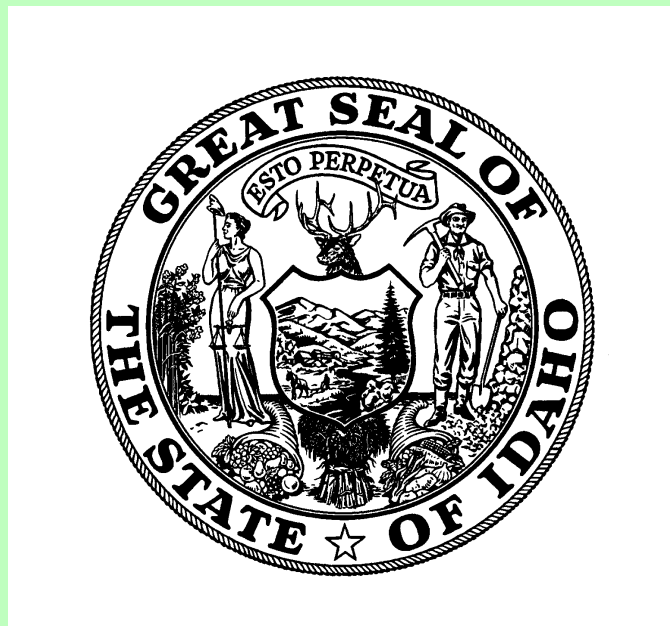


# **PENDING FEE RULES**

## **COMMITTEE RULES**

### **REVIEW BOOK**

**Submitted for Review Before**  
**Senate Health & Welfare Committee**  
**63rd Idaho Legislature**  
**First Regular Session**



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2015*

**SENATE HEALTH & WELFARE COMMITTEE**

**ADMINISTRATIVE RULES REVIEW**

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**2015 Legislative Session**

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## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.02.08 - VITAL STATISTICS RULES

DOCKET NO. 16-0208-1401

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. In accordance with Section 67-5224(5)(b), Idaho Code, and as specified herein, this pending rule becomes final and of full force and effect on July 1, 2015, after review by the legislature, unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 39-242 and 39-252, Idaho Code.

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

Revenue from existing Vital Statistics fees does not cover the current costs. This rulemaking increases fees in order to cover current costs and make the Bureau of Vital Statistics self-sustaining and not require continued subsidization by other Department programs. The Bureau of Vital Statistics receives no state general funds, only federal monies and fees for the services and documents it provides.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3, 2014, Idaho Administrative Bulletin, [Vol. 14-9, pages 188 through 191](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased under this docket. These fees are levied under the authority of Section 39-252, Idaho Code.

In order to cover the current costs of services provided, the Department's Bureau of Vital Statistics is increasing the fees for the services listed above. Further, a new fee structure for the verification of vital events by the Department's automated data system is being introduced and is based on a national pricing model.

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

There is no anticipated fiscal impact to the state general fund related to this rulemaking. The cost to implement these changes is minimal (estimated at \$2,500) and will be paid out of current operating funds. It is estimated that \$344,900 of annual revenue will be generated.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact James Aydelotte (208) 334-4969.

DATED this 21st Day of November, 2014.

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

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 39-242 and 39-252, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 17, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Revenue from existing Vital Statistics fees does not cover the current costs. This rulemaking increases fees in order to cover current costs and make the Bureau of Vital Statistics self-sustaining and not require continued subsidization by other Department programs. The Bureau of Vital Statistics receives no state general funds, only federal monies and fees for the services and documents it provides.

Specifically, this rulemaking increases the fees for certified copies, searches for certified copies, verifications, establishing new birth certificates for adoptions, establishing delayed certificates, amending certificates, and other related services. Also, a new fee for corrections is being established.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased under this docket. These fees are levied under the authority of Section 39-252, Idaho Code.

In order to cover the current costs of services provided, the Department's Bureau of Vital Statistics is increasing the fees for the services listed above. Further, a new fee structure for the verification of vital events by the Department's automated data system is being introduced and is based on a national pricing model.

It should be noted that the last fee increase by the Bureau of Vital Statistics was in 2002. Even with the proposed fee increase, Idaho's birth certificates and other vital documents will still be less expensive than 4 of the 6 surrounding states.

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

There is no anticipated fiscal impact to the state general fund related to this rulemaking. The cost to implement these changes is minimal (estimated at \$2,500) and will be paid out of current operating funds. It is estimated that \$344,900 of annual revenue will be generated.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. Negotiated rulemaking was deemed not feasible as this rule change is simple in nature.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact James Aydelotte (208) 334-4969.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2014.

DATED this 7th Day of August, 2014.

LSO RULES ANALYSIS MEMO

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 16-0208-1401

251. FEES FOR COPIES, SEARCHES, AND OTHER SERVICES.

01. **Certified Copies.** The fee for the issuance of a certified copy of a certificate of death is ~~fourteen sixteen~~ dollars (\$~~14~~<sup>6</sup>) per copy. This fee incorporates the additional one dollar (\$1) coroner training and education fund fee in accordance with Section 39-252(2), Idaho Code. The fee for the issuance of a certified copy of any other vital record is ~~thirteen sixteen~~ dollars (\$~~13~~<sup>6</sup>) per copy. (4-7-11)( )

02. **Searches.** The fee for ~~each~~ a search of the files for a ~~death~~ record of any vital event when no record is found ~~or~~ no copy is made, or a special document search is requested, is ~~fourteen sixteen~~ dollars (\$~~14~~<sup>6</sup>). ~~The fee for each search of the files for any other vital event when no record is found or no copy is made is thirteen dollars (\$13).~~ (4-7-11)( )

03. **Verifications.** ( )

a. Except for Idaho state ~~executive~~ agencies and public health districts, the fee for manual or written verification of data from a certificate is ~~nine ten~~ dollars (\$~~9~~<sup>10</sup>). (4-7-11)( )

b. The fees for electronic verification by the Department's automated systems of data from a certificate of any vital event are based on the national pricing model as follows:

<u>Fees for Electronic Verification</u>	
<u>National Monthly Transaction Volume</u>	<u>Charge per Verification Match Provided to Vital Records Agency</u>
<u>1 - 100,000</u>	<u>\$1.35</u>
<u>100,000 - 500,000</u>	<u>\$1.15</u>
<u>500,000 - 1,200,000</u>	<u>\$1.03</u>
<u>1,200,000+</u>	<u>\$0.87</u>

c. The fee for electronic fact of death verification by the Department's automated systems is three dollars (\$3). Fact of death verification involves comparing administrative data to Idaho death data and returning an indication of death. ( )

04. **Statistical, Research, or Public Health Services.** The State Registrar assesses the fee for statistical, research or public health services. The costs are calculated based upon the costs of retrieving the data and the costs of compiling, organizing, and printing the data. Cost may be reduced on a prorated basis to reflect the number of expected requests for the same information or service. (4-7-11)

05. Fees for Other Services. (4-7-11)

a. The fee for ~~establishing a new birth certificate pursuant to~~ filing a report, certificate, or decree of adoption is ~~thirteen~~ twenty dollars (~~\$13~~20). (4-7-11)(    )

b. The fee for establishing a delayed certificate of any vital event is ~~thirteen~~ twenty-five dollars (~~\$13~~25). (4-7-11)(    )

c. The fee for establishing a new or amended birth certificate ~~pursuant to~~ of any vital event due to a court order, a paternity affidavit or rescission, or a subsequent marriage affidavit is ~~thirteen~~ twenty dollars (~~\$13~~20). (4-7-11)(    )

d. A service fee of three dollars (\$3), in addition to the ~~fourteen~~ sixteen dollars (~~\$14~~16) for a certified copy of a death or stillbirth certificate ~~and thirteen (\$13) dollars for a certified copy of a stillbirth certificate~~, must be paid to the local deputy state registrar for securing each expedited certified copy of a vital record. (4-7-11)(    )

e. The fee for filing a copy of "Request and Consent for Artificial Insemination" as required by Section 39-5403, Idaho Code, is ten dollars (\$10). (4-7-11)

f. The fee for copies a copy of death a certificates of any vital event provided upon written request to local, states other than Idaho, or federal government agencies in accordance with Section 39-270(b), Idaho Code, is ~~fourteen~~ sixteen dollars (~~\$14~~16). ~~The fee for any other vital event is thirteen dollars (\$13).~~ (4-7-11)(    )

g. Fees for correction of a certificates of ~~death or stillbirth~~ any vital event. (4-7-11)(    )

i. ~~When a funeral director must correct an error on a certificate of death for which certified copies have been issued, and a replacement copy has been requested, the correction fee is fourteen dollars (\$14) and must include issuance of one (1) certified copy of the corrected death record.~~ (4-7-11)

ii. ~~When a funeral director must correct an error on a certificate of stillbirth for which certified copies have been issued, and a replacement copy has been requested, the correction fee is thirteen dollars (\$13) and must include issuance of one (1) certified copy of the corrected stillbirth record.~~ (4-7-11)

iii. The fee for ~~additional (a replacement) copies~~ certified copy of a certificates of ~~death or stillbirth issued at the time~~ any vital event when the incorrect certified copy is returned for exchange within sixty (60) days of a correction of an error is ~~two~~ five dollars (~~\$2~~5) per certified copy. (4-7-11)(    )

iv. ~~When a correction is requested for~~ There is no charge for a correction of an error or errors on a certificate of death or stillbirth, but no replacement copy is requested, there is no charge to the requestor any vital event when the required documentation is received within the first year after the date of the event. (4-7-11)(    )

