

# LEGAL NOTICE

## Summary of Proposed Rulemakings

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

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the latest publication of the state Administrative Bulletin.

*The written comment submission deadline is October 24, 2012, unless otherwise noted.  
(Temp & Prop) indicates the rule is both Temporary and Proposed.  
(\*PH) indicates that a public hearing has been scheduled.*

#### **IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY PO Box 83720, Boise, ID 83720-0002**

**01-0101-1201, Idaho Accountancy Rules.** Updates incorporation by reference to the 2012 “Statements on Standards for Continuing Professional Education”.

#### **IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701**

**02-0303-1201, Rules Governing Pesticide and Chemigation Use and Application.** Creates a license category for soil fumigant application for which a licensed private pesticide applicator may be certified and licensed.

**02-0419-1201, Rules Governing Domestic Cervidae.** Corrects acronym AZA to the American Association of Zoos and Aquarium; allows Administrator to grant exemptions to change of ownership tuberculosis (TB) testing requirement on a case-by-case basis.

**02-0421-1201, Rules Governing Importation of Animals.** Corrects acronym AZA to the American Association of Zoos and Aquarium; clarifies that 2 different diagnostic tests for brucellosis will be performed from one blood sample; expands list of testing exemptions for Red Deer Genetic Factor (RDGF) to include any state or province that has implemented an approved RDGF prevention program for domestic cervidae; expands the tuberculosis testing exemptions to include any cervidae moving between the AZA accredited facilities and those facilities that have a USDA exhibitor permit.

**02-0613-1201, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho.** Updates definitions and revises an outdated testing method.

**02-0614-1201, Rules Governing Annual Bluegrass (*Poa annua*).** Allows for the use of a certificate of analysis in lieu of tags when planting regulated articles; allows nursery and seed inspections to be done by the Idaho Crop Improvement Association and the department.

**02-0616-1201, Rules Governing Honey Standards.** New chapter establishes standards for identity, quality and labeling of honey, complaint procedures and enforcement criteria.

**02-0631-1201, Noxious Weed Free Forage and Straw Certification Rules.** Removes use of blue and orange color certification twine from rule; requires a forage tag date to include the year the bale was produced; clarifies when transit certificates must be issued.

**02-0633-1201, Organic Food Product Rules.** Defines “materials”; increases fees for registration of approved materials; provides industry with a new optional seal for promotional purposes; provides an optional registration of branded materials for organic use.

**02-0635-1201, Rules Governing Rough Bluegrass (*Poa trivialis*).** Allows for the use of a certificate of analysis in lieu of tags when planting regulated articles; allows nursery and seed inspections to be done by the Idaho Crop Improvement Association and the department.

**IDAPA 03 - STATE ATHLETIC COMMISSION  
PO Box 83720 Boise, ID 83720-0063**

**03-0101-1201, Rules of the State Athletic Commission.** Clarifies requirements for male and female combatants age 12 and under; makes all application, license, and permit fees non-refundable; requires promoters to report event results and injuries to a relevant reporting organization; clarifies glove requirements for combatants; clarifies that licenses expire annually and re-issuances require a new application; increases sanction permit fee to \$1,000 per event.

**IDAPA 07 - DIVISION OF BUILDING SAFETY  
PO Box 83720, Meridian, ID 83642**

**07-0203-1201, Rules Governing Permit Fee Schedule.** Eliminates the mandatory requirement that a re-inspection fee be charged for each trip to remove a correction notice (“red tag”) from a plumbing installation.

**07-0204-1201, Rules Governing Plumbing Safety Inspections.** Eliminates reference to a red inspection tag and clarifies that unacceptable plumbing installations are now issued a “Notice of Correction”; clarifies that re-inspection fees will be assessed in accordance with IDAPA 07.02.03 that specifically addresses these fees.

**07-0206-1201, Rules Concerning Uniform Plumbing Code.** Incorporates by reference the Idaho State Plumbing Code published in 2012 that is modeled after the previously incorporated 2009 Uniform Plumbing Code.

**07.03.01 - Rules of Building Safety**

**07-0301-1201,** Incorporates by reference the 2012 editions of the International Building Code and International Existing Building Code that include recent amendments to accessibility standards in commercial facilities and places of public accommodation; additionally drinking fountains and service sinks would be required in businesses with an occupancy load of more than 30 persons, except for restaurants and mercantile establishments.

