

IDAHO ADMINISTRATIVE BULLETIN

December 6, 2017 - Vol. 17-12

Idaho Department of Administration
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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.

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.

2. 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 very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. 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 these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. 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.

4. 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 statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

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.

5. 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.

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.

1. **“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 2017

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
17-1	January 2017	*November 25, 2016	January 4, 2017	January 25, 2017
17-2	February 2017	January 6, 2017	February 1, 2017	February 22, 2017
17-3	March 2017	February 3, 2017	March 1, 2017	March 22, 2017
17-4	April 2017	March 3, 2017	April 5, 2017	April 26, 2017
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	**September 1, 2017	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

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2018

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
18-1	January 2018	*November 24, 2017	January 3, 2018	January 24, 2018
18-2	February 2018	January 5, 2018	February 7, 2018	February 28, 2018
18-3	March 2018	February 2, 2018	March 7, 2018	March 28, 2018
18-4	April 2018	March 2, 2018	April 4, 2018	April 25, 2018
18-5	May 2018	April 6, 2018	May 2, 2018	May 23, 2018
18-6	June 2018	May 4, 2018	June 6, 2018	June 27, 2018
18-7	July 2018	June 8, 2018	July 4, 2018	July 25, 2018
18-8	August 2018	July 6, 2018	August 1, 2018	August 22, 2018
18-9	September 2018	August 3, 2018	September 5, 2018	September 26, 2018
18-10	October 2018	**August 31, 2018	October 3, 2018	October 24, 2018
18-11	November 2018	October 5, 2018	November 7, 2018	November 28, 2018
18-12	December 2018	November 2, 2018	December 5, 2018	December 26, 2018

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

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

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-07

CREATING THE GOVERNOR'S HEALTH CARE ADVISORY PANEL

WHEREAS, the Governor's Select Committee on Health Care identified and addressed health care issues facing Idaho; and

WHEREAS, the Governor's Health Policy Implementation Committee provided leadership and accountability in furthering the main priorities identified by the Select Committee; and

WHEREAS, the Governor's Idaho Health Care Council identified and implemented health care initiatives related to Medicaid, an insurance exchange, insurance market reforms and delivery system improvements; and

WHEREAS, it is in the State's best interest to carry forward and add to the previously completed work; and

WHEREAS, the State has a continuing interest in implementing workable, realistic solutions to health care issues with the objective of increasing health care accessibility and affordability for all Idahoans; and

WHEREAS, constantly evolving federal and State health care policy initiatives need to be thoroughly analyzed before they are applied to Idaho's health care system; and

WHEREAS, the Executive and Legislative branches of government can benefit from the assessment and recommendations of health care professionals in order to enact sustainable health care policy for the State of Idaho;

NOW THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution of and laws of the State of Idaho do hereby:

- 1. Create the Governor's Health Care Advisory Panel (HCAP)*
- 2. The purpose of the panel shall be to advise the Governor and Legislators on the applicability of new federal or state health care initiatives.*
- 3. The Panel shall:*
 - a. Facilitate statewide discussion on health care policy direction.*
 - b. Provide research and written guidance on emerging health care policy issues.*
 - c. Participate in development of health care policy strategies.*
- 4. Members of HCAP shall be appointed by and serve at the pleasure of the Governor for two-year extendable terms.*
- 5. The chair of HCAP shall be appointed by and serve at the pleasure of the Governor.*
- 6. HCAP shall convene as necessary and at the direction of the chair.*
- 7. HCAP members will serve without compensation.*
- 8. HCAP may use assistance to facilitate its work from the Department of Health and Welfare's Office of Healthcare Policy Initiatives.*

9. *HCAP members shall represent all major participants in the healthcare delivery and financing systems. Representation must include both the public and private sectors with expertise in health information technology, clinical quality and patient safety;*

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 June, in the year of our Lord two thousand and seventeen 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. 2017-08

**DEFERRED COMPENSATION PROGRAM FOR EMPLOYEES OF THE STATE OF IDAHO;
REPEALING AND REPLACING EXECUTIVE ORDER NO. 2013-05**

WHEREAS, the Idaho Legislature, by and through the implementation of section 59-513, Idaho Code, has provided for the establishment of a Deferred Compensation Program; and

WHEREAS, a Deferred Compensation Program has been presented to and approved by the Board of Examiners of the State of Idaho by the Deferred Compensation Committee; and

WHEREAS, administrative entities on the state level are necessary for proper implementation and maintenance of the plan;

NOW, THEREFORE, I, BRAD LITTLE, Acting Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby order the following:

- 1. The Deferred Compensation Committee – comprised of a representative appointed by the Governor, a representative from the Office of the Attorney General, a representative from the Office of the State Controller, and a representative from the Office of the Secretary of State – is hereby named as the policymaking board for a Deferred Compensation Program subject to the authority vested by law in the Board of Examiners of the State of Idaho.*
- 2. The Deferred Compensation Committee shall make the following decisions concerning the implementation and maintenance of a Deferred Compensation Program subject to the approval of the Board of Examiners:*
 - a. Selection of a third-party administrator to administer the state's 457 plan, including a Roth option;*
 - b. Selection of product companies that sell or offer securities or other assets to the State of Idaho in accordance with a Deferred Compensation Program;*
 - c. Approval and monitoring of the marketing program to introduce and explain the Deferred Compensation Program to state employees;*
 - d. Review all summary reports produced by the Office of the State Controller and the third-party administrator to ensure proper accounting for all funds;*
 - e. Review on a yearly basis the viability of all product companies associated with the Deferred Compensation Program to determine if re-bidding is necessary.*
- 3. The Deferred Compensation Committee, through the third-party administrator, shall:*
 - a. Ensure that remittances of deferred moneys to the product companies are made from the periodic payroll;*
 - b. Review and sign all enrollments, change and claim requests;*
 - c. Keep or arrange to keep any necessary files concerning the Deferred Compensation Program;*
 - d. Communicate with the state employees concerning routine matters.*

This Executive Order shall cease to be in effect 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 20th day of June, in the year of our Lord two thousand and seventeen 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.

A blue ink signature of Brad Little, written in a cursive style. The signature is positioned above a horizontal line.

BRAD LITTLE
ACTING GOVERNOR

A black ink signature of Lawrence Denney, written in a cursive style. The signature is positioned above a horizontal line.

LAWRENCE DENNEY
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-09

**EXECUTIVE ORDER DECLARING A STATE OF ENERGY EMERGENCY AND
TEMPORARILY EXEMPTING CERTAIN CARRIERS FROM HOURS OF
SERVICE REGULATIONS UNDER IDAHO LAW TO HELP MEET FUEL DEMANDS**

WHEREAS, the people of Idaho are faced with increased traffic and people for an extended period of time due to the Solar Eclipse Event on August 21, 2017; and

WHEREAS, with an estimated influx of up to 300,000 to 1,000,000 additional people entering the State of Idaho and traveling on Idaho roadways, the potential exists for significant delays or disruptions of bulk fuels being delivered in a timely manner to support the needs of the public and industry; and

WHEREAS, limited petroleum availability in Idaho causes a challenge for the fuel industry to provide consistent and timely availability of fuel stocks to bulk fuel distributors, creating an urgent need for fuel supplies to be delivered into and throughout Idaho by commercial delivery trucks; and

WHEREAS, these shortages and delays may threaten the health, property, and welfare of Idahoans, warranting the declaration of a short-term energy emergency; and

WHEREAS, under IDAPA 11.13.01.009, the Governor, via the Idaho State Police, may suspend the provisions of any agency rule, requirement, or standard if strict compliance would prevent, hinder, or delay necessary action in coping with the emergency upon a declaration of emergency by the Governor; and

WHEREAS, relieving "hours of service" requirements for commercial motor carrier vehicles in Idaho, provided for in Idaho Code § 67-2901B and IDAPA 11.13.01.004.03, will assist Idahoans by facilitating and expediting the distribution of transportation fuels.

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the state of Idaho do hereby declare that a state of energy emergency exists in Idaho, as defined in IDAPA 11.13.01.009, and order as follows:

- 1. A temporary suspension of "hours of service" regulations, as provided in Idaho Code § 67-2901B (incorporating by reference IDAPA 11.13.01.004.03, which, in turn, incorporates by reference 49 C.F.R. part 395), as they apply to drivers of commercial motor vehicles while delivering bulk fuel within and to the following Idaho counties: Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, Washington.*
- 2. This order pertains only to bulk carriers actively involved in the delivery of fuel meant for private and commercial use such as gas, diesel, propane or other fuel.*
- 3. Commercial motor vehicle carriers, while under this Order, shall not require or allow fatigued drivers to operate a motor vehicle.*

Nothing in this Order shall be construed to waive or suspend any other state or federal regulation pertaining to commercial motor carriers and commercial driver license requirements or to relieve carriers and commercial drivers from operating their commercial motor vehicles in a safe and prudent manner.

- 4. Notwithstanding any other provision of this Order, if a driver informs a carrier that the driver needs immediate rest, the "hours of service" requirements, enacted in*

5. Idaho Code § 67-2901(B), must be followed.

This Order is effective August 17th, 2017 and expires on August 24th, 2017.



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 17th day of August, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

A handwritten signature in blue ink, reading "C.L. 'Butch' Otter".

C.L. "BUTCH" OTTER
GOVERNOR

A handwritten signature in black ink, reading "Lawrence Denney".

LAWRENCE DENNEY
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-10

RE-ESTABLISHING THE IDAHO MEDAL OF ACHIEVEMENT

WHEREAS, Idaho has citizens demonstrating exceptional, meritorious and inspirational service to the people of our state; and

WHEREAS, currently Idaho has no award comparable to the Presidential Medal of Freedom; and

WHEREAS, it is important to recognize those individuals with the highest civilian honor that can be bestowed by the state of Idaho upon one of her citizens; and

WHEREAS; the Idaho Medal of Achievement will be made from 99.9% fine silver donated by the Hecla Mining Company located in Coeur d'Alene, Idaho;

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 the creation of the Idaho Medal of Achievement and the following:

- 1. The establishment of the Idaho Medal of Achievement Commission, which shall be appointed by and serve at the pleasure of the Governor. The Commission shall not consist of more than five (5) people. The Governor shall select the chair of the commission from the members;*
- 2. Vacancies shall be filled in the same manner in which the original appointment was made;*
- 3. Commission members and the sitting Governor are not eligible to receive the award while serving on the commission or in office;*
- 4. A nominee for the Idaho Medal of Achievement must be a current or deceased Idaho resident, who, through their career, single act or acts, or life's work, involving public and/or private endeavors provided inspirational or distinguished service, bringing great distinction to Idaho;*
- 5. More than one medal may be awarded at a time and it may be awarded posthumously;*
- 6. Selection Process:*
 - a. Anyone can nominate a person living or deceased who meets the criteria in paragraph 4;*
 - b. Nominations must be submitted to the Commission via http://gov.idaho.gov/achievement_nomination.html or letter to the Office of Governor no later than March 31st;*
 - c. The Commission shall, by majority vote of its members, recommend no more than five (5) nominees from the individuals submitted to the Commission to the Governor for consideration by October 31st;*
 - d. The Governor will have sole discretion to award the Medal of Achievement from those nominees recommended by the Commission.*



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 12th day of September, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

C.L. "BUTCH" OTTER
GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-11

ESTABLISHING THE GOVERNOR'S LEADERSHIP IN NUCLEAR ENERGY (LINE) COMMISSION 3.0

WHEREAS, Executive Order 2012-01 established the Governor's Leadership in Nuclear Energy Commission (LINE) to make recommendations to the Governor on policies and actions of the State of Idaho to support and enhance the long-term viability and mission of the Idaho National Laboratory (INL); and

WHEREAS, LINE brought to light a number of other findings, made six recommendations and urged more than a dozen immediate actions, which require ongoing management and oversight; and

WHEREAS, Executive Order 2013-02 established the Governor's Leadership in Nuclear Energy Commission (LINE 2.0) to implement the recommendations and actions submitted by LINE to the Governor in support of the long-term viability and mission of the INL.

