may at its discretion issue a volunteer license to a physician assistant who has not held an active license in good standing for greater than five (5) years if the applicant has completed an examination acceptable to the Board that demonstrates the applicant possesses the knowledge and skills required to practice as a physician assistant. (4-9-09)

**06. Temporary Licensure Fee.** The fee for temporary licensure, which may be prorated pursuant to Section 54-1808, Idaho Code, shall be no more than one hundred eighty dollars (\$180). (3-27-13)

## IDAPA 23 – BOARD OF NURSING

### 23.01.01 – RULES OF THE IDAHO BOARD OF NURSING

#### DOCKET NO. 23-0101-1601

#### 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 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved 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 Section 54-1404, 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 pending rulemaking is being adopted in order to allow nurses to provide an e-mail address for use in notifications and communications from the Board and to permit the Board to use e-mail communication, in appropriate circumstances, for service of process in contested cases; to delete unnecessary provisions requiring renewal and payment of renewal fees for an emeritus nursing license; to update language in rules related to nurses with substance use and mental health disorders who may be eligible for a limited license and in corresponding rule regarding the Program for Recovering Nurses Advisory Committee; and, pursuant to recent statutory changes, to make minor rule changes and delete the fee regarding prescriptive authority for advanced practice nurses.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 595-603](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-1409 and 54-1410, Idaho Code.

This rulemaking will eliminate the current requirements in Board Rule 900 that nurses who are on emeritus status pay renewal fees. IDAPA 23.01.01.900.04 - This fee, authorized pursuant to Section 54-1410, Idaho Code, is being deleted. IDAPA 23.01.01.901.5 - This fee, authorized pursuant to Section 54-1409, Idaho Code, is being deleted.

**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:

Deletion of IDAPA 23.01.01.900.04, Emeritus license biennial renewal fee, will result in an estimated loss of less than \$1,000/year. Deletion of IDAPA 23.01.01.901.5, APRN Prescriptive Authorization fee, will result in an estimated loss of less than \$5,000/year.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Sandra Evans, Executive Director, at (208) 577-2482.

DATED this 4th day of November, 2016.

Sandra Evans, M.A. Ed., R.N., Executive Director  
Board of Nursing  
280 N. 8th St. (8th & Bannock), Ste. 210  
P.O. Box 83720  
Boise, ID 83720-0061  
Phone: (208) 577-2482 / Fax: (208) 334-3262

## IDAPA 23 – BOARD OF NURSING

### 23.01.01 – RULES OF THE IDAHO BOARD OF NURSING

#### DOCKET NO. 23-0101-1602

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-1404, 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 is being adopted in order to expand the pool of qualified healthcare professionals who can serve as preceptors for APRN students in clinical settings thereby expanding the number or placement sites for APRN clinical learning opportunities. The rulemaking removes a restriction that only other licensed APRN can function as clinical preceptors and expressly adds physicians and physician assistants to the list of qualified persons authorized to be preceptors.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 604-609](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sandra Evans, Executive Director, at (208) 577-2482.

DATED this 4th day of November, 2016.

Sandra Evans, M.A. Ed., R.N., Executive Director  
Board of Nursing  
280 N. 8th St. (8th & Bannock), Ste. 210  
P.O. Box 83720  
Boise, ID 83720-0061  
Phone: (208) 577-2482  
Fax: (208) 334-3262

**IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**  
**24.01.01 – RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS**  
**DOCKET NO. 24-0101-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-312, Idaho Code.

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

The only change to the pending rule from the version originally proposed is a non-substantive one in Subsection 450.03.b. The word “Architect” is changed to “Architectural”. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 610-617](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 3rd day of November, 2016.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233 / Fax: (208) 334-3945

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.03.01 – RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS**

**DOCKET NO. 24-0301-1601**

#### **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 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved 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 54-707, 54-708, 54-709, and 54-711, 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:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 618-621](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-708, 54-709, 54-711, Idaho Code.

Rule 150 is being amended to separate the application fee from the original license fee and to set the application fee at \$150 and the original license fee at \$150. The annual renewal fee will increase from \$100 to \$150; the inactive license fee will increase from \$50 to \$100; the temporary license fee will increase from \$50 to \$100 and the intern permit fee of \$100 will be added. The inactive retired fee is being deleted.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 2nd day of November, 2016.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P O Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.08.01 – RULES OF THE STATE BOARD OF MORTICIANS**

**DOCKET NO. 24-0801-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-1107, 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 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 178-180](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 2nd day of November, 2016.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.16.01 – RULES OF THE STATE BOARD OF DENTURITRY**

#### **DOCKET NO. 24-1601-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-3309, 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 rule changes will allow flexibility on meeting dates, clarify the examination times and process, add supervisor requirements for the apprenticeship program, and clarify the standards of conduct. In response to a written comment received from a licensee, the Board decided at an open and noticed meeting to require internship supervisors to have actively practiced their profession for three (3) of the past five (5) years rather than for the past five (5) years.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 632-638](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 4th day of November, 2016.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

**DOCKET NO. 24-1601-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
**Volume 16-10, October 5, 2016, pages 632 through 638.**

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 24-1601-1601**

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

**300. INTERNSHIP (RULE 300).**

**07. Internship Supervisor Requirements.** ( )

**b. Supervisor that is a denturist. A supervisor that is a denturist must:** ( )

**i. Hold an Idaho denturist license that is current and in good standing and is renewed as provided in these rules; and** ( )

***[Subparagraph 300.07.b.ii.]***

**ii. Have actively practiced dentistry for at least three (3) of the five (5) years immediately prior to being approved as the supervisor.** ( )

**c. Supervisor that is a dentist. A supervisor that is a dentist must:** ( )

**i. Hold an Idaho dentist license that is current and in good standing and is renewed as provided in Chapter 9, Title 54, Idaho Code; and** ( )

***[Subparagraph 300.07.c.ii.]***

**ii. Have actively practiced general dentistry, or a dental specialty accepted by the Board, for at least three (3) of the five (5) years immediately prior to being approved as a supervisor.** ( )

**IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

**24.17.01 – RULES OF THE STATE BOARD OF ACUPUNCTURE**

**DOCKET NO. 24-1701-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-4705, 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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, page 639](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 1st day of November, 2016.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.19.01 – RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS**

**DOCKET NO. 24-1901-1601**

#### **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 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved 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 Section 54-4205, 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:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 654-656](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-4205 and 67-2614, Idaho Code.

This rule change will increase the reinstatement fee for expired residential care administrator licenses from \$25 to \$35.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 2nd day of November, 2016.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.22.01 – RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD**

**DOCKET NO. 24-2201-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-5303 and 54-5310, 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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 657-658](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 1st day of November, 2016.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSE**

### **24.23.01 – RULES OF THE SPEECH AND HEARING SERVICES LICENSURE BOARD**

**DOCKET NO. 24-2301-1601**

#### **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 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved 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 Section 54-2910, 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:

These rules are being amended to define Audiology Support Personnel along with the criteria for Support Personnel to ensure public safety in the practice of Audiology. These amended rules also establish qualifications for Hearing Aid Dealer and Fitter Supervisors which will ensure provisional permit holders obtain adequate training. These rules will also reduce the fees for original license and license renewal.

The Board has decided not to strike Section 470 because it is still required pursuant to Section 54-2919, Idaho Code.

The text of the pending fee 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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 659-667](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-2910, 54-2912, 54-2913, 54-2914, 54-2915, and 54-2921, Idaho Code. These rules reduce the fees for an original license from \$100 to \$70 and for annual license renewal from \$125 to \$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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending fee rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 1st day of November, 2016.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233 / Fax: (208) 334-3945

**DOCKET NO. 24-2301-1601 - ADOPTION OF PENDING FEE RULE**

Substantive changes have been made to the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
[Volume 16-10, October 5, 2016, pages 659 through 667.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 24-2301-1601**

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

*[Proposed changes to Section 470 have been withdrawn. This section to remain as codified.]*

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.25.01 – RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD**

**DOCKET NO. 24-2501-1601**

#### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-5403, 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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 668-673](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mitchell Toryanski at (208) 334-3233.

DATED this 1st day of November, 2016.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

## IDAPA 27 – BOARD OF PHARMACY

### 27.01.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 37-2715, 37-2726(5) and 54-1717, Idaho Code.

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

The pending rule is adopted to update Board rules in conformance with statutory changes from the 2016 Idaho Legislature. Minor housekeeping edits have been made to the pending rules. In addition, the Board clarified that pharmacies have additional flexibility in listing an expiration date that coincides with the original manufacturer's expiration date, stemming from a recent expression of policy from the National Association of Boards of Pharmacy.