**07-0301-1202,** Makes amendments to the 2009 Residential Code and the 2009 Energy Code; when a permit is purchased to perform work on an existing dwelling that involves the exterior, electrical work, or alteration or repairs of non-combustion plumbing or mechanical work, a carbon monoxide alarm is not necessarily required to be installed; new wood-burning fireplaces must have tight-fitting flue dampers, as opposed to gasketed doors.

**07-0312-1201, Rules Governing Manufactured or Mobile Home Installations.** Changes comply with federal HUD requirements for inspections of new and used manufactured and mobile home installations; inspections will be done by either the Division of Building Safety or the approved local city or county having jurisdiction; establishes fee schedule for permits obtained from the Division and requires city or county with approved inspection programs to establish their own fee schedule; establishes an installation inspection program by local jurisdictions and training criteria for all inspectors; requires an installation tag for all new manufactured homes to track location and ownership; establishes a quality assurance review process; establishes minimum requirements for each installation inspection.

**07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems**

**07-0701-1201,** (Temp & Prop) Requires a contractor to test all plastic pipe used for venting flue gases within a dwelling at 5 psi for 15 minutes to prevent potential carbon monoxide leaks.

**07-0701-1202,** Requires carbon monoxide detectors to be installed in dwellings in areas where there is no local building code enforcement; provides a procedure for approval of unlisted appliances; allows Division to require tests of installations to ensure code compliance or to substantiate requests for alternative methods or materials.

**IDAPA 08 - STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION  
PO Box 83720, Boise, ID 83720-0027**

**08-0110-1201, Idaho College Work Study Program.** Simplifies the distribution formula used for allocation of funds to institutions; removes the requirement that work experience be related to the student's “field of study.”

**08-0111-1201, Registration of Post-Secondary Educational Institutions and Proprietary Schools.** Expands the accreditation organization recognized by the Board; amends timeframe for establishing the gross Idaho tuition used for registration to the tax reporting year not the State fiscal year; requires schools to provide students notification in writing information on courses or courses of study that may require a clinical or internship component.

**08-0114-1201, Idaho Rural Physician Incentive Program.** Chapter repeal.

**08.02.02 - Rules Governing Uniformity**

**08-0202-1203,** Updates the incorporation by reference of the Idaho Standards for the Initial Certification of Professional School Personnel.

**08-0202-1204,** Clarifies requirements for renewals of endorsements for certificate holders for Comprehensive Literacy; revises certain standards and endorsements to better align them with national standards and best practices; clarifies that Idaho institutions must align their educator preparation programs specifically to the Idaho Standards for Initial Certification of Professional School Personnel to be approved for teacher certification; revises consulting teacher/teacher leader endorsement to facilitate and advance best practices.

**08-0202-1205,** Increases the rigor and utility of teacher evaluations and adds new section specific to administrator evaluations.

**08-0202-1206,** Removes 3 sections regarding the alternate route to certification process that have expired.

**08.02.03 - Rules Governing Thoroughness**

**08-0203-1205,** Incorporates by reference the 2012 World Class Instructional Design and Assessment (WIDA) English Language Proficiency Standards.

**08-0203-1206,** Adds definitions for “One-to-One Mobile Computing Program” that establishes a mobile computing device program for high school teachers and for “Professional Development” to develop and promote effective instructional practices.

**08-0204-1201, Rules Governing Public Charter Schools.** (Temp & Prop) Numerous changes are intended to improve administrative efficiencies and conform the rule to statutory changes.

**08-0301-1201, Rules of the Public Charter School Commission.** (Temp & Prop) Numerous changes are intended to improve administrative efficiencies and conform the rule to statutory changes.

**IDAPA 11 - IDAHO STATE POLICE  
700 S. Stratford Dr., Meridian, ID 83642**

**11-1101-1202, Rules of the Idaho Peace Officer Standards and Training Council.** Adds 'emergency services dispatchers' to the definition of 'law enforcement profession'; an applicant being investigated by an agency with competent authority and jurisdiction is not eligible for POST certification while under investigation; allows an applicant's medical exam to remain valid beyond 1 year when extended by the Division Administrator under extraordinary conditions and for good cause shown.

**11-1102-1201, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers.** Removes 'physical disability' as an exception in minimum employment standards; removes outdated language in reference to height and weight requirements; establishes the Intermediate Certificate and the requirements for achieving it.

**11-1103-1201, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Probation Officers.** Removes 'physical disability' as an exception in minimum employment standards; establishes the Intermediate Certificate and the requirements for achieving it.