iii. The fee for correction of an error or errors on a certificate of any vital event, when the required documentation is received one (1) year or more after the date of the event, is twenty dollars (\$20) per submitted correction request. (    )

h. Fees for priority processing or special handling. (    )

i. A service fee of ~~five~~ ten dollars (~~\$5~~10) per certificate or document will be added for priority mailing processing or special handling, ~~including additional document requests~~ of a request for a certified copy or copies of a certificate of any vital event, a request for a disinterment permit, a request to file a registry form, or a request regarding another vital event related form or document, other than those identified in Subsection 251.05.h.ii. of this rule. This fee will be in addition to the current fee(s) or fees for ~~the requested~~ each certified copy ~~(ies), or search(es), or both filing requested, or any combination thereof.~~ This fee is forfeited and a new service fee must be paid for priority processing or special handling in the event that the requestor takes longer than ninety (90) days to respond to a request for additional information, or documentation, or both. (4-7-11)(    )

ii. A service fee of twenty-five dollars (\$25) per certificate will be added for priority processing to establish a new or amended certificate of any vital event due to a report, certificate or decree of adoption, delayed certificate filing, a court order, a paternity affidavit or rescission, a subsequent marriage affidavit or a correction of a certificate. This fee is in addition to the current fee or fees for the legal amendment processing or request for a certified copy or copies, or both. This fee is forfeited and a new legal amendment service fee must be paid for priority processing or special handling in the event that the requestor takes longer than ninety (90) days to respond to a request for additional information or documentation or both. ( )

iii. A hard copy fee of five dollars (\$5) per certificate will be added to the certified copy fee for issuance of a non-computer generated certified photocopy of a certificate of any vital event. Additional certified photocopies of the same certificate requested at the same time will be issued at the sixteen dollar (\$16) certified copy fee. ( )

**06. Waiver of Fee Requirement.** Fees may be waived for Idaho state *executive* agency and public health district administrative use requests. Statistical information prepared for public health planning purposes may be published and distributed without charge whenever the Director determines that the publication and distribution is in the public interest. (~~12-26-83~~)( )

## IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.02.27 - IDAHO RADIATION CONTROL RULES

#### DOCKET NO. 16-0227-1402 (CHAPTER REWRITE)

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-1003, 56-1007, 56-1041, 56-1043, 56-1044, and 56-1046, Idaho Code.

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

This chapter of rules is being rewritten in its entirety. This rule rewrite will align this chapter of rules with the requirement under Section 56-1043, Idaho Code, for the Department to license (rather than register) x-ray producing devices.

Companion Docket No. 16-0227-1401 to repeal the current chapter of rules is published simultaneously in this Idaho Administrative Bulletin.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the Sept. 3, 2014, Idaho Administrative Bulletin, **Vol. 14-9, pages 226 through 235.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The Department is authorized under Sections 56-1007, and 56-1041, Idaho Code, to collect fees for services provided by the Department. This proposed rulemaking includes a \$50 license application fee and a \$25 per tube fee for all devices licensed within the state of Idaho. Fee estimates from the licensure of different types of radiation equipment are as follows:

1. Hospital, Clinic, and Medical Practice - \$33,250
2. Dental, Chiropractic, Podiatric, and Veterinary Practice - \$33,750
3. Industrial, Research, Educational, or Security agency - \$5,100.

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

The Department estimates that the proposed licensure fees will increase receipts to the Department by approximately \$72,100. This fee will cover the increased administrative cost associated with the licensure and inspection requirements, IT infrastructure, and implementation of a remote evaluation by mail process.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Katey Anderson at (208) 334-2235, ext. 245.

DATED this 21st Day of November, 2014.

Tamara Prisock  
DHW - Administrative Rules Unit  
450 W. State Street - 10th Floor  
P.O. Box 83720

Boise, ID 83720-0036  
Tel: (208) 334-5500  
Fax: (208) 334-6558  
Email: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)



**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 56-1003, 56-1007, 56-1041, 56-1043, 56-1044, and 56-1046, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 17, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This chapter of rules is being rewritten in its entirety. This rule rewrite will align this chapter of rules with the requirement under Section 56-1043, Idaho Code, for the Department to license (rather than register) x-ray producing devices. These rules:

1. Establish x-ray licensure requirements, including the specification of standard licensure cycles for the various types of x-ray producing devices
2. Update and streamline the rules by incorporating by reference current standards and federal regulations that will reduce the length, complexity, and publication costs, and will ensure the chapter contains current terminology, best practices, and safety standards; and
3. Add x-ray licensure fees, including for the administration, information-technology infrastructure, and quality improvement associated with the licensure requirements and inspection processes throughout the program.

Companion Docket No. 16-0227-1401 to repeal the current chapter of rules is published simultaneously in this Idaho Administrative Bulletin.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The Department is authorized under Sections 56-1007, and 56-1041, Idaho Code, to collect fees for services provided by the Department. This proposed rulemaking includes a \$50 license application fee and a \$25 per tube fee for all devices licensed within the state of Idaho. Fee estimates from the licensure of different types of radiation equipment are as follows:

1. Hospital, Clinic, and Medical Practice - \$33,250
2. Dental, Chiropractic, Podiatric, and Veterinary Practice - \$33,750
3. Industrial, Research, Educational, or Security agency - \$5,100.

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

The Department estimates that the proposed licensure fees will increase receipts to the Department by approximately \$72,100. This fee will cover the increased administrative cost associated with the licensure and inspection requirements, IT infrastructure, and implementation of a remote evaluation by mail process.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. A Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 4, 2014, Idaho Administrative Bulletin, [Vol. 14-6, pages 59 and 60](#). A followup Notice of Intent to Promulgate Rules - Negotiated

Rulemaking was published in the July 2, 2014, Idaho Administrative Bulletin, [Vol. 14-7, page 47](#).

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, documents are being incorporated by reference into these rules to give them the force and effect of law. The documents are not being reprinted in this chapter of rules due to their length, format, and the cost for republication. The incorporated documents are:

National Council of Radiation Protection (NCRP) Report No. 147, entitled: "Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to Ten (10) MeV," issued November 19, 2004.

U.S. Food and Drug Administration, Mammography Quality Standards Act Regulations, Part 900--Mammography.

Suggested State Regulations for Control of Radiation, Volume 1, published by the Conference of Radiation Control Program Directors.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Katey Anderson at (208) 334-2235, ext. 245.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2014.

DATED this 7th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 16-0227-1402**

**IDAPA 16  
TITLE 02  
CHAPTER 27**

**16.02.27 - IDAHO RADIATION CONTROL RULES**

**000. LEGAL AUTHORITY.**

The Idaho Legislature, under the following Sections of statute has granted authority to the Board of Health and Welfare and the Director of the Department to adopt rules related to x-ray producing machines in order to protect the health of the people of Idaho. Sections 56-1041 and 56-1043, Idaho Code, grant authority to the Board of Health and Welfare to adopt radiation control rules. Section 56-1041, Idaho Code, establishes the Department as the designated agency to regulate, license, and control radiation associated with x-ray machines. Section 56-1044, Idaho Code, requires that radiation machines for mammography be registered with the Department, as provided in rule. Section 56-1046, Idaho Code, grants authority to the Department to establish record-keeping and reporting requirements for those who possess or use an x-ray machine. Section 56-1003, Idaho Code, grants authority to the Director to supervise and administer laboratories. Section 56-1007, grants authority to the Department to charge and collect fees established by rule. ( )

**001. TITLE.**

The title of these rules is IDAPA 16.02.27, "Idaho Radiation Control Rules." Except as otherwise specifically provided, these rules apply to all persons who possess, use, transfer, own or acquire any radiation machine. ( )

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter of rules. ( )

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals are governed by IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ( )

**004. INCORPORATION BY REFERENCE.**

The documents referenced in Subsections 004.01 through 004.03 of this rule are used as a means of further clarifying these rules. These documents are incorporated by reference and are available online as provided, or may be reviewed at the Department of Health and Welfare, Idaho Bureau of Laboratories at 2220 Old Penitentiary Road, Boise, Idaho 83712-8299. ( )

**01. National Council of Radiation Protection (NCRP) Report No. 147.** National Council of Radiation Protection (NCRP) Report No. 147, entitled: "Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to Ten (10) MeV," issued November 19, 2004, by the National Council on Radiation Protection and Measurement. This document may be obtained from: NCRP Publications, 7910 Woodmont, Bethesda, MD 20814, e-mail: [NCRPpubs@NCRPonline.org](mailto:NCRPpubs@NCRPonline.org), phone: 1-301-657-2652, Ext. 14. ( )

**02. Mammography Quality Standards Act Regulations, Part 900.** The Mammography Quality Standards Act Regulations, Part 900, located at 21 CFR 900.12 as authorized by 21 U.S.C. 360i, 360nn, 374(e); and 42 U.S.C. 263b. A copy of these regulation may be ordered from the U.S. Food and Drug Administration, 10903 New Hampshire Avenue, Silver Spring, MD 20993, phone: 1-888-INFO-FDA (1-888-463-6332). These regulations are available online at <http://www.fda.gov/Radiation-EmittingProducts/MammographyQualityStandardsActandProgram/Regulations/ucm110906.htm#s9001>. ( )

**03. Suggested State Regulations for Control of Radiation, Volume 1.** This publication is being adopted with the exclusions, modifications, and additions listed below in Subsections 004.03.a through 004.03.k of this rule. Suggested State Regulations for Control of Radiation, Volume 1, is published by the Conference of Radiation Control Program Directors, Inc., 1030 Burlington Lane, Suite 4B, Frankfort, Kentucky 40601. It is also available online at <http://www.crcpd.org/SSRCRs/default.aspx>. ( )