WHEREAS, LINE 2.0 was tasked with tracking and assessing federal and state activities related to nuclear energy research, operations and budgets, as well as identifying opportunities and investments that can be made in the Center for Advanced Energy Studies, Idaho universities, research, transportation and communications infrastructure in furtherance of the INL's mission; and

WHEREAS, LINE 2.0 provided recommendations to the Governor on policies and actions in support of the INL, an integral part of Idaho's and the nation's long-term energy and national security strategy; and

WHEREAS, in recognition of the outstanding efforts of LINE and LINE 2.0, and to avoid losing valuable institutional knowledge, the recommendation for a standing nuclear council would best be accomplished through establishment of the Governor's Leadership in Nuclear Energy Commission 3.0 (LINE 3.0);

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby create the Leadership in Nuclear Energy Commission 3.0.

1. LINE 3.0 will continue to make recommendations to the Governor on policies and actions of the State of Idaho to support and enhance the long-term viability and mission of the Idaho National Laboratory and other nuclear industries in Idaho.
2. LINE 3.0 also will:
 - a. Continue to monitor and provide counsel on implementation of relevant recommendations from the previous LINE commissions.
 - b. Continue statewide outreach efforts to create greater understanding and awareness of the INL and other nuclear industries in Idaho.
 - c. Develop other findings, actions or recommendations as appropriate.
3. The duties of LINE 3.0 are solely advisory in nature.
4. Appointment and membership on LINE 3.0 does not constitute an individual's support or opposition for a specific finding, policy or recommendation made by LINE 3.0.
5. Members of LINE 3.0 shall be appointed by and serve at the pleasure of the Governor. Members will include, but are not limited to:
 - a. The director of the Idaho Department of Commerce or their designee;
 - b. The director of the Idaho Department of Environmental Quality or their designee;
 - c. The director of the INL or their designee;

- d. *The director of the Center for Advanced Energy Studies or their designee;*
 - e. *The Idaho Attorney General or their designee;*
 - f. *The Lieutenant Governor or their designee;*
 - g. *A representative from each of Idaho's public universities;*
 - h. *A representative from the Idaho House of Representatives;*
 - i. *A representative from the Idaho Senate;*
 - j. *A mayor or county commissioner;*
 - k. *A representative from the Idaho Indian tribes;*
 - l. *A representative from the current R&D contractor at the INL;*
 - m. *A representative from a private-sector nuclear industries company;*
 - n. *A representative from Idaho agriculture or water users; and*
 - o. *A member of the public.*
6. *The Governor will appoint the chair or co-chairs of LINE 3.0.*
7. *The Office of the Governor and the Idaho Department of Commerce will staff LINE 3.0.*
8. *LINE 3.0 may request consultation, information and technical expertise from directors or their designees of State of Idaho agencies regarding environmental requirements, State natural resources, transportation, emergency response, law enforcement and public safety issues.*
9. *LINE 3.0 may request comments, information and technical expertise from the American Indian tribes of Idaho, federal agencies, representatives from the nuclear industries sector, and members of the public.*



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 25th day of September, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty- eighth.

C.L. "BUTCH" OTTER
GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2017-12

**CONTINUING THE WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING
AND OVERSIGHT OF THE STATE'S WORKFORCE DEVELOPMENT SYSTEM;
REPEALING AND REPLACING EXECUTIVE ORDER 2016-04**

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 Idaho employers 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; increase public awareness of and access to workforce development education and training opportunities; 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; and

WHEREAS, the Governor's Workforce Development Task Force recommended that the State of Idaho "Increase the role and responsibilities of an industry-driven Workforce Development Council to champion the development and implementation of a statewide, strategic workforce development plan that meets industries' needs today and tomorrow;"

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 Workforce Development Council (the "Council") is established within the Executive Office of the Governor in accordance with section 101 (a) of the Workforce Innovation and Opportunity Act (WIOA) of 2014 to coordinate efforts and direct public outreach and engagement in support of improving the quality of and access to workforce education and training programs throughout Idaho.*
- 2. The Council shall consist of 36 members, consistent with federal nomination and composition requirements set forth in section 101 (b) of WIOA. The Council's membership shall be as follows:*
 - a. 17 positions appointed by the Governor representing industry and nominated by statewide and regional business organizations;*
 - b. Seven positions appointed by the Governor representing the workforce, including two labor union representatives, two registered apprenticeship program representatives, one representative of a community-based organization for veterans, one representative of a community-based organization for the disabled, and one representative of a community-based organization for out-of-school youth;*
 - c. Nine positions appointed by the Governor representing government, including representatives from the Department of Labor, State Board of Education, Division of Career-Technical Education, Division of Vocational Rehabilitation, Department of Health and Welfare, Department of Commerce, an elected city official, an elected county official, and a community college representative.*

- d. *One member from each chamber of the Idaho Legislature, including a member of the Senate appointed by the Senate President Pro Tem, and a member of the House of Representatives appointed by the House Speaker;*
- e. *The Governor or his designee.*
3. *The Governor shall name the chair and vice chair from among industry members of the Council.*
4. *The Council's members shall serve at the pleasure of the Governor, and their appointments shall be for three-year terms.*
5. *The Council shall be staffed by an executive director appointed by the Governor and such additional personnel as shall be appointed by the executive director.*
6. *The Council will be responsible for advising the Governor, Legislature and appropriate executive agencies on matters related to developing and implementing a comprehensive workforce development strategy for Idaho that:*
 - a. *Increases public awareness of and access to career education and training opportunities;*
 - b. *Improves the effectiveness, quality and coordination of programs and services designed to maintain a highly skilled workforce;*
 - c. *Helps provide for the most efficient use of federal, state and local workforce development resources;*
7. *The Council will assist the Governor in fulfilling the requirements of the State Workforce Investment Board as set forth in WIOA.*
8. *The Council shall be responsible for developing and overseeing procedures, criteria and performance measures for the Workforce Development Training Fund.*
9. *The Council may empanel special committees, appointed by the chair. Special committee members may include non-Council members who have special knowledge and qualifications to be of assistance to the Council.*
10. *The Council shall meet quarterly. An Executive Committee made up of the chair, vice chair, and three additional Council members appointed by the chair and representing industry should meet monthly.*



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 26th day of October, in the year of our Lord two thousand and seventeen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

A handwritten signature in blue ink, reading "C.L. 'Butch' Otter".

C.L. "BUTCH" OTTER
GOVERNOR

A handwritten signature in blue ink, reading "Lawrence Denney".

LAWRENCE DENNEY
SECRETARY OF STATE

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.14 – RULES GOVERNING DAIRY BYPRODUCT

DOCKET NO. 02-0414-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Section 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:

The proposed rule change resulted from a petition received from the Idaho Dairyman's Association to adopt a more accurate and reliable standard for measuring soil phosphorus. There are two minor changes to the rule language that have been added since the publication of the proposed rule. The amendment to the language is a result of a comment submitted by a stakeholder that requested additional clarification as to which nutrients are restricted from field application if the soil test from a dairy field reveals high levels of phosphorus.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 17-23](#).

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:

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

ASSISTANCE ON TECHNICAL QUESTIONS: 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 31st day of October, 2017.

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

DOCKET NO. 02-0414-1702 - 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 17-10, October 4, 2017, pages 17 through 23.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 02-0414-1702

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

031. PHOSPHORUS MANAGEMENT.

Dairy farms shall utilize either Phosphorus Indexing (Section 031.01) or the Phosphorus Threshold (Section 031.02) to manage nutrient application. After June 30, 2023, dairy farms will no longer be allowed to use the Phosphorus Threshold (Section 031.02) provision and all facilities will be required to use Phosphorus Indexing (Section 031.01). ()

01. Phosphorus Indexing. The dairy farm shall utilize phosphorus site indexing (PSI) for each field where dairy byproducts and/or commercial fertilizers are land applied and for each pasture utilized for grazing, in accordance with the 2017 Idaho Phosphorus Site Index Standards. The PSI shall be calculated by a Nutrient Management Planner, certified by the Department, and be included as a component of the DNMP in the dairy farm's Environmental Management Plan. It shall be the dairy farm's responsibility to provide updated information, including annual soil test results, to the Nutrient Management Planner for calculation of the PSI on all fields and pastures on an annual basis. Failure to abide by the nutrient application and management provisions of a field or pasture's PSI risk classification in the DNMP shall constitute a non-compliance and the producer may be penalized as provided in these rules. ()

[Subsection 031.01.a.]

a. Notwithstanding anything to the contrary in the 2017 Idaho Phosphorus Site Index Standards, no land application of phosphorus shall be permitted on any fields or pastures that possess a soil phosphorus level exceeding three hundred (300) parts per million, as determined by the required annual soil test (via Olsen method). Further, the dairy farm shall not receive BMP Coefficient credit for implementing any best management practice designed to reduce phosphorus loss on fields exceeding three hundred (300) parts per million, via Olsen method. ()

[Subsection 031.02]

02. Phosphorus Threshold. If the regulatory or producer soil tests reveal that phosphorus thresholds on fields and pastures have exceeded the levels established in the NMS, the producer shall only apply phosphorus at the appropriate phosphorus crop uptake rate. Subsequent regulatory soil test(s) on fields and pastures that were identified as exceeding the phosphorus threshold will be conducted. If two (2) out of three (3) tests reveal the phosphorus index continues to trend upward, the producer will be penalized as provided in these rules. These tests shall be taken in the top one (1) foot of soil. ()

IDAPA 05 – IDAHO DEPARTMENT OF JUVENILE CORRECTIONS
05.01.02 – RULES AND STANDARDS FOR SECURE JUVENILE DETENTION CENTERS
DOCKET NO. 05-0102-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Section 20-504a(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:

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 24-44](#).

FISCAL IMPACT: The following is a specific 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 impact to the general fund as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Karen Skow, (208) 884-7323.

DATED this 2nd day of November, 2017.

Sharon Harrigfeld, Director
Idaho Department of Juvenile Corrections
954 W. Jefferson, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0285
Phone: (208) 334-5100
Fax: (208) 334-5120

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 33-105, 33-1612 and 33-1617, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 amended College Entrance Exam requirements to allow students who took the Compass exam before the final November 2016 test administration to use the Compass to meet the college entrance exam graduation requirement. The proposed rule also adds language to update the college entrance exam graduation requirements for students on an Individualized Education Plan (IEP). Additionally, proposed rule language was added to give students another option if they were unable to participate in the ACT or the statewide test day administration of the SAT.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 2, 2017 Idaho Administrative Bulletin, [Vol. 17-8, pages 14-18](#).

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:

There is no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Karlynn Laraway, Director of Assessment and Accountability, at (208) 332-6976 or klaraway@sde.idaho.gov.

DATED this 18th Day of October, 2017.

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

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1708

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

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is October 18, 2017. This pending rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 33-105, 33-1612, and 33-1617, Idaho Code.

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

This rule is needed to incorporate by reference the Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The assessment was administered in the Spring of 2017 and the rule is necessary to recognize student scores on the assessment and for the inclusion of student results to meet federal accountability reporting requirements. To score the assessments English Learner students took this year and to provide score reports, the State Department of Education must adopt the cut scores. The temporary rule allows for the proper and accurate identification of a student's proficiency and achievement levels.

Upon review of the proposed incorporated document during the comment period, State Department of Education staff determined that additional information would make the document easier for practitioners to use.

- Performance definitions have been added to the incorporated document.
- The full range of scores has been added to each of the Cut Scores & Proficiency Levels charts.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule as previously adopted while the pending rule awaits legislative approval, the Idaho State Board of Education amended the temporary rule with the same revisions made to the pending rule. Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the June 7, 2017 Idaho Administrative Bulletin, [Vol. 17-6, pages 29-31](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Karlynn Laraway, Director of Assessment and Accountability, at (208) 332-6976 or klaraway@sde.idaho.gov.

DATED this 18th day of October, 2017.

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

DOCKET NO. 08-0203-1708 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE

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

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Volume 17-6, June 7, 2017, pages 29 through 31.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 08-0203-1708

(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.

The following documents are incorporated into this rule:

(3-30-07)

[Subsection 004.04]

04. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on ~~April 20~~ October 18, 2017. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. ~~(4-20-17)F~~ (10-18-17)T

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1711

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 33-105, 33-1612, and 33-2002, Idaho Code.