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 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 182-190](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Alex Adams, Executive Director, at (208) 334-2356 or at [alex.adams@bop.idaho.gov](mailto:alex.adams@bop.idaho.gov).

DATED this 31<sup>st</sup> day of October, 2016.

Alex Adams, Pharm D, MPH  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (208) 334-2356  
Fax: (208) 334-3536

**DOCKET NO. 27-0101-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
**Volume 16-9, September 7, 2016, pages 182 through 190.**

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 27-0101-1601**

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

**011. DEFINITIONS AND ABBREVIATIONS (J -- R).**

***[Subsection 011.20]***

**20. Prescriber Drug Outlet.** A drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples, patient assistance program drugs, or investigational drugs as permitted in Title 39, Chapter 93, Idaho Code. ~~(3-21-12)~~ ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**140. STANDARD PRESCRIPTION DRUG LABELING.**

Unless otherwise directed by these rules, a prescription drug must be dispensed in an appropriate container that bears the following information: (3-21-12)

***[Subsection 140.10]***

- 10. Expiration.** An expiration date that is either: ( )
- a. the lesser of: ~~(3-21-12)~~ ( )
- i. One (1) year from the date of dispensing; (3-21-12)
- ii. The manufacturer's original expiration date; (3-21-12)
- iii. The appropriate expiration date for a reconstituted suspension or beyond use date for a compounded product; or (3-21-12)
- iv. A shorter period if warranted. (3-21-12)

b. If dispensed in the original, unopened manufacturer packaging, the manufacturer's original expiration date. ( )

(BREAK IN CONTINUITY OF SECTIONS)

265. LEGEND DRUG DONATION -- STANDARDS AND PROCEDURES.

01. **Drug Donation Criteria.** A drug considered for donation to a qualifying charitable clinic or center must meet the following eligibility criteria or it must not be accepted for donation. (3-21-12)

b. The drug must be FDA-approved and: (3-21-12)

[Subparagraph 265.01.b.v.]

v. Be a patient assistance program drug, which must be originally received by the qualified donor, and remain under the control and storage of the donor. ( )

(BREAK IN CONTINUITY OF SECTIONS)

*[Section 633 is being published in its entirety at this Pending stage due to revisions that were not published at the Proposed stage. The following addition of Section 633 is a logical outgrowth from the Proposed rulemaking.]*

633. ~~INSTITUTIONAL FACILITY:~~ EMERGENCY KITS AND CRASH CARTS -- GENERAL RULES.  
Emergency drugs prepared and packaged as required by these rules may be approved for inclusion in emergency kits or crash carts for use by personnel with authority granted by state or federal law to administer prescription drugs. (3-21-12) ( )

01. **Storage and Security.** Emergency kits or crash carts must be sealed in a tamper-evident manner and stored in limited access areas to prevent unauthorized access and to ensure a proper environment for preservation of the drugs within them. (3-21-12)

02. **Exterior Kit Labeling.** The exterior of emergency kits must be clearly labeled as an emergency drug kit to be used only in emergencies. Additionally, an immediately retrievable list of the drugs contained therein must include: (3-21-12)

a. The name, strength, and quantity of each drug; (3-21-12)

b. The expiration date of the first expiring drug; and (3-21-12)

c. The name, address, and telephone number of the supplying pharmacist, if applicable. (3-21-12)

03. **Drug Removal.** Drugs must only be removed from emergency kits or crash carts by persons with authority granted by state or federal law to administer prescription drugs, pursuant to a valid drug order, or by a pharmacist. (3-21-12)

04. **Notification of Authorized Use.** Whenever an emergency kit or crash cart is opened, the pharmacy must be notified and the kit or cart must restocked and resealed within a reasonable time. (3-21-12)

05. **Notification of Unauthorized Use.** If an emergency kit or crash cart is opened in an unauthorized manner, the pharmacy and other appropriate personnel of the institutional facility must be promptly notified. (3-21-12) ( )

## IDAPA 27 – BOARD OF PHARMACY

### 27.01.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1602

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-1717, Idaho Code.

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

The pending rule is adopted to update and modernize the Board's rules regarding telepharmacy. Minor housekeeping edits have been made to the pending rules. Section headings were updated from "retail" to "outpatient" to reflect the potential applications of telepharmacy in different venues. The registration of a remote dispensing site has been further streamlined.

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 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 191-197](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Alex Adams, Executive Director, at (208) 334-2356 or at [alex.adams@bop.idaho.gov](mailto:alex.adams@bop.idaho.gov).

DATED this 31<sup>st</sup> day of October, 2016.

Alex Adams, Pharm D, MPH  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (208) 334-2356  
Fax: (208) 334-3536

**DOCKET NO. 27-0101-1602 - 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. 16-9, pages 191-197.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 27-0101-1602**

*[Paragraph 071.02.b. is revised. Proposed Subsection 071.03 has been omitted]*

**071. REMOTE DISPENSING SITE REGISTRATION.**

**01. Remote Dispensing Site Registration.** A limited service outlet registration must be obtained by a remote dispensing site prior to participating in the practice of telepharmacy. (3-21-12)

**02. Supplemental Registration Application Requirements.** Prior to construction, an applicant for registration of a remote dispensing site must submit ~~and obtain Board approval of~~ a registration application. The application must include: (3-21-12)( )

**a.** An attached description of the telepharmacy communication, electronic recordkeeping, and ADS electronic verification systems; (3-21-12)( )

**b.** The operating specifications including location, ownership, current or proposed levels of pharmacist and technician staffing, and current or proposed number of supervised remote dispensing sites; ~~and~~ (3-21-12)( )

**c.** An accurate scale drawing of the facility that illustrates: (3-21-12)

**i.** The layout and location of the systems; (3-21-12)

**ii.** The location of a patient counseling area; and (3-21-12)

**iii.** All access points to the electronic recordkeeping system and the ADS electronic verification system. (3-21-12)( )

**iv.** A description of the proposed supervising pharmacy located in Idaho. ( )

*[Section name 710 revised]*

710. ~~RETAIL~~ OUTPATIENT TELEPHARMACY WITH REMOTE DISPENSING SITES.

Pharmacies And pharmacists commencing retail telepharmacy operations with a remote dispensing site ~~after August 23, 2011,~~ must comply with the following requirements: (3-21-12)(    )

[Section 710.11 revised]

~~141.~~ **141. Patient Counseling.** A remote dispensing site must include an appropriate area for patient counseling. (3-21-12)

~~a.~~ *The area must be readily accessible to patients and must be designed to maintain the confidentiality and privacy of a patient's conversation with the pharmacist.* (3-21-12)

~~b.~~ Unless onsite, a pharmacist must use the HIPAA-compliant ~~the~~ video and audio communication system to counsel each patient or the patient's caregiver on new medications. (3-21-12)(    )

[Section name 711 revised]

711. ~~RETAIL~~ OUTPATIENT TELEPHARMACY WITH REMOTE DISPENSING SITES: PRESCRIPTION DRUG ORDERS.

~~Prescription drug orders dispensed from a remote dispensing site must be previously filled by the supervising pharmacy or, unless a pharmacist is present, must only be filled on the premises of a remote dispensing site through the use of an ADS system and as follows:~~ (3-21-12)

[Section name 712 and Paragraphs 712.01.a. through 712.01.c.]

712. ~~RETAIL~~ OUTPATIENT TELEPHARMACY WITH REMOTE DISPENSING SITES: POLICIES AND PROCEDURES.

A supervising pharmacy commencing telepharmacy operations with a remote dispensing site must adopt policies and procedures that address each of the following areas prior to engaging in the practice of telepharmacy. (3-21-12)

**01. Minimum Standards.** The establishment of minimum standards and practices necessary to ensure safety, accuracy, security, sanitation, recordkeeping, and patient confidentiality, including at least: (3-21-12)

**a.** Identification of personnel authorized to have access to drug storage and dispensing areas at the remote dispensing site and to receive drugs delivered to the remote dispensing site; and (3-21-12)(    )

**b.** Procedures for the procurement of drugs and devices to the remote site and into any ADS systems used as applicable; ~~and;~~ (3-21-12)(    )

~~e.~~ *The criteria for monthly in-person pharmacist inspections of the remote dispensing site and appropriate documentation.* (3-21-12)

## IDAPA 27 – BOARD OF PHARMACY

### 27.01.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1603

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-1717, Idaho Code.

