

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 20, 2016 unless otherwise noted.
Public hearing request deadline is September 27, 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

01.01.01 - Idaho Accountancy Rules

01-0101-1701, Incorporates by reference the 2016 Statements on Standards for Continuing Professional Education (CPE).

01-0101-1702, Conforms rule to statutory changes to clarify that the Board is permitted to consider a licensee's conviction of or a guilty plea to any crime involving moral turpitude, even in cases with withheld judgments or other expungement orders; clarifies those rehabilitation factors the Board may consider in evaluating a current licensee or candidate for licensure.

01-0101-1703, Clarifies the information required on documentation supporting reported credit hours for CPE.

01-0101-1704, Provides consistency between the statute and rule and clearly defines for a licensee those services considered peer reviewable that require participation in a peer review program.

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

02.02.14 - Rules for Weights and Measures

02-0214-1701, Updates the specifications incorporated by reference for automotive spark engine fuel, diesel fuel and biodiesel fuel blends.

02-0214-1702, Adds definitions for Liquefied and Compressed Natural Gas, Diesel Gallon Equivalent (DGE), Gasoline Gallon Equivalent (GGE), and their metric equivalents; adds provision allowing GGE and DGE units as an acceptable sale method for compressed and liquefied natural gas motor fuel.

02-0602-1701, Rules Pertaining to the Idaho Commercial Feed Law. Incorporates by reference the updated 2018 Official Publication of the Association of American Feed Control Officials (AAFCO) pertaining to the methodology and practice of conducting regulatory commercial feed registration and label review.

02-0612-1701, Rules Pertaining to the Idaho Fertilizer Law. Incorporates by reference the updated 2018 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) pertaining to the methodology and practice of conducting regulatory fertilizer registration and label review.

02-0621-1701, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories. Repeal of chapter.

02-0641-1701, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001. Incorporates by reference the updated 2018 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) pertaining to the methodology and practice of conducting regulatory soil and plant amendment registration and label review.

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

07-0106-1701, Rules Governing the Use of National Electrical Code. Amends the 2017 National Electric Code (NEC) to permit, in certain circumstances, the installation of disconnects grouped in one- and two-family dwelling units where multiple feeders enter the building; provides exceptions to several articles of the NEC addressing the installation of submersible well pumps in swimming and marine areas, and the electrical equipment used in such installations.

07-0204-1701, Rules Governing Plumbing Safety Inspections. Clarifies that plumbers and inspectors need reference only the Cross Connection Control Manual rather than two code books.

07-0206-1701, Rules Concerning Idaho State Plumbing Code. Amend the Idaho State Plumbing Code (ISPC) to remove a requirement that sanitary yard hydrants be protected by a non-removable hose bibb-type backflow preventer; eliminate the need to install an additional tracer wire in a trench in situations where the electrical wiring for the pump is also installed in the same trench.

07-0301-1701, Rules of Building Safety. Adds several provisions to the residential code (IRC) that address “Tiny Homes” including definitions, provisions related to ceiling height, lofts, stairways and ladders, and escape and rescue roof access windows; also limits the required length of reinforcement lap splices for allowable stress design of masonry.

07-0311-1701, Rules Governing Manufactured/Mobile Home Industry Licensing. Changes Board name to “Factory Built Structure Board”; would require installers of manufactured homes, or retailers who are also installers, to complete 8 hours of continuing education during a 3-year period prior to licensure renewal, not the current 4 hours annually.

07-0312-1701, Rules Governing Manufactured or Mobile Home Installations. Incorporates by reference the 2018 edition of the Idaho Manufactured Home Installation Standard; inspectors of manufactured home installations would be required to complete 8 hours of training every 3 years, not the current 4 hours annually.

07-0401-1701, Rules Governing Safety Inspections – General. Amends outdated statutory provisions; updates the adopted safety standards for safety inspections the Division conducts on state-owned buildings or those of a political subdivision; eliminates unnecessary references to elevator and boiler programs that are no longer administered through this Division safety program; updates certain requirements for public employers to ensure a safe workplace; updates annual inspection process the Division uses when inspecting state facilities.

07-0402-1701, Safety Rules for Elevators, Escalators, and Moving Walks. Incorporates by reference the most recent editions of the safety codes governing the installation and inspection of elevators, escalators, moving walks, and other conveyances in the state of Idaho.

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

07-0701-1701, Deletes an amendment to a mechanical provision (section M1502.4.2) of the International Residential Code related to System Design that is no longer necessary.