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

In 2011, Idaho joined the National Center and State Collaborative (NCSC) to implement a new alternate assessment for special education students. The alternate assessment 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. This rule maintains alternate assessment achievement levels and corresponding performance level descriptors established by the NCSC in a document incorporated by reference. The NCSC achievement levels 1, 2, 3, and 4 are the same as the achievement levels on the Idaho Standards Achievement Test authored by Smarter Balanced. This rule is necessary for compliance with the Individuals with Disabilities Education Act and the Elementary and Secondary Education Act.

Upon review of the incorporated document during the public comment period, State Department of Education staff determined that the document would be of better use to practitioners with the addition of text regarding performance levels and the addition of the Performance-Level Scale Score Ranges table. The table shows the scale score ranges for performance levels for each grade and content area. Staff also found that NCSC Mathematics and English Language Arts tables were erroneously included in the document; the tables were removed.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 2, 2017, Idaho Administrative Bulletin, [Vol. 17-8, pages 19-21](#).

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

There is no fiscal impact.

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

DATED this 18th day of October, 2017.

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

DOCKET NO. 08-0203-1711 - 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 17-8, August 2, 2017, pages 19 through 21.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 08-0203-1711

(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.

The following documents are incorporated into this rule:

(3-30-07)

[Subsection 004.07]

07. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on ~~May 8, 2011~~ October 18, 2017. Copies of the document can be found on the State Board of Education website at www.boardofed.idaho.gov. ~~(3-29-12)~~ ()

IDAPA 12 – DEPARTMENT OF FINANCE

12.01.10 – RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 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 4, 2017, Idaho Administrative Bulletin, [Vol.17-10, pages 191-192](#).

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 Anthony Polidori at (208) 332-8084.

DATED this 27th day of October, 2017.

Anthony Polidori
Supervising Examiner/Investigator
Department of Finance
800 Park Blvd.
P.O. Box 83720
Boise, ID 83720-0031
Office: (208) 332-8084
Fax: (208) 332-8099

IDAPA 13 – DEPARTMENT OF FISH AND GAME

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

DOCKET NO. 13-0108-1705

NOTICE OF RULEMAKING – RESCISSION OF TEMPORARY RULE AND VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has vacated the proposed rulemaking previously initiated under this docket and is rescinding the temporary rule previously adopted under this docket. The action is authorized pursuant to Section 36-104, Idaho Code.

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

The Commission expressed concerns with the potential effect on drawing odds if hunters did not have an investment in the tag fee at the time of application for a moose, bighorn sheep, or mountain goat. Therefore, the Commission rescinded the temporary rule and vacated the proposed rulemaking.

Therefore, this Notice of Rulemaking hereby rescinds the temporary rule, effective December 1, 2017, and vacates the proposed rulemaking.

The temporary rule, adopted under this docket 13-0108-1705 by the Department of Fish and Game, was published in the October 4, 2017 Administrative Bulletin, [Vol. 17-10, pages 213-219](#); the proposed rule was published in the October 4, 2017 Administrative Bulletin, [Vol. 17-10, pages 213-219](#).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of proposed rulemaking and rescission of temporary rule, contact Sharon W. Kiefer, (208) 334-3771.

DATED this 20th day of November, 2017.

Sharon W. Kiefer
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut, P.O. Box 25
Boise, ID 83707
Tel: (208) 334-3771
Fax: (208) 334-4885



IDAHO DEPARTMENT OF HEALTH & WELFARE

C.L. "BUTCH" OTTER – Governor
RUSSELL S. BARRON – Director

MATT WIMMER - Administrator
DIVISION OF MEDICAID
Post Office Box 83720
Boise, Idaho 83720-0009
PHONE: (208) 334-5747
FAX: (208) 364-1811

IDAHO DEPARTMENT OF HEALTH AND WELFARE DEMONSTRATION WAIVER FOR COMPLEX MEDICAL NEEDS

NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD

The Idaho Department of Welfare gives notice of intent to apply to the Centers for Medicare and Medicaid Services (CMS) for an 1115(d) demonstration waiver on or about January 5, 2018. The purpose of the Complex Medical Needs (CMN) waiver is to provide Medicaid coverage to children and adults who have a complex medical condition(s). The waiver will provide access to consistent and comprehensive coverage which fully meets the needs of this population. The proposed effective date for the waiver is July 1, 2018.

Today, Idahoans living with complex, life-threatening medical conditions rely on a mix of federally subsidized insurance, catastrophic health care fund coverage, and charity care to meet their needs. This variable coverage results in challenges for people who are trying to manage their complex condition at a time when they have the most difficulty in managing those challenges effectively due to their condition. By providing a reliable and comprehensive source of coverage, the CMN waiver will allow for better outcomes for this population while reducing the negative impacts of unpredictable costs for these consumers and for the healthcare marketplace.

The Department's comprehensive public notice, tribal notice and the waiver application are available on our website at complexmedicalneeds.dhw.idaho.gov. The Department is seeking public comment through public hearings, the interactive form available on the website, via email or traditional mail as indicated below. Public hearings will be held at the following locations:

Boise Public Hearing

Location: Pete T. Cenarrusa Bldg.
450 W. State Street
7th Floor, Conference Rm. 7A
Date: December 7, 2017
Time: 11:00AM - 1:00 PM (MST)

Pocatello Public Hearing

Location: DHW Region VI
1070 Hilina Road
Suite #230
Date: December 8, 2017
Time: 11:00AM - 1:00PM (MST)

Coeur d'Alene Public Hearing

Location: DHW Region I
1120 Ironwood Drive
Large Conference Room
Date: December 12, 2017
Time: 10:00AM - 12:00PM (PST)

Conference line for all dates and locations:

Call: 1-877-820-7831
Guest Code: 701700

Interested parties may also request hard copies of the waiver packet or submit comments via email or traditional USPS mail to:

Attention: Cindy Brock
Alternative Care Coordinator
Division of Medicaid
P.O. Box 83720; Boise, Idaho 83720-0009
E-mail to: CMNwaiver@dhw.idaho.gov

Public comments will be accepted until December 15, 2017.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.01 – ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2018. The pending rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 and is also adopting a temporary rule. The action is authorized pursuant to Sections 56-202, 56-203, 56-209, 56-236 through 56-240, 56-242, 56-250 through 56-257, 56-260 through 56-266, Idaho Code; and House Bill 43 (2017).

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

As part of the Jeff D settlement agreement and the adoption of HB 43 (2017) that is directly related to it, the Department has created the Youth Empowerment Services (YES) Medicaid program that will provide medical assistance and respite care services to youth diagnosed with Serious Emotional Disturbance (SED). The Division of Welfare will be determining the non-financial and financial eligibility components of the program. This rule change adds guidance around the eligibility criteria that a participant must meet to be eligible for services under the YES program. This is a companion rule to Docket Nos. 16-0310-1706, 16-0318-1701, and 16-0737-1701 publishing in this Bulletin.

Corrections were made to the citations to IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits,” to reflect the amendments to the pending rule made to Docket No. 16-0310-1706.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice and includes changes made to the pending rule. The text of the pending rule has been modified in accordance with Section 67-5227, Idaho Code. The complete text of the proposed rule was published in the October 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 231 and 232](#).

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule confers a benefit in the form of new services. These new services are being called Youth Empowerment Services (YES), and several other chapters of rules are implementing changes with the same effective date of January 1, 2018, to meet the intent of the law and the court-ordered settlement agreement.

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

There is no anticipated fiscal impact for this rulemaking to the State General Fund, or any other funds as eligibility will be determined for this program in conjunction with already existing Medicaid programs through the automated eligibility system.

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

DATED this 3rd day of November, 2017.

Tamara Prisock, DHW – Administrative Rules Unit
Phone: (208) 334-5500 / Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

450 W. State Street – 10th Floor
Boise, ID 83720-0036
P.O. Box 83720

DOCKET NO. 16-0301-1701 - ADOPTION OF PENDING AND TEMPORARY RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 17-10, October 4, 2017, pages 231 through 232.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

Additionally, this rule has been adopted as a temporary rule and is effective January 1, 2018.

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

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE AND TEMPORARY RULE
FOR DOCKET NO. 16-0301-1701

540. YOUTH EMPOWERMENT SERVICES (YES) PROGRAM CHILDREN.

01. Payments for Children Under Eighteen (18) Years of Age with SED. In accordance with Section 56-254(2), Idaho Code, the Department will make payments for medical assistance for a child under eighteen (18) years of age with serious emotional disturbance (SED), as defined in Section 16-2403, Idaho Code, and verified by an independent assessment: (1-1-18)T

a. Whose family income does not exceed three hundred percent (300%) of the federal poverty guideline (FPG) as determined using MAGI-based eligibility standards; and (1-1-18)T

b. Who meets other eligibility standards in accordance with the rules of the Department. (1-1-18)T

02. Youth Empowerment Services (YES) Benefits. Applicants whose family income is equal to or less three hundred percent (300%) of the Federal Poverty Guidelines (FPG) for children zero (0) to eighteen (18) years of age and who meet the non-financial eligibility criteria in Sections 200 through 299 of these rules may receive the following benefits: (1-1-18)T

a. Youth Empowerment Services (YES) State Plan option services and supports described in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 635 through 638; and (1-1-18)T

b. Additional covered services set forth in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 075 through 799. (1-1-18)T

03. Additional Eligibility Criteria and Program Requirements for YES. Additional eligibility criteria and program requirements applicable to the Youth Empowerment Services (YES) State Plan option are described in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Sections 635 through 638. (1-1-18)T

5401. -- 544. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0308-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the 2018 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 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 relating to:

1. Children receiving Supplemental Security Income (SSI) income when their families apply for and receive TAFI benefits; and
2. A child's eligibility when the child turns eighteen (18) years old.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 247-252](#).

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

1. The fiscal impact for a child who receives Supplemental Security Income (SSI), is cost-neutral.
2. The fiscal impact related to the change in regards to the eligibility of a TAFI household with a child turning eighteen (18) is between \$2,000 and \$6,000 in cost savings. The state general fund portion is \$650 and \$1,950, and the federal funds portion is \$1,350 and \$4,050.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ericka Rupp at (208) 334-5641.

DATED this 3rd day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the 2018 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 56-202(b), 56-264, and 56-1610, Idaho Code.

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

These rules allow schools that provide Medicaid services to bill for services identified as needed retroactively up to 30 days. There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 2, 2017, Idaho Administrative Bulletin, [Vol. 17-8, pages 32 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:

The Department estimates that there will be no general fund impact for the 30-day retroactive billing period for Medicaid reimbursable services for the 2017-18 school year. Schools provide their own matching dollars for these services. The estimated total fiscal impact is \$994,000 of which the federal share is \$695,500; and the school matching share is \$298,500.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Angie Williams at (208) 287-1169.

DATED this 3rd day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1704

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

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

Under a court-approved settlement agreement, the Department will use a new assessment tool to replace the SIB-R assessment tool. The Department uses assessment tools to determine developmental disability eligibility, waiver eligibility, skill level, and the participant's budget for services. Reference to the SIB-R assessment tool is being removed from this chapter.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 280-281](#).

FISCAL IMPACT: The following is a specific 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 to implement and use a new assessment tool is a total of \$909,375. These costs are funded by 71.26% (\$648,020) federal funds and 28.74% (\$261,355) state general funds. The costs to the state are included in the SFY 2018 budget previously approved by the 2017 Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Karen Westbrook at (208) 364-1960.

DATED this 3rd day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1701

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

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is September 1, 2017. This pending rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 56-202(b), 56-264, and 56-1610, Idaho Code.

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

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

Providers have complained about the difficulties they have entering the market due to the rate methodology related to starting a Behavioral Care Unit. A change in the rules is needed to facilitate increasing the number of Behavioral Care Unit facilities in Idaho and thereby improve access to behavioral health care.

Currently, a provider must self-fund the first year of operations in order to generate a full year of cost reporting. After the initial year, reimbursement for providing services as a Behavioral Care Unit can commence. These rule changes will shorten the cost reporting period from a full year to a minimum of sixty (60) calendar days. The expedited reimbursement will allow more providers to enter the market and reduce access issues throughout the state.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule as previously adopted while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions made to the pending rule.

Only the sections that differ from the proposed rule text are printed in this Bulletin. The original text of the temporary and proposed rule was published in the August 2, 2017, Idaho Administrative Bulletin, [Vol. 17-8, pages 38 through 41](#).