**a.** Part A -- General Provisions (March 2003). Modifications have been made to this Part. See Sections 100 - 199 of these rules. ( )

**b.** Part B -- Registration [Licensure] of Radiation Machine Facilities, [Services] - And Associated Healthcare Professionals (February 2009). Exclusions and modifications have been made to this Part. See Sections 200 - 299 of these rules. ( )

**c.** Part C -- Licensing of Radioactive Material (March 2010). This Part is excluded from incorporation. ( )

**d.** Part D -- Standards for Protection Against Radiation (March 2003). The following Sections of this Part are incorporated: 1101a, 1101b, 1101c, 1201a, 1201b, 1201c, 1201f, 1206, 1207, 1208, 1301, 1501, 1502, 1503, 1601, 1602, 1901, 1902, 1903, 1904c, 2102, 2103a, 2104, 2105, 2106, 2107a, 2110, 2201, 2202, 2203, 2204, 2205, and 2207b. ( )

**e.** Part E -- Radiation Safety Requirements for Industrial Radiographic Operations (February 1999). Exclusions have been made to this Part. See Sections 400 - 499 of these rules. ( )

**f.** Part F -- Diagnostic X-rays and Imaging Systems in the Healing Arts (May 2009). This Part is incorporated with no exclusions, modifications, or additions. ( )

**g.** Part G -- Use of Radionuclides in the Healing Arts (March 2003). This Part is excluded from

incorporation. ( )

**h.** Part H -- Radiation Safety Requirements for Analytical X-ray Equipment (January 1991). This Part is incorporated with no exclusions, modifications, or additions. ( )

**i.** Part I -- Radiation Safety Requirements For Particle Accelerators (January 1991). This Part is excluded from incorporation. ( )

**j.** Part J -- Notices, Instructions and Reports to Workers; Inspections (March 2003). This Part is incorporated with no exclusions, modifications, or additions. ( )

**k.** Parts M through Z. These Parts are excluded from incorporation. ( )

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- INTERNET WEBSITE.**

**01. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. ( )

**02. Mailing Address.** The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. ( )

**03. Street Address.** ( )

**a.** The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. ( )

**b.** The Idaho Bureau of Laboratories is located at 2220 East Old Penitentiary Road, Boise, ID 83712-8299. ( )

**04. Telephone.** ( )

**a.** The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. ( )

**b.** The telephone number for the Idaho Bureau of Laboratories is (208) 334-2235. ( )

**05. Internet Websites.** ( )

**a.** The Department internet website is found at <http://www.healthandwelfare.idaho.gov>. ( )

**b.** The Idaho Bureau of Laboratories internet website is found at <http://www.statelab.idaho.gov>. ( )

**006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.**

**01. Confidential Records.** Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." ( )

**02. Public Records.** The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. ( )

**007. -- 049. (RESERVED)**

**050. LICENSING.**  
Sections 050 through 099 provide for the licensing of radiation machines. ( )

**051. SCOPE.**

Radiation producing machines, unless exempt under Section B.4 of the Suggested State Regulations for Control of Radiation incorporated under Section 004 of these rules, must be licensed with the Radiation Control Agency in accordance with the requirements of Sections B.6 through B.9, of the Suggested State Regulations for Control of Radiation, as applicable. ( )

**052. FEES.**

**01. Radiation Licensing Fees.** Radiation facility fees apply to each person or facility owning, leasing, storing, or using radiation-producing machines. This fee is assessed on the same cycle as inspections and consists of a base licensing fee and a per tube charge. Fees are due within thirty (30) calendar days of the renewal date. A late charge of fifty (\$50) dollars will be assessed at thirty-one (31) days past the renewal date. If the fees are not paid by day ninety-one (91) past the renewal date, licensure will be terminated.

X-Ray Renewal Cycle and Facility Fees			
Facility Type	Renewal Cycle	Facility Fee	Per Tube Fee
Hospital, Clinic, Medical Practice	2 Years	\$50	\$25
Dental, Chiropractic, Podiatric, Veterinary Practice	4 Years		
Industrial, research, academic/educational, or security	10 Years		

( )

**02. X-Ray Shielding Plan Review and Fee.** Facilities housing X-ray producing devices and regulated under these rules must obtain a review of their shielding plan by a qualified expert. A copy of this review, to include a floor plan and site specific shielding calculations, must be submitted to the Radiation Control Agency within thirty (30) days of receipt. Facilities may request a departmental review of the X-ray shielding calculations and floor plan by the Radiation Control Agency. A \$350 fee will be charged for this service. ( )

**03. Radiation Safety Program Fee.** If a facility or group of facilities under one administrative control employs one or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility may pay a flat annual facility fee of \$1000 instead of the licensing fees required in Subsection 052.01 of this rule. In addition, annual submittal of documentation of evidence of an ongoing and functioning quality control program must be submitted for review and approval. ( )

**053. APPLICATION FOR LICENSE.**

In addition to the requirements detailed in the incorporated reference, Section B, the following is required with application for use of x-ray producing devices. ( )

**01. Responsible Authority.** All applications must be signed by the responsible authority (RA) over the x-ray producing device. Required qualifications of the RA can be found in Section B.6c of the SSRCR. ( )

**02. Application For License.** Application for license must be on forms furnished by the Radiation Control Agency and must contain: ( )

**a.** Name of the owner, organization or person having administrative control and responsibility for use (responsible authority); and ( )

**b.** Address and telephone number where the machine is located; and if the radiation producing machine is used as a mobile device, a central headquarters must be used. ( )

- c. A designation of the general category of use, such as dental, medical, industrial, veterinary, and research; and ( )
- d. The manufacturer, model number, and type of machine; and ( )
- e. Name of the radiation machine supplier, installer, and service agent. ( )
- f. Name of an individual to be responsible for radiation protection, when applicable. ( )

**03. Qualifications for Authorized Operation, Service, and Repair of X-ray Machines.** The responsible authority must prohibit any person from operating, performing maintenance, or furnishing servicing or services to an x-ray producing machine under his authority that is not properly trained, certified, or licensed to do so. The responsible authority must obtain and retain documentation for a minimum of 2 years that all operation, service, repair, and maintenance of x-ray producing machine(s) under their authority are done so by a qualified individual or entity. ( )

**04. Operator Qualifications.** No individual will be permitted to act as an operator of a particular machine until such individual has received an acceptable amount of training in radiation safety as it applies to that machine and is approved by the Radiation Protection Supervisor or Radiation Safety Officer. Operators will be responsible for: ( )

- a. Keeping radiation exposure to himself and to others as low as is practical; and ( )
- b. Being familiar with safety procedures as they apply to each machine; and ( )
- c. Wearing of personnel monitoring devices, if applicable; and ( )
- d. Notifying the Radiation Protection Supervisor or Radiation Safety Officer of known or suspected excessive radiation exposures to himself or others. ( )

**05. Minimum Safety Requirements.** Unless otherwise specified within these or the incorporated rules, the following are the minimum safety requirements for personnel acting as radiographers or radiographers assistants. ( )

a. Licensees must not permit any individuals to act as radiographers as defined in these rules until such individuals: ( )

i. Have received copies of and instructions in the licensee's operating and emergency procedures; and have demonstrated understanding thereof; and ( )

ii. Have been instructed in the subjects outlined in Subsection 06. of this rule, and have demonstrated understanding thereof; and ( )

iii. Have received copies of and instruction in the correct execution of these rules and have demonstrated understanding thereof; and ( )

iv. Have demonstrated competence to use the specific radiation machine(s), related handling tools, and survey instruments which will be employed in their assignment. ( )

v. Have demonstrated an understanding of the instructions in this section by successful completion of a written test and a field examination on the subjects covered. ( )

b. Licensees must not permit any individuals to act as a radiographer's assistant as defined in these rules until such individuals: ( )

vi. Have received copies of and instructions in the licensee's operating and emergency procedures; and

have demonstrated understanding thereof; and ( )

vii. Have demonstrated competence to use under the personal supervision of the radiographer the radiation machine(s) and radiation survey instrument(s) which will be employed in their assignment. ( )

viii. Have demonstrated an understanding of the instructions in this section by successfully completing a written or oral test and a field examination on the subjects covered. ( )

c. Records of the above training, including copies of written tests and dates of oral tests and field examinations, must be maintained for inspection by the Radiation Control Agency for three (3) years following termination of employment. ( )

d. Each licensee must conduct an internal audit program to ensure that the Radiation Control Agency's conditions and the licensee's operating and emergency procedures are followed by each radiographer and radiographer's assistant. These internal audits must be performed at least quarterly, and each radiographer must be audited at least annually. Records of internal audits must be maintained for inspection by the Agency for two (2) years from the date of the audit. ( )

**06. Subjects to Be Covered During the Instruction of Radiographers.** ( )

a. Fundamentals of Radiation Safety, to include at least: ( )

i. Characteristics of gamma and x-radiation; and ( )

ii. Units of radiation dose (millirem); and ( )

iii. Bioeffects of excessive exposure of radiation; and ( )

iv. Levels of radiation from radiation machines; and ( )

v. Methods of controlling radiation dose, including: ( )

(1) Working time; and ( )

(2) Working distances; and ( )

(3) Shielding; and ( )

vi. Radiation Protection Standards; and ( )

b. Radiation Detection Instrumentation, to include at least: ( )

i. Use of radiation surveys instruments, including: ( )