07-0701-1702, Requires all mechanical inspectors employed by the state or a local government to hold either a commercial or residential mechanical inspector certification; requires mechanical inspectors to obtain their certification from the International Association of Plumbing and Mechanical Officials (IAPMO), the International Code Council (ICC), or another professional certifying body as approved by the HVAC Board.

07-0901-1701, Safety and Health Rules for Places of Public Employment. Repeal of chapter.

07-1001-1701, Rules Governing the Damage Prevention Board. (Temp & Prop) Defines “hand digging” and “soft digging”; establishes training programs and processes for improving technology and facility owners’ internal performance measures; establishes procedural requirements for filing claims and complaints related to damaged underground facilities and excavator downtime; establishes civil penalties for violations.

**IDAPA 15 – OFFICE OF THE GOVERNOER
OFFICE ON AGING – 341 W. Washington, Boise, ID 83702**

15-0103-1701, Rules Governing the Ombudsman for the Elderly Program. Clarifies that disclosure of records must conform to the Older Americans Act and HIPPA regulations; clarifies when an ombudsman can access certain facilities for investigation; changes term from “substate” to “local” ombudsman.

**IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED
PO Box 83720, Boise, ID 83720-0012**

15-0202-1701, Vocational Rehabilitation Services. Changes comply with the Workforce Innovation and Opportunity Act by establishing an order of selection for federal funds received through the agency; adds a definition for “Most Significant Disability.”

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

***16-0104-1701, Emergency Medical Services (EMS) – Account III Grants.** (*PH) Chapter rewrite updates the processes for EMS grant applications and other requirements for the approval of these grants.

***16-0204-1701, Rules Governing Emergency Medical Services Account III Grants.** (*PH) Repeal of chapter.

16-0212-1701, Procedures and Testing to be Performed on Newborn Infants. Mandates that all newborns receive a Critical Congenital Heart Defect screening shortly after birth; adds CCHD screening information to birth certificate system in Vital Records; allows Idaho Newborn Screening Program to monitor screening compliance and provide assistance to families.

16-0319-1701, Rules Governing Certified Family Homes. Revises and updates the admission process, adult hourly care, assessments, certification limitations, changes in location, definitions, elements of care, enforcement actions, eviction process, fire and life safety standards, medication policy, ongoing training requirements, physical home standards, plan of service, reporting and investigation of incidents and accidents, resident funds and finances, resident records, resident rights, variances and waivers, and voluntary home closures.

16-0503-1701, Rules Governing Contested Case Proceedings and Declaratory Rulings. Changes meet court-ordered settlement agreements for expedited hearings and grievance processes for the Jeff D settlement agreement, comply with federal regulations, and provide benefits to consumers to use technological advances for filing of appeals for certain divisions; and to provide other needed internal appeals processes for divisional administrative reviews.

***16-0601-1702, Child and Family Services.** (*PH) Aligns the requirements for Title IV-E funding for children in foster care with current federal law and regulations.

The proposed changes to the following rule chapters address the same subject matter for each of the following dockets:

16-0715-1701, Behavioral Health Programs;

16-0717-1701, Substance Use Disorders Services;

16-0730-1701, Behavioral Health Community Crisis Centers;

16-0733-1701, Adult Mental Health Services;

16-0750-1701, Minimum Standards for Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units.

Changes clarify that an individual who has lived experience and is seeking to provide services as a peer, but whose Department Criminal History Check was denied, may apply for a Behavioral Health Waiver described in IDAPA 16.07.15, “Behavioral Health Programs.”

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

18-0102-1701, Insurance Policy Titles. Repeal of chapter.

18-0108-1701, Filing of Life Policy Forms. Repeal of chapter.

18-0120-1701, Cancellation of, or Refusal to Renew Automobile Insurance Policies. Requires insurers to use a standard statement form approved by the Director of the Department of Insurance that explains uninsured and underinsured motorist coverage to Idaho consumers and coverage options that might be available in Idaho.

18-0122-1701, Sale of Insurance by Vending Machines. Repeal of chapter.

18-0125-1701, Title Insurance and Title Insurance Agents and Escrow Officers. Makes title insurance policy cancellation fees permissive rather than mandatory.

18-0130-1701, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule. Allows carriers to offer return of premium or cash value benefits to covered persons for specified disease, limited benefit policies, and accident only policies in addition to the other types of policies currently permitted.

