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 proposed rule public hearing request deadline is October 17, 2018, unless otherwise posted.
The proposed rule written comment submission deadline is October 24, 2018, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.

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

07-0301-1801, Rules of Building Safety. Removes obsolete provisions regarding energy conservation; increases maximum hot water piping length in public lavatories.

IDAPA 08 – STATE BOARD OF EDUCATION/DEPT OF EDUCATION PO Box 83720, Boise, ID 83720-0037

08-0104-1801, Residency. Amends residency requirements for determining in-state eligibility.

08-0113-1802, Rules Governing the Opportunity Scholarship Program. Amends student eligibility and application requirements to allow for a portion of the Opportunity Scholarship awards to be used for individuals who have earned 24 or more postsecondary credits.

08-0202 - Rules Governing Uniformity:

08-0202-1802, Creates an alternate route to certification for non-traditional educators to earn an administrator certificate.

08-0202-1803, Updates terminology and makes technical corrections to the educator credential requirements.

08-0202-1804, Clarifies types of "additional evidence demonstrating effective teaching" that are authorized as evidence for the Professional Endorsement pursuant to Section 33-1201A, Idaho Code.

08-0202-1805, Establishes Occupational Specialist Certificate endorsement requirements.

08.02.03 – Rules Governing Thoroughness:

08-0203-1803, Provides an exemption for qualified students from taking senior math; updates reference to Algebra to add integrated math; removes restrictions on computer science courses; clarifies and expand senior project. 08-0203-1804, Updates the content standards for secondary career technical programs by adding several content subcategories and amends current Collision Repair standards.

08-0501-1801, Rules Governing Seed and Plant Certification. Updates the Idaho Potato Certification Standards that are incorporated by reference to the 2018 version.

IDAPA 11 – IDAHO STATE POLICE / IDAHO STATE BRAND BOARD PO Box 1177, Meridian, ID 83680-1177

11-0201-1801, Rules of the Idaho State Brand Board. Increases cattle brand inspection fees by \$.25 cents and the minimum brand inspection fee to \$20.

IDAPA 13 – DEPARTMENT OF FISH AND GAME PO Box 25, Boise, ID 83707

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

13-0108-1802, Excludes any moose, bighorn sheep, mountain goat, or grizzly bear controlled hunt tag drawn by a parent or grandparent from designation to their child or grandchild.

13-0108-1803, Allows hunters 65 years of age or older or hunters with a senior combination hunting, disabled combination license or nonresident disabled American Veteran hunting license to be eligible to participate in any second application period for youth only controlled hunts.

13-0108-1804, Allows certain caliber airguns using pre-charged pneumatic power as a method of take for big game, including in short-range weapon seasons.

13-0108-1805, (Temp & Prop) Would no longer allow regular controlled hunt applications to be submitted by mail.

13-0109-1805, Rules Governing the Taking of Game Birds in the State of Idaho. Creates the administrative framework for the Fish and Game Commission to adopt Landowner Permission Hunt (LPH) seasons for turkeys in areas of the state to manage turkey depredation on private lands and to provide landowners with turkey hunting opportunities where turkey hunting is controlled.

13-0110-1802, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife. (Temp & Prop) Prohibits, with certain exceptions, the importation of carcasses or other parts of wild deer, elk, or moose from another state, province of Canada, or country with any documented case of Chronic Wasting Disease (CWD) and to create additional transport prohibitions if the Commission designates any part of Idaho as a CWD Management Zone.

13-0116-1802, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. Revises the distance that ground sets for trapping furbearing animals or predatory or unprotected wildlife may be placed from maintained public trails that are paved or unpaved.

13-0117-1801, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. Revises the distance that ground sets for trapping gray wolves may be placed from maintained public trails that are paved or unpaved.

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

16-0201-1801, Rules of the Idaho Time Sensitive Emergency System Council. Incorporates by reference the 2019-1 Edition of the Time Sensitive Emergency Standards Manual; clarifies the designation fee structure and enforcement procedures for failure to make annual payments for facilities choosing to pay designation fees on a yearly basis.

16-0202-1801, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission. Incorporates by reference the Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual, 2019 Edition.

16-0303-1801, Rules Governing Child Support Services. Increases federally-mandated annual child support services fee from \$25 to \$35 and increases the threshold for imposing the fee to \$550.