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

There is no fiscal impact to the General Fund or dedicated funds. While more providers would enter the market, and receive reimbursement more rapidly, the Department will save money as a result of fewer patients staying in hospitals due to increased access to Behavioral Care Units.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact KayLee Leavitt at (208) 287-1175.

DATED this 3rd day of November, 2017.

Tamara Prisock, DHW – Administrative Rules Unit
Phone: (208) 334-5500 / Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036

DOCKET NO. 16-0310-1701 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE

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

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Volume 17-8, August 2, 2017, pages 38 through 41.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2018 Idaho State Legislature.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 16-0310-1701

All sections have some changes, therefore,
the entire docket is being reprinted.

267. NURSING FACILITY: **TREATMENT OF NEWLY LICENSED FACILITIES WITH BEHAVIORAL CARE UNITS (BCUs).**

01. **Criteria to Qualify as a New BCU *On or After September 1, 2017.*** *A nursing facility provider must meet the following criteria to qualify as a new BCU nursing facility provider: Facilities licensed subsequent to on or after September 1, 2017, must meet the qualifications for a BCU described in Subsections 266.02, 266.03, and 266.05 through 266.15 of these rules. BCU facilities existing prior to this date that receive a new license due to a change in ownership will not be subject to the provisions of this rule.* ~~(4-4-13)(9-1-17)T(9-1-17)T~~

a. BCU days from the cost report period, regardless of payer source, are divided by the total occupied days in the nursing facility, and that calculation must equal or exceed a minimum of twenty percent (20%). (4-4-13)

b. A qualifying cost report must demonstrate that the nursing facility provider has a qualifying program in place with residents. (4-4-13)

02. **First Cost Reporting Year.** *No BCU eligibility, or increased direct care cost limit will be allowed in the first cost reporting year the BCU program is added.* (4-4-13)

03. **Qualifying Report in Tandem with BCU Eligibility.** *Once a qualifying cost report is submitted for the BCU program, and the nursing facility provider qualifies in tandem with the BCU eligibility criteria, the cost report will be used to set a prospective rate effective the following July 1 rate period with the increased direct care cost limit.* (4-4-13)

02. **Reimbursement for Years One (1) Through Three (3).** *Beginning with the first day of the first month following approval of the BCU license and when the provider can demonstrate that BCU days from a minimum of sixty (60) calendar days, regardless of payer source, divided by total census days for that same sixty-day*

~~(60) period, equals or exceeds a minimum of twenty percent (20%), the provider's rate will change to reflect BCU services. The provider will be reimbursed at the median rate for BCU facilities of that type, either freestanding or hospital-based, for the remaining period within the first three (3) full years of operation. If there are no facilities of the same type (for example, no other hospital-based BCUs), the provider will receive the median rate for their type, but the direct care cost portion of the rate will be revised to the median rate of existing BCUs. The rate change to reflect BCU services will not be retroactive to rate quarters paid prior to meeting the twenty percent (20%) BCU occupancy requirement.~~ ~~(9-1-17)T~~(9-1-17)T

~~**a.** A nursing facility must apply for BCU eligibility on an annual basis in accordance with Subsection 266.07 of these rules. If the provider did not meet the BCU qualifications described in Section 266 of these rules, with the exception of Subsections 266.01 and 266.04, for a full cost report year corresponding to the initial application year, the twenty percent (20%) BCU day requirement will apply only to days beginning with the first day of BCU eligibility to the end of the year.~~ (9-1-17)T

~~**b.** During the period of limitation, the facility's rate will be modified annually on July 1st to reflect the current median rate for skilled care facilities of that type. After the first three (3) complete years of operations, the facility will have its rate established at the next July 1st with the existing facilities in accordance with Subsections 266.03 and 266.05 of these rules.~~ (9-1-17)T

~~**c.** During the period of limitation, providers must demonstrate annually that BCU days were equal to or exceeded twenty percent (20%), as described in Subsection 267.02 of this rule. Providers must provide a report to the Department with a calculation of BCU days for each month during the period being reviewed. If the twelve-month (12) average falls below twenty percent (20%), then the BCU reimbursement will revert back to the median rate per Section 260 of these rules. Once the Department has established the provider has met the requirements of Subsection 267.01 of this rule they will be eligible for a new rate outlined in Subsection 267.02.b. of this rule.~~ (9-1-17)T

268. NURSING FACILITY: EXISTING PROVIDER ELECTS TO ADD BEHAVIORAL CARE UNIT (BCU).

An existing nursing facility provider that elects to add a BCU ~~on or after July 1, 2011~~ September 1, 2017, may be deemed eligible after meeting the following requirements: ~~(4-4-13)~~(9-1-17)T

~~**01- Qualifying Cost Report.** A qualifying cost report that demonstrates a qualifying program is in place with residents and meets the criteria in Section 282 of these rules.~~ (4-4-13)

021. Meet Criteria for BCU. The nursing facility provider must meet the criteria for a BCU described in Section 266 of these rules. (4-4-13)

02. BCU Eligible Days. ~~The provider must demonstrate that BCU days from a minimum of sixty (60) calendar days, regardless of payer source, divided by total census days for that same sixty (60) day period, equals or exceeds a minimum of twenty percent (20%).~~ (9-1-17)T

03. BCU Payments. ~~No BCU payments or increased direct care cost limits will be allowed in the first cost reporting year the program is added. Once a qualifying cost report is submitted, and the provider qualifies in tandem with the BCU criteria, the cost report will be used to set a prospective rate, effective with the following July 1 rate period with the increased direct care cost limit. Once the provider has met the requirements of Subsections 268.01 and 268.02 of this rule, beginning with the first day of the first quarter following approval of the BCU license, the provider's rate will change to reflect BCU services. At no time will the rate be adjusted mid-quarter. The rate will be calculated as follows.~~ ~~(4-4-13)~~(9-1-17)T

a. ~~The indirect costs, costs exempt from limitations, and property cost will be reimbursed in the same manner as all other providers nursing facilities in accordance with reimbursement provisions contained in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits."~~ ~~(9-1-17)T~~(9-1-17)T

b. ~~The direct cost portion of the rate will be reimbursed as a prospective rate not subject to a change from an interim rate to a final rate. The direct care cost portion of the rate will be calculated by determining the~~

median direct ~~care rate~~ cost portion for BCU facilities of that type (freestanding or hospital-based) effective on July 1 of the rate year. If there are no facilities of the same type (for example no other hospital-based BCUs), the direct ~~care~~ cost portion of the rate will be set at the median rate of existing BCUs. The direct ~~care~~ cost portion of the rate will be updated on July 1 of each rate year until the provider has a qualifying twelve-month (12) cost report, as described in Subsection 268.03.d. of this rule. ~~(9-1-17)T~~(9-1-17)T

c. The provider's total calculated rate will be subject to customary charge limitations and any other rate reductions implemented for other providers. (9-1-17)T

d. Once the provider has a twelve-month (12) cost report that contains a full year of BCU costs, their rate will be calculated in the same manner as other providers in accordance with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (9-1-17)T

e. A nursing facility must apply for BCU eligibility on an annual basis in accordance with Section 266 of these rules. If the provider was not a BCU for a full cost report year, the twenty percent (20%) BCU day requirement will apply only to days beginning with the first day of BCU eligibility to the end of the year. (9-1-17)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1704

(SECOND) 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 Sections 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held as follows:

PUBLIC MEETING
Tuesday, December 19, 2017 - 1:00 p.m. (MST)
Medicaid Central Office 3232 Elder Street Conference Room D West/East Boise, ID 83705
TELECONFERENCE CALL-IN
Toll Free: 1-877-820-7831 Participant Code: 301388

**MEDICAID REIMBURSEMENT RATE REVIEWS, COST SURVEYS, AND RATE SETTING
METHODOLOGIES**

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following:

1. Attend or call in to 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 January 19, 2018:

Karen Westbrook
Alternate Care Coordinator
Division of Medicaid

Idaho Department of Health and Welfare
3232 Elder Street, P.O. Box 83720
Boise, ID 83720

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 invites interested stakeholders to participate in negotiated rulemaking in this chapter, IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." The purpose of this negotiated rulemaking meeting is to revise these rules regarding provider reimbursement rate reviews, cost survey requirements, and rate setting methodologies for home and community-based service (HCBS) providers, HCBS service coordinators, personal care service providers and therapy providers.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS,
SUBMISSION OF WRITTEN COMMENTS:**

For assistance on technical questions concerning this negotiated rulemaking, contact Karen Westbrook at (208) 364-1960.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before January 19, 2018.

DATED this 3rd day of November, 2017.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1705

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the 2018 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 56-202(b), 56-264, and 56-1610, Idaho Code.

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

These rules comply with the class action settlement in *K.W. v. Armstrong*, No. 1:12- cv-00022-BLW (D. Idaho), and ensure uniform applicability of the health or welfare exception in Idaho Code. These rules allow all developmental disability waiver participants the option to pursue exception reviews. 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 5, 2017, Idaho Administrative Bulletin, [Vol. 17-7, pages 56-57](#).

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

The Department does not anticipate any fiscal impact either positive or negative for this rule change to any state general funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Karen Westbrook at (208) 364-1960.

DATED this 3rd day of November, 2017.

Tamara Prisock
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1706

NOTICE OF RULEMAKING – ADOPTION OF PENDING AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2018. The pending rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 and is also adopting a temporary rule. The action is authorized pursuant to Sections 56-202(b), 56-264, and 56-1610, Idaho Code; House Bill 43 (2017); and Section 1915(i) of the Social Security Act (42 U.S.C. 1396n).

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

As part of the Jeff D settlement agreement and the adoption of HB 43 (2017) which is directly related to it, the Department has created the Youth Empowerment Services (YES) program for children with Serious Emotional Disturbance (SED). The YES program will provide medical and behavioral health assistance to this target population, including respite care. These rule changes are needed so that the Department can provide these services to YES Program participants in accordance with the Jeff D settlement agreement.

This rulemaking adds new sections of rules to administer services and supports to be delivered under 1915(i) authority as a Medicaid state plan option. This will include the service of respite care. (Section 1915(i) of the Social Security Act gives states the option to offer home and community-based services (HCBS), previously available only through a 1915(c) Home and Community Based Services (HCBS) waiver, through the state's Medicaid state plan.)

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Changes have been made to both the pending and temporary rule that adds children with SED and the YES program under the Home and Community Based Services program. The complete text of the proposed rule was published in the October 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 296-298](#).

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule confers a benefit in the form of new services. These new services are being called Youth Empowerment Services (YES), and several other chapters of rules are implementing changes with the same effective date of January 1, 2018, to meet the intent of the law and the court-ordered settlement agreement.

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

The costs for the Youth Empowerment Services (YES) program were originally estimated in the fiscal note for House Bill 43 (2017) and funding was addressed in House Bill 313 (2017).

A revised version of this fiscal note is presented in the following paragraph.

This rulemaking will have no impact to the State General Fund, but will have a federal fund spending authority impact of \$2,968,400 in the Division of Medicaid for the last 6 months of SFY 2018. The Division of Behavioral Health's Children's Mental Health program reverted \$1,181,600 General Fund for services that do not draw a federal match in SFY 2018 under House Bill 313. The Division of Medicaid will leverage matching federal funds through Federal Medical Assistance Percentage (FMAP) funding. In future years, as additional services are implemented as required by the lawsuit settlement agreement, there is an anticipated annual ongoing cost of \$8,300,000 (\$2,363,200 General Fund/\$5,936,800 federal funds).

In addition to the above fiscal impact, Rule Docket 16-0318-1701 in the 2018 legislative session is bringing forward sliding scale premiums for participants with income levels above 150% of the Federal Poverty Guidelines, as directed under HB 313 in the 2017 legislative session. It is anticipated that revenue generated through premium collections will also contribute to offsetting the fiscal impact of the implementation of these services.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending and temporary rule, contact Clay Lord at (208) 364-1979.

DATED this 3rd day of November, 2017.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
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DOCKET NO. 16-0310-1706 - ADOPTION OF PENDING AND TEMPORARY RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 17-10, October 4, 2017, pages 296 through 298.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

Additionally, this rule has been adopted as a temporary rule and is effective January 1, 2018.