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

The pending rule is adopted to update and modernize Board rules related to pharmacy technicians. Minor housekeeping edits have been made to the pending 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 September 7, 2016 Idaho Administrative Bulletin, **Vol. 16-9, pages 198-207**.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Alex Adams, Executive Director, at (208) 334-2356 or at [alex.adams@bop.idaho.gov](mailto:alex.adams@bop.idaho.gov).

DATED this 31<sup>st</sup> day of October, 2016.

Alex Adams, Pharm D, MPH  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (208) 334-2356  
Fax: (208) 334-3536

DOCKET NO. 27-0101-1603 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-09, September 7, 2016, pages 198 through 207.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 27-0101-1603

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

**321. TECHNICIAN: REMOTE DATA ENTRY SITES.**

A pharmacy located in Idaho may employ one (1) or more certified technicians under the authority of the PIC for the purpose of data entry in remote practice sites located in Idaho. ( )

*[Subsection 321.01]*

01. **Technician Qualification.** All pharmacy technicians employed to work at a remote data entry practice site must be certified. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**330. PHARMACIST: ADMINISTERED IMMUNIZATIONS.**

~~043. **Student Pharmacist Delegation of Administration.** An immunizing pharmacist may *not* delegate authority to the technical task of administering an immunizations; however, to a student pharmacist or a certified technician under their supervision who has satisfied the qualifications may administer immunizations under the direct supervision of a qualified immunizing pharmacist.~~ (3-21-12) ( )

*[Paragraph 330.03.b.]*

b. Has successfully completed a course on appropriate immunization administration techniques by an ACPE-accredited provider or a comparable course; or ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**400. TECHNICIAN -- UTILIZATION AND PRACTICE LIMITATIONS.**

**03. Prohibited Tasks or Functions by a Technician.** Unless excepted, 4a technician must not do any of the following which, without limiting the scope of the term “professional judgment,” is a non-exclusive list of actions requiring a pharmacist’s professional judgment: ~~(3-21-12)~~ ( )

**[Paragraphs 400.03.f. & 400.03.g.]**

**f.** Provide patient consultation on a new or refilled prescription or on over-the-counter drugs or supplements; ~~and~~ (3-21-12) ( )

~~**g.** Supervise the pharmacy operations activities of student pharmacists and technicians.~~ (3-21-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**410. ~~VERIFICATION~~ ACCURACY CHECKING TECHNICIAN PROGRAM.**

~~Only institutional pharmacies located within acute care hospitals~~ may utilize ~~a verification~~ an accuracy checking technician program according to these rules.

**[Subsection 410.01.]**

**01. Program Scope.** ~~A verification~~ An accuracy checking technician program allows qualified technicians to ~~verify~~ perform accuracy checking of the work of other technicians and student pharmacists, or products filled by an ADS or other technology-assisted filling equipment, in the filling of ~~floor and ward stock and unit dose distribution systems for patients whose~~ ( )

## IDAPA 27 – BOARD OF PHARMACY

### 27.01.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1604

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-1717, Idaho Code.

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

The pending rule is adopted to update and modernize Board rules related to pharmacy practice. The Board capped the number of exam attempts for pharmacist licensure candidates. The Board also vacated the rule related to medication errors with fatal outcomes.

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 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 208-220](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Alex Adams, Executive Director, at (208) 334-2356 or at [alex.adams@bop.idaho.gov](mailto:alex.adams@bop.idaho.gov).

DATED this 31<sup>st</sup> day of October, 2016.

Alex Adams, Pharm D, MPH  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (208) 334-2356  
Fax: (208) 334-3536

**DOCKET NO. 27-0101-1604 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-09, September 7, 2016, pages 208 through 220.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 27-0101-1604**

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

***[Subsection 032]***

**032. PHARMACIST LICENSURE EXAMINATIONS.**

Qualified applicants may sit for and to obtain licensure must pass the NAPLEX and the MPJE in accordance with NABP standards. A candidate who fails the NAPLEX three (3) times must complete at least thirty (30) hours of continuing education accredited by an ACPE-accredited provider prior to being eligible to sit for each subsequent reexamination. Candidates are limited to five (5) total attempts to pass the NAPLEX and MPJE. ~~(3-21-12)~~(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. UNPROFESSIONAL CONDUCT.**

The following acts or practices by a pharmacist, student pharmacist, or technician are declared to be specifically, but not by way of limitation, unprofessional conduct and conduct contrary to the public interest. (3-21-12)

***[Subsection 500.14 to remain as codified]***

- 14. Failure to Follow Board Order.** Failure to follow an order of the Board. (3-21-12)

## IDAPA 27 – BOARD OF PHARMACY

### 27.01.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1606

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-1717, Idaho Code.

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

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 678-680](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alex Adams, Executive Director, at (208) 334-2356 or at [alex.adams@bop.idaho.gov](mailto:alex.adams@bop.idaho.gov).

DATED this 4<sup>th</sup> day of November, 2016.

Alex Adams, Pharm D, MPH  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Phone: (208) 334-2356  
Fax: (208) 334-3536

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION**

**31.46.02 – RULES FOR TELECOMMUNICATIONS RELAY SERVICES (TRS)**

**DOCKET NO. 31-4602-1602**

**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 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-1306, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory 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 referenced an organization by an out-of-date name – the Idaho Telephone Association (ITA) – which has changed its name to the Idaho Telecom Alliance (ITA). The pending rule was updated to identify the correct name of the ITA, the Idaho Telecom Alliance. Except for this non-substantive change, the pending rule was adopted by the Public Utilities Commission as originally proposed. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 222-228](#).

**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 Grace Seaman at (208) 334-0352.

DATED this 3rd day of November 2016.

Jean D. Jewell  
Commission Secretary  
Idaho Public Utilities Commission  
P.O. Box 83720  
Boise, ID 83720-0074  
Tel: (208) 334-0338 / Fax: (208) 334-3762

Street address for express delivery:  
472 W. Washington  
Boise, Idaho 83702-5918

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**35.01.01 – INCOME TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0101-1602**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2017 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 684 through 693](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cynthia Adrian (208) 334-7670 or e-mail [Cynthia.adrian@tax.idaho.gov](mailto:Cynthia.adrian@tax.idaho.gov).

DATED this 2nd day of November 2016.

Cynthia Adrian  
Tax Policy Specialist  
Idaho State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7670

**IDAPA 35 – IDAHO STATE TAX COMMISSION**  
**35.01.02 – IDAHO SALES & USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2017 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules were published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 694 through 712](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning these pending rules, contact Marni Odermann (208) 334-7531 or e-mail [marni.odermann@tax.idaho.gov](mailto:marni.odermann@tax.idaho.gov).

DATED this 2nd day of November 2016.

Marni Odermann  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd, Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7531  
Fax: (208) 334-7846

**IDAPA 35 – IDAHO STATE TAX COMMISSION**  
**35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0102-1602**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 713 through 716](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning these pending rules, contact Marni Odermann (208) 334-7531 or e-mail [marni.odermann@tax.idaho.gov](mailto:marni.odermann@tax.idaho.gov).

DATED this 2nd day of November 2016.

Marni Odermann  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd, Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7531  
Fax: (208) 334-7846

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0102-1603**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 717 through 720](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning these pending rules, contact Marni Odermann (208) 334-7531 or e-mail [marni.odermann@tax.idaho.gov](mailto:marni.odermann@tax.idaho.gov).

DATED this 2nd day of November 2016.

Marni Odermann  
Tax Policy Specialist  
Idaho State Tax Commission  
800 Park Blvd, Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7531  
Fax: (208) 334-7846

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2017 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules were published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-09, pages 229 through 230](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning these pending rules, contact Alan Dornfest (208) 334-7742 or e-mail [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 2nd day of November 2016.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-1602**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2017 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules were published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-09, pages 231 through 255](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning these pending rules, contact Alan Dornfest (208) 334-7742 or e-mail [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 2nd day of November 2016.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-1603**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and are now pending review by the 2017 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 pending rule. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-09, pages 256 through 258](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Dornfest (208) 334-7742 or e-mail [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 2nd day of November 2016.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**35.01.03 – PROPERTY TAX ADMINISTRATIVE RULE**

**DOCKET NO. 35-0103-1605**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2017 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rules and they are being adopted as originally proposed. The complete text of the proposed rules were published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-09, pages 259 through 261](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning these pending rules, contact Alan Dornfest (208) 334-7742 or e-mail [alan.dornfest@tax.idaho.gov](mailto:alan.dornfest@tax.idaho.gov).