16-0304-1801, Rules Governing the Food Stamp Program in Idaho. Defines self-employment and includes a referral process for the state's mandatory employment and training program; updates participation in the Workforce Investment Act (WIA), now known as the Workforce Innovation and Opportunity Act (WIOA) programs.

16-0308-1801, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program. Excludes children under age 18 who receive SSI from household when determining eligibility and grant amount.

16.03.09 - Medicaid Basic Plan Benefits:

*16-0309-1801, (*PH) Allows eligible Critical Access Hospitals to designate additional acute care beds as swings beds to provide necessary care for individuals.

*16-0309-1804, (*PH) Updates and establishes standards for laboratory and radiology services, coverages and limitations, provider reimbursement and quality assurance.

*16-0309-1805, (*PH) Adds new definitions, participant safeguards, quality assurance, and procedural requirements to implement a fixed participant enrollment process and support the value-based model through the existing Healthy Connections Program.

*16-0309-1806, (*PH) Clarifies that drugs acquired through the federal 340B drug pricing program and dispensed by 340B contract pharmacies are not covered, including investigational drugs.

*16-0309-1807, (*PH) Implements processes to improve the Non-Emergency Medical Transportation (NEMT) program.

*16-0309-1808, (*PH) Updates definitions and clarifies qualifications for providers of Skills Building/Community Based Rehabilitation Services (CBRS) in schools and in the community.

*16-0309-1810, (*PH) Removes the prenatal exemption language from the third-party liability rules to align with changes in the federal Balanced Budget Act of 2018.

*16-0310-1807, Medicaid Enhanced Plan Benefits. (*PH) (Temp & Prop) Requires termination of enrollment when participant no longer meets HCBS eligibility criteria, as required by the Social Security Act.

16-0504-1801, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding. Incorporates by reference the 2019-1 edition (revision effective July 1, 2019) of the "Minimum Standards for Domestic Violence Offender Intervention Programs."

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

17-0206-1801, Employer's Reports. Clarifies the requirements for submission of Summaries of Payment and filing of closing documents to reflect Electronic Data Interchange (EDI) filing.

17-0207-1801, Procedures to Obtain Compensation. Removes documents previously incorporated by reference and instead references them in rule guidelines to be used for the proper reporting of claims electronically.

17.02.10 - Administrative Rules of the Industrial Commission Under the Workers' Compensation Law – Security for Compensation – Insurance Carriers:

17-0210-1801, Clarifies requirements for electronic submissions by insurance carriers of First Reports of Injury and Claims for Benefits, notices of occupational illness, and fatalities; eliminates the need to submit paper documentation in support of electronically-filed initial payments.

*17-0210-1802, (*PH) Establishes conditions and procedures for the use of electronic fund transfers and access cards to pay benefits due to injured workers by insurance carriers.

17.02.11 - Administrative Rules of the Industrial Commission Under the Workers' Compensation Law – Security for Compensation – Self-Insured Employers:

17-0211-1801, Clarifies requirements for electronic submissions by self-insured employers of First Reports of Injury and Claims for Benefits, notices of occupational illness, and fatalities; eliminates the need to submit paper documentation in support of electronically-filed initial payments.

*17-0211-1802, (*PH) Establishes conditions and procedures for the use of electronic fund transfers and access cards to pay benefits due to injured workers by self-insured employers.

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

18-0130-1801, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule. Aligns rule to HCR 45 (2018) by revising language related to exclusions for hearing aids so that hearing loss interventions will be covered by health insures with certain parameters.

18-0170-1801, Rules Governing Small Employer Health Insurance Availability Act Plan Design. Aligns rule to HCR 45 (2018) by revising language related to exclusions for hearing aids so that hearing loss interventions will be covered by health insures with certain parameters.

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

24-0301-1801, Rules of the State Board of Chiropractic Physicians. Allows Board to consider current qualifications for applicants by endorsement, applicant would not be required to take and pass SPEC exam; clarifies procedure and sets fee for active status licensure; includes procedure for clinical nutritional certification; addresses continuing education options; removes obsolete provisions.