**11-1104-1201, Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers.** Allows an applicant's medical examination to remain valid beyond 1 year when extended by the Division Administrator under extraordinary conditions and for good cause shown; allows an Idaho POST-certified correction officer or probation and parole officer to transfer to an administrative position with the IDOC and retain their POST certification with certain conditions.

**11-1106-1201, Rules of the Idaho Peace Officer Standards and Training Council for Misdemeanor Probation Officers.** Removes 'physical disability' as an exception in minimum employment standards.

**IDAPA 12 - DEPARTMENT OF FINANCE  
800 Park Blvd., Suite 200, Boise, ID 83712**

**12-0110-1201, Rules Pursuant to the Idaho Residential Mortgage Practices Act.** Adds definition of the “Nationwide Mortgage Licensing System and Registry Policy Guidebook”; and updates references to federal laws and regulations.

**IDAPA 13 - IDAHO FISH AND GAME COMMISSION  
PO Box 25, Boise, Idaho 83707**

**13-0102-1201, Rules Governing Public Safety.** Changes chapter name to “Rules Governing Hunter Education and Mentored Hunting” to more accurately reflect the newly established mentored hunting program; creates special authorization to take wildlife, describes a 'mentee' and a 'mentor' for the Mentored Hunting Program.

**13.01.04 - Rules Governing Licensing**

**13-0104-1201, (Temp & Prop)** Allows for adjustments in resident and nonresident elk tag allocation when resident demand exceeds tag availability and nonresident tags are undersubscribed; allows leftover nonresident deer or elk tags as a second tag to residents and nonresidents earlier than September 1; creates the Governor's Wildlife Partnership Tag.

**13-0104-1202, (Temp & Prop)** Implements a one-year waiting period for antlered deer and elk for LAP hunts oversubscribed by a ratio of 2:1 or greater; caps LAP allocation to an additional 10% of regular controlled hunt permit levels in all LAP hunts; and defines 'designated agent(s)' as immediate family, with an option that includes youth, disabled veterans, and/or direct employees as valid designations.

**13-0107-1201, Rules Governing the Taking of Upland Game Animals.** Removes the motorized vehicle use restrictions for these species.

**13.01.08 - Rules Governing the Taking of Big Game Animals in the State of Idaho**

**13-0108-1201, (Temp & Prop)** Allows use of a rimfire weapon to dispatch a wolf in a trap or snare and they may be dispatched in a trap or snare outside of big game hunting hours; addresses what trap sets are legal for wolf trapping.

**13-0108-1202, (Temp & Prop)** Establishes the process designating any controlled hunt tag to a minor child or grandchild, and exempt a disabled hunting companion from possessing a valid game tag when assisting a disabled hunter with a valid tag taking wildlife.

**13-0108-1203, (Temp & Prop)** Establishes rules for use of new Governor's Wildlife Partnership Tags (auction controlled hunt tags) to describe control hunt use, eligibility, and other limitations.

**13-0108-1204, (Temp & Prop)** Clarifies terms used in motorized hunting rule and provides for unit application rather than hunt designation.

**13-0108-1205, (Temp & Prop)** Implements a one-year waiting period for antlered deer and elk LAP hunts oversubscribed by a ratio of 2:1 or greater.

**13.01.09 - Rules Governing the Taking of Game Birds in the State of Idaho**

**13-0109-1201, (Temp & Prop)** Establishes a process for designating any controlled hunt tag to a minor child or grandchild; exempts a disabled hunting companion from possessing a valid game tag when assisting a disabled hunter with a valid tag taking wildlife.

**13-0109-1202, (Temp & Prop)** Specifies that sandhill crane tags must be validated by removing the notches for month and day of kill.

**13-0109-1203, (Temp & Prop)** Changes the WMA Permit marking requirement to require use of non-erasable ink and removal of notch on permits; requires that Eurasian collared doves be left unplucked while in the field or in transport to their final place of consumption to improve identification; allows an exception to the Hagerman WMA hunting closure for Department sponsored waterfowl hunts.

**13-0109-1204, (Temp & Prop)** Removes the Motorized Hunting provisions from rule for these species.

**13-0116-1201, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals.** (Temp & Prop) Allows trapping on WMAs, defines terms, sets methods of take, reporting requirements, and limits on number of trappers; amends rule to consolidate wolf trapping rules into another rule chapter.

**13-0117-1201, Rules Governing the Use of Bait And Trapping for Taking Big Game Animals.** (Temp & Prop) Consolidates bear baiting and wolf trapping rules into one rule chapter; establishes gray wolf trapping requirements

and methods of take; allows the use of legally salvaged road kill as bait for trapping wolves; allows the use of a trapped wolf carcass without the hide attached as bait; eliminates requirements in Units 10 and 12 to remove bear baits from the field between the summer dog training season and fall season.