DATED this 2nd day of November 2016.

Alan Dornfest  
Tax Policy Supervisor  
Idaho State Tax Commission  
800 Park Blvd., Plaza IV  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742

**IDAPA 35 – IDAHO STATE TAX COMMISSION**  
**35.01.05 – IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0105-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** These rules have been adopted by the agency and are now pending review by the 2017 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session unless the rules are approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rules are approved or rejected in part by concurrent resolution, the rules 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427.

**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 following pending rules, and they are being adopted as originally proposed:

**Motor Fuels Tax Rule 003, Administrative Appeals.**  
**Motor Fuels Tax Rule 140, Deductions.**  
**Motor Fuels Tax Rule 311, IFTA License Bond.**  
**Motor Fuels Tax Rule 400, IFTA Licensing and Special Fuel Permitting Requirements for Motor Vehicles over Twenty-Six Thousand Pounds Maximum Gross Weight.**

There are substantive changes to the following pending rule, and it is being adopted as published in this docket:

**Motor Fuels Tax Rule 004, Incorporation by Reference (Subsection 004.03.).** The State Tax Commission discovered that some of the previously published revision dates for the incorporated materials were incorrect.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only the section printed in this bulletin has changed from the proposed text. The complete text of the proposed rules for this docket were published in the May 4, 2016 Idaho Administrative Bulletin, [Vol. 16-5, pages 60 through 64](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Don W. Williams, (208) 334-7855.

DATED this 7th day of December 2016.

Don W. Williams  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7855  
Fax: (208) 334-7846  
[Don.williams@tax.idaho.gov](mailto:Don.williams@tax.idaho.gov)

DOCKET NO. 35-0105-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-05, May 4, 2016, pages 60 through 64.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 35-0105-1601

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

**004. INCORPORATION BY REFERENCE (RULE 004).**

Sections 63-2434, 63-2442A, 41-4909, and 49-439, Idaho Code. *The following documents are incorporated by  
reference:* ~~(3-25-16)( )~~

**[Subsection 004.03]**

**03. International Registration Plan.** These rules incorporate the International Registration Plan (IRP) governing documents: The IRP Plan (revised ~~January 1, 2015~~ July 1, 2016) and IRP Audit Procedures Manual (revised ~~July 1, 2013~~ January 1, 2016). IRP is an international registration reciprocity agreement. The documents are included to aid the Commission in complying with IRP registration application audits authorized in Chapter 4, Title 49, Idaho Code. These documents can be found on the IRP website at <http://www.irponline.org>. ~~(3-25-16)( )~~

**IDAPA 35 – IDAHO STATE TAX COMMISSION**  
**35.01.05 – IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES**  
**DOCKET NO. 35-0105-1602**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** The rule has been adopted by the agency and is now pending review by the 2017 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 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the July 6, 2016 Idaho Administrative Bulletin, [Vol. 16-7, pages 82 through 85](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don W. Williams at (208) 334-7855.

DATED this 7th day of December 2016.

Don W. Williams  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7855  
Fax: (208) 334-7846  
[Don.williams@tax.idaho.gov](mailto:Don.williams@tax.idaho.gov)

## IDAPA 35 – IDAHO STATE TAX COMMISSION

### 35.01.10 – IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0110-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 63-105(2), 63-2516, 63- 2523, and 63-3039, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 721 through 724](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don W. Williams at (208) 334-7855.

DATED this 7th day of December 2016.

Don W. Williams  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7855  
Fax: (208) 334-7846  
[Don.williams@tax.idaho.gov](mailto:Don.williams@tax.idaho.gov)

## IDAPA 35 – IDAHO STATE TAX COMMISSION

### 35.02.01 – TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 pending rules. The action is authorized pursuant to Sections 63-105 and 63-2427, Idaho Code.

**DESCRIPTIVE SUMMARY:** There are no changes to pending rule 310 and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 725 through 727](#). Proposed changes in rule 702 of the same Idaho Administrative Bulletin, [Vol. 16-10, page 727](#) has been withdrawn for this session.

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cynthia Adrian (208) 334-7670 or e-mail [Cynthia.adrian@tax.idaho.gov](mailto:Cynthia.adrian@tax.idaho.gov).

DATED this 2nd day of November 2016.

Cynthia Adrian  
Tax Policy Specialist  
(208) 334-7670

Idaho State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410

#### DOCKET NO. 18-0156-1601 - ADOPTION OF PENDING FEE RULE

**Substantive changes have been made to the pending rule.**

**The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 16-10, October 5, 2016, pages 725 through 727](#).**

**This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2017 Idaho State Legislature.**

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 35-0201-1601**

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

*[Proposed changes to Subsection 702.02.c. have been withdrawn.]*

**IDAPA 38 – DEPARTMENT OF ADMINISTRATION**

**38.05.01 – RULES OF THE DIVISION OF PURCHASING**

**DOCKET NO. 38-0501-1601**

**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 67-5717 and 67-9205, 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 is a result of new legislation effective July 1, 2016, which created the “State Procurement Act.” This legislation requires the Administrator of the Division of Purchasing to promulgate rules regarding the process and factors influencing the decision to grant, continue and revoke delegated purchasing authority; as well as rules establishing policies and procedures related to the administration, management, monitoring and oversight of contracts entered into by an agency.

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 5, 2016 Idaho Administrative Bulletin, [Vol. 16-10, pages 728-747](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sarah Hilderbrand, Administrator, at (208) 332-1612 or at [sarah.hilderbrand@adm.idaho.gov](mailto:sarah.hilderbrand@adm.idaho.gov).

DATED this 4th day of November, 2016.

Sarah Hilderbrand, Administrator  
Division of Purchasing  
Department of Administration  
650 W. State St., Room 100  
P. O. Box 83720  
Boise, ID 83720-0003  
Telephone: (208) 332-1612  
Fax: (208) 327-7320

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.06 – RULES GOVERNING ALLOWABLE VEHICLE SIZE

DOCKET NO. 39-0306-1601

### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 40-312, Idaho Code.

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

The changes to this rule are being made to ensure congruency with the FAST Act (2015) and Idaho Senate bill 1261 (2016). The specific details of this rule are in Idaho statute (§49-1010, Idaho Code); therefore, for efficiency purposes and to avoid possible confusion ITD as simply referenced the pertinent Idaho Code section in rule. This code section was amended by the 2016 Idaho legislature and is now up-to-date.

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 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 262-263](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, please contact Reymundo Rodriguez, Motor Carrier Manager, (208) 334-8699.

DATED this 3rd day of November, 2016.

Ramón S. Hobdey-Sánchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise, ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.12 – RULES GOVERNING SAFETY REQUIREMENTS OF OVERLEGAL PERMITS

DOCKET NO. 39-0312-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 40-312, Idaho Code.

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

The modifications to this rule address vehicle inspections, driver training and brakes. Specifically, the rule identifies a requirement for owner inspections in compliance with 49 CFR 396.17 and 396.19. Drivers are to meet all special training requirements for longer combination vehicles as outlined in 49 CFR Part 380. However, there are some exemptions in place for these two new requirements.

Additionally, brakes shall meet the Federal Motor Carrier Safety Administration Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. No vehicle or vehicle combinations shall operate with mixed brake systems between tractor and trailers.

Based on public comments received throughout the rulemaking process, the following sentence, under section 060. BRAKES, was removed: No vehicle or vehicle combinations shall operate with mixed brake systems between tractor and trailers.

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 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 268-269](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, please contact Reymundo Rodriguez, Motor Carrier Manager, (208) 334-8699.

DATED this 3rd day of November, 2016.

Ramón S. Hobdey-Sánchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise, ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

DOCKET NO. 39-0312-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
Volume 16-09, September 7, 2016, pages 268 through 269.

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR  
DOCKET NO. 39-0312-1601

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

*[Section/Subsection 060 & 060.01]*

**060. BRAKES.**

**01. Safety Standards for Brakes.** Brakes shall meet the Federal Motor Carrier Safety Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. ( )

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### 39.03.22 – RULES GOVERNING OVERLEGAL PERMITS FOR EXTRA-LENGTH, EXCESS WEIGHT, AND UP TO 129,000 POUND VEHICLE COMBINATIONS

DOCKET NO. 39-0322-1601

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 40-312, Idaho Code.