(1) Operation; and ( )

(2) Calibration; and ( )

(3) Limitations; and ( )

ii. Survey techniques; and ( )

iii. Use of Personnel Monitoring Equipment, including: ( )

(1) Film badges, TLDs; and ( )

(2) Pocket dosimeters; and ( )

- (3) Pocket chambers; and ( )
- c. Radiographic Equipment, to include at least: ( )
  - i. Operation and control of x-ray equipment; and ( )
- d. The Requirements of Pertinent Federal regulations and State rules; and ( )
- e. The Licensee's Written Operating and Emergency Procedures; and ( )
- f. Case histories of radiography accidents. ( )

**07. Modification, Revocation, and Termination of Licensees.** Pursuant to amendments to the Act, departmental rules or regulations, or orders issued by the Radiation Control Agency, the terms and conditions of all licenses are subject to amendment, revision, or modification, and are subject to suspension or revocation. ( )

- a. Any license can be revoked, suspended, modified, or denied, in whole or in part. ( )
  - i. For any materially false statement: ( )
    - (1) In the application; or ( )
    - (2) In any statement of fact required under provisions of the Act or under these rules; or ( )
  - ii. Because of conditions revealed: ( )
    - (1) Within the application; any report, record, or inspection; or ( )
    - (2) By any other means which would warrant the Radiation Control Agency to refuse to grant a license on an original application; or ( )
  - iii. For violations of or failure to observe any of the terms and conditions: ( )
    - (1) Of the Act; or ( )
    - (2) Of the license; or ( )
    - (3) Of any rule; or ( )
    - (4) Of any regulation; or ( )
    - (5) Of an order of the Radiation Control Agency. ( )
- b. Except in cases of willful violation or in which the public health, interest or safety requires otherwise, no license can be modified, suspended, or revoked unless such issues have been called to the attention of the licensee in writing and the licensee afforded the opportunity to demonstrate or achieve compliance with all lawful requirements. ( )

**08. Emergency Action.** If the Radiation Control Program Director finds the public health, safety or welfare requires emergency action, the Director will incorporate findings in support of such action in a written notice of emergency revocation issued to the licensee. Emergency revocation is effective upon receipt by the licensee. Thereafter, if requested by the licensee in writing, the Director will provide the licensee a revocation hearing and prior notice thereof. Such hearings are conducted in accordance with IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." ( )

**054. -- 099. (RESERVED)**



**100. GENERAL PROVISIONS.**

Sections 100 through 199 of these rules will be used for exclusions, modifications, and additions to Part A of the Suggested State Regulations for Control of Radiation, Volume 1, as incorporated in Section 004 of these rules. ( )

**101. SCOPE.**

Modification to Part A, Section A.1. Except as otherwise specifically provided, these regulations apply to all persons who receive, possess, use, transfer, own, or acquire any source of radiation; provided that nothing in these regulations applies to any person to the extent such person is subject to regulation by the Nuclear Regulatory Commission. ( )

**102. DEFINITIONS.**

Additions to Part A, Section A.2. ( )

**01. Act.** "Act" means Section 56-1053, Idaho Code. ( )

**02. Agency.** "Agency" means the Idaho Department of Health and Welfare. ( )

**103. VIOLATIONS.**

Modification to Part A, Section A.8. Any person who willfully violates any provision of the Act is subject to penalties under Section 56-1053, Idaho Code. ( )

**104. IMPOUNDING.**

Modification to Part A, Section A.9. Sources of radiation are subject to impounding under Section 56-1052, Idaho Code. ( )

**105. COMMUNICATIONS.**

Modification to Part A, Section A.12. All communications and reports concerning these rules, and applications filed under these rules, must be addressed to the Agency at Radiation Control Section, Idaho Department of Health and Welfare, Bureau of Laboratories, 2220 Old Penitentiary Road, Boise, Idaho 83712-8299. ( )

**106. -- 199. (RESERVED)**

**200. LICENSURE OF RADIATION MACHINE FACILITIES, (SERVICES) - AND ASSOCIATED HEALTHCARE PROFESSIONALS.**

Sections 200 through 299 of these rules will be used for exclusions, modifications, and additions to Part B of the Suggested State Regulations for Control of Radiation, Volume 1, as incorporated in Section 004 of these rules. ( )

**201. LICENSURE OF RADIATION MACHINE FACILITIES.**

Exclusion to Part B, Section B.6. Subsection B.6.b is excluded from incorporation. ( )

**202. RECIPROCAL RECOGNITION OF OUT-OF-STATE RADIATION MACHINES.**

Modifications and additions to Part B, Section B.16. ( )

**01. Modification to Part B, Section B.16.a.iv.** States in which this machine is registered or licensed. ( )

**02. Addition to Part B, Section B.16 -- New Subsection d.** The owner or person having possession of any radiation producing machine registered or licensed by a federal entity or state other than Idaho, or both, planning to establish regular operations in Idaho, must complete registration of the machine with the Agency within thirty (30) days after taking residence and prior to operation of the machine. Thirty (30) days prior to the expiration date of any out-of-state license for any radiation producing machine, the owner must apply to the Agency for a machine license. ( )

**203. -- 400. (RESERVED)**

**400. RADIATION SAFETY REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHIC OPERATIONS.**

Sections 400 through 499 of these rules will be used for exclusions, modifications, and additions to Part E of the Suggested State Regulations for Control of Radiation, Volume 1, as incorporated in Section 004 of these rules.( )

**401. LICENSING AND REGISTRATION REQUIREMENTS FOR INDUSTRIAL RADIOGRAPHY OPERATIONS.**

Exclusions to Part E, Section E.5. Subsections E.5.b.i and E.5.b.ii, are excluded from incorporation. ( )

**402. LEAK TESTING AND REPLACEMENT OF SEALED SOURCES.**

Part E, Section E.10 is excluded from incorporation. ( )

**403. QUARTERLY INVENTORY.**

Part E, Section E.11 is excluded from incorporation. ( )

**404. LABELING, STORAGE, AND TRANSPORTATION.**

Exclusions to Part E, Section E.14. Subsections E.14.a, E.14.b, and E.14.d, are excluded from incorporation. ( )

**405. CONDUCTING INDUSTRIAL RADIOGRAPHIC OPERATIONS.**

Exclusion to Part E, Section E.15. Subsection E.15.d is excluded from incorporation. ( )

**406. RECORDS OF LEAK TESTING OF SEALED SOURCES AND DEVICES CONTAINING DU.**

Part E, Section E.27 is excluded from incorporation. ( )

**407. RECORDS OF QUARTERLY INVENTORY.**

Part E, Section E.28 is excluded from incorporation. ( )

**408. UTILIZATION LOGS.**

Part E, Section E.29 is excluded from incorporation. ( )

**409. LOCATION OF DOCUMENTS AND RECORDS.**

Exclusions to Part E, Section E.37. Subsections E.37.b.iii, E.37.b.xi, and E.37.b.xii are excluded from incorporation. ( )

**410. NOTIFICATIONS.**

Exclusions to Part E, Section E.38. Subsections E.38.a.i, and E.38.a.ii are excluded from incorporation. ( )

**411. APPLICATION AND EXAMINATIONS.**

Part E, Section E.39 is excluded from incorporation. ( )

**412. CERTIFICATION IDENTIFICATION (ID) CARD.**

Part E, Section E.40 is excluded from incorporation. ( )

**413. RECIPROCITY.**

Part E, Section E.41 is excluded from incorporation. ( )

**414. SPECIFIC REQUIREMENTS FOR RADIOGRAPHIC PERSONNEL PERFORMING INDUSTRIAL RADIOGRAPHY.**

Part E, Section E.42 is excluded from incorporation. ( )

**415. -- 599. (RESERVED)**

**600. NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS; INSPECTIONS.**

Sections 600 through 699 of these rules will be used for exclusions, modifications, and additions to Part J of the Suggested State Regulations for Control of Radiation, Volume 1, as incorporated in Section 004 of these rules.( )

**601. -- 999. (RESERVED)**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS**

**DOCKET NO. 16-0506-1401**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 56-202(b), 56-203(2), 56-204A, 56-1004A, 56-1007, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520 and 39-5604, Idaho Code.

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

The rules amending the classes of individuals requiring the Department's criminal history and background checks are being adopted as originally proposed. The complete text of the proposed rule was published in the July 2, 2014, Idaho Administrative Bulletin, [Vol. 14-7, pages 74 through 79](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 56-1004A, Idaho Code:

The fee amount for a Department fingerprint-based criminal history and background check is \$65.00 based on the actual cost. The individuals that are required to have these checks are responsible for the cost.

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

There are no additional costs to be paid for by the Department or the state general fund due to this rulemaking. It is anticipated that the individuals being checked are in the same types of classifications that currently are being checked, and the fiscal impact will be cost-neutral.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Fernando Castro, at (208) 332-7999.

DATED this 21st Day of November, 2014.

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

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED FEE RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-203(2), 56-204A, 56-1004A, 56-1007, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520 and 39-5604, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 16, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rule changes are needed to align this chapter with legislative intent and rules approved by the 2014 Legislature. The changes to these rules add references and amends classes of individuals requiring the Department's criminal history and background checks. A sentence that references a Section in these rules that was vacated, is being deleted in this docket as requested by the 2014 Legislature.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1), (a), and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The 2014 Legislature approved Department rules that amend classifications of individuals required to have a Department criminal history and background check.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

The fee amount for a Department fingerprint-based criminal history and background check is \$65.00 based on the actual cost. The individuals that are required to have these checks are responsible for the cost.