**IDAPA 15 - OFFICE OF THE GOVERNOR  
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY  
4040 West Guard St., Bldg. 600, Boise, ID 83705-5004**

**15-0603-1201, Public Safety Communications Rules.** New chapter establishes fees for services.

**IDAPA 16 - IDAHO DEPARTMENT OF HEALTH AND WELFARE  
PO Box 83720, Boise, ID 83720-0036**

**16.03.04 - Rules Governing the Food Stamp Program in Idaho**

**\*16-0304-1201, (\*PH)** (Temp & Prop) Establishes that the parent with the primary physical custody of a child received the food stamp benefit when both parents apply for benefits.

**16-0304-1202, (Temp & Prop)** Aligns rule to state law and federal rules; changes term 'guide dog' to 'service animal'; removes reference to common law marriage; changes operational procedures and updates the application process for screening applicants and removes requirement that an applicant must apply the office serving the area where the applicant resides.

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

**\*16-0305-1201, (\*PH)** (Temp & Prop) Aligns the asset transfer penalties for Medicaid applicants under the home and community based services (HCBS) with those applicants who reside in a nursing facility.

**\*16-0305-1202, (\*PH)** Increases the PNA and RUF by the percentage of the COLA increase to more evenly divide future cost of living allowance increases between the participant's personal needs allowance and the rent, utilities, and food.

**16.03.09 - Medicaid Basic Plan Benefits**

**\*16-0309-1205, (\*PH)** Implements a patient-centered medical home model of care by providing for the administration of the Idaho Medicaid Health Home program, which includes Home Health Services, definitions, participant eligibility including coverage and limitations, provider qualifications, procedural requirements, reimbursement structure, and quality assurance.

**\*16-0309-1206, (\*PH)** Adds a definition of medically necessary services for Idaho's Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT) program.

**16.03.10 - Medicaid Enhanced Plan Benefits**

**\*16-0310-1201, (\*PH)** Provides a process for providers to report costs incurred and for the Department to determine rates based on those reports.

**\*16-0310-1202, (\*PH)** (Temp & Prop) Realigns rule with the Medicaid's Adult Developmental Disabilities and Aged and Disabled Home and Community Based Services (HCBS) waivers that are being updated and are effective October 1, 2012. For Idaho to maintain waiver authority and offer waiver benefits it must submit a new waiver application for each service to CMS and be approved.

**\*16-0310-1203, (\*PH)** Implements the Children's System Redesign that replace developmental therapy and intensive behavioral intervention with new benefits; removes old children's developmental disability agency services from chapter; adds Idaho Infant Toddler Program as an allowable provider for children's DD services; removes children's developmental disability service coordination and replaces it with case management to be delivered by the Department.

**\*16-0310-1205, (\*PH)** (Temp & Prop) Implements new Behavioral Care Units in nursing facilities and intermediate care facilities for people with intellectual disabilities; continues reimbursement methodologies and rates based on current cost reporting years.

**16-0402-1201, Idaho Telecommunication Service Assistance Program Rules.** (Temp & Prop) Aligns rule with federal regulations that increased the eligibility level for services to 135% of the federal poverty guideline; removes and updates obsolete language; removes the "Link Up" benefit program that is no longer available in FCC regulations.

**IDAPA 17 - INDUSTRIAL COMMISSION****PO Box 83720, Boise, ID 83720-0041**

**\*17-0209-1202, Medical Fees.** (\*PH) Reduces the number of conversion factors and provides the annual adjustment of the medical fee schedule for physician reimbursement; creates a pharmaceutical fee schedule for pharmacies and dispensing physicians; standardizes the required coding sets used by providers for billing medical services.

**IDAPA 20 - DEPARTMENT OF LANDS****PO Box 83720, Boise, ID 83720-0050**

**\*20-0201-1201, Rules Pertaining to the Idaho Forest Practices Act.** (\*PH) Recognizes all alternative conservation measures and formal land-management agreements with US Fish & Wildlife Service and National Marine Fisheries Service; increases flexibility of landowners and operators to perform timber-salvage operations following wildfire, insect infestations, and wind events; provides protection of soils and riparian areas from any ground-based equipment usage in steep, unstable or stream-adjacent areas; assigns responsibility to landowner for reforestation at time of harvest; clarifies definitions of wet areas and the associated equipment-exclusion areas; reduces stocking minimums for drier, southern forest types; allows forest landowners to select between two options for streamside-tree-retention minima for Class I streams (shade rule).