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

The modifications to this rule address commercial motor vehicle brakes. Specifically, that the brakes on all commercial motor vehicles must meet and be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. Additionally, no vehicle or vehicle combinations shall operate with mixed brake systems between tractor and trailers. There is also new language that addresses driver training requirements in accordance with 49 CFR Part 380. This rule deals with reducible loads exceeding 80,000 pounds.

Based on public comments received throughout the rulemaking process, the following sentence, under sections 200.01 and 300.09 was removed: No vehicle or vehicle combinations shall operate with mixed brake systems between tractor and trailers.

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 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 270-273](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, please contact Reymundo Rodriguez, Motor Carrier Manager, (208) 334-8699.

DATED this 3rd day of November, 2016.

Ramón S. Hobdey-Sánchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise, ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

**DOCKET NO. 39-0322-1601 - 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.

The text of the proposed rule was published in the Idaho Administrative Bulletin,  
**Volume 16-9, September 7, 2016, pages 270 through 273.**

This rule has been adopted as a pending rule by the Agency and is now awaiting  
review and final approval by the 2017 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR**  
**DOCKET NO. 39-0322-1601**

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

**200. DESIGNATED ROUTES FOR VEHICLE COMBINATIONS UP TO ONE HUNDRED TWENTY-NINE THOUSAND (129,000) POUNDS.**

In addition to the requirements listed in Sections 300 and 400, vehicle combinations operating up to one hundred twenty-nine thousand (129,000) pounds, must meet the following requirements: (7-1-13)

***[Subsection 200.01]***

**01. Brakes.** All axles shall be equipped with brakes that meet the Federal Motor Carrier Safety Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. (7-1-13)(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. OPERATING REQUIREMENTS FOR EXTRA-LENGTH, EXCESS WEIGHT, AND UP TO ONE HUNDRED TWENTY-NINE THOUSAND (129,000) POUNDS VEHICLE COMBINATIONS.**

All vehicle combinations shall be subject to the following conditions, limitations, and requirements: (7-1-13)

***[Subsection 300.09]***

**09. Brakes.** Brakes shall meet the Federal Motor Carrier Safety Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. (7-1-13)(    )

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.23 – RULES GOVERNING REVOCATION OF OVERLEGAL PERMITS**  
**DOCKET NO. 39-0323-1601**  
**NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 40-312, Idaho Code.

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

The modification to this rule addresses a new instance in which a permit can be revoked. Specifically, revocation of a permit for non-compliance if the motor carrier has violated an Out-of-Service order by the Federal Motor Carrier Safety Administration (FMCSA) as described in 49 CFR Part 386 (386.73) of the Federal Motor Carrier Safety 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 September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 274-275](#).

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, please contact Reymundo Rodriguez, Motor Carrier Manager, (208) 334-8699.

DATED this 3rd day of November, 2016.

Ramón S. Hobdey-Sánchez  
Governmental Affairs Program Specialist  
Idaho Transportation Department  
3311 W. State Street  
P.O. Box 7129  
Boise, ID 83707-1129  
Phone: (208) 334-8810  
[ramon.hobdey-sanchez@itd.idaho.gov](mailto:ramon.hobdey-sanchez@itd.idaho.gov)

# **IDAPA 48 – IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION**

## **48.01.01 – RULES OF THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION**

**DOCKET NO. 48-0101-1601**

### **NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2017 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 54-3605(15) and 54-3610, 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 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 285-287](#).

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

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Moya Dolsby, Executive Director, (208) 332-1538.

DATED this 26th day of October, 2016.

Moya Dolsby  
Executive Director  
Grape Growers and Wine Producers Commission  
821 W. State Street  
Boise, ID 83702  
Phone: (208) 332-1538  
Fax: (208) 334-2505

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### **PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES**

*THERE ARE NO PROPOSED RULES PUBLISHED  
IN DECEMBER, 2016 IDAHO ADMINISTRATIVE BULLETIN, VOL. 16-12.*

Please refer to the Idaho Administrative Bulletin, [December 7, 2016, Volume 16-12](#), 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](http://adminrules.idaho.gov).*

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306  
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# **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.

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## **ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

**(Index of Current and Active Rulemakings)**

*Office of the Administrative Rules Coordinator  
Idaho Department of Administration*

*March 25, 2016 -- December 7, 2016*

*(eff. PLR) - Final Effective Date Is Pending Legislative Review*

*(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 March 25, 2016 - Sine Die, 2015 Legislative Session.)*

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- 01-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 01-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***IDAPA 02 -- IDAHO DEPARTMENT OF AGRICULTURE******02.02.14, Rules for Weights and Measures***

- 02-0214-1601** Proposed Rulemaking, Bulletin Vol. 16-7
- 02-0214-1601** Adoption of Pending Rule, Bulletin Vol. 16-9 (eff. PLR 2017)

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- 02-0408-1601** Proposed Rulemaking, Bulletin Vol. 16-7
- 02-0408-1601** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

***02.04.14, Rules Governing Dairy Waste***

- 02-0414-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 02-0414-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0414-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***02.04.15, Rules Governing Beef Cattle Animal Feeding Operations***

- 02-0415-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 02-0415-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0415-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 02-0416-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 02-0416-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0416-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***02.04.18, Rules Governing CAFO Site Advisory Team***

- 02-0418-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.19, Rules Governing Domestic Cervidae***

- 02-0419-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 02-0419-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0419-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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- 02-0421-1602** Adoption of Temporary Rule, Bulletin Vol. 16-8 (Eff. 7-1-16)T
- 02-0421-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 02-0421-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***02.04.30, Rules Governing Nutrient Management***

- 02-0430-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.31, Rules Governing the Stockpiling of Agricultural Waste***

- 02-0431-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.32, Rules Governing Poultry Operations***

- 02-0432-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

- 02-0432-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**02-0432-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***02.06.02, Rules Pertaining to the Idaho Commercial Feed Law***

- 02-0602-1601** Proposed Rulemaking, Bulletin Vol. 16-7  
**02-0602-1601** Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)

***02.06.12, Rules Pertaining to the Idaho Fertilizer Law***

- 02-0612-1601** Proposed Rulemaking, Bulletin Vol. 16-7  
**02-0612-1601** Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)

***02.06.21, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories***

- 02-0621-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.06.22, Noxious Weed Rules***

- 02-0622-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**02-0622-1601** Proposed Rulemaking, Bulletin Vol. 16-9  
**02-0622-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (PLR 2017)

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- 02-0631-1601** Adoption of Temporary Rule, Bulletin Vol. 16-7 (Eff. 6-1-16)T  
**02-0631-1602** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**02-0631-1602** Proposed Rulemaking, Bulletin Vol. 16-9  
**02-0631-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (PLR 2017)

***02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001***

- 02-0641-1601** Proposed Rulemaking, Bulletin Vol. 16-7  
**02-0641-1601** Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)

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- 05-0103-1601** Proposed Rulemaking, Bulletin Vol. 16-9

***IDAPA 06 -- STATE BOARD OF CORRECTION******06.01.02, Rules of Correctional Industries***

- 06-0102-1601** Notice of Proclamation of Rulemaking, Bulletin Vol. 16-9 (eff. 10-7-16)

***IDAPA 07 -- DIVISION OF BUILDING SAFETY***

- 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")

***07.01.06, Rules Governing the Use of National Electrical Code***

- 07-0106-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5  
**07-0106-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**07-0106-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.02.02, Rules Governing Plumbing Permits***

- 07-0202-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10  
**07-0202-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.02.05, Rules Governing Plumbing Safety Licensing***

- 07-0205-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 07-0205-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.02.06, Rules Concerning the Idaho State Plumbing Code***

- 07-0206-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 07-0206-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0206-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.02.07, Rules Governing Civil Penalties***

- 07-0207-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 07-0207-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.03.01, Rules of Building Safety***

- 07-0301-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-3
- 07-0301-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0301-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.05.01, Rules of the Public Works Contractors License Board***

- 07-0501-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0501-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems***

- 07-0701-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 07-0701-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0701-1602** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
- 07-0701-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
- 07-0701-1602** Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