- **24-0501-1801, Rules of the Board of Drinking Water and Wastewater Professionals.** Allows the Board to approve apprenticeship programs for individuals to obtain experience and education to qualify for a Class III license in less time; clarifies one year experience requirement; deletes obsolete provisions.
- 24-0601-1801, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants. Clarifies rule regarding supervision of occupational therapy assistants, limited permit holders, and aides; removes outdated language; clarifies supervision and recordkeeping requirements; updates Code of Ethics; specifies factors Board considers for criminal or disciplinary action.
- **24-0801-1801, Rules of the State Board of Morticians.** Establishes that a licensee's certificate of authority expires when their license goes inactive, and provides that it may be reissued when their licensed is returned to active status.
- **24-0901-1802, Rules of the Board of Examiners of Nursing Home Administrators.** Allows Board to review applications received less than 7 days prior to a board meeting and provide clear notice of the denial of an application for lack of activity; improves continuing education options; clarifies expiration of a temporary permit; removes outdated language.
- 24-1101-1801, Rules of the State Board of Podiatry. Removes obsolete language; removes limit of continuing education that can be obtained online; expands CE options to include variety of formats.
- 24.12.01 Rules of the Idaho State Board of Psychologist Examiners:
- 24-1201-1801, Board has adopted the National Examination for Professional Practice in Psychology (EPPP) as the national competency exam that applicants for licensure must pass.
- 24-1201-1802, Establishes the qualifications for provisional certification of prescriptive authority and certification of prescriptive authority and fees for certification.
- 24-1301-1801, Rules Governing the Physical Therapy Licensure Board. Per HB 505 (2018) implements the practice of dry needling, including establishing education and training requirements, as well as informed consent requirements.
- **24-1401-1801, Rules of the State Board of Social Work Examiners.** Allows Board to use the Social Work Registry administered by ASWB as a reliable source of credentialing information; waives exam requirement for applicants for licensure by endorsement who have actively practiced in another state but were not required to pass an exam at the time they obtained a social work license.
- 24-1501-1802, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists. Clarifies rules regarding group supervision and informed consent requirements for patients; increases portability of licenses; increases flexibility for obtaining continuing education requirements.
- 24-1701-1801, Rules of the State Board of Acupuncture. Clarifies requirements and qualifications for an acupuncture trainee permit; establishes supervision standards for licensed and certified acupuncturists who provide supervision to trainees and technicians.
- 24-1801-1802, Rules of the Real Estate Appraiser Board. Reduces application, registration, licensure and temporary permit fees.
- 24-1901-1801, Rules of the Board of Examiners of Residential Care Facility Administrators. Qualifies work experience in a nursing home facility by a licensed nursing home administrator for licensure as a residential care facility administrator.
- 24-2501-1801, Rules of the Idaho Driving Businesses Licensure Board. Allows Board to consider applications received less than 7 days before a board meeting; provides a waiver for the Instructor Apprenticeship Training Program and expands requirement that instructor be licensed for 5 years to qualify; eliminates 5 year continuous driver education experience requirement to teach in private driving school; addresses continuing education requirements.

24-2601-1801, Rules of the Idaho Board of Midwifery. Updates two documents incorporated by reference to reflect the most current publications; deletes obsolete waiver language; clarifies current cardiopulmonary resuscitation certification for licensure renewal.

24-2801-1802, Rules of the Barber and Cosmetology Services Licensing Board. New chapter implements SB 1324 (2018) by combining Boards of Cosmetology and Barber Examiners; sets fees; reduces minimum hours of instruction for cosmetology, barber-stylist, and electrology licenses; creates new certificate for make-up artistry only; creates a registration for retail thermal styling equipment dealers to do limited demonstration on potential customers; specifies what services a licensee may perform outside a licensed establishment; provides for the transfer of instructional hours between professions; and modernizes safety and disinfection requirements.

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

27-0101-1801, General Provisions. Adds definition for "DME Outlet" and removes definition for "MPJE"; addresses unprofessional conduct regarding misbranded or adulterated products.

27-0102-1802, Rules Governing Licensure and Registration. Adds pharmaceutical manufacturer registration requirements; eliminates the Multistate Pharmacy Jurisprudence Exam (MPJE) as a precondition to pharmacist licensure; makes technical corrections.

27-0103-1801, Includes rules from IDAPA 27.01.06, which is being repealed.

27-0104-1802, Rules Governing Pharmacist Prescriptive Authority. Implements HB 191 regarding prescribing certain drugs approved by the FDA for mild conditions or when providing care due to clinical gaps or to supplement an infusion order.