**\*20-0314-1201, Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases.** (\*PH) Adds requirements for management proposals; clarifies appeals process procedures for conflicted lease applications; broadens language applicable to multiple lease activities; removes sections regarding rights reserved to the Department and cropland lease hardships claims.

**\*20-0315-1201, The Issuance of Geothermal Resource Leases.** (\*PH) Deletes sections relating to leases awarded through auctions, shut downs, sampling, and by-products; removes "contract" language from rule; site and condition-specific language will be negotiated with applicants on a case-by-case basis; clarifies the requirements and process for lease assignments.

**IDAPA 22 - IDAHO BOARD OF MEDICINE****PO Box 83720 Boise, ID 83720-0058**

**\*22-0101-1201, Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho.** (\*PH) Clarifies the purpose for serving as a physician panelist for prelitigation consideration of medical malpractice claims; clarifies document filing process; improves fingerprint reporting security procedures as recommended by law enforcement.

**\*22-0102-1201, Rules of the Board of Medicine for the Registration of Externs, Interns, and Residents.** (\*PH) Updates the registration process and delimits duration of registration; redefines terms regarding schools and training programs; improves registration fee schedule to minimize costs for issuance and renewal of registrations.

**\*22-0103-1201, Rules for the Licensure of Physician Assistants.** (\*PH) Adds provision for a temporary license, the fee for which may be prorated but cannot exceed \$180.

**\*22-0111-1201, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers in Idaho.** Provides for enhanced guidance of polysomnographic trainees via direct on-site supervision; prohibits polysomnographic technicians from applying for temporary permits as polysomnographic trainees; requires an original and 1 electronic copy of all documents in contested case proceedings.

**\*22-0112-1201, Rules Relating to Health Care Workers.** (\*PH) Chapter repeal.

**\*22-0113-1201, Rules for the Licensure of Dietitians.** (\*PH) Adds provisions for the revocation or suspension of a license, disciplinary actions, and denial or refusal of a new application for licensure; increases fees for initial licensure and renewals.

**\*22-0114-1201, Rules Relating to Complaint Investigation.** (\*PH) Updates the complaint investigation process and provides explanations and information for those wishing to file a complaint against a licensee.

**IDAPA 23 - IDAHO BOARD OF NURSING**  
**PO Box 83720 Boise, ID 83720-0061****23.01.01 - Rules of the Idaho Board of Nursing**

**23-0101-1201**, Increases required educational level for new licensees and provides a 'grandfathering' provision; identifies both an APRN role and population focus of practice; modifies several definitions to reflect these changes; eliminates a restriction on prescribing or dispensing medications.

**23-0101-1202**, Eliminates an unnecessary restriction in a definition; adds a definition for 'nursing jurisdiction'; eliminates an exemption applicable to taking the licensing examination; clarifies an English proficiency requirement.

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
**PO Box 83720 Boise, ID 83720-0063**

**24-0101-1201, Rules of the Board of Architectural Examiners.** Defines 'direct supervision' as it relates to unlicensed employees and 'responsible control' regarding architectural drawings to be sealed; addresses changes to the nationally administered exam; removes registration requirement for interns; clarifies the use of a retired or deceased formerly licensed architect in a company name and use of architect's seal.

**24-0401-1201, Rules of the Idaho Board of Cosmetology.** Removes the fee for permit to practice, demonstrate or teach cosmetology; changes 'student instructors' to 'student trainees'; animals allowed in a cosmetology shop must comply with the ADA definitions.

**24-0601-1201, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants.** Updates the Certification Renewal Handbook published by the National Board for Certification in Occupational Therapy; clarifies 'close supervision'; removes requirement that 2 CEU's must be recommended by the Idaho Occupational Therapy Association to reflect changes in the law.

**24-1001-1201, Rules of the State Board of Optometry.** Updates Board procedures and processes to be consistent with current industry standards.

**24-1201-1201, Rules of the Idaho State Board of Psychologist Examiners.** Sets the number of hours allowed as credited continuing education when obtained through teleconferences, workshops, classes or training experiences.

**24-1401-1201, Rules of the State Board of Social Work Examiners.** Defines the term 'relative'; clarifies independent practice; adds section on supervision; outlines requirements for renewal of a supervisor registration; amends inactive status provision; updates the exam process; clarifies appropriate relationships between a licensee and client.

**24-1501-1201, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists.** Updates the documents incorporated by reference; clarifies required supervised experience for licensure and continuing education requirements; adds a section specifying the documentation necessary for informed consent.