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

There are no additional costs to be paid for by the Department or the state general fund due to this rulemaking. It is anticipated that the individuals being checked are in the same types of classifications that currently are being checked, and the fiscal impact will be cost-neutral.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Department found it was not feasible to conduct negotiated rulemaking in order to have temporary rules in place to meet legislative intent and statutory requirements.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Fernando Castro, at (208) 332-7999.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 23, 2014.

DATED this 6th day of June, 2014.

LSO RULES ANALYSIS MEMO

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 16-0506-1401

**000. LEGAL AUTHORITY.**

The Idaho Legislature has authorized the Department of Health and Welfare to promulgate rules to conduct criminal history and background checks under Sections 56-202(b), 56-203(2), 56-204A, 56-1004A, 56-1007, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520, 39-5604, 39-9109, 66-404(7), 15-5-308(4), 15-5-311(5), and 15-5-316(5), Idaho Code. ~~(3-20-14)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**100. INDIVIDUALS SUBJECT TO A CRIMINAL HISTORY AND BACKGROUND CHECK.**

Individuals subject to a Department criminal history and background check are those persons or classes of individuals who are required by statute, or Department rules to complete a criminal history and background check. (3-4-11)

**01. Adoptive Parent Applicants.** Individuals who must comply with IDAPA 16.06.01, "Child and Family Services," and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)

**02. Alcohol or Substance Use Disorders Treatment Facilities and Programs.** Individuals who must comply with IDAPA 16.07.20, "Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs," and IDAPA ~~16.03.09, "Medicaid Basic Plan Benefits~~ 16.07.17, "Substance Use Disorders Services." ~~(3-4-11)~~( )

**03. Behavioral Health Community Crisis Centers.** Individuals who must comply with IDAPA 16.07.30, "Behavioral Health Community Crisis Centers." ( )

**034. Certified Family Homes.** Individuals who must comply with Section 39-3520, Idaho Code, IDAPA 16.03.19, "Rules Governing Certified Family Homes," and IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)

**045. Children's Residential Care Facilities.** Individuals who must comply with Section 39-1210, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)

**056. Children's Therapeutic Outdoor Programs.** Individuals who must comply with Section 39-1208, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)

**067. Contracted Non-Emergency Medical Transportation Providers.** Individuals who must comply with IDAPA 16.03.09, "Medicaid Basic Plan Benefits." (3-4-11)

**078. Court Appointed Guardians and Conservators.** Individuals who must comply with the requirements of Title 15, Chapter 5, Idaho Code, and Title 66, Chapter 4, Idaho Code. Court required guardian and conservator criminal history and background checks are not provided Department clearances described in Section 180.01 of these rules. (3-20-14)

**089. Designated Examiners and Designated Dispositioners.** Individuals who must comply with IDAPA 16.07.39, "Appointment of Designated Examiners and Designated Dispositioners." (3-4-11)

**0910. Developmental Disabilities Agencies.** Individuals who must comply with IDAPA 16.03.21,

“Developmental Disabilities Agencies (DDA),” and IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits.” (3-4-11)

**101. Emergency Medical Services (EMS).** Individuals who must comply with IDAPA 16.02.03, “Rules Governing Emergency Medical Services,” and IDAPA 16.01.07, “Emergency Medical Services (EMS) -- Personnel Licensing Requirements.” (7-1-12)

**12. High Risk Providers of Medicaid. Individuals who must comply with IDAPA 16.03.09, “Medicaid Basic Plan Benefits,” and the Medicaid Provider Handbook.** ( )

**13. Home and Community-Based Services (HCBS).** Individuals who must comply with IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits,” and IDAPA 16.04.17, “Rules Governing Residential Habilitation Agencies.” (7-1-12)

**124. Home Health Agencies.** Individuals who must comply with IDAPA 16.03.07, “Home Health Agencies.” (3-4-11)

**15. Idaho Behavioral Health Plan (IBHP). Individuals who are contractors, contractor’s employees, and subcontractors in accordance with IDAPA 16.03.09, “Medicaid Basic Plan Benefits.”** ( )

**136. Idaho Child Care Program (ICCP).** Individuals who must comply with IDAPA 16.06.12, “Rules Governing the Idaho Child Care Program.” (3-4-11)

**147. Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID).** Individuals who must comply with IDAPA 16.03.11, “Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID).” (3-4-11)

**158. Licensed Foster Care.** Individuals who must comply with Section 39-1211, Idaho Code, and IDAPA 16.06.02, “Rules Governing Standards for Child Care Licensing.” (3-4-11)

**169. Licensed Day Care.** Individuals who must comply with Sections 39-1105, 39-1113, and 39-1114, Idaho Code, and IDAPA 16.06.02, “Rules Governing Standards for Child Care Licensing.” (3-4-11)

**172. Mental Health Clinics Services.** Individuals who must comply with IDAPA ~~16.03.10, “Medicaid Enhanced Plan Benefits,” and IDAPA 16.03.09, “Medicaid Basic Plan Benefits~~ **16.07.33, “Adult Mental Health Services,” and IDAPA 16.07.37, “Children’s Mental Health Services.”** (3-4-11)( )

**1821. Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units.** Individuals who must comply with IDAPA 16.07.50, “Minimum Standards for Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units.” (3-4-11)

**1922. Personal Assistance Agencies.** Individuals who must comply with IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits.” (3-4-11)

**203. Personal Care Service Providers.** Individuals who must comply with Section 39-5604, Idaho Code, and IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits.” (3-4-11)

**21. Psychosocial Rehabilitation Providers. Individuals who must comply with IDAPA 16.03.10, “Medicaid Enhanced Plan Benefits.”** (3-4-11)

**224. Residential Care or Assisted Living Facilities in Idaho.** Individuals who must comply with IDAPA 16.03.22, “Residential Care or Assisted Living Facilities in Idaho.” (3-4-11)

**23. Semi-Independent Group Residential Care Facilities for the Developmentally Disabled or Mentally Ill. Individuals who must comply with IDAPA 16.03.15, “Rules and Minimum Standards for Semi-Independent Group Residential Care Facilities for the Developmentally Disabled or Mentally Ill.”** (3-4-11)

**245. Service Coordinators and Paraprofessional Providers.** Individuals who must comply with

IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)

**256. Skilled Nursing and Intermediate Care Facilities.** Individuals who must comply with IDAPA 16.03.02, "Rules and Minimum Standards for Skilled Nursing and Intermediate Care Facilities." (3-4-11)

**267. Support Brokers and Community Support Workers.** Individuals who must comply with IDAPA 16.03.13, "Consumer-Directed Services." (3-4-11)

**(BREAK IN CONTINUITY OF SECTIONS)**

**140. SUBMISSION OF FINGERPRINTS.**

The Department's criminal history and background check is a fingerprint-based check. Ten (10) rolled fingerprints must be collected from the individual and submitted to the Department within the time frame for submitting applications as provided in Section 150 of these rules in order for a criminal history and background check request to be processed. The Department obtains fingerprints electronically at each of its fingerprint locations, or the Department's fingerprint card must be used. A Department fingerprint card can be obtained by contacting the Criminal History Unit, described in Section 005 of these rules. (7-1-14)

**01. Department Fingerprinting Locations.** A fingerprint appointment is scheduled at designated Department locations where the Department will collect the individual's fingerprints. ~~A fee may be assessed when an individual misses the scheduled appointment as provided in Section 051 of these rules.~~ Locations for the closest Department fingerprint collection office where an individual may submit fingerprints are listed on the Department's website, or you may contact the Criminal History Unit as described in Section 005 of these rules. (7-1-14)( )

**02. Submitting Fingerprints by Mail.** When an individual elects to have fingerprints collected by a local law enforcement agency or by the applicant's employer, the Department's fingerprint card must be used. The fingerprint card must be completed in accordance with the instructions provided, signed, and mailed along with the completed notarized application and applicable fee to the address indicated on the Department's website. The notarized application and fees must be received by the Department in the time frame required in Section 150 of these rules. (7-1-14)

**03. Submission of Reprints.** In the event that an individual's submitted fingerprints are deemed unreadable by the Department, Idaho State Police, or the FBI, the applicant must comply with a request for reprints from the Department within fifteen (15) calendar days from the date of the notice. Failure to comply with the Department's reprint request will result in the applicant being unavailable to provide services. (7-1-14)

**(BREAK IN CONTINUITY OF SECTIONS)**

**190. CRIMINAL HISTORY AND BACKGROUND CHECK CLEARANCE.**

**01. Department Clearance.** A criminal history and background check clearance is issued by the Department once all relevant records and findings have been reviewed and the Department has cleared the applicant. The clearance will be published on the Department's website and the individual may print copies of the clearance. The employer must print ~~out~~ the clearance within fourteen (14) calendar days of the clearance being accessible on the Department's website, and maintain a copy readily available for inspection. (7-1-14)( )

**02. Revocation of Department Clearance.** An individual's previously issued clearance may be revoked for the following: (7-1-14)

**a.** The individual fails to comply with the Department's request to submit to a new criminal history and background check according to Subsection 300.04 of these rules. (7-1-14)

**b.** The individual completes a new criminal history and background check and is found to have a

criminal or relevant record that results in an inability to proceed action or in a denial as described in Sections 190 or 200 of these rules. (7-1-14)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. UPDATING CRIMINAL HISTORY AND BACKGROUND CHECKS.**