27-0105-1801, Rules Governing Drug Compounding. Minor changes conform rule to federal law and current practice.

27-0106-1801, Rules Governing DME, Manufacturing, and Distribution. Chapter repeal.

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

28-0203-1802, Rules of the Idaho Regional Travel and Convention Grant Program. Defines and clarifies allowable costs of the Idaho Regional Travel and Convention Grant Program.

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

31-1101-1801, Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission. Updates the National Electrical Safety Code, incorporated by reference, to the 2017 edition.

31-71-03-1801, Railroad Safety and Accident Reporting Rules. Adds commercially bottled water as source of drinking water for employees.

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

35-0101-1804, Income Tax Administrative Rules. Deletes the reference to a partnership interest as nonqualifying property for the Idaho capital gains deduction.

35.01.02 - Idaho Sales and Use Tax Administrative Rules:

35-0102-1802, Provides guidance to taxpayers on the administrative appeals process; addresses motor vehicles including gifts, military personnel and exemptions; directs financial institutions to obtain a permit if they are collecting sales tax for proper reporting.

35-0102-1803, Adds "out-of-state" seller to list of entities that are retailers; exempts food and beverages donated to individuals or nonprofit organizations; adds to exemptions for research and development at INL; changes standards for valuing a vehicle in absence of bill of sale and creates subcategories; clarifies the process for requesting refund of sales tax paid in error or related to bad debt; provides direction on proper execution of approved exemption claim form.

35-0103-1801, Property Tax Administrative Rules. Corrects a transcription error to this docket.

35-0201-1801, Tax Commission Administration and Enforcement Rules. Adds the interest rate for calendar year 2018 and the Revenue Ruling where the federal rate for the calculation can be found.

IDAPA 38 – DEPARTMENT OF ADMINISTRATION PO Box 83720, Boise, ID 83720-0075

38-0501-1801, **Rules of the Division of Purchasing**. Addresses the format for preserving purchasing records within the purchasing authority; adds a solicitation method to allow for competitive negotiations, when justified; clarifies the use of electronic communications during the solicitation process; identifies additional examples of potentially exempt acquisitions; adds a provision concerning information technology purchased through a reseller.

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

39-0301-1801, Rules Governing Definitions Regarding Overlegal Permits. Chapter repeal.

39-0301-1802, Rules Governing Definitions Regarding Special Permits. New chapter provides definitions related to the permitting of commercial motor vehicles and/or combinations.

39-0302-1801, Rules Governing Movement of Disabled Vehicles. New chapter provides the safety conditions, weight limits and time of travel requirements for the movement of disabled vehicles by special permit.

39-0303-1801, Rules Governing Special Permits – General Conditions and Requirements. New chapter provides the general safety conditions and travel requirements for special permitted vehicles and/or loads; gives the Department and local highway jurisdictions permit issuing authority; imposes fees for various special permits; provides the permittee general responsibilities when operating under any special permit.

39-0304-1801, Rules Governing Movement of Disabled Vehicles. Chapter repeal.

39-0304-1802, Rules Governing Special Permits – Overweight Non-Reducible. Provides specific safety conditions and travel requirements for the movement of overweight non-reducible permitted vehicles and/or loads; provides engineering analysis procedures for special permitting of vehicles and/or loads that exceed various bridge ratings.

39-0305-1801, Rule Governing Variable Load Suspension Axles. Chapter repeal.

39-0305-1802, Rules Governing Special Permits – Oversize Non-Reducible. New chapter provides specific safety conditions and travel requirements of non-reducible (size only) permitted vehicles and/or loads provides specific safety requirements for escort vehicles for oversize vehicles and/or loads.

39-0306-1801, Rules Governing Allowable Vehicle Size. Chapter repeal.

39-0306-1802, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations. Establishes the specific safety conditions, travel requirements and the designated routes for extralength/excess weight, over 80,000 pounds, and up to 129,000 pounds vehicle combinations; provides the requirements for the request of additional 129,000 pound designated routes.

39-0307-1801, Rules Governing Restricted Routes for Semitrailers. Chapter repeal.

39-0307-1802, Rules Governing Special Permits for Reducible Loads. New chapter provides the maximum sizes allowed by special permits for specific Department-approved reducible loads.