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

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE AND TEMPORARY RULE
FOR DOCKET NO. 16-0310-1706

SUB AREA: HOME AND COMMUNITY BASED SERVICES
(Sections 310 - 317)

310. HOME AND COMMUNITY BASED SERVICES.

Home and Community Based Services (HCBS) are those long-term services and supports that assist eligible participants to remain in their home and community. The federal authorities under 42 CFR 441.301, 42 CFR 441.710, and 42 CFR 441.725 require the state to deliver HCBS in accordance with the rules described in Sections 310 through

318 of these rules. HCBS include the following: (7-1-16)

01. Children’s Developmental Disability Services. Children’s developmental disability services as defined in Sections 663 and 683 of these rules. (7-1-16)

02. Adult Developmental Disability Services. Adult developmental disability services as defined in Sections 645 through 659, 703, and 705 of these rules. (7-1-16)

03. Consumer-Directed Services. Consumer-directed services as defined in IDAPA 16.03.13, “Consumer-Directed Services.” (7-1-16)

04. Aged and Disabled Waiver Services. Aged and disabled waiver services as defined in Section 326 of these rules. (7-1-16)

05. Personal Care Services. Personal care services as defined in Section 303 of these rules. (7-1-16)

06. Services for Children with Serious Emotional Disturbance (SED). Services for children with serious emotional disturbance (SED) who are participants in the Youth Empowerment Services (YES) Program as defined in Section 638 of these rules. (1-1-18)T

(BREAK IN CONTINUITY OF SECTIONS)

634. ~~644.~~ (RESERVED)

YOUTH EMPOWERMENT SERVICES (YES) HOME AND COMMUNITY-BASED SERVICES (HCBS) STATE PLAN OPTION (Sections 635-638)

635. YOUTH EMPOWERMENT SERVICES (YES) HOME AND COMMUNITY-BASED SERVICES (HCBS) STATE PLAN OPTION.

Home and community-based services are provided through the HCBS State Plan option, as allowed in Section 1915(i) of the Social Security Act, for children who are YES program participants. HCBS state plan option services must be delivered in accordance with Sections 635 through 638 of these rules. (1-1-18)T

636. YOUTH EMPOWERMENT SERVICES (YES) HCBS STATE PLAN OPTION: DEFINITIONS.

For the purposes of Sections 635 through 638 of these rules, the following terms are used as defined below. (1-1-18)T

01. Idaho Behavioral Health Plan (IBHP). The Idaho Behavioral Health Plan is defined in IDAPA 16.03.09, “Medicaid Basic Plan Benefits,” Section 011. (1-1-18)T

02. Independent Assessment. A comprehensive clinical diagnostic assessment and a Department-approved assessment tool to identify the child’s needs, strengths, and degree of functional impairment, administered by a Department-designated independent assessor. The assessment process also includes the following activities: (1-1-18)T

a. Evaluation of the child’s current behavioral health, living situation, relationships, and family functioning; (1-1-18)T

b. Contacts, as necessary, with significant individuals such as family and teachers; and (1-1-18)T

c. A review of information regarding the child’s clinical, educational, social, and behavioral health, and juvenile/criminal justice history. (1-1-18)T

03. Person-centered Service Plan. The person-centered service plan identifies the participant's physical and behavioral health services and supports needs. The person-centered service plan must be reviewed and updated by the Department or its designated representative at least every twelve (12) months, upon the participant's request, when new services are needed, or when there is a significant change in the participant's condition. (1-1-18)T

04. Serious Emotional Disturbance (SED). The term "serious emotional disturbance" is defined in Section 16-2403, Idaho Code. (1-1-18)T

05. YES Program Participant. A YES program participant is an Idaho resident under eighteen (18) years of age with a serious emotional disturbance as determined by an independent assessment. (1-1-18)T

637. YOUTH EMPOWERMENT SERVICES (YES) HCBS STATE PLAN OPTION: ELIGIBILITY REDETERMINATION. YES program participant eligibility must be redetermined by an independent assessment every twelve (12) months. The Department may extend participant eligibility to allow for redetermination if the independent assessment is unavoidably delayed. (1-1-18)T

638. YOUTH EMPOWERMENT SERVICES (YES) HCBS STATE PLAN OPTION: COVERAGE AND LIMITATIONS. The following services are covered for YES participants: (1-1-18)T

01. Respite Care. Respite care provides supervision to the participant on an intermittent or short-term basis because of the need for relief of the primary unpaid caregiver of a YES program participant. Respite care is available in response to a family emergency or crisis, or may be used on a regular basis to provide relief to the caregiver. Payment and administration of respite care services will be done through the IBHP and will be established by the Department in the IBHP contract. (1-1-18)T

02. Person-Centered Planning. A person-centered planning team, comprised of the participant, family members, and other support persons significant to the participant, will direct the development of the person-centered service plan through a process approved by the Department. The process will include support necessary to enable the participant and his family to make informed choices and decisions concerning the person-centered service plan. (1-1-18)T

639. -- 644. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1707

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 56-202, 56-203, 56-250 through 56-257, and 56-260 through 56-266, Idaho Code.

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

Under a court-approved settlement agreement, the Department will use a new assessment tool to replace the SIB-R assessment tool. The Department uses assessment tools to determine developmental disability eligibility, waiver eligibility, skill level, and the participant's budget for services. Reference to the SIB-R assessment tool is being removed from this chapter.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 299-309](#).

FISCAL IMPACT: The following is a specific 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 to implement and use a new assessment tool is a total of \$909,375. These costs are funded by 71.26% (\$648,020) federal funds and 28.74% (\$261,355) state general funds. The costs to the state are included in the SFY 2018 budget previously approved by the 2017 Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Karen Westbrook at (208) 364-1960.

DATED this 3rd day of November, 2017.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
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Phone: (208) 334-5500 / Fax: (208) 334-6558
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.18 – MEDICAID COST-SHARING

DOCKET NO. 16-0318-1701

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 2018 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 56-202(b), 56-253, and 56-257, Idaho Code; and House Bill 43 (2017).

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 rule changes will enable the Department to charge a monthly premium to YES participants whose family income is above Title XIX income limits. The Department is charging a premium to comply with the cost-sharing provisions in Section 56-257, Idaho Code, as well as to uphold parity among similar programs targeting populations of Idaho children with special health care needs.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 310-312](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. The fee is being imposed pursuant to Section 56-257, Idaho Code.

The Department will establish a premium fee schedule at rates not to exceed maximums set forth in federal law (i.e., the aggregate limit of five percent (5%) of the family's income at 42 CFR 447.56) and regulations governing state Medicaid programs. The fee schedule will be published on the Department's website and provided to families participating in the Youth Empowerment Services (YES) program who are subject to premiums. This monthly premium may be waived if the Department determines that the family is unable to participate in the cost of care.

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

The costs for the Youth Empowerment Services (YES) program were originally estimated in the fiscal note for House Bill 43 (2017) and funding addressed in House Bill 313 the same year, which provided legislative direction to pursue premiums for families of children with serious emotional disturbance. This cost-sharing rule establishes a sliding scale premium for eligible YES participants over 150% of the Federal Poverty Guidelines. Based on similar premium cost sharing methodologies, it is estimated that these premiums will generate approximately \$57,000 in receipts in SFY 2019, \$86,000 in SFY 2020, and \$115,000 in SFY 2021. These premiums will contribute to offsetting future costs of the YES program as services are implemented over time.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Clay Lord at (208) 364-1979.

DATED this 3rd day of November, 2017.

Tamara Prisock
DHW – Administrative Rules Unit
Phone: (208) 334-5500 / Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.05.07 – THE INVESTIGATION AND ENFORCEMENT OF FRAUD, ABUSE, AND MISCONDUCT

DOCKET NO. 16-0507-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the 2018 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 56-202(b), 56-203(1) & (2), 56-209h, 56-227, 56-227A through D, 56-1001, and 56-1003, Idaho Code, as well as 42 CFR 1002.214 and 1002.215.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 amendments to these rules align ownership or control interest with percentages and definitions with other existing state rules and federal definitions. Payment suspensions under federal regulations can be suspended without first notifying a Medicaid provider of the intention to do so under certain circumstances and these rules are amended to allow the Department to do so.

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 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 313-316](#).

FISCAL IMPACT: The following is a specific 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 state general funds or any other funds except the costs of the rule promulgation, which includes printing and publication. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lori Stiles at (208) 334-0653.

DATED this 3rd day of November, 2017.

Tamara Prisock
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.06.12 – RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)
DOCKET NO. 16-0612-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the 2018 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 Section 56-202, Idaho Code, and CFR 45 Part 98.42.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 and align with the Reauthorization of Child Care and Development Block Grant federal regulations. The Department implemented new health and safety requirements for child care providers around safe sleep for infants, streamlining and clarifying the processes for determining eligibility, and updated terms and references needed to meet federal and state 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 October 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 317-328](#).

FISCAL IMPACT: The following is a specific 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 state general funds or to the federally-funded block grant for these proposed rule changes. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ericka Rupp at (208) 334-5641.

DATED this 3rd day of November, 2017.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.30 – BEHAVIORAL HEALTH COMMUNITY CRISIS CENTERS

DOCKET NO. 16-0730-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 Title 39, Chapter 31, Idaho Code, and Sections 39-3133, 39-3140, 56-1003, 56-1004A, 56-1007, and 56-1009, Idaho Code.

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

These rules clarify that the Behavioral Health waiver process is for individuals seeking to provide services as a peer, but whose Department Criminal History Check was denied. The waiver process in this chapter is being removed to reference the Behavioral Health Waiver described in IDAPA 16.07.15, “Behavioral Health Programs.” 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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 194-197](#).

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:

There is no anticipated fiscal impact to the State General Fund or any other funds for this rule change. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 334-6611.

DATED this 3rd day of November, 2017.

Tamara Prisock
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.33 – ADULT MENTAL HEALTH SERVICES

DOCKET NO. 16-0733-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 39-3133, and 56-1003, 56-1004A, 56-1007, and 56-1009, Idaho Code.

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

This rulemaking clarifies that the Behavioral Health waiver process is for individuals seeking to provide services as a peer, but whose Department Criminal History Check was denied. The waiver process in this chapter is being removed to reference the Behavioral Health Waiver described in IDAPA 16.07.15, "Behavioral Health Programs." 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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 198-201](#).

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

There is no anticipated fiscal impact to the State General Fund or any other funds for this rule change. This rulemaking is intended to be cost-neutral.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Treena Clark at (208) 334-6611.

DATED this 3rd day of November, 2017.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.37 – CHILDREN'S MENTAL HEALTH SERVICES

DOCKET NO. 16-0737-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE AND TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2018. The pending rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending and is also adopting this rule as a temporary rule. The action is authorized pursuant to Sections 16-2404, 16-2406, 16-2423, 16-2433, 56-202(b), 56-203B, 56-204A, 56-1003, 56-1004, 56-1004A, Idaho Code.

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

These pending and temporary rules remove tables that provide reimbursement amounts for foster care, and add references to IDAPA 16.06.01, "Child and Family Services," that provide payments to alternate care providers. Also, changes were made for class members covered by a court-ordered settlement agreement for grievances and expedited hearings.

In accordance with Section 67-5226, Idaho Code, the full text of the temporary rule is being published in this Bulletin following this notice. There are no changes to the pending rule and it is being adopted as originally proposed. The original text of the proposed rule was published in the (October 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 329-331](#)).

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

Changes to these rules confer a benefit to the individuals who are covered under the Jeff D Settlement agreement that needs to be in place January 1, 2018.

FISCAL IMPACT: The following is a specific 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 these rule changes are meant to be cost-neutral. Items being removed or amended in this chapter are covered under other rules and have no fiscal impact to state general funds.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule or temporary rule, contact Treena Clark at (208) 334-6611.

DATED this 3rd day of November, 2017.

Tamara Prisock
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DOCKET NO. 16-0737-1701 - ADOPTION OF PENDING AND TEMPORARY RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 17-10, October 1, 2017, pages 329 through 331.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2018 Idaho State Legislature.

Additionally, this rule has been adopted as a temporary rule and is effective January 1, 2018.