The employer is responsible for confirming that the applicant has completed a criminal history and background check as provided in Section 190 of these rules. Once a clearance is issued by the Department, verifiable continuous employment of the applicant with the same employer eliminates the requirement for a new background check. The provisions stipulated on Subsections 300.03 and 300.04 of this rule still apply. (7-1-12)

**01. New Criminal History and Background Check.** Any individual required to have a criminal history and background check under these rules must complete a new application, including fingerprints when: (3-26-08)

- a. Accepting employment with a new employer; or (3-26-08)
- b. Applying for licensure or certification with the Department; and (3-26-08)
- c. His last Department criminal history and background check was completed more than three (3) years prior to his employment date or licensure application date. (3-26-08)

**02. Use of Criminal History Check Within Three Years of Completion.** Any employer may use a Department criminal history and background check clearance obtained under these rules if: (3-26-08)

a. The individual has received a Department's criminal history and background check clearance within three (3) years from the date of employment; ~~and~~ ~~(3-26-08)~~( )

b. Prior to allowing the individual to provide services, the employer must obtain access to the individual's background check results and clearance through the Department's website by having the employer's identification number added to the individual's background check results, and ( )

~~b.c.~~ The employer completes a state-only background check of the individual through the Idaho State Police Bureau of Criminal Identification, and no disqualifying crimes are found. (3-26-08)

i. The action must be initiated by the employer within thirty (30) calendar days of obtaining access to the individual's criminal history and background check clearance issued by the Department; and (7-1-12)

ii. The employer must be able to provide proof of this action by maintaining a copy of the records required in Subsections 300.02.a. and 300.02.~~b.c.~~ of this rule. ~~(7-1-12)~~( )

**03. Employer Discretion.** The new employer, at its discretion, may require an individual to complete a Department criminal history and background check at any time, even if the individual has received a criminal history and background check clearance within three (3) years. (3-26-08)

**04. Department Discretion.** The Department may, at its discretion or as provided in program rules, require a criminal history and background check of any individual covered under these rules at any time during the individual's employment, internship, or while volunteering. Any individual required to complete a criminal history and background check under Sections 100 and 101 of these rules, must be fingerprinted within fourteen (14) days from the date of notification by the Department that a new criminal history and background check is required. (3-26-08)



## IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

### 24.06.01 - RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-1401

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-3712 and 54-3717, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 315 - 316](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4710, Idaho Code.

Rule 041 is being amended to decrease the initial license fee for occupational therapists from \$115 to \$100; initial license fee for occupational therapy assistants from \$85 to \$75; limited permit or temporary license fee from \$30 to \$25; active license renewal fee for occupational therapists from \$70 to \$55; active license renewal for occupational therapy assistants from \$50 to \$35; and inactive license renewal fee from \$50 to \$25.

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

This rulemaking will have no impact on general funds. This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board by approximately \$11,770.00 based on the current number of licensees and an estimated number of applications received in the last year.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 6th Day of November, 2014.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-3712 and 54-3717, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Occupational Therapy Board operates on dedicated funds from fees paid by its licensees and applicants. This change would decrease the initial licensure fee, limited permit or temporary license fee, annual active license renewal, and inactive license renewal in an effort to reduce the Board's dedicated fund balance and convey a benefit to licensees and applicants through these lower fees.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Rule 041 is being amended to decrease the initial license fee for occupational therapists from \$115 to \$100; initial license fee for occupational therapy assistants from \$85 to \$75; limited permit or temporary license fee from \$30 to \$25; active license renewal fee for occupational therapists from \$70 to \$55; active license renewal for occupational therapy assistants from \$50 to \$35; and inactive license renewal fee from \$50 to \$25.

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

This rulemaking will have no impact on general funds. This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board by approximately \$11,770.00 based on the current number of licensees and an estimated number of applications received in the last year.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed revisions to the fee rule are simple in nature and confer a benefit to the licensees and applicants. No opposition to this proposed fee reduction is anticipated. This proposal was discussed during noticed, open meetings of the Board.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 28th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-0601-1401**

**041. FEES.**

- 01. Fees.** Necessary fees shall accompany applications. Fees shall not be refundable. (3-29-10)
- 02. Initial Licensure.** The fee for initial licensure of occupational therapists shall be one hundred ~~fifteen~~ dollars (~~\$175~~~~00~~) and the fee for occupational therapy assistants shall be ~~eighty~~ ~~seventy~~-five dollars (~~\$87~~~~5~~).  
(~~3-29-10~~)(    )
- 03. Limited Permit or Temporary License.** The fee for a limited permit or temporary license shall be ~~thirty~~ ~~twenty-five~~ dollars (~~\$30~~~~25~~).  
(~~3-29-10~~)(    )
- 04. Active License Renewal Fee.** The annual renewal fee for an active license shall be ~~seventy~~ ~~fifty~~-~~five~~ dollars (~~\$70~~~~55~~) for occupational therapists and ~~fifty~~ ~~thirty-five~~ dollars (~~\$35~~~~0~~) for occupational therapy assistants.  
(~~4-7-11~~)(    )
- 05. Reinstatement Fee.** The fee to reinstate a lapsed license shall be thirty-five dollars (\$35).  
(3-29-10)
- 06. Inactive License Renewal Fee.** The annual renewal fee for an inactive license shall be ~~fifty~~ ~~twenty~~-~~five~~ dollars (~~\$25~~~~0~~) for occupational therapists and occupational therapy assistants.  
(~~4-7-11~~)(    )
- 07. Inactive to Active License Fee.** The fee for reinstating an inactive license to an active license is the difference between the current inactive and active license renewal fees.  
(4-7-11)

## IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

### 24.09.01 - RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

DOCKET NO. 24-0901-1401

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-1604 and 54-1608, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, **Vol. 14-10, pages 317 - 318**.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4710, Idaho Code.

Rule 600 is being amended to increase the original application fee from \$100 to \$200; the endorsement application fee from \$100 to \$200; the annual renewal fee from \$175 to \$200; the original license fee from \$150 to \$200; and the Administrator-in-training registration fee from \$100 to \$150.

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

This rulemaking will have no impact on general funds. The rule change will result in an annual increase of approximately \$8,625.00 in the Board's dedicated fund based on the current number of licensees and an estimated number of applications received in the last year.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 6th day of November, 2014.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-1604 and 54-1608, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Examiners of Nursing Home Administrators operates on dedicated funds from fees paid by its licensees and applicants. The Board's expenses have been exceeding its revenues. This change will help balance the Board's annual budget while maintaining the services necessary to protect the health and safety of the public.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Rule 600 is being amended to increase the original application fee from \$100 to \$200; the endorsement application fee from \$100 to \$200; the annual renewal fee from \$175 to \$200; the original license fee from \$150 to \$200; and the Administrator-in-training registration fee from \$100 to \$150.

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

This rulemaking will have no impact on general funds. The rule change will result in an annual increase of approximately \$8,625.00 in the Board's dedicated fund based on the current number of licensees and an estimated number of applications received in the last year.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Board of Examiners of Nursing Home Administrators operates on dedicated funds. The proposed rule is needed because the Board's expenses have been exceeding its revenues. The change was discussed during a noticed, open meeting of the Board.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 28th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-0901-1401**

**600. FEES (RULE 600).**

- 01. Original License and Annual Renewal Fee.** (3-13-02)
- a.** Original license fee -- ~~one~~ **two** hundred ~~fifty~~ dollars (~~\$15~~**200**). (~~3-13-02~~)(    )
- b.** Annual renewal fee -- ~~one~~ **two** hundred ~~seventy-five~~ dollars (~~\$175~~**200**). (~~3-13-02~~)(    )
- 02. Application Fees.** (3-10-00)
- a.** Original application fee -- ~~one~~ **two** hundred dollars (~~\$1~~**200**). (~~3-13-02~~)(    )
- b.** Endorsement application fee -- ~~one~~ **two** hundred dollars (~~\$1~~**200**). (~~3-13-02~~)(    )
- 03. Temporary Fee.** (3-13-02)
- a.** Temporary permit fee -- one hundred dollars (\$100). (3-13-02)
- b.** Administrator-In-Training registration fee -- one hundred dollars (\$100). (3-13-02)
- 04. License Reinstatement Fee.** License reinstatement fee -- one hundred dollars (\$100). (3-13-02)

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.11.01 - RULES OF THE STATE BOARD OF PODIATRY**

#### **DOCKET NO. 24-1101-1401**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-605, Idaho Code.

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

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3rd, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 348-349](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-605, Idaho Code.

Rule 300 is being amended to add a renewal fee of two hundred fifty dollars (\$250) for an inactive license.

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

This rulemaking will have no impact on general funds. The impact on the dedicated fund will depend on the number of licensees who choose to convert active licenses to inactive licenses or choose an inactive license instead of not renewing.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at (208) 334-3233.

DATED this 10th day of October, 2014.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-605, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 17, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

House Bill 356 passed in the 2014 Legislative Session allows the Board to adopt by rule an inactive license status. The Idaho Board of Podiatry is establishing rules and a renewal fee for an inactive license status.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Rule 300 is being amended to add a renewal fee of \$250 for an inactive license.

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

This rulemaking will have no impact on general funds. The impact on the dedicated fund will depend on the number of licensees who choose to convert active licenses to inactive licenses or choose an inactive license instead of not renewing.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the passage of House Bill 356 allows the board to establish rules regarding an inactive license status. The additions to the rule establish a renewal fee for an inactive license and the process for placing a license on inactive status. The additions to the fee rule are simple in nature and confer a benefit to the licensees. No opposition to this proposed rule is anticipated.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2014.