39-0308-1801, Rules Governing Self-Propelled Snowplows. New chapter establishes safety requirements and standardizes the lighting systems for overweight, or both, snowplows operating under special permits.

The following chapters are being repealed as part of the consolidation and re-promulgation of the commercial vehicle permitting rules:

39-0309-1801, Rules Governing Overlegal Permits – General Conditions and Requirements

39-0310-1801. Rules Governing When an Overlegal Permit is Required

39-0311-1801, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions

39-0312-1801, Rules Governing Safety Requirements of Overlegal Permits

39-0313-1801, Rules Governing Overweight Permits

39-0314-1801, Rules Governing Policy During Spring Breakup Season

39-0315-1801, Rules Governing Excess Weight Permits for Reducible Loads

39-0316-1801, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads

39-0317-1801, Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers

39-0318-1801, Rules Governing Overlegal Permits for Relocation of Buildings or Houses

39-0319-1801, Rules Governing Annual Overlegal Permits

39-0320-1801, Rules Governing Application for Special Permits

39-0321-1801, Rules Governing Overlegal Permit Fees

39-0322-1801, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations

39-0323-1801, Rules Governing Revocation of Overlegal Permits

39-0324-1801, Rules Governing Self-Propelled Snowplows

39-0325-1801, Rules Governing Lights on Snow Removal Equipment

IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION PO Box 83720, Boise, ID 83720-0037

47-0102- 1801, Rules and Minimum Standards Governing Extended Employment Services. Adds and amends definitions; updates and clarifies the application process, evaluation of the eligibility requirements, process for payment services and submission of individual program plans, and record retention requirements.

IDAPA 49 - CERTIFIED SHORTHAND REPORTERS BOARD PO Box 83720, Boise, ID 83720-0063

49-0101-1801, Rules of Procedure of the Idaho Certified Shorthand Reporters Board. Removes references to "executive secretary" position; allows Board to consider certain factors when reviewing an applicant with criminal or disciplinary history.

IDAPA 55 - DIVISION OF CAREER TECHNICAL EDUCATION PO Box 83720, Boise, ID 83720-0037

55-0103-1801, Rules of Career Technical Schools. Changes the model used for career technical school funding; adds definitions; removes outdated terms.

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO PO Box 83720, Boise, ID 83720-0078

59-0106-1802, PERSI Retirement Rules. Requires an employer who not is eligible to participate in other sick leave pools and wants to voluntarily participate in the subdivision unused sick leave pool, as established by state law, to annually update and submit an application for participation in the pool; new section terminates employers failing to meet the participation or funding requirements and allows an employer to withdraw from pool but not rejoin.

IDAPA 60 - IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

PO Box 83720, Boise, ID 83720-0083
*60-0501-1801, Resource Conservation and Rangeland Development Program. (*PH) Removes outdated references; adds or changes provisions to streamline the loan application process; updates credit guidelines; give mores flexibility to set maximum loan amounts.

IDAPA 61 - STATE PUBLIC DEFENSE COMMISSION 816 W. Bannock St., Suite 201, Boise, ID 83702

61-0104-1801, Rules Governing Procedures and Forms for the Application and Disbursement of Indigent Defense Grants. Establishes the process and requirements for counties to apply for grants to comply with the Indigent Defense Standards.

<u>NOTICE OF ADOPTION OF TEMPORARY RULE ONLY</u>

IDAPA 18 – DEPARTMENT OF INSURANCE

18-0154-1802, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act (eff. 10-1-18)T

IDAPA 27 – BOARD OF PHARMACY

27-0103-1802, Rules Governing Pharmacy Practice (eff. 9-28-18)T

IDAPA 29 – IDAHO POTATO COMMISSION

29-0103-1802, Rules Governing Nominations for Appointment as a Commissioner to the Idaho Potato Commission (eff. 8-29-18)T

NOTICES OF PROCLAMATION

IDAPA 13 – IDAHO FISH AND GAME COMMISSION / DEPT OF FISH AND GAME

13.01.07 - Rules Governing the Taking of Upland Game Animals

13-0107-1801AP – Notice of Amended Proclamation

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

13-0109-1804P – Notice of Proclamation

NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKING

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02-0414-1801, Rules Governing Dairy Products (2ND Notice) (See Bulletin for meeting info)

Please refer to the Idaho Administrative Bulletin, October 3, 2018, Volume 18-10, 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.

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