**24-1701-1201, Rules of the State Board of Acupuncture.** Clarifies active and inactive licensing process; create two (2) separate categories for continuing education; clarifies the release of the patient's records; requires disclosure of fees to the patient; limits activities allowed by unlicensed employees and non-exempt individuals; provides for supervision of trainees and technicians; clarifies limits on advertising.

**24-2301-1201, Rules of the Speech and Hearing Services Licensure Board.** Establishes an inactive status license and fee; clarifies supervised experience requirement for speech-language pathologists and the permit requirements and limitations for each licensure category.

**24-2501-1201, Rules of the Idaho Driving Businesses Licensure Board.** Defines the limitations on operating a business out of a secondary location and limits the hours of student classroom instruction per day to 6 hours.

**24-2701-1201, Rules of the Idaho State Board of Massage Therapy.** New chapter provides for the administration and establishment of procedures and processes for licensure of massage therapists.

**IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD**  
**1365 North Orchard St., Room 172, Boise, ID 83706**

**25-0101-1202, Rules of the Idaho Outfitters and Guides Licensing Board.** (Temp & Prop) Establishes that outfitters

licensed for big game hunting may provide wolf trapping as a hazardous excursion to clients when both are properly permitted and licensed.

**IDAPA 27 IDAHO BOARD OF PHARMACY**  
**PO Box 83720 Boise, ID 83720-0067**

**27.01.01 - Rules of the Idaho State Board of Pharmacy**

**27-0101-1201**, Updates and clarifies rule by removing extraneous language and obsolete references; clarifies renewal dates; renames registration categories.

**27-0101-1202**, Adds, strikes and clarifies definitions; reduces license and registration posting requirement; technicians-in-training must obtain and maintain employment and student pharmacists and technician registrations may be cancelled if they no longer meet the minimum requirements; clarifies student pharmacist registration and that a prescriber can designate "brand only" verbally; clarifies who initials certain labels and who is exempt from obtaining positive identification; reinstates the 7-day allowance for annual inventory; states all drugs must be stored according to rule; addresses delivery of prescriptions to a correctional facility; clarifies that a pharmacy can not open without a pharmacist-in-charge or a director present; addresses when a pharmacist may be absent from a retail pharmacy while the pharmacy is open; adds grandfathering provision to a security requirement; clarifies that pharmacy provide public notice of any change in business hours; addresses pharmacy permanent closing procedures; requires director to notify the Board of a change in employment; clarifies when a hospital's emergency room can dispense; requires an out-of-state mail service pharmacy to provide toll free telephone access to patients; reestablishes conditions for drug returns.

**27-0101-1203**, Expands the use of self-service automated dispensing and storage systems to hospital emergency rooms.

**27-0101-1204**, Addresses the practice limitations of pharmacists and members of a committee; clarifies scope of practice and restricts a pharmacist from conducting physical examinations or engaging in the unlicensed practice of medicine; addresses when and where drug product substitutions are allowed and requires that a pharmacist serve on a skilled nursing facility's quality assurance and assessment committee.

**27-0101-1205**, Expands the definition of central pharmacy to central drug outlet or pharmacist and of centralized pharmacy services; expands and establishes criteria for the statutorily authorized pharmacist registration category; converts current out-of-state and across state lines drug outlet categories into an expanded nonresident drug outlet category and establishes registration criteria; defines when a pharmacist may be registered versus licensed; requires all nonresident pharmacies and central drug outlets to register a PIC or director in Idaho; expands centralized pharmacy services practice standards; reduces the requirements of a policy and procedures manual.

**IDAPA 28 - DEPARTMENT OF COMMERCE**  
**PO Box 83720 Boise, ID 83720-0093**

**28-0205-1201, Rural Community Block Grant Program (RCBG)**. (Temp & Prop) Increases the population of eligible cities to 25,000.

**IDAPA 35 - STATE TAX COMMISSION**  
**PO Box 36, Boise, ID 83722-0410**

**35.01.01 - Income Tax Administrative Rules**

**35-0101-1201**, Redefines 'disability' to clarify the treatment of pensions received by certain retired police officers and firefighters; revises eligibility criteria that allows a deduction for installing energy efficiency upgrade measures within existing residences; clarifies what constitutes non-qualifying property for the Idaho capital gains deduction; revises the options of pass-through entities; clarifies practice of applying Idaho investment tax credit limitations first to mobile property and then to used property.

