

LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

*The written comment submission deadline is September 28, 2016 unless otherwise noted.
Public hearing request deadline is September 21, 2016 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

01-0101-1601, Rules of the Board of Accountancy. Clarifies that licensees whose licenses lapse and whose license status is not moved to “inactive” or “retired” status may use the word “former” without violating state law.

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0622-1601, Noxious Weed Rules. Adds all plants and plant parts in the genera of: Cytisus, Genista, Spartium, and Chamaecytisus to Idaho’s Statewide Noxious Weed List; removes Cytisus scoparius from the “Control” noxious weed list; and defines “subtaxa.”

02-0631-1602, Noxious Weed Free Forage and Straw Certification Rules. Conforms the rule to latest revisions to the standards for Noxious Weed Free Storage and Straw products certification procedures used by the Department; adds new noxious weeds.

IDAPA 05 - IDAHO DEPARTMENT OF JUVENILE CORRECTIONS PO Box 83720, Boise, ID 83720-0285

05-0103-1601, Rules of the Custody Review Board. Amends rule to provide clarity and corrects citations to Idaho Code.

IDAPA 07 – DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Ste. 150, Meridian, ID 83542

07-0205-1601, Rules Governing the Idaho Public Safety Communications Commission. Allows a person to qualify for a journeyman plumber’s certificate by verifying 8 years’ plumbing experience in lieu of the current requirement of 4 years’ experience and 4 years of schooling.

07-0207-1601, Rules Governing Civil Penalties. Subjects a plumbing contractor to civil penalties for violations and noncompliance with permitting or inspection requirements, as well as licensure discipline.

IDAPA 09 – IDAHO DEPARTMENT OF LABOR 317 West Main Street, Boise, ID 83735

09-0130-1601, Unemployment Insurance Benefits Administration Rules. Removes references to outdated processes for handling claims and references to local offices; removes a provision that a claimant be coded as attached to their employer.

09-0207-1601, Unemployment Insurance Tax Administration Rules. Clarifies that payments by a partnership to its partner or by a sole proprietorship to its owner are excluded as wages for purposes of unemployment insurance tax.

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

***16-0102-1601, Emergency Medical Services (EMS) - Rule Definitions.** (*PH) Updates definitions to align to current practices for the Recognition of Emergency Personnel Licensure Interstate Compact Act (REPLICA) in this chapter and in IDAPA 16.01.03 and 16.01.06.

16-0103-1601 - Emergency Medical Services (EMS) - Agency Licensing Requirements.

***16-0103-1601,** (*PH) Moves the requirements for data collection and submission by licensed EMS agencies to a new rule chapter that is being promulgated in this Bulletin under Docket No. 16-0106-1601.

***16-0103-1602,** (Temp & Prop) (*PH) Allows an EMS agency to operate seasonally and a hospital emergency department to obtain EMS agency licensure; seasonal duration for an EMS agency is being added; changes licensure requirements for EMS Air Medical Support; updates and incorporates by reference the “Minimum Equipment Standards for Licensed EMS Services.”

16-0106-1601, Emergency Medical Services (EMS) - Data Collection and Submission Requirements. New chapter provides for the collection and submission of data by licensed EMS agencies; incorporates by reference a standards manual that provides the data elements used for reporting.

***16-0107-1601, Emergency Medical Services (EMS) - Personnel Licensing Requirements.** (*PH) Allows EMS personnel from other states who have met the requirements under the interstate compact Act, REPLICA, to become licensed in Idaho.

***16-0219-1601, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code).** (*PH) Adds “risk factor” and “good retail practices” to defined terminology used for retail food establishment inspections; updates the inspection process for scoring for food safety practices to reflect the new terminology.

***16-0319-1601, Rules Governing Certified Family Homes.** Aligns rules with governing statute to provide an exemption to certification for VA Medical Foster Homes; amends requirements for termination of the admission agreement.

***16-0506-1602, Criminal History and Background Checks.** (*PH) Amends disqualifying crimes list for unconditional denials to include crimes added to Idaho Code and crimes required for child protection by federal child protection programs and regulations; also aligns rule, which must be in effect by September 2017, to the Idaho Child Care Program's grant and federal regulation requirements for criminal history checks.

***16-0601-1601, Child and Family Services.** (*PH) Lowers the age for eligibility for foster youth to receive independent living services funded by the Chafee Program to 90 days after their 14th birthday.