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

003. ADMINISTRATIVE APPEALS.

01. **Appeal from a Denial Based on Eligibility Criteria.** Administrative appeals from a denial of children's mental health services based on the eligibility criteria under Section 107 of these rules are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (7-1-17)

02. **Grievances and Expedited Hearings.** Grievances and expedited hearings related to non-Medicaid Youth Empowerment Services (YES) will be provided as described in IDAPA 16.05.03 "Rules Governing Contested Case Proceeding and Declaratory Ruling." Sections 750 and 751. (1-1-18)T

023. **Appeal of Decision Based on Clinical Judgment.** All decisions involving clinical judgment, which may include the category of services, the particular provider of services, or the duration of services, are reserved to the Department, and are not subject to appeal, administratively or otherwise, in accordance with Maresh v. State, 132 Idaho 221, 970 P.2d 14 (Idaho 1999). (5-8-09)

(BREAK IN CONTINUITY OF SECTIONS)

283. PAYMENT TO FAMILY ALTERNATE CARE PROVIDERS.

Monthly payments for care provided by family alternate care providers: are paid according to IDAPA 16.06.01, "Child and Family Services."

<i>Family Alternate Care Payments—Table 283</i>			
<i>Ages</i>	<i>0-5</i>	<i>6-12</i>	<i>13-18</i>
<i>Monthly Room and Board</i>	<i>\$329</i>	<i>\$366</i>	<i>\$487</i>

(7-1-17)(1-1-18)T

01. **Gifts.** ~~An additional thirty dollars (\$30)~~ payments for Christmas gifts and ~~twenty dollars (\$20)~~ for birthday gifts will be paid in the appropriate months. (5-8-09)(1-1-18)T

02. **Clothing.** Costs for clothing will be paid, based upon the Department's determination of each

child's needs. All clothing purchased for a child in alternate care becomes the property of the child. (5-8-09)

03. School Fees. School fees due upon enrollment will be paid directly to the school or to the foster parents, based upon the Department's determination of the child's needs. (5-8-09)

284. ADDITIONAL PAYMENTS TO FAMILY ALTERNATE CARE PROVIDERS.

For those children who, as determined by the Department, require additional care above room, board, shelter, daily supervision, school supplies, and personal incidentals, the Department may pay the family alternate care provider an additional amount to that paid ~~under Section 283 of these rules.~~ according to IDAPA 16.06.01, "Child and Family Services." The family alternate care rate is based upon a continuous ongoing assessment of the child's circumstances which necessitate special rates as well as the care provider's ability, activities, and involvement in addressing those special needs. *Additional payment will be made as follows:*

<i>Additional Family Alternate Care Payments – Table 284</i>		
<i>Lowest Level of Need</i>	<i>Moderate Level of Need</i>	<i>Highest Level of Need</i>
<i>\$90 per month</i>	<i>\$150 per month</i>	<i>\$240 per month</i>

~~(7-1-17)~~(1-1-18)T

01. Lowest Level of Need. ~~Ninety dollars (\$90) per month for a~~ Δ child requiring a mild degree of care for documented conditions ~~including~~ receives the lowest level of additional payments for the following:

~~(5-8-09)~~(1-1-18)T

- a. Chronic medical problems; (5-8-09)
- b. Frequent, time-consuming transportation needs; (5-8-09)
- c. Behaviors requiring extra supervision and control; and (5-8-09)
- d. Need for preparation for independent living. (5-8-09)

02. Moderate Level of Need. ~~One hundred fifty dollars (\$150) per month for a~~ Δ child requiring a moderate degree of care for documented conditions ~~including~~ receives the moderate level of additional payments for the following:

~~(5-8-09)~~(1-1-18)T

- a. Ongoing major medical problems; (5-8-09)
- b. Behaviors that require immediate action or control; and (5-8-09)
- c. Alcohol or other substance use disorder. (5-8-09)

03. Highest Level of Need. ~~Two hundred forty dollars (\$240) per month for a~~ Δ child requiring an extraordinary degree of care for documented conditions ~~including~~ receives the highest level of additional payments for the following:

~~(5-8-09)~~(1-1-18)T

- a. Serious emotional or behavioral disorder that requires continuous supervision; (5-8-09)
- b. Severe developmental disability; and (5-8-09)
- c. Severe physical disability such as quadriplegia. (5-8-09)

04. Reportable Income. Additional payments for more than ten (10) qualified children received during any calendar year must be reported as income to the Internal Revenue Service. (5-8-09)

IDAPA 22 – BOARD OF MEDICINE
22.01.13 – RULES FOR THE LICENSURE OF DIETITIANS
DOCKET NO. 22-0113-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized Pursuant to Section 54-3505(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any 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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 335-341](#).

FISCAL IMPACT: The following is a specific 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 Anne K. Lawler, Executive Director, at (208) 327-7000.

DATED this 2nd day of November, 2017.

Anne K. Lawler, JD, RN
Executive Director
Idaho State Board of Medicine
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Fax: (208) 327-7005
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IDAPA 27 – BOARD OF PHARMACY
27.01.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY
DOCKET NO. 27-0101-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 4, 2018 Idaho Administrative Bulletin, [Vol. 17-10, pages 392 through 393](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alex Adams at (208) 334-2356.

DATED this 27th day of October, 2017.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
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IDAPA 27 – BOARD OF PHARMACY

27.01.01 – GENERAL PROVISIONS

DOCKET NO. 27-0101-1702 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 rules are generally adopted as originally proposed. Section 023 was updated to reflect that the unprofessional conduct rule applies to any Board licensee or registrant.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 394 through 404](#).

FISCAL IMPACT: The following is a specific 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 at (208) 334-2356.

DATED this 27th day of October, 2017.

Alex J. Adams, Pharm D, MPH
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Board of Pharmacy
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DOCKET NO. 27-0101-1702 - ADOPTION OF PENDING RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 17-10, October 4, 2017, pages 394 through 404.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 27-0101-1702**

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

[Section 023 introduction]

023. UNPROFESSIONAL CONDUCT.

The following acts or practices by *any licensee* or *registrant* are declared to be specifically, but not by way of
limitation, unprofessional conduct and conduct contrary to the public interest. ()

IDAPA 27 – BOARD OF PHARMACY

27.01.02 – RULES GOVERNING LICENSURE AND REGISTRATION

DOCKET NO. 27-0102-1701 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 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 on July 1, 2018.

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 54-1717, 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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 405 through 417](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1720, Idaho Code.

The following categories of licensure or registration are proposed to be eliminated:

Category	Current Fee(s)	Proposed Fee	Note
Nursing Home	\$35	\$0	Category proposed to be eliminated.
Non-Pharmacy Retail Outlet	\$35	\$0	Category proposed to be eliminated.
Veterinary Drug Technician	\$35	\$0	Category proposed to be eliminated.
Inactive Pharmacist License	\$50	\$0	Category proposed to be eliminated.

Currently, to practice pharmacy in Idaho, a pharmacist must obtain a license or registration (fees vary) and separately a controlled substance registration (\$60). Idaho is among a minority of states that requires these separate licenses and registrations. The Board proposes to eliminate the separate controlled substance registration, and adjust the fees for pharmacists as follows:

Category	Current Fee(s)	Proposed Fee	Note
Pharmacist Controlled Substances Registration	\$60	\$0	Category proposed to be eliminated and bundled with the separate pharmacist license or registration, as described in the following columns.

Category	Current Fee(s)	Proposed Fee	Note
Pharmacist License by Examination (Initial)	\$100	\$140	The fee would be adjusted to account for consolidation of the pharmacist controlled substances registration. Pharmacists who currently hold both a pharmacist license and controlled substance registration save \$20 annually by consolidating the two. Otherwise there is a net \$40 increase. As of April 2017, there were only 80 pharmacists in Idaho (3% of total pharmacist licensees) who held a pharmacist license but not a controlled substance registration. These pharmacists are generally in non-practice settings. In addition, 780 out-of-state pharmacists did not hold a controlled substance registration.
Pharmacist License (Renewal)	\$90	\$130	
Pharmacist License by Reciprocity (Initial)	\$250	\$140	The National Association of Boards of Pharmacy license transfer process has streamlined the staff work burden for license reciprocity applications; the proposed fee would now create parity with the fee for pharmacist licensure by exam.

In addition, the Board intends to increase the fee for its nonresident pharmacist registration category from \$250 to \$290, which also accounts for the consolidation of the pharmacist controlled substance registration. Currently, Section 54-1720, Idaho Code, caps the fee for pharmacists at \$250, which prevents the Board from making this change as part of this rule docket. The Board intends to bring agency legislation to address this cap; if this agency legislation successfully passes, the Board intends to make this change via temporary rule after the conclusion of the 2018 legislative session and prior to the effective date of these rules (July 1, 2018).

Currently, to distribute medications in Idaho, a distributor must obtain a license or registration (fees vary) and separately a controlled substance registration (\$100) if they are distributing controlled substances. Idaho is among a minority of states that requires these separate licenses and registrations. The Board proposes to eliminate the separate controlled substance registration, and adjust the fees for distributors as follows:

Category	Current Fee(s)	Proposed Fee	Note
Distributor Controlled Substances Registration	\$100	\$0	Category proposed to be eliminated and bundled with the separate distributor/manufacturer license or registration.
Manufacturer	\$100	\$150	Distributors who currently hold both a distributor registration and controlled substance registration save \$50 annually by consolidating the two. Otherwise there is a net \$50 increase.
Wholesale Distributor	\$130	\$180	
Wholesale OTC	\$100	\$150	

Lastly, the Board proposes to modify the following fees for various reasons described in the table:

Category	Current Fee(s)	Proposed Fee	Note
Technician-in-Training	\$35/year	\$35/two years	Technicians-in-training will save \$35 if their training period exceeds the first year.

Category	Current Fee(s)	Proposed Fee	Note
Prescriber Drug Outlet	\$35	\$100	When the Board initially established the fee, it proved insufficient to cover the costs associated with licensing and inspections. The fee for all other drug outlets is \$100, so this creates parity and accounts for the Board's actual expenses.

FISCAL IMPACT: The following is a specific 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 changes have no impact on the state General Fund. The net revenue change to the Board of Pharmacy's dedicated fund is projected to be a net decrease of \$18,503 on renewals as proposed in the current rules. If the Board's agency legislation also passes, enabling an increase in the nonresident pharmacist registration fee, the net impact on the Board's dedicated fund is projected to be an increase of \$4,338 on renewals.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Alex Adams at (208) 334-2356.

DATED this 27th day of October, 2017.

Alex J. 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
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IDAPA 27 – BOARD OF PHARMACY
27.01.03 – RULES GOVERNING PHARMACY PRACTICE
DOCKET NO. 27-0103-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 rules are generally adopted as originally proposed. Subsection 400.05 was updated to clarify that central records storage is acceptable for all pharmacy records if the pharmacy does so in compliance with federal law.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 418 through 434](#).

FISCAL IMPACT: The following is a specific 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 at (208) 334-2356.

DATED this 27th day of October, 2017.

Alex J. Adams, Pharm D, MPH
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1199 W. Shoreline Ln., Ste. 303
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DOCKET NO. 27-0103-1701 - ADOPTION OF PENDING RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 17-10, October 4, 2017, pages 418 through 434.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 27-0103-1701**

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

400. RECORDKEEPING: MAINTENANCE AND INVENTORY REQUIREMENTS.

[Subsection 400.05]

05. Central Records Storage. Records may be retained at a central location *in compliance with* federal
law. ()

IDAPA 27 – BOARD OF PHARMACY

27.01.04 – RULES GOVERNING PHARMACIST PRESCRIPTIVE AUTHORITY

DOCKET NO. 27-0104-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 rules were strengthened to ensure appropriate safeguards are in place. Specifically, the Board added provisions to narrow the prescribing under Sections 021, 027, 028, and Subsection 024.01, of these rules. In addition, Subsection 020.03.e., of these rules, was added to indicate the Board intends to make template protocols available for certain drugs and drug categories.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 435 through 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Alex Adams at (208) 334-2356.

DATED this 27th day of October, 2017.

Alex J. Adams, Pharm D, MPH
Executive Director
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DOCKET NO. 27-0104-1701 - ADOPTION OF PENDING RULE

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

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 17-10, October 4, 2017, pages 435 through 440.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2018 Idaho State Legislature.

**THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 27-0104-1701**

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

020. PHARMACIST PRESCRIBING: GENERAL REQUIREMENTS.

In addition to all nonprescription drugs and devices and the statutorily authorized drug products and categories set forth in Section 54-1704, Idaho Code, a pharmacist acting in good faith and exercising reasonable care may independently prescribe drugs, drug categories and devices as set forth in this chapter provided the following general requirements are met: ()

[Subsection 020.03]

03. Patient Assessment. The pharmacist must obtain adequate information about the patient's health status to make appropriate decisions based on *the applicable standard of care.* ()

[Subsection 020.03.e.]

e. Any patient assessment protocol for a drug or drug category that is made available by the Board satisfies Paragraphs a. through c. of this subsection. ()

[Section 021 – entire section reprinted]

021. PHARMACIST PRESCRIBING FOR MINOR CONDITIONS.

A pharmacist may prescribe any drug approved by the FDA that is indicated for the following conditions: ()

- 01. Lice;** ()
- 02. Cold Sores;** ()
- 03. Motion Sickness *Prevention; and*** ()
- 04. Uncomplicated Urinary Tract Infections.** ()

022. PHARMACIST PRESCRIBING OF DEVICES.

A pharmacist may prescribe any of the following devices approved by the FDA: ()

[Subsection 022.04]

04. Pen Needles; and ()

(BREAK IN CONTINUITY OF SECTIONS)

024. PHARMACIST PRESCRIBING FOR CLINICAL GAPS IN CARE.

A pharmacist may prescribe any drug approved by the FDA for the purposes of closing a gap in clinical guidelines as follows: ()

[Subsection 024.01]

01. Statins. Statins, for patients *who have a current prescription for a drug for* diabetes; and ()

(BREAK IN CONTINUITY OF SECTIONS)

[Section 027 – introduction]

027. PHARMACIST PRESCRIBING IN EMERGENCY SITUATIONS.

If *in an emergency, after contacting emergency medical services*, a situation exists that, in the professional judgment of the pharmacist, threatens the health or safety of the patient, a pharmacist may prescribe the following FDA approved drugs in the minimum quantity necessary until the patient is able to be seen by another provider. ()

[Section 028 – introduction]

028. PHARMACIST PRESCRIBING FOR LYME DISEASE PROPHYLAXIS.

After a recognized tick bite, a pharmacist may prescribe antimicrobial prophylaxis, for the prevention of Lyme disease in accordance with *current CDC* guidelines. ()

IDAPA 27 – BOARD OF PHARMACY
27.01.05 – RULES GOVERNING DRUG COMPOUNDING
DOCKET NO. 27-0105-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 441 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alex Adams at (208) 334-2356.

DATED this 27th day of October, 2017.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
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IDAPA 27 – BOARD OF PHARMACY

27.01.06 – RULES GOVERNING DME, MANUFACTURING, AND DISTRIBUTION

DOCKET NO. 27-0106-1701 (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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2018, 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 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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 450 through 457](#).

FISCAL IMPACT: The following is a specific 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 at (208) 334-2356.

DATED this 27th day of October, 2017.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
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IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION

31.11.01 – SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-1701

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 2018 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-515, Idaho Code.

DESCRIPTIVE SUMMARY: The Commission did not receive any written comments. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 458 through 459](#).

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 Brandon Karpen, Deputy Attorney General, at (208) 334-0357.

DATED this 3rd day of November 2017.

Diane M. Hanian
Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID 83720-0074
Phone: (208) 334-0338
Fax: (208) 334-3762

Street address for express delivery:

472 W. Washington Street
Boise, ID 83702-5918

IDAPA 35 – STATE TAX COMMISSION

35.01.01 – INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Rules 075, 263, and 771, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7, pages 75 through 81](#).

FISCAL IMPACT: The following is a specific 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.

DATED this 22nd day of November, 2017.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7670

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Rule 067, and it is being adopted as originally proposed. The complete text of the proposed rulemaking was published in the August 2, 2017 Idaho Administrative Bulletin, [Vol. 17-8, pages 116 through 118](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Leah Parsons (208) 334-7531 or e-mail leah.parsons@tax.idaho.gov.

DATED this 22nd day of November, 2017.

Leah Parsons
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) 334-7690

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1703

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Rules 028 and 103, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the September 9, 2017 Idaho Administrative Bulletin, [Vol. 17-9, pages 273 through 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Leah Parsons (208) 334-7531 or e-mail leah.parsons@tax.idaho.gov.

DATED this 22nd day of November, 2017.

Leah Parsons
Tax Policy Specialist
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
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IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2018 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, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to Rules 509, 609, 619, 700, 804, and 995, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 460 through 477](#).

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

DATED this 22nd day of November, 2017.

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 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1706

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2018 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 become final and effective upon adoption of the concurrent resolution or upon the 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 Rules 610 and 709, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 492 through 496](#).

FISCAL IMPACT: The following is a specific 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.

DATED this 22nd day of November, 2017.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
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(208) 334-7742

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1707

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2018 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 become final and effective upon adoption of the concurrent resolution or upon the 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 Rule 020, and it is being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, **Vol. 17-10, pages 497 through 499.**

FISCAL IMPACT: The following is a specific 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 Alan Dornfest (208) 334-7742 or e-mail alan.dornfest@tax.idaho.gov.

DATED this 22nd day of November, 2017.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
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(208) 334-7742

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1709

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2018 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 become final and effective upon adoption of the concurrent resolution or upon the 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 Rules 006 and 406, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, **Vol. 17-10, pages 500 through 502.**

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

DATED this 22nd day of November, 2017.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
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(208) 334-7742

IDAPA 35 – STATE TAX COMMISSION
35.01.05 – IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0105-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: The rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Rules 270, 290, 292 and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 503 through 512](#).

FISCAL IMPACT: The following is a specific 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 22nd day of November, 2017.

Don W. Williams
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone (208) 334-7855
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Don.williams@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.05 – IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0105-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: The rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Rule 420, and it is being adopted as originally proposed. The complete text of the proposed rulemaking was published in the September 6, 2017 Idaho Administrative Bulletin, [Vol. 17-9, pages 276 through 279](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Don W. Williams at (208) 334-7855.

DATED this 22nd day of November, 2017.

Don W. Williams
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone (208) 334-7855
Fax (208) 334-7690
Don.williams@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.06 – HOTEL/MOTEL ROOM AND CAMPGROUND SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0106-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Rules 001, 018, and 019, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the September 6, 2017 Idaho Administrative Bulletin, [Vol. 17-9, pages 280 through 282](#).

FISCAL IMPACT: The following is a specific 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 Leah Parsons (208) 334-7531 or e-mail leah.parsons@tax.idaho.gov.

DATED this 22nd day of November, 2017.

Leah Parsons
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) 334-7690

IDAPA 35 – STATE TAX COMMISSION

35.01.06 – HOTEL/MOTEL ROOM AND CAMPGROUND SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0106-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Rule 006, and it is being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, **Vol. 17-10, pages 513 through 514.**

FISCAL IMPACT: The following is a specific 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 Leah Parsons (208) 334-7531 or e-mail leah.parsons@tax.idaho.gov.

DATED this 22nd day of November, 2017.

Leah Parsons
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) 334-7690

IDAPA 35 – STATE TAX COMMISSION

35.01.09 – IDAHO COUNTY OPTION KITCHEN AND TABLE WINE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0109-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: The rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 23-1323, and 23-1322A, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to Rules 003, 006, and 017, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7, pages 96 through 97](#).

FISCAL IMPACT: The following is a specific 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 22nd day of November, 2017.

Don W. Williams
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone (208) 334-7855
Fax (208) 334-7690
Don.williams@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.09 – IDAHO COUNTY OPTION KITCHEN AND TABLE WINE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0109-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: The rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 23-1323, and 23-1322A, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to Rules 011 and 015, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 515 through 517](#).

FISCAL IMPACT: The following is a specific 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 22nd day of November, 2017.

Don W. Williams
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone (208) 334-7855
Fax (208) 334-7690
Don.williams@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.10 – IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0110-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: The rule has been adopted by the agency and is now pending review by the 2018 Idaho 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, 63-3039, 63-2516, and 63-2563, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to Rule 006, and it is being adopted as originally proposed. The complete text of the proposed rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7, pages 98 through 99](#).

FISCAL IMPACT: The following is a specific 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 22nd day of November, 2017.

Don W. Williams
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone (208) 334-7855
Fax (208) 334-7690
Don.williams@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.12 – IDAHO BEER TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0112-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: The rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 23-1051, and 23-1050A, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to Rules 003, 006, and 014, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the July 5, 2017 Idaho Administrative Bulletin, [Vol. 17-7, pages 100 through 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 Don W. Williams at (208) 334-7855.

DATED this 22nd day of November, 2017.

Don W. Williams
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone (208) 334-7855
Fax (208) 334-7690
Don.williams@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.12 – IDAHO BEER TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0112-1702

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: The rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 23-1051, and 23-1050A, Idaho Code.

DESCRIPTIVE SUMMARY: There are no changes to Rules 011 and 016, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 518 through 520](#).

FISCAL IMPACT: The following is a specific 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 22nd day of November, 2017.

Don W. Williams
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone (208) 334-7855
Fax (208) 334-7690
Don.williams@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.02.01 – TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Rules 326, 327, and 328, and they are being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 521 through 523](#).

FISCAL IMPACT: The following is a specific 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.

DATED this 22nd day of November, 2017.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7670

IDAPA 35 – STATE TAX COMMISSION

35.02.01 – TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-1703

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Rule 310 and it is being adopted as originally proposed. The complete text of the proposed rulemaking was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 524 through 526](#).

FISCAL IMPACT: The following is a specific 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.

DATED this 22nd day of November, 2017.

Cynthia Adrian
Tax Policy Specialist
Idaho State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7670

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

**39.02.02 – RULES GOVERNING VEHICLE AND VESSEL DEALER
LICENSE REQUIREMENTS – MOTOR VEHICLES**

DOCKET NO. 39-0202-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 40-312 and 49-201, 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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 283-284](#).

FISCAL IMPACT: The following is a specific 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 impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brian Goeke, Dealer Licensing/Investigations Program Supervisor, at (208) 334-8684.

DATED this 2nd day of November, 2017.

Ramón S. Hobdey-Sánchez
Governmental Affairs Program Specialist
Idaho Transportation Department
3311 West State Street
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.71 – RULES GOVERNING DRIVER'S LICENSE VIOLATION POINT SYSTEM

DOCKET NO. 39-0271-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 40-312 and 49-201, 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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 285-288](#).

FISCAL IMPACT: The following is a specific 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 impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact David Metcalf, Driver License Program Supervisor, at (208) 334-8709.

DATED this 2nd day of November, 2017.

Ramón S. Hobdey-Sánchez
Governmental Affairs Program Specialist
Idaho Transportation Department
3311 West State Street
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.10 – RULES GOVERNING WHEN AN OVERLEGAL PERMIT IS REQUIRED

DOCKET NO. 39-0310-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 40-312 and 49-201, 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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 289-290](#).

FISCAL IMPACT: The following is a specific 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 impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lance Green, Technical Records Specialist, at (208) 334-8427.

DATED this 2nd day of November, 2017.

Ramón S. Hobdey-Sánchez
Governmental Affairs Program Specialist
Idaho Transportation Department
3311 West State Street
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.16 – RULES GOVERNING OVERSIZE PERMITS FOR NON-REDUCIBLE VEHICLES AND/OR LOADS

DOCKET NO. 39-0316-1701

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 40-312 and 49-201, 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 6, 2017, Idaho Administrative Bulletin, [Vol. 17-9, pages 291-292](#).

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

There is no impact to the state general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lance Green, Technical Records Specialist, at (208) 334-8427.

DATED this 2nd day of November 2017.

Ramón S. Hobdey-Sánchez
Governmental Affairs Program Specialist
Idaho Transportation Department
3311 West State Street
P.O. Box 7129
Boise, ID 83707-1129
Phone: (208) 334-8810
ramon.hobdey-sanchez@itd.idaho.gov

IDAPA 42 – IDAHO WHEAT COMMISSION
42.01.01 – RULES OF THE IDAHO WHEAT COMMISSION
DOCKET NO. 42-0101-1701
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2018 Idaho 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 Section 22-3309, 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:

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 527 through 528](#).