**35-0101-1202**, Adds tax brackets for calendar year 2012 and removes the information for calendar year 2007 so only 5 years of historical data is retained; provides that passive losses incurred in years when a taxpayer had no activity in Idaho are not deductible; removes the prohibition allowing the deduction of classroom supplies and other expenses not to exceed \$250 of elementary and secondary teachers; clarifies the allocation and apportionment procedures used when an S corporation and its qualified subchapter S subsidiaries are carrying on more than one unitary business; clarifies the order of limitations for the Idaho investment tax credit; corrects an oversight from the Hire One Act of 2011 by allowing companies to continue to receive the new jobs tax credit up until the start of the Hire One Act and has a sunset date of January 1, 2017; sets the amounts of the grocery credit for 2008 and provides for an increase in the amounts for subsequent years; provides that a filing date for any report, claim, tax return, statement or other document or making any such payment that falls on a Saturday, Sunday, legal holiday or a holiday recognized by the Internal Revenue Service, is considered timely if performed on the next business day.



**35-0102-1201, Sales Tax Administrative Rules.** Clarifies that a rental of tangible personal property with an owner-provided equipment operator will be treated as a fully operated rental whether the hired operator is an employee of the equipment owner or not; clarifies the exemption for the purchase and use of aircraft primarily utilized in transporting freight or passengers; clarifies whether certain fees or charges added onto the sale of tangible personal property should be included in the taxable sales price; defines 'trade down'; clarifies the taxability of tangible personal property removed from inventory held for resale; defines 'money operated dispensing equipment' and 'amusement device' to include machines operated by credit or debit cards; changes the period for reviewing the ongoing IRP use tax exemption; clarifies current policy and procedure regarding exemption certificates.

**35.01.03 - Property Tax Administrative Rules**

**\*35-0103-1202, (\*PH)** Clarifies exclusive use provisions for determining what leased property is exempt when used for educational purposes; clarifies the exemption process to add a property tax site improvement related to land exemption for land developers.

**35-0102-1203,** Provides guidance to county assessors on foreclosure sales; provides that the homeowner's exemption continues for one year after the death of the individual who has previously qualified; clarifies what information must be listed on the notice that serves as the annual exemption application; identifies specific Bureau of the Census reports that track populations of cities and counties for purposes of sales tax distribution.

**35-0103-1204,** Requires applicants for certain property tax exemptions to be notified of the decision to grant or deny the application by May 15; requires that a taxing district first budgets the maximum amount of property tax permitted including any foregone amount.

**35-0103-1205,** Provides assessors standard guidance in preparation of maps; allows maps to be produced in digital format; updates reference to a manual to the 2009 edition.

**35-0103-1207,** Updates and corrects certain reference to administrative appeals; updates documents incorporated by reference; removes requirement that taxing districts and urban renewal revenue allocation areas submit a map upon dissolution; clarifies that transient personal property located in a neighboring state for a time but does not pay taxes to the neighboring state pays taxes in Idaho; expands the definition of 'pipeline' to include gas gathering lines and brings gathering lines under PUC regulation and makes them subject to appraisal by the state for apportionment purposes; adds the site improvement exemption; deletes unused land categories 8, 44, 60, 61 and 62; provides county assessors guidance on recreational vehicle exemption; changes due date for the exemption application for operating properties and directs the filing of the application for locally assessed property to the county commissioners; explains to assessors that the previous year's exemption will be deducted from the current year's new construction roll.

**35-0109-1201, Table and Kitchen Wine Tax Administrative Rules.** Amends current policy and procedure regarding the types of security acceptable in place of a bond; deletes outdated language requiring reports of out-of-state wholesalers and distributors.

**35-0110-1201, Idaho Cigarette and Tobacco Products Tax Administrative Rules.** Amends current policy and procedure regarding the types of security acceptable in place of a bond.

**35-0112-1201, Idaho Beer Tax Administrative Rules.** Amends current policy and procedure regarding the types of security acceptable in place of a bond; deletes outdated language requiring reports of out-of-state wholesalers and distributors.

**35-0201-1201, Administration and Enforcement Rules.** Adds the interest rate for calendar year 2013 and the Revenue Ruling where the federal rate for the calculation can be found; allows for the exchange of information to Treasurers Office and Idaho Transportation Department.