***16-0612-1601, Rules Governing the Idaho Child Care Program.** (Temp & Prop) (*PH) Conforms rule to federal law that requires the state to comply by October 1, 2016 to the Re-Authorization of the Child Care and Development Block Grant Act; implements a 12-month eligibility redetermination period, adds to criminal history check requirements, addresses qualifying activities and job search availability, adds health and safety training requirements for child care providers, clarifies allowable child care costs, amend reporting requirements by providers and the Department; and provides for a gradual phase out of individuals receiving ICCP services whose incomes increase over the limits of the program.

**IDAPA 18 – DEPARTMENT OF INSURANCE
PO Box 83720, Boise, ID 83720-0043**

18-0110-1601, Producers Handling of Fiduciary Funds. Amends rule regarding bail to provide for deposit rules that treat cash collateral as fiduciary funds.

18-0150-1601, Adoption of the International Fire Code. Adopts and amends the 2015 International Fire Code that is incorporated by reference.

18-0154-1601, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act. Requires all Medicare Supplement carriers to offer coverage to pre-65 Medicare eligible individuals; clarifies requirement to account for interest in projections; requires experience and rate increases to be pooled among all plans offered by a company; and clarifies when and what rating/underwriting factors can be used.

**IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY
PO Box 83720, Boise, ID 83720-0021**

19-0101-1601, Rules of the Idaho State Board of Dentistry. Adds standards for patient records; clarifies applicability of timeframe for acceptance of licensure examinations; clarifies active license renewal requirements; authorizes dental hygienists to administer nitrous oxide under general supervision; adds any prescription drug to unprofessional conduct rules for controlled substances; changes advertising rules; adds minimum infection control and sterilization requirements; eliminates continuing education documentation requirement; adds rule requiring basic emergency drugs; clarifies requirements for sedation permit renewal and reinstatement of an expired permit; and requires dentists to obtain 1 hour of continuing education related to the prescription monitoring program.

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

24-0801-1601, Rules of the State Board of Morticians. (Temp & Prop) Extends the time period a Resident Trainee can hold a permit to practice from 2 to 3 years.

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

27.01.01 - Rules of the Idaho State Board of Pharmacy.

***27-0101-1601, (*PH)** Includes specialty infusion clinics as venues for housing emergency medication kits; allows Idaho's Regional Behavioral Health Clinics to donate and receive donated medications to dispense to medically indigent patients; enables delegate access to the Prescription Monitoring Program; exempts investigational drugs from the products that necessitate registration as a prescriber drug outlet; and allows prescription medications to be labeled in the name of an authorized entity.

***27-0101-1602, (*PH)** Updates telepharmacy rules to allow streamlined registration of remote dispensing sites to applicants who meet certain criteria; broadens the technology that may be used at a remote dispensing site beyond just an Automated Dispensing System; removes requirement that a remote dispensing site be co-located with a medical care facility; removes requirement that business contracts be filed with the Board; updates limits on the oversight of multiple remote dispensing sites; and removes duplicative language.

***27-0101-1603, (*PH)** Allows pharmacists to delegate certain tasks to properly-trained, registered and certified pharmacy technicians under their supervision; expands verification technician programs beyond acute care hospitals; and enables remote data entry by certain pharmacy technicians.

***27-0101-1604, (*PH)** Updates security requirements for pharmacies; clarifies the provisions for legal medication returns for institutional pharmacies and to authorize collection for destruction; enables broader emergency room dispensing in conformance with a U.S. Supreme Court decision; enables pharmacists to better coordinate refills of medications to improve patient medication adherence; requires timely notification of medication errors that result in fatal outcomes; updates requirements for licensure applicants; clarifies prepackaged product labeling requirements; updates the list of required pharmacy references and pharmacy delivery restrictions.

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION
PO Box 83720, Boise, ID 83720-0074**

31-4602-1601, Rules for Telecommunications Relay Services (TRS). Simplifies the Administrator's process for requesting proposals from TRS providers; reduces the number of advisory committee members assessing TRS providers' responses to the requests and reviewing the services provided by the selected providers; clarifies language and deletes obsolete references.

IDAPA 35 - IDAHO STATE TAX COMMISSION
PO Box 36, Boise, ID 83722-0410**35.01.03 - Property Tax Administrative Rules**

35-0103-1601, Eliminates requirement for the taxpayer to file more than one application in order to receive the homeowner's exemption; and demonstrates that the land and existing buildings are not eligible for the property tax exemption found in Idaho Code 63-602NN.