18-0135-1701, Guidelines Respecting the Use of Claim Forms for Disability Insurance Claims. Repeal of chapter.

18-0156-1701, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules. Removes “uncollected cancellation fees for issuance of title commitments from the definition of “things of value” to no longer allow collection of cancellation fees.

18-0173-1701, Rule to Implement the Individual Health Insurance Availability Act Plan Design. Repeal of chapter.

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

19.01.01 – Rules of the Idaho State Board of Dentistry

19-0101-1701, Deletes American Dental Association sedation-related documents that are incorporated by reference; adds qualifying course requirements to the moderate sedation rules.

19-0101-1702, Amends exam rule to distinguish between written and clinical exam results and to clarify the clinical exam requirements; revises terminology; and clarifies unprofessional conduct rule regarding prescription drugs.

19-0101-1703, Further defines parameters for teledental services authorized under the Idaho Telehealth Access Act.

**IDAPA 23 – IDAHO STATE BOARD OF DENTISTRY
PO Box 83720, Boise, ID 83720-0021**

23-0101-1701, Rules of the Idaho State Board of Nursing. Clarifies that, in applicable cases, the existing license may be converted to a limited license for a period not to exceed 5 years; clarifies requirements for nursing program faculty and removes an unneeded restriction.

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

35.01.02 - Sales and Use Tax Administrative Rules.

35-0102-1702, Clarifies when taxes are owed by road and paving contractors; replaces “park trailer” with “park model” recreational vehicle for trade-in purposes; defines “new park model recreational vehicles” and clearly states that they are taxed at 100% of the sales price; park model recreational vehicles are not eligible for the production exemption; allows the nonresident use of a vehicle in Idaho for 90 days; adds park model recreational vehicles to the list of nonexempt items.

35-0102-1703, Adds lodging operators, short-term rentals, and vacation rentals to the Hotel, Motel and Campgrounds tax rule; removes Hand Tool, Component, and Unit Price tax rule.

35-0105-1702, Idaho Motor Fuels Tax Administrative Rules. Amends the records requirements for International Fuel Tax Agreement (IFTA) licensees and other taxpayers claiming nontaxable fuel use.

35-0106-1701, Hotel/Motel Room and Campground Sales Tax Administrative Rules. Conforms rule to HB 216 (2017) by including the terms from the Short-Term and Vacation Rental Act.

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

39-0202-1701, Rules Governing Vehicle and Vessel Dealer License Requirements - Motor Vehicles. (Temp & Prop) Removes the penalties for violation of dealer rules or statute that is now provided for in 49-1602, Idaho Code.

39-0271-1701, Rules Governing Driver's License Violation Point System. (Temp & Prop) Adds failure to obey a school safety patrol to the list of moving traffic convictions and violations point count table.

39-0310-1701, Rules Governing When An Overlegal Permit Is Required. (Temp & Prop) Clarifies when movement of implements of husbandry is considered an emergency and provides that verbal approval of the movement may be allowed on official state holidays and weekend in lieu of a written permit.

39-0316-1701, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads. (Temp & Prop) Addresses the movement of implements of husbandry and when an overlegal permit is required and who is exempt.

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton, Boise, ID 83706-1255**

58.01.02 - Water Quality Standards

58-0102-1502, Replaces the existing hardness dependent criteria for copper with a similar modeled approach; references the "Implementation Guidance for the Idaho Copper Criteria for Aquatic Life," which details procedures for implementing the criteria including determining minimum data requirements for BLM inputs and guidance for estimating protective criteria when data are incomplete or absent.

58-0102-1701, Replaces existing water column based criteria for selenium with a four-part criterion. The recommended elements are (1) a fish egg-ovary element, (2) a fish whole-body and/or muscle element, (3) a water column element, and (4) a water column intermittent element; sets out site-specific selenium criteria for specific areas in Idaho.

NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKINGS

IDAPA 15 – OFFICE OF THE GOVERNOR - DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION

15-0401-1701, Rules of the Division of Human Resources and Idaho Personnel Commission (contact agency for meeting schedule)

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE

50-0101-1701, Rules of the Commission of Pardons and Parole (See Bulletin for meeting scheduled)

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

61-0108-1701, Rules Governing the Administration of Idaho's Indigent Defense Delivery Systems – Rule Definitions (to participate respond by 9/27/17)

Please refer to the Idaho Administrative Bulletin, [September 6, 2016, Volume 17-9](#), 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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