- 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***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0801-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0801-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.02, Idaho Minimum Safety Standards and Practices for Logging -- Health, Safety, and Sanitation***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0802-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0802-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.03, Idaho Minimum Safety Standards and Practices for Logging -- Explosives and Blasting***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0803-1601** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-10
- 07-0803-1601** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.04, Idaho Minimum Safety Standards and Practices for Logging -- Garages, Machine Shops,  
and Related Work Areas***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0804-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0804-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.05, Idaho Minimum Safety Standards and Practices for Logging -- Signals and Signal Systems***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0805-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0805-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.06, Idaho Minimum Safety Standards and Practices for Logging -- Truck Road Standards***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0806-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0806-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.07, Idaho Minimum Safety Standards and Practices for Logging -- Transportation of Employees***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0807-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0807-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.08, Idaho Minimum Safety Standards and Practices for Logging -- Falling and Bucking***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0808-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0808-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.09, Idaho Minimum Safety Standards and Practices for Logging -- Rigging, Lines, Blocks, and Shackles***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0809-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0809-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.10, Idaho Minimum Safety Standards and Practices for Logging -- Canopy and Canopy Construction for Logging Equipment***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0810-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0810-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.11, Idaho Minimum Safety Standards and Practices for Logging -- Skidding and Yarding***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0811-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0811-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.12, Idaho Minimum Safety Standards and Practices for Logging -- Road Transportation***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0812-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0812-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***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***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0813-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0813-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.14, Idaho Minimum Safety Standards and Practices for Logging -- Helicopter Logging***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12
- 07-0814-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 07-0814-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***07.08.15, Idaho Minimum Safety Standards and Practices for Logging -- Commonly Used Logging Terms***

- 07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

- 07-0815-1601 Proposed Rulemaking, Bulletin Vol. 16-10  
07-0815-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**07.08.16, Idaho Minimum Safety Standards and Practices for Logging -- Recommended Safety Program**

- 07-0800-1501 Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12  
07-0816-1601 Proposed Rulemaking, Bulletin Vol. 16-10  
07-0816-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**07.10.01, Rules Governing the Damage Prevention Board**

- 07-1001-1601 Temporary and Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 16-11 (eff. 12-1-16)T

**IDAHA 08 -- IDAHO STATE BOARD OF EDUCATION  
AND STATE DEPARTMENT OF EDUCATION****08.01.02, Rules Governing Postsecondary Credit Scholarship Program**

- 08-0102-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-7  
08-0102-1601 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10 (eff. 8-11-16)T

**08.01.04, Residency**

- 08-0104-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
08-0104-1601 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10 (eff. 8-11-16)T

**08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program**

- 08-0109-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
08-0109-1601 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-10

**08.02.01, Rules Governing Administration**

- 08-0201-1601\* Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (*\*Rulemaking Terminated*)  
08-0201-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
08-0201-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
08-0201-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
08-0201-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T  
08-0201-1603 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T  
08-0201-1604 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T  
08-0201-1605 Adoption of Temporary Rule, Bulletin Vol. 16-12 (eff. 10-19-16)T

**08.02.02, Rules Governing Uniformity**

- 08-0202-1601 Adoption of Temporary Rule, Bulletin Vol. 16-4 (eff. 2-18-16)T  
08-0202-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4  
08-0202-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4  
08-0202-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4  
08-0202-1605 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5  
08-0202-1606 *Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (docket pulled prior to publication)*  
08-0202-1607 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
08-0202-1602 Proposed Rulemaking, Bulletin Vol. 16-8  
08-0202-1603 Proposed Rulemaking, Bulletin Vol. 16-8  
08-0202-1604 Proposed Rulemaking, Bulletin Vol. 16-8  
08-0202-1605 Proposed Rulemaking, Bulletin Vol. 16-8  
08-0202-1607 Proposed Rulemaking, Bulletin Vol. 16-10

**08.02.03, Rules Governing Thoroughness**

- 08-0203-1504\* Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (4-16-15)T (*\*Temporary rule expires Sine Die 2016*)  
08-0203-1504 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 16-10  
08-0203-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4

- 08-0203-1602\*** *Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4 (Rulemaking terminated, promulgated incorrectly under wrong chapter, replaced by docket number 08-0202-1605)*
- 08-0203-1603** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1604** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1605** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1606** Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 4-14-16)T
- 08-0203-1607\*** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (*\*Rulemaking Terminated*)
- 08-0203-1608** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0203-1609** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0203-1610** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0203-1611** Notice of Intent to Promulgate a Rule- Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0203-1604** Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0203-1605** Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0203-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1603** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0203-1608** Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1609** Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1610** Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1611** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0203-1612** Adoption of Temporary Rule, Bulletin Vol. 16-12 (eff. 10-20-16)T

**08.02.05, Rules Governing Pay for Success Contracting**

- 08-0205-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0205-1601** Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10

**08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho**

- 08-0501-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**IDA PA 09 -- IDAHO DEPARTMENT OF LABOR****09.01.30, Unemployment Insurance Benefits Administration Rules**

- 09-0130-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 09-0130-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 09-0130-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

**09.01.35, Unemployment Insurance Tax Administration Rules**

- 09-0135-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 09-0135-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 09-0135-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

**IDA PA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS****10.01.01, Rules of Procedure**

- 10-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0101-1602** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0101-1603** Adoption of Temporary Rule, Bulletin Vol. 16-7 (Eff. 7-6-16)T
- 10-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-8
- 10-0101-1602** Proposed Rulemaking, Bulletin Vol. 16-8
- 10-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)
- 10-0101-1602** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

**10.01.02, Rules of Professional Responsibility**

- 10-0102-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

- 10-0102-1601** Proposed Rulemaking, Bulletin Vol. 16-8  
**10-0102-1601** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)  
**10-0102-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-11

## ***IDAPA 11 -- IDAHO STATE POLICE***

### ***Idaho State Racing Commission***

#### ***11.04.02, Rules Governing Simulcasting***

- 11-0402-1601** Proposed Rulemaking, Bulletin Vol. 16-10

#### ***11.04.03, Rules Governing Licensing and Fees***

- 11-0403-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10

### ***Peace Officer Standards and Training (POST) Council***

#### ***11.11.01, Rules of the Idaho Peace Officer Standards and Training Council***

- 11-1101-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**11-1101-1602** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-1-16)T

#### ***11.11.02, Rules of the Idaho POST Council for Juvenile Detention Officers***

- 11-1102-1601** Proposed Rulemaking, Bulletin Vol. 16-10

#### ***11.11.04, Rules of the Idaho POST Council for Correctional Officers and Adult Probation and Parole Officers***

- 11-1104-1601** Proposed Rulemaking, Bulletin Vol. 16-10

### ***Idaho State Police Commercial Vehicle Safety***

#### ***11.13.01, The Motor Carrier Rules***

- 11-1301-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-15-16)T  
**11-1301-1602** Proposed Rulemaking, Bulletin Vol. 16-10  
**11-1301-1603** Proposed Rulemaking, Bulletin Vol. 16-10

## ***IDAPA 12 -- DEPARTMENT OF FINANCE***

#### ***12.01.08, Rules Pursuant to the Uniform Securities Act (2004)***

- 12-0108-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5  
**12-0108-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-8  
**12-0108-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

#### ***12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act***

- 12-0110-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**12-0110-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

## ***IDAPA 13 -- IDAHO FISH AND GAME COMMISSION***

#### ***13.01.02, Rules Governing Hunter Education and Mentored Hunting***

- 13-0102-1601** Proposed Rulemaking, Bulletin Vol. 16-10

#### ***13.01.07, Rules Governing the Taking of Upland Game Animals***

- 13-0107-1601P** Notice of Proposed Proclamation, Bulletin Vol. 16-10

***13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho***

- 13-0108-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**13-0108-1602P** Notice of Proclamation of Rulemaking, Bulletin Vol. 16-8  
**13-0108-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**13-0108-1603** Proposed Rulemaking, Bulletin Vol. 16-10

***13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho***

- 13-0109-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-8-16)T  
**13-0109-1602** Proposed Rulemaking, Bulletin Vol. 16-10  
**13-0109-1603P** Notice of Proposed Proclamation, Bulletin Vol. 16-10

***13.01.11, Rules Governing Fish***

- 13-0111-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-8-16)T  
**13-0111-1602P** Notice of Proposed Proclamation, Bulletin Vol. 16-10

***13.01.13, Rules Governing the Taking of American Crow in the State of Idaho***

- 13-0113-1601P** Notice of Proposed Proclamation, Bulletin Vol. 16-10

***13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals***

- 13-0116-1601P** Notice of Proposed Proclamation, Bulletin Vol. 16-10

***13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals***

- 13-0117-1601** Proposed Rulemaking, Bulletin Vol. 16-10

***IDAPA 15 -- OFFICE OF THE GOVERNOR******Executive Orders of the Governor***

- Executive Order No. **2015-13** Bulletin Vol. 16-2  
Executive Order No. **2016-01** Bulletin Vol. 16-6  
Executive Order No. **2016-02** Bulletin Vol. 16-12  
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***Division of Human Resources and Personnel Commission******15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission***