35-0103-1602, Increases the stratum for reporting the properties receiving the homeowner's exemption; after July 1, 2016, the maximum homeowner's exemption is \$100,000; deletes the reference to the House Price Index; instructs taxing districts on how to compute new construction amounts within urban renewal revenue allocation areas under newly enacted HB606aa (63-301A); outlines changes related to property tax budget certification and reporting requirements; explains how to handle solar farm gross earnings tax receipts when computing property tax budget; provides for treatment of money received from distribution of urban renewal allocations in excess of amount received to pay indebtedness and how to distribute this excess; provides for a notification process between the commission and counties for urban renewal agencies to tell the state tax commission whether or not a plan modification has occurred, describes acceptable methods of compliance and penalties for non-compliance.

35-0103-1603, Deletes the National Automobile Dealers Association Guides from rule and gives direction to the appraisers to value recreational vehicles at market value when the sales price is not known.

35-0103-1605, Incorporates by reference the latest versions of the Official Railway Equipment Register and removes two documents related to automobiles and van/truck conversion and limousine appraisals; and extends the time period that notices of correction for unintentional errors (under Section 63-810, Idaho Code) in erroneous levies will be received by the Commission.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise ID 83707-1129

39-0306-1601, Rules Governing Allowable Vehicle Size. Amends the rule to reference Idaho Code Section 49-1010 which sets limits for load overhang or the extension of a load.

39-0311-1601, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions. Allows permitting for non-reducible and oversized loads to travel on U.S. 12 in northern Idaho between mileposts 74 and 174 if the load meets one of the following: 1) exceeds 16 feet wide and/or 150 feet in length; 2) load movement requires longer than 12 hours to travel through the designated mileposts; or 3) load movement requires physical modification of the roadway or adjacent vegetation to facilitate passage beyond normal highway maintenance.

39-0312-1601, Rules Governing Safety Requirements of Overlegal Permits. Requires that owner inspections of all overlegal permitted vehicles and special driver training for longer combination vehicles be done in accordance with federal regulations; brakes must meet and be maintained to federal regulatory standards; prohibits operation of vehicle or vehicle combinations with mixed brake systems between tractor and trailers.

39-0322-1601, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations. Requires brakes on all commercial motor vehicles to meet and be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time of the commercial motor vehicle's manufacture; prohibits vehicle or vehicle combinations from operating with mixed brake systems between tractor and trailers; addresses federal driver training requirements.

39-0323-1601, Rules Governing Revocation of Overlegal Permits. Allows for the revocation of a permit for non-compliance if the motor carrier has violated an Out-of-Service order by the Federal Motor Carrier Safety Administration.

IDAPA 49 – BOARD OF VETERINARY EXAMINERS
PO Box 7249, Boise, ID 83707**46.01.01 - Rules of the State of Idaho Board of Veterinary Medicine.**

46-0101-1601, Updates and clarifies continuing education requirements for certified veterinary technicians;

eliminates a requirement that a Board member must also be on the Committee on Humane Euthanasia; provides for when and where annual board meetings will be held.

46-0101-1603, (Temp & Prop) Establishes a procedure and fees for a certified veterinary technician to go on inactive certification status and back to active status.

IDAPA 48 – IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION

821 W. State St., Boise, ID 83702

48-0101-1601, *Rules of the Idaho Grape Growers and Wine Producers Commission*. (Temp & Prop) Requires both wineries and vineyards to pay assessments based on tons rather than on a gallon conversion.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

1410 N. Hilton, Boise, ID 83706-1255

58.01.01 - Rules for the Control of Air Pollution in Idaho.

58-0101-1601, Changes the percent of the ozone NAAQS, upon which no crop residue burning is allowed, from 75% to 90%.

58-0101-1604, Allows crop residue burning when ozone levels are not exceeding, or expected to exceed, 90% rather than 75% of the ozone NAAQS.

NOTICE OF PROCLAMATION OF RULEMAKING

IDAPA 06 – IDAHO DEPARTMENT OF CORRECTION

06-0102-1601, Rules of Correctional Industries (eff. 10/7/16)

NOTICE OF ADOPTION OF TEMPORARY RULE

IDAPA 27 – IDAHO STATE BOARD OF PHARMACY

27-0101-1605, Rules of the Idaho State Board of Pharmacy (eff. 8/3/16)T

NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKINGS

IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION

26-0120-1601, Rules Governing the Administration of Park and Recreation Areas and Facilities

Please refer to the Idaho Administrative Bulletin, **September 7, 2016, Volume 16-9**, 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.

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