DATED this 8th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-1101-1401**



**300. FEES (RULE 300).**

- 01. Application Fee.** A fee shall accompany all applications. The fee shall be two hundred dollars (\$200). (7-1-97)
- 02. Original License Fee.** The original license fee shall be four hundred dollars (\$400). (4-9-09)
- 03. Written Exam Fee.** The fee for examination shall be equal to that charged by the national examining entity and shall be paid directly to the examination provider. (3-20-14)
- 04. Annual Renewal Fee.** Fee for annual renewal of licenses, five hundred dollars (\$500). (3-21-12)
- 05. Annual Renewal Fee for Inactive License.** Annual renewal fee is two hundred fifty dollars (\$250). ( )
- 056. Fee Non-Refundable.** All fees are non-refundable, except that if a license is not issued, the license fee will be refunded. (3-20-14)

**(BREAK IN CONTINUITY OF SECTIONS)**

**411. -- 4249. (RESERVED)**

**425. INACTIVE STATUS (RULE 425).**

- 01. Request for Inactive Status.** Each person requesting an inactive status during the renewal of their active license must submit a written request and pay the inactive license fee. ( )
- 02. Inactive License Status.** ( )
- a.** All continuing education requirements will be waived during the time that a licensee maintains an inactive license in Idaho. ( )
- b.** Inactive license renewal applications and licenses will be marked "Inactive." ( )
- c.** When the licensee desires active status, the licensee must show acceptable fulfillment of continuing education requirements for the previous twelve (12) months and submit a fee equivalent to the difference between the inactive and active renewal fee. ( )
- d.** A licensee shall not practice in Idaho while on inactive status. ( )

**426. -- 449. (RESERVED)**

## IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

### 24.14.01 - RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

DOCKET NO. 24-1401-1401

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-3204 and 54-3209, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 319 - 320](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4710, Idaho Code.

Rule 300 is being amended to increase the initial application fee from \$60 to \$70; the endorsement fee from \$60 to \$90; the annual renewal fee for Clinical Social Worker from \$70 to \$90; the annual renewal fee for Social Worker and Masters Social Worker from \$60 to \$80; the annual renewal fee for Inactive Clinical Social Worker from \$35 to \$45; and the annual renewal fee for Inactive Social Worker and Inactive Masters Social Worker from \$30 to \$40.

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

The rule will have no impact on general funds. The rule change will result in an annual increase of approximately \$77,080.00 in the Board's dedicated fund, based on the current number of licensees and an estimate of original applications received in a year.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 6th day of November, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax (208) 334-3945

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-3204 and 54-3209, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 15, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Board of Social Work Examiners operates on dedicated funds from fees paid by its licensees and applicants. The Board's expenses have been exceeding its revenues. This change will help balance the Board's annual budget while maintaining the services necessary to protect the health and safety of the public.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Rule 300 is being amended to increase the initial application fee from \$60 to \$70; the endorsement fee from \$60 to \$90; the annual renewal fee for Clinical Social Worker from \$70 to \$90; the annual renewal fee for Social Worker and Masters Social Worker from \$60 to \$80; the annual renewal fee for Inactive Clinical Social Worker from \$35 to \$45; and the annual renewal fee for Inactive Social Worker and Inactive Masters Social Worker from \$30 to \$40.

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

The rule will have no impact on general funds. The rule change will result in an annual increase of approximately \$77,080.00 in the Board's dedicated fund, based on the current number of licensees and an estimate of original applications received in a year.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Board of Social Work Examiners operates on dedicated funds. The proposed rule is needed because the Board's expenses have been exceeding its revenues. The change was discussed during a noticed, open meeting of the Board.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 28th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-1401-1401**

**300. FEES (RULE 300).**

To administer and carry out the provisions of this Act, the following fees are established: (7-1-93)

**01. Application and Original License Fee.** Application and Original License Fee for licensed clinical social worker or licensed masters social worker or licensed social worker - ~~sixty~~ **seventy** dollars (\$~~67~~**70**).  
(~~49-09~~)(    )

**02. Examination Fee.** Examination fee will be set by the Board in concordance with the testing service fees. (7-1-93)

**03. Endorsement and License Fee.** Endorsement and License Fee for licensed clinical social worker or licensed masters social worker or licensed social worker - ~~sixty~~ **ninety** dollars (\$~~69~~**90**).  
(~~49-09~~)(    )

**04. Renewal Fee.** Renewal Fee: (7-1-93)

a. Licensed Clinical Social Worker -- ~~Seventy~~ **Ninety** dollars (\$~~79~~**90**).  
(~~49-09~~)(    )

b. Licensed Masters Social Worker -- ~~Sixty~~ **Eighty** dollars (\$~~68~~**80**).  
(~~49-09~~)(    )

c. Licensed Social Worker -- ~~Sixty~~ **Eighty** dollars (\$~~68~~**80**).  
(~~49-09~~)(    )

d. Inactive Licensed Clinical Social Worker -- ~~Thirty~~ **Forty**-five dollars (\$~~34~~**45**).  
(~~49-09~~)(    )

e. Inactive Licensed Masters Social Worker -- ~~Thirty~~ **Forty** dollars (\$~~34~~**40**).  
(~~49-09~~)(    )

f. Inactive Licensed Social Worker -- ~~Thirty~~ **Forty** dollars (\$~~34~~**40**).  
(~~49-09~~)(    )

**05. Reinstatement Fee.** Reinstatement fees in accordance with Section 67-2614, Idaho Code. (7-1-93)

**06. All Fees Under This Act Are Non-Refundable.** All fees under this Act are non-refundable.  
(7-1-93)

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.17.01 - RULES OF THE STATE BOARD OF ACUPUNCTURE**

#### **DOCKET NO. 24-1701-1401**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-4705 and 54-4710, Idaho Code.

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

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the August 6th, 2014 Idaho Administrative Bulletin, [Vol. 14-8, pages 80-81](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4710, Idaho Code.

Rule 300 is being amended to decrease the application fee from one hundred dollars (\$100) to fifty dollars (\$50); original license fee and original fee for certification from two hundred dollars (\$200) to (one hundred fifty dollars (\$150)); annual renewal fee for licensure and certification from one hundred twenty-five dollars (\$125) to seventy-five dollars (\$75); and annual renewal fee for technician certification or acupuncture trainee permit from seventy-five dollars (\$75) to fifty dollars (\$50).

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

This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board of Acupuncture by approximately seven thousand eight hundred fifty dollars (\$7,850) based on one hundred forty-nine (149) licensees and four (4) applications received last year.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at (208) 334-3233.

DATED this 10th day of October, 2014.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233  
Fax: (208) 334-3945

**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-4705 and 54-4710, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 20, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The State Board of Acupuncture operates on dedicated funds from fees paid by its licensees and applicants. This change would decrease the application fee, original license fee, and annual renewal fee for licensure in an effort to reduce the Board's dedicated fund balance and convey a benefit to licensees and applicants through these lower fees.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Rule 300 is being amended to decrease the application fee from \$100 to \$50; original license fee and original fee for certification from \$200 to \$150; annual renewal fee for licensure and certification from \$125 to \$75; and annual renewal fee for technician certification or acupuncture trainee permit from \$75 to \$50.

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

This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board of Acupuncture by approximately \$7,850.00 based on 149 licensees and 4 applications received last year.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed revisions to the fee rule are simple in nature and confer a benefit to the licensees and applicants. No opposition to this proposed fee reduction is anticipated.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2014.

DATED this 3rd day of July, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-1701-1401**

**300. FEES (RULE 300).**

- 01. Application Fee.** Application fee for any original license, certification, or acupuncture trainee permit - ~~one hundred fifty~~ **fifty** dollars (~~\$150~~). (3-21-12)(    )
- 02. Original License Fee.** (3-30-01)
- a.** Original license fee - ~~two one~~ **one** hundred **fifty** dollars (~~\$20150~~). (3-21-07)(    )
- b.** Original fee for certification - ~~two one~~ **one** hundred **fifty** dollars (~~\$20150~~). (3-21-07)(    )
- c.** Original fee for acupuncture trainee permit - one hundred fifty dollars (\$150). (3-21-12)
- 03. Annual Renewal Fee.** (3-10-00)
- a.** Annual renewal fee for licensure - ~~one hundred twenty~~ **seventy**-five dollars (~~\$1275~~). (3-29-10)(    )
- b.** Annual renewal fee for certification - ~~one hundred twenty~~ **seventy**-five dollars (~~\$1275~~). (3-29-10)(    )
- c.** Annual renewal fee for technician certification or acupuncture trainee permit - ~~seventy five~~ **fifty** dollars (~~\$750~~). (3-21-12)(    )
- 04. Inactive License.** Inactive license or certification fee - fifty dollars (\$50). (3-30-01)
- 05. Non-Refundable.** All fees are non-refundable. (3-10-00)
- 06. Yearly Fees.** With the exception of Subsection 300.01 and 300.02, all fees provided under these rules are yearly fees. (3-10-00)

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.19.01 - RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS**

**DOCKET NO. 24-1901-1401**

#### **NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-4205, Idaho Code.

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

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 3rd, 2014 Idaho Administrative Bulletin, [Vol. 14-9, pages 350-351](#).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4205, Idaho Code.

Rule 600 is being amended to increase the application fee from one hundred dollars (\$100) to one hundred fifty dollars (\$150); the annual renewal fee from one hundred dollars (\$100) to one hundred fifty dollars (\$150); and the provisional/temporary permit fee from one hundred dollars (\$100) to one hundred fifty dollars (\$150).