- 15-0401-1601** Proposed Rulemaking, Bulletin Vol. 16-10

***Idaho Military Division******Idaho Public Safety Communications Commission******15.06.01, Rules Governing the Idaho Public Safety Communications Commission***

- 15-0601-1601\*** Temporary and Proposed Rulemaking, Bulletin Vol. 16-8 (eff. 7-1-16)T

\*Rulemaking changes name of chapter from: “*Rules Governing the Idaho Emergency Communications Commission*”  
to: “*Rules Governing the Idaho Public Safety Communications Commission*”

- 15-0601-1601\*** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. P.L.R. 2017)

***15.06.02, Rules Governing the Idaho Public Safety Communications Commission Grants***

- 15-0602-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
**15-0602-1601** Proposed Rulemaking, Bulletin Vol. 16-8  
**15-0602-1602\*** Temporary and Proposed Rulemaking, Bulletin Vol. 16-8 (eff. 7-1-16)T

\*Rulemaking changes name of chapter from: “*Rules Governing the Idaho Emergency Communications Commission Grants*”  
to: “*Rules Governing the Idaho Public Safety Communications Commission Grants*”

**15-0602-1601** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

**15-0602-1602\*** Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

### ***Idaho Office of Emergency Management***

#### ***15.06.06, Rules Governing Use of Disaster Emergency Account Funds***

**15-0606-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-8

**15-0606-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**15-0606-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

## ***IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE***

#### ***16.01.02, Emergency Medical Services (EMS) - Rule Definitions***

**16-0102-1601** Proposed Rulemaking, Bulletin Vol. 16-9

#### ***16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements***

**16-0103-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

**16-0103-1601** Proposed Rulemaking, Bulletin Vol. 16-9

**16-0103-1602** Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 8-18-16)T

#### ***16.01.06, Emergency Medical Services (EMS) -- Date Collection and Submission Requirements***

**16-0106-1601** Proposed Rulemaking, Bulletin Vol. 16-9

#### ***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

**16-0107-1501** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5

**16-0107-1501** Vacation of Proposed Rulemaking, Bulletin Vol. 15-8

**16-0107-1501** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 154, Bulletin Vol. 16-5 (eff. 1-1-15)T

**16-0107-1601** Proposed Rulemaking, Bulletin Vol. 16-9

#### ***16.02.01, Rules of the Idaho Time Sensitive Emergency System Council***

**16-0201-1601** Proposed Rulemaking, Bulletin Vol. 16-10

#### ***16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission***

**16-0202-1601** Proposed Rulemaking, Bulletin Vol. 16-10

#### ***16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)***

**16-0219-1601** Proposed Rulemaking, Bulletin Vol. 16-9

#### ***16.03.03, Rules Governing Child Support Services***

**16-0303-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

**16-0303-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**16-0303-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

#### ***16.03.04, Rules Governing the Food Stamp Program in Idaho***

**16-0304-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**16-0304-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

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

**16-0305-1601** Proposed Rulemaking, Bulletin Vol. 16-10

**16-0305-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.03.08, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program**

- 16-0308-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 16-0308-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 16-0308-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.03.09, Medicaid Basic Plan Benefits**

- 16-0309-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 16-0309-1602 Proposed Rulemaking, Bulletin Vol. 16-10

**16.03.10, Medicaid Enhanced Plan Benefits**

- 16-0310-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 1-1-16)T
- 16-0310-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.03.18, Medicaid Cost-Sharing**

- 16-0318-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 7-1-16)T
- 16-0318-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.03.19, Rules Governing Certified Family Homes**

- 16-0319-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0319-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5
- 16-0319-1601 Proposed Rulemaking, Bulletin Vol. 16-9

**16.03.22, Residential Care or Assisted Living Facilities in Idaho**

- 16-0322-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0322-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

**16.04.17, Rules Governing Residential Habilitation Agencies**

- 16-0417-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0417-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5 (Rulemaking Terminated)
- 16-0417-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-12

**16.05.06, Criminal History and Background Checks**

- 16-0506-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 16-0506-1601 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-7 (eff. 7-1-16)T
- 16-0506-1602 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-9

**16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct**

- 16-0507-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0507-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-7 (eff. 7-1-16)T

**16.06.01, Child and Family Services**

- 16-0601-1601 Proposed Rulemaking, Bulletin Vol. 16-9

**16.06.12, Rules Governing the Idaho Child Care Program (ICCP)**

- 16-0612-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 16-0612-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 10-1-16)T
- 16-0612-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**16.07.19, Behavioral Health Peer Specialist and Family Support Partner Certification**

- 16-0719-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 16-0719-1601 Proposed Rulemaking, Bulletin Vol. 16-10

**16.07.37, Children's Mental Health Services**

- 16-0737-1601 Proposed Rulemaking, Bulletin Vol. 16-10

***IDAPA 18 -- DEPARTMENT OF INSURANCE******18.01.10, Producers Handling of Fiduciary Funds***

- 18-0110-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 18-0110-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 18-0110-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

***18.01.29, Restrictions on Discretionary Clauses in Health Insurance Contracts***

- 18-0129-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7.

***18.01.48, Rule to Implement the Privacy of Consumer Financial Information***

- 18-0148-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-1-16)T
- 18-0148-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***18.01.50, Adoption of the International Fire Code***

- 18-0150-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 18-0150-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 18-0150-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

***18.01.54, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act***

- 18-0154-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 18-0154-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 18-0154-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

***18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules***

- 18-0156-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-8
- 18-0156-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 18-0156-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***IDAPA 19 -- BOARD OF DENTISTRY******19.01.01, Rules of the Idaho State Board of Dentistry***

- 19-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 19-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 19-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***IDAPA 20 -- DEPARTMENT OF LANDS******20.02.14, Rules for Selling Forest Products on State-Owned Endowment Lands***

- 20-0214-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 20-0214-1601** Proposed Rulemaking, Bulletin Vol. 16-8

***20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands***

- 20-0316-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 20-0316-1601** Proposed Rulemaking, Bulletin Vol. 16-10

***20.07.01, Rules of Practice and Procedure Before the Idaho Oil And Gas Conservation Commission***

- 20-0701-1601** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-8
- 20-0701-1601** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 16-11 (eff. PLR 2017)

***20.07.02, Rules Governing Conservation of Crude Oil and Natural Gas in the State of Idaho***

- 20-0702-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5

20-0702-1601 Proposed Rulemaking, Bulletin Vol. 16-10

### ***IDAPA 22 -- BOARD OF MEDICINE***

#### ***22.01.03, Rules for the Licensure of Physician Assistants***

- 22-0103-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 22-0103-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

### ***IDAPA 23 -- BOARD OF NURSING***

#### ***23.01.01, Rules of the Idaho Board of Nursing***

- 23-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 23-0101-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
- 23-0101-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-1-16)T
- 23-0101-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
- 23-0101-1602 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

### ***IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES***

#### ***24.01.01, Rules of the Board of Architectural Examiners***

- 24-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 24-0101-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

#### ***24.03.01, Rules of the State Board of Chiropractic Physicians***

- 24-0301-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 24-0301-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

#### ***24.08.01, Rules of the State Board of Morticians***

- 24-0801-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 7-12-16)T
- 24-0801-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

#### ***24.10.01, Rules of the State Board of Optometry***

- 24-1001-1601 Proposed Rulemaking, Bulletin Vol. 16-10

#### ***24.12.01, Rules of the State Board of Psychologist Examiners***

- 24-1201-1601 Proposed Rulemaking, Bulletin Vol. 16-10

#### ***24.16.01, Rules of the State Board of Dentistry***

- 24-1601-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 24-1601-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

#### ***24.17.01, Rules of the State Board of Acupuncture***

- 24-1701-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 24-1701-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

#### ***24.18.01, Rules of the Real Estate Appraiser Board***

- 24-1801-1601 Adoption of Temporary Rule, Bulletin Vol. 16-5 (eff. 4-1-16)T
- 24-1801-1602 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10

#### ***24.19.01, Rules of the Board of Residential Care Facility Administrators***

- 24-1901-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10
- 24-1901-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board***

- 24-2201-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**24-2201-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***24.23.01, Rules of the Speech and Hearing Services Licensure Board***

- 24-2301-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10  
**24-2301-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***24.25.01, Rules of the Idaho Driving Businesses Licensure Board***