FISCAL IMPACT: The following is a specific 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 Blaine Jacobson, Executive Director, at (208) 334-2353 or at blaine@idahowheat.org.

DATED this 3rd day of November, 2017.

Blaine Jacobson, Executive Director
Idaho Wheat Commission
821 West State Street
P. O. Box 82720
Boise, ID 83720-0099
Phone: (208) 334-2353
Fax: (208) 334-2505

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

MIDDLE SALMON-CHAMBERLAIN CREEK SUBBASIN AND CROOKED CREEK TOTAL MAXIMUM DAILY LOAD (TMDL): 2017 TEMPERATURE TMDL AND FIVE-YEAR REVIEW (HUC ID 17060207)

DOCKET NO. 58-0000-1703

NOTICE OF FINAL DECISION

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Middle Salmon River-Chamberlain Creek Subbasin and Crooked Creek Total Maximum Daily Load (TMDL): 2017 Temperature TMDL and Five-year Review.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Middle Salmon River-Chamberlain Creek Subbasin and Crooked Creek TMDL: 2017 Temperature TMDL and Five-year Review. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, “Rules of Administrative Procedure Before the Board of Environmental Quality.” The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Middle Salmon River-Chamberlain Creek Subbasin and Crooked Creek TMDL: 2017 Temperature TMDL and Five-year Review (Hydrologic Unit Code 17060207) establishes three (3) temperature TMDLs on water quality impaired stream reaches (assessment units). DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copies of the TMDL can be obtained at <http://www.deq.idaho.gov/media/60180396/salmon-chamberlain-sba-crooked-creek-tmdl-temperature-and-five-year-review-2017.pdf> or by contacting Mark Shumar, TMDL Program Coordinator, (208) 373-0132, mark.shumar@deq.idaho.gov.

DATED this 6th day of December, 2017.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706-1255
Phone: (208) 373-0418 / Fax: (208)373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

**PALOUSE RIVER SUBBASIN: 2017 TEMPERATURE TOTAL MAXIMUM DAILY LOAD (TMDL)
(HUC ID 17060108)**

DOCKET NO. 58-0000-1704

NOTICE OF FINAL DECISION

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Palouse River Subbasin: 2017 Temperature TMDL.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Palouse River Subbasin: 2017 Temperature TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, “Rules of Administrative Procedure Before the Board of Environmental Quality.” The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Palouse River Subbasin: 2017 Temperature TMDL (Hydrologic Unit Code 17060108) establishes twenty-one (21) temperature TMDLs on water quality impaired stream reaches (assessment units). DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copies of the TMDL can be obtained at <http://www.deq.idaho.gov/media/60180158/palouse-river-subbasin-temperature-tmdl-2017.pdf> or by contacting Mark Shumar, TMDL Program Coordinator, (208) 373-0132, mark.shumar@deq.idaho.gov.

DATED this 6th day of December, 2017.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706-1255
Phone: (208) 373-0418 / Fax: (208)373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 – WATER QUALITY STANDARDS

DOCKET NO. 58-0102-1703

NOTICE OF INTENT TO PROMULGATE A RULE - NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: The negotiated rulemaking meetings will be held as follows. Additional meetings will be scheduled if necessary.

ORIGINATING LOCATION – LIVE MEETING DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho Tuesday, December 19th, 2017 - 9:00 am to 12:30 pm (MST)	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, Idaho	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, Idaho
TELEPHONE AND WEB CONFERENCE INFORMATION	

Contact the undersigned by *December 12, 2017* to make arrangements for participation by telephone and web conferencing

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0102-1703 or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208) 373-0418.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to designate domestic water supply as a beneficial use in twelve water bodies where the Safe Drinking Water Information System indicates an active surface water intake and where domestic water supply is not currently designated.

In Sections 110 through 140, Domestic Water Supply (DWS) designations will be added to the “Other” column for twelve water body units where DWS is an existing use. Subsection 100.03.a. will be revised to clarify that the domestic water supply use is intended to protect water quality appropriate for drinking water supplies after treatment.

In addition, Section 252.01 will be revised by deleting Subsections 252.01.a and b. Subsection 252.01.a. is unnecessary as it is redundant with the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08, (Drinking Water Rules). Protection of surface waters from radioactivity is achieved with the narrative criteria in the Water Quality Standards, IDAPA 58.01.02.200.04. Subsection 252.01.b. will be deleted because all public drinking water systems, regardless of size, are required to meet turbidity standards as part of the Drinking Water Rules. It is not necessary to include the surface water standard for turbidity in the Water Quality Standards.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Idahoans that recreate in Idaho's surface waters, drink from public drinking water systems that use Idaho's surface waters, or fish Idaho's surface waters; and all who discharge pollutants to those same waters may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the spring of 2018 and then present the final proposal to the Idaho Board of Environmental Quality (Board) in the fall of 2018 for adoption of a pending rule. If adopted by the Board, the rule will be reviewed by the 2019 Idaho Legislature.

EFFECTIVE FOR CLEAN WATER ACT PURPOSES: Water quality standards adopted and submitted to EPA since May 30, 2000, are not effective for federal Clean Water Act (CWA) purposes until EPA approves them (see **40 CFR 131.21**). This is known as the Alaska Rule. This rulemaking will be promulgated so that the existing rule, which continues to be effective for CWA purposes, remains in the Idaho Administrative Code until EPA approves the rule revisions. Notations explaining the effectiveness of the rule sections are also included. Upon EPA approval, the revised rule will become effective for CWA purposes and the previous rule and notations will be deleted from the Idaho Administrative Code. Information regarding the status of EPA review will be posted at <http://www.deq.idaho.gov/epa-actions-on-proposed-standards>.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Jason Pappani at jason.pappani@deq.idaho.gov, (208) 373-0515.

For those who cannot participate by attending the scheduled meeting, written comments may be submitted by mail, fax or email at the address below. Written comments on the preliminary draft rule must be received by December 29, 2017. For information regarding submission of written comments on subsequent drafts of the negotiated rule, to receive copies of submitted written comments, and to receive the most recent version of the draft negotiated rule, contact the undersigned.

DATED this 6th day of December, 2017.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton, Boise, ID 83706-1255
Phone: (208) 373-0418 / Fax: (208) 373-0481
paula.wilson@deq.idaho.gov

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LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

*THERE ARE NO PROPOSED RULES PUBLISHED
IN THE DECEMBER, 2017 IDAHO ADMINISTRATIVE BULLETIN, VOL. 17-12.*

Please refer to the Idaho Administrative Bulletin, [December 6, 2017, Volume 17-12](#), 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 www.adminrules.idaho.gov.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Fax: 332-1896; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

July 1, 1993 — Present

[CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES](#)

This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

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(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

March 29, 2017 — December 6, 2017

(eff. PLR) - Final Effective Date Is Pending Legislative Review

(eff. date)L - Denotes Adoption by Legislative Action

(eff. date)T - Temporary Rule Effective Date

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- 01-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 01-0101-1702** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 01-0101-1703** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
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- 02-0101-1701** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 17-7
- 02-0101-1702*** Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 17-7 (*Changes chapter name to "Rules of Procedure")
- 02-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 02-0101-1702*** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.02.14, Rules for Weights and Measures

- 02-0214-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0214-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 02-0214-1703** Proposed Rulemaking, Bulletin Vol. 17-7
- 02-0214-1701** Proposed Rulemaking, Bulletin Vol. 17-9
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- 02-0214-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
- 02-0214-1702** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)
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- 02-0414-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
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- 02-0414-1702** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

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- 02-0602-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

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- 02-0612-1701** Proposed Rulemaking, Bulletin Vol. 17-9
- 02-0612-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

02.06.17, Rules Governing the Disposal of Cull Onions and Potatoes

- 02-0617-1701** Adoption of Temporary Rule, Bulletin Vol. 17-3 (eff. 2-8-17)T
- 02-0617-1701** Notice of Rescission of Temporary Rule, Bulletin Vol. 17-5 (Rescission effective 4-17-17)

02.06.21, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories

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07-0311-1701 Adoption of Pending Rule, Bulletin Vol. 17-11 (eff. PLR 2018)

07.03.12, Rules Governing Manufactured or Mobile Home Installations

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- 07-0401-1701 Proposed Rulemaking, Bulletin Vol. 17-9
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08.01.13, Rules Governing the Idaho Opportunity Scholarship Program

- 08-0113-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0113-1701 Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T

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- 08-0202-1706 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0202-1707 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
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- 08-0202-1705** Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
- 08-0202-1707** Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T
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- 08-0203-1612** Adoption of Temporary Rule, Bulletin Vol. 16-12 (eff. 10-20-16)T
- 08-0203-1701** Adoption of Temporary Rule, Bulletin Vol. 17-2 (eff. 12-15-16)T
- 08-0203-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 08-0203-1703** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
- 08-0203-1704** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-4
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- 08-0203-1612** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 121, Bulletin Vol. 17-5
- 08-0203-1701** OAR Omnibus Notice of Legislative Action - Partial Rejection of Temporary Rule by SCR 121, Bulletin Vol. 17-5
- 08-0203-1706** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0203-1707** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0203-1708** Temporary and Proposed Rulemaking, Bulletin Vol. 17-6 (eff. 4-20-17)T
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- 08-0203-1702** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)
- 08-0203-1708** Adoption of Pending and Amendment to Temporary Rule, Bulletin Vol. 17-12 (eff. (10-8-17)T, PLR 2018)
- 08-0203-1711** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

08.02.04, Rules Governing Public Charter Schools

- 08-0204-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-5
- 08-0204-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T

08.03.01, Rules of the Public Charter School Commission

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- 08-0301-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-10 (eff. 8-31-17)T

08.04.01, Rules of the Idaho Digital Learning Academy - State Board of Education Rules

- 08-0401-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
- 08-0401-1701** Proposed Rulemaking, Bulletin Vol. 17-10

08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho

- 08-0501-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 08-0501-1701** Proposed Rulemaking, Bulletin Vol. 17-10

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- 09-0130-1701** Temporary and Proposed Rulemaking, Bulletin Vol. 17-7 (eff. 6-2-17)T

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AND PROFESSIONAL LAND SURVEYORS***

10.01.01, Rules of Procedure

- 10-0101-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-6
- 10-0101-1701** Proposed Rulemaking, Bulletin Vol. 17-8
- 10-0101-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

10.01.02, Rules of Professional Responsibility

- 10-0102-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-11
- 10-0102-1701** Proposed Rulemaking, Bulletin Vol. 17-7
- 10-0102-1701** Adoption of Pending Rule, Bulletin Vol. 17-9 (PLR 2018)

10.01.04, Rules of Continuing Professional Development

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- 10-0104-1701** Adoption of Pending Rule, Bulletin Vol. 17-11 (PLR 2018)

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Idaho State Brand Board

11.02.01, Rules of the Idaho State Brand Board

- 11-0201-1701** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 17-11 (eff. 10-2-17)T

Idaho State Racing Commission

11.04.06, Rules Governing Racing Officials

- 11-0406-1701** Proposed Rulemaking, Bulletin Vol. 17-11

Peace Officer Standards and Training (POST) Council

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

- 11-1101-1701** Proposed Rulemaking, Bulletin Vol. 17-11

11.11.05, Rules of the Idaho POST Council for Idaho Department of Juvenile Corrections Direct Care Staff

- 11-1105-1701** Proposed Rulemaking, Bulletin Vol. 17-11

IDAPA 12 -- DEPARTMENT OF FINANCE

12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act

- 12-0110-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 12-0110-1701** Adoption of Pending Rule, Bulletin Vol. 17-12 (eff. PLR 2018)

IDAPA 13 -- IDAHO FISH AND GAME COMMISSION

13.01.04, Rules Governing Licensing

- 13-0104-1701** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 13-0104-1702** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 13-0104-1703** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 17-7
- 13-0104-1701** Proposed Rulemaking, Bulletin Vol. 17-10
- 13-0104-1702** Proposed Rulemaking, Bulletin Vol. 17-10
- 13-0104-1703** Proposed Rulemaking, Bulletin Vol. 17-10

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- 35-0106-1702 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 17-8
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