**IDAPA 36 - IDAHO BOARD OF TAX APPEALS**

**PO Box 83720 Boise, ID 83720-0088**

**36-0101-1201, Idaho Board of Tax Appeals Rules.** Updates Board's procedural rules and deletes a public witness rule.

**IDAPA 37 - DEPARTMENT OF WATER RESOURCES**

**PO Box 83720 Boise, ID 83720-0098**

**\*37-0303-1201, Minimum Standards for the Construction and Use of Injection Wells.** (\*PH) Changes to Class V injection wells comply with state law and federal code; adds and updates definitions; removes exemptions for certain

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shallow injections wells; reduces permitting and advertising requirements for low-flow domestic heat pump return injection wells; adds rules specific to Class II injections wells associated with oil and gas production.

**IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

**PO Box 83720 Boise, ID 83720-0013**

**38-0406-1202, Rules Governing Use of the Exterior of State Property in the Capitol Mall and Other State Facilities.** (Temp & Prop) Establishes the allowed uses and sets parameters of use to ensure the safety of persons and property when the exteriors of state properties are used for purposes other than the conduct of public business.

**38-0407-1202, Rules Governing Use of the Interior of State Property in the Capitol Mall and Other State Facilities.** (Temp & Prop) Establishes the allowed uses and sets parameters of use to ensure the safety of persons and property when the interiors of state properties are used for purposes other than the conduct of public business.

**38-0408-1202, Rules Governing Use of Idaho State Capitol Exterior.** (Temp & Prop) Establishes the allowed uses and sets parameters of use to ensure the safety of persons and property when the exterior of the State Capitol is used for purposes other than the conduct of public business.

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**

**PO Box 7129, Boise ID 83707-1129**

**39-0261-1201, Rules Governing License Plates for Governmental Agencies and Taxing Districts.** Makes the application process and registration costs consistent for all exempt plates for agencies eligible for exempt vehicle registration; adds provisions specific to the undercover plate program.

**39-0271-1201, Rules Governing Driver's License Violation Point System.** Authorizes and directs the department to establish a violation point count system for various moving traffic violations and infractions and implements the system and provides information and guidance to the public and those drivers impacted by violation points.

**39-0342-1201, Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way.** (Temp & Prop) Clarifies and simplifies the permit appeal process; renames and redefines the highway types and access types; places more authority with the District Engineers; and restructures the fee schedule based on proposed land use.

**IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION**

**PO Box 83720, Boise, ID 83720-0027**

**47-0101-1202, Rules of the Idaho Division of Vocational Rehabilitation.** Updates the incorporation by reference of the Field Services Policy Manual as approved in June 2012; updates the policies and procedures regarding customer appeals, mediation process, and order of selections process.

**IDAPA 52 - IDAHO STATE LOTTERY COMMISSION**

**PO Box 6537, Boise, ID 83707-6537**

**52-0102-1201, Gaming Rules of the Idaho State Lottery Commission.** Aligns rule to Idaho Code by increasing the maximum allowable expenditure percentages for charitable bingo and raffle licensees.

**52.01.03 - Rules Governing Operations of the Idaho State Lottery**

**52-0103-1201,** Allows Lottery to charge a minimal cost- recovery fee when customers purchase tickets via a PAT ticket vending machines using a PIN-protected debit card rather than cash.

**52-0103-1202,** Eliminates requirement that the equipment used for on-line game drawings be inspected before and after drawings to align with current policy; clarifies procedure for processing joint claims on winning lottery tickets to avoid disputes over prize winnings payouts.

**IDAPA 54 - OFFICE OF THE STATE TREASURER**

**PO Box 83720, Boise, ID 83720-9101**

**54-0301-1201, Idaho Unclaimed Property Administrative Rules.** Provides clarifications and a better understanding of existing rules and procedures.

**NOTICE OF PROCLAMATION OF RULEMAKING**

**IDAPA 06 - Idaho Board of Correction**

*06-0101-1202, Rules of the Board of Correction (changes effective 11-02-2012)*

**NOTICE OF ADOPTION OF TEMPORARY RULE**

**IDAPA 27 - Idaho State Board of Pharmacy**

*27-0101-1206, Rules of the Idaho State Board of Pharmacy*

**NOTICES OF NEGOTIATED RULEMAKING**

**IDAPA 25 - Outfitters and Guides Licensing Board**

*25-0101-1201, Rules of the Idaho Outfitters and Guides Licensing Board*

**IDAPA 57 - Sexual Offender Management Board**

*57-0101-1201, Rules Governing the Sexual Offender Management Board*

Please refer to the Idaho Administrative Bulletin, **October 3, 2012, Volume 12-10**, for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

*Issues of the Idaho Administrative Bulletin can be viewed at [adminrules.idaho.gov](http://adminrules.idaho.gov).*

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