- 24-2501-1601** Proposed Rulemaking, Bulletin Vol. 16-10  
**24-2501-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***24.27.01, Rules of the Idaho State Board of Massage Therapy***

- 24-2701-1601** Proposed Rulemaking, Bulletin Vol. 16-10

***IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION******26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities***

- 26-0120-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-9  
**26-0120-1601** Proposed Rulemaking, Bulletin Vol. 16-11

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- 27-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
**27-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9  
**27-0101-1602** Proposed Rulemaking, Bulletin Vol. 16-9  
**27-0101-1603** Proposed Rulemaking, Bulletin Vol. 16-9  
**27-0101-1604** Proposed Rulemaking, Bulletin Vol. 16-9  
**27-0101-1605** Adoption of Temporary Rule, Bulletin Vol. 16-9 (eff. 8-13-16)T  
**27-0101-1606** Proposed Rulemaking, Bulletin Vol. 16-10  
**27-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)  
**27-0101-1602** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)  
**27-0101-1603** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)  
**27-0101-1604** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)  
**27-0101-1606** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***IDAPA 28 -- DEPARTMENT OF COMMERCE******28.02.07, Rules Governing the Administration of the IGEM Grant Program***

- 28-0207-1601** Proposed Rulemaking, Bulletin Vol. 16-10

***IDAPA 31 -- PUBLIC UTILITIES COMMISSION******31.46.02, Rules for Telecommunications Relay Services (TRS)***

- 31-4602-1601** Notice of Adoption of Temporary Rule, Bulletin Vol. 16-7 (eff. 5-1-16)T  
**31-4602-1602** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7  
**31-4602-1602** Proposed Rulemaking, Bulletin Vol. 16-9  
**31-4602-1602** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**IDAPA 35 -- STATE TAX COMMISSION****35.01.01, Income Tax Administrative Rules**

- 35-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 35-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-10
- 35-0101-1602 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**35.01.02, Idaho Sales and Use Tax Administrative Rules**

- 35-0102-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 35-0102-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 35-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 35-0102-1602 Proposed Rulemaking, Bulletin Vol. 16-10
- 35-0102-1603 Proposed Rulemaking, Bulletin Vol. 16-10
- 35-0102-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
- 35-0102-1602 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
- 35-0102-1603 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**35.01.03, Property Tax Administrative Rules**

- 35-0103-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 35-0103-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 35-0103-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 35-0103-1604 Adoption of Temporary Rule, Bulletin Vol. 16-8 (eff. 7-1-16)T
- 35-0103-1601 Proposed Rulemaking, Bulletin Vol. 16-9
- 35-0103-1602 Proposed Rulemaking, Bulletin Vol. 16-9
- 35-0103-1603 Proposed Rulemaking, Bulletin Vol. 16-9
- 35-0103-1605 Proposed Rulemaking, Bulletin Vol. 16-9
- 35-0103-1606 Adoption of Temporary Rule, Bulletin Vol. 16-11 (eff. 10-1-16)T
- 35-0103-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
- 35-0103-1602 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
- 35-0103-1603 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
- 35-0103-1605 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**35.01.05, Motor Fuels Tax Administrative Rules**

- 35-0105-1601 Proposed Rulemaking, Bulletin Vol. 16-5
- 35-0105-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 35-0105-1602 Proposed Rulemaking, Bulletin Vol. 16-7
- 35-0105-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)
- 35-0105-1602 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules**

- 35-0110-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 35-0110-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 35-0110-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**35.02.01, Tax Commission Administration and Enforcement Rules**

- 35-0201-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 35-0201-1601 Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

**IDAPA 37 -- DEPARTMENT OF WATER RESOURCES****37.03.13, The Water Management Rules**

- 37-0313-9701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 97-12
- 37-0313-9701 Proposed Rulemaking, Bulletin Vol. 98-10
- 37-0313-9701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

***IDAPA 38 -- IDAHO DEPARTMENT OF ADMINISTRATION******38.05.01, Rules of the Division of Purchasing***

- 38-0501-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 38-0501-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 38-0501-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT***

- 39-0300-1601** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 16-5  
(Rulemaking may affect Chapters under Title 03 - "Vehicles and/or Loads Required to Operate Under an Overlegal Permit")

***39.03.06, Rules Governing Allowable Vehicle Size***

- 39-0306-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 39-0306-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***39.03.11, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions***

- 39-0311-1601** Proposed Rulemaking, Bulletin Vol. 16-9

***39.03.12, Rules Governing Safety Requirements of Overlegal Permits***

- 39-0312-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 39-0312-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***39.03.15, Rules Governing Excess Weight Permits for Reducible Loads***

- 39-0315-1601** Proposed Rulemaking, Bulletin Vol. 16-10

***39.03.22, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up To 129,000 Pound Vehicle Combinations***

- 39-0322-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 39-0322-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***39.03.23, Rules Governing Revocation of Overlegal Permits***

- 39-0323-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 39-0323-1601** Adoption of Pending Rule, Bulletin Vol. 16-12 (eff. PLR 2017)

***IDAPA 42 -- IDAHO WHEAT COMMISSION******42.01.01, Rules of the Idaho Wheat Commission***

- 42-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 42-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 16-10
- 42-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-11
- 42-0101-1602** Proposed Rulemaking, Bulletin Vol. 16-11

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- 46-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 46-0101-1602** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 46-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 46-0101-1603** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-9 (eff. 7-1-16)T

- 46-0101-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)  
**46-0101-1603** Adoption of Pending Fee Rule and Amendment to Temporary, Bulletin Vol. 16-11 (eff. 10-11-16)T (eff. PLR 2017)

### ***IDAPA 47 -- DIVISION OF VOCATIONAL REHABILITATION***

#### ***47.01.01, Rules of the Idaho Division of Vocational Rehabilitation***

- 47-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
**47-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-10

#### ***47.01.02, Rules and Minimum Standards Governing Extended Employment Services***

- 47-0102-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
**47-0102-1601** Proposed Rulemaking, Bulletin Vol. 16-10

### ***IDAPA 48 -- GRAPE GROWERS AND WINE PRODUCERS COMMISSION***

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- 48-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6  
**48-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 (2nd Notice)  
**48-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-9  
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#### ***50.01.01, Rules of the Commission of Pardons and Parole***

- 50-0101-1601** Proposed Rulemaking (Rulemaking pulled and not published)  
**50-0101-1602** Adoption of Temporary Rule, Bulletin Vol. 16-10 (eff. 8-8-16)T

### ***IDAPA 55 -- DIVISION OF CAREER TECHNICAL EDUCATION***

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- 55-0105-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

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- 57-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-8  
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- 58-0000-1601** Paradise Creek Total Maximum Daily Load (TMDL): 2015 Bacteria Addendum (HUC ID 17060108) Bulletin Vol. 16-1  
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- 58-0000-1604** Upper Salmon River Subbasin Assessment and Total Maximum Daily Load (TMDL): 2016 Addendum and Five-Year Review (HUC ID 17060201) Bulletin Vol. 16-11
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- 58-0101-1603** Proposed Rulemaking, Bulletin Vol. 16-8
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- 58-0101-1604** Proposed Rulemaking, Bulletin Vol. 16-9
- 58-0101-1602** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)
- 58-0101-1603** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

***58.01.02, Water Quality Standards***

- 58-0102-1502** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 15-10
- 58-0102-1502** Notice of Rescheduling - Negotiated Rulemaking Meeting, Bulletin Vol. 15-11

***58.01.03, Individual/Subsurface Sewage Disposal Rules***

- 58-0103-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-10
- 58-0103-1501** Proposed Rulemaking, Bulletin Vol. 16-1
- 58-0103-1601** Adoption of Pending Rule, Bulletin Vol. 16-6 (eff. PLR 2017)

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- 58-0105-1601** Proposed Rulemaking, Bulletin Vol. 16-8
- 58-0105-1601** Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

***58.01.07, Rules Regulating Underground Storage Tank Systems***

- 58-0107-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 58-0107-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-8
- 58-0107-1601** Adoption of Pending Fee Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

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- 59-0201-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-1 (eff. 12-1-15)T
- 59-0201-1601** Adoption of Pending Rule, Bulletin Vol. 16-4 (eff. PLR 2017)
- 59-0201-1601** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 154, Bulletin Vol. 16-5 (eff. 12-1-15)T
- 59-0201-1602** Proposed Rulemaking, Bulletin Vol. 16-5
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- 61-0101-1601** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-8 (eff. 7-1-16)T

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- 61-0107-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-8
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