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

This rulemaking will have no impact on general funds. The rule change will result in an annual increase of approximately twenty-four thousand fifty dollars (\$24,050) in the Board's dedicated fund based on the current number of licensees and an estimated number of nineteen (19) applications received last year.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Cherie Simpson at (208) 334-3233.

DATED this 10th day of October, 2014.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233 / Fax: (208) 334-3945



**THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-4205, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 17, 2014.

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

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Examiners of Residential Care Facility Administrators operates on dedicated funds from fees paid by its licensees and applicants. The Board's expenses have been exceeding its revenues. This change will help balance the Board's annual budget while maintaining the services necessary to protect the health and safety of the public.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Rule 600 is being amended to increase the application fee from \$100 to \$150; the annual renewal fee from \$100 to \$150; and the provisional/temporary permit fee from \$100 to \$150.

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

This rulemaking will have no impact on general funds. The rule change will result in an annual increase of approximately \$24,050.00 in the Board's dedicated fund based on the current number of licensees and an estimated number of 19 applications received last year.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed increases are needed because the Board's expenses have been exceeding its revenues. This change was discussed during a noticed, open meeting of the Board.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 24, 2014.

DATED this 8th Day of August, 2014.

**LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-1901-1401**

**600. FEES (RULE 600).**

- 01. License Application Fee.** License application -- one hundred fifty dollars (\$~~105~~0). ~~(3-19-07)~~(    )
- 02. Annual Renewal Fee.** Annual renewal fee -- one hundred fifty dollars (\$~~105~~0). ~~(3-19-07)~~(    )
- 03. Provisional/Temporary.** Provisional/temporary -- one hundred fifty dollars (\$~~105~~0).  
~~(3-19-07)~~(    )
- 04. Reinstatement Fee.** Reinstatement -- twenty-five dollars (\$25). (7-1-93)
- 05. Reissuance of Lost License Fee.** Reissuance of lost license -- ten dollars (\$10). (7-1-93)

## IDAPA 27 - BOARD OF PHARMACY

### 27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-1402

#### NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is September 1, 2014. This pending rule has been adopted by the agency and is now pending review by the 2015 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and of full force and effect upon adoption of the concurrent resolution, unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and amended a temporary rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

This pending rule is needed to appropriately register a new class of drug outlet, recently created by the federal Drug Quality and Security Act. Changes in this pending language from the proposed language clarify that registration is only required when distributing drugs for human use and that Rule 600 pertains to a PIC of an outsourcing facility too, and creates an additional reporting mandate.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 1, 2014 Idaho Administrative Bulletin, [Vol. 14-10, pages 330 through 337](#).

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger. This fee or charge is being imposed pursuant to Section 54-1720, Idaho Code. The following is a specific description of the fee or charge imposed or increased:

This rulemaking is being promulgated due to the federal change that necessitates a state change and protects public safety by properly registering, including a registration fee, and instituting practice standards for outsourcing facilities. Pursuant to the board's authority set forth in Section 54-1720, Idaho Code, this rulemaking establishes fees for outsourcing facility registrations: five hundred dollar (\$500) initial nonresident registration; two hundred fifty dollar (\$250) initial resident registration; and two hundred fifty-dollar (\$250) registration annual renewal.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

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

These rules will generate a small increase in the number of Board of Pharmacy registrants at either five hundred dollars (\$500) or two hundred fifty dollars (\$250) per initial registration and two hundred fifty dollars (\$250) per renewal. Currently the number of federally registered outsourcing facilities that are not already registered in another category appears to be three (3) - and the federal law has been in place since November of 2013.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Mark Johnston, Executive Director, (208) 334-2356.

DATED this 28th Day of November, 2014.

Mark Johnston, R.Ph.  
Executive Director  
Board of Pharmacy  
1199 W. Shoreline Ln., Ste. 303  
P. O. Box 83720  
Boise, ID 83720-0067  
Tel: (208) 334-2356  
Fax: (208) 334-3536

**THE FOLLOWING NOTICE WAS PUBLISHED WITH  
THE TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is September 1, 2014.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-1717, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A public hearing concerning this rulemaking will be held as follows:

**Wednesday, October 22, 2014, 1:00 p.m.**

**Idaho Capitol Building  
700 W. Jefferson St., Room WW53  
Boise, Idaho 83702**

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The federal Drug Quality and Security Act created a new type of drug outlet doing business into Idaho and potentially in Idaho: the outsourcing facility. This rulemaking defines outsourcing facilities, creates a new registration category, establishes a fee, and establishes practice standards for such outsourcing facilities.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(a) and 5226(1)(b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The federal Drug Quality and Security Act created a new category of drug outlet registration: outsourcing facilities. As of July 14, 2014, fifty-one (51) outsourcing facilities are registered federally; all are nonresident, distributing into Idaho. Waiting until sine die of the 2015 Legislature will cause confusion and force the Board to register outsourcing facilities at a lower fee without practice standards. This rulemaking protects public safety by properly registering, including a registration fee, and instituting practice standards for outsourcing facilities.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

This rulemaking is being promulgated due to the federal change that necessitates a state change and protects public safety by properly registering, including a registration fee, and instituting practice standards for outsourcing facilities. Pursuant to the board's authority set forth in Section 54-1720, Idaho Code, this rulemaking establishes fees for outsourcing facility registrations: five hundred dollar (\$500) initial nonresident registration; two hundred fifty dollar (\$250) initial resident registration; and two hundred fifty-dollar (\$250) registration annual renewal.

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

These rules will generate a small increase in the number of Board of Pharmacy registrants at either five hundred dollars (\$500) or two hundred fifty dollars (\$250) per initial registration and two hundred fifty dollars (\$250) per renewal. Currently the number of federally registered outsourcing facilities that are not already registered in another category appears to be three (3) - and the federal law has been in place since November of 2013.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published under Docket No. 27-0101-1401 in the July 2, 2014 Idaho Administrative Bulletin, **Vol. 14-7, page 125**, and in the August 6, 2014 Idaho Administrative Bulletin, **Vol. 14-8, page 84**.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Mark Johnston, Executive Director, (208) 334-2356.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2014.

DATED this 29th Day of August, 2014.

### **LSO RULES ANALYSIS MEMO**

**THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 27-0101-1402**

#### **011. DEFINITIONS AND ABBREVIATIONS (J -- R).**

**01. LTCF -- Long-Term Care Facility.** An institutional facility that provides extended health care to resident patients. (3-21-12)

**02. Mail Service Pharmacy.** A nonresident pharmacy that ships, mails, or delivers by any lawful means a dispensed legend drug to residents in this state pursuant to a legally issued prescription drug order and ensures the provision of corresponding related pharmaceutical care services required by law. (7-1-13)

**03. MPJE.** Multistate Pharmacy Jurisprudence Exam. (3-21-12)

**04. MTM -- Medication Therapy Management.** A distinct service or group of services that optimize therapeutic outcomes for individual patients. MTM services are independent of, but can occur in conjunction with, the provision or administration of a drug or a device and encompass a broad range of activities and responsibilities.

The MTM service model in pharmacy practice includes the following five core elements: (3-21-12)

- a. Medication therapy review; (3-21-12)
- b. Personal medication record; (3-21-12)
- c. Medication-related action plan; (3-21-12)
- d. Intervention or referral, or both; (3-21-12)
- e. Documentation and follow-up. (3-21-12)
- 05.** **NABP.** National Association of Boards of Pharmacy. (3-21-12)
- 06.** **NAPLEX.** North American Pharmacists Licensure Examination. (3-21-12)
- 07.** **NDC.** National Drug Code. (3-21-12)
- 08.** **Non-Institutional Pharmacy.** A pharmacy located in a drug outlet that is not an institutional facility. (3-21-12)

**09.** **Outsourcing Drug Outlet.** A drug outlet that is registered by the United States Food and Drug Administration pursuant to 21 U.S.C. Section 353b and either registered or endorsed by the Board. ( )

~~09~~**10.** **Parenteral Admixture.** The preparation and labeling of sterile products intended for administration by injection. (3-21-12)

**101.** **Pharmaceutical Care Services.** A broad range of pharmacist-provided cognitive services, activities and responsibilities intended to optimize drug-related therapeutic outcomes for patients. Pharmaceutical care services may be performed independent of, or concurrently with, the dispensing or administration of a drug or device and encompasses services provided by way of DTM under a collaborative practice agreement, pharmacotherapy, clinical pharmacy practice, pharmacist independent practice, and MTM. Except as permitted pursuant to a collaborative practice agreement, nothing in these rules allows a pharmacist, beyond what is statutorily allowed, to engage in the unlicensed practice of medicine or to diagnose, prescribe, or conduct physical examinations. Pharmaceutical care services are not limited to, but may include one (1) or more of the following, according to the individual needs of the patient: (4-4-13)

- a. Performing or obtaining necessary assessments of the patient's health status, including the performance of health screening activities that may include, but are not limited to, obtaining finger-stick blood samples; (3-21-12)
- b. Reviewing, analyzing, evaluating, formulating or providing a drug utilization plan; (3-21-12)
- c. Monitoring and evaluating the patient's response to drug therapy, including safety and effectiveness; (3-21-12)
- d. Performing a comprehensive drug review to identify, resolve, and prevent drug-related problems, including adverse drug events; (3-21-12)
- e. Documenting the care delivered; (3-21-12)
- f. Communicating essential information or referring the patient when necessary or appropriate; (3-21-12)
- g. Providing counseling education, information, support services, and resources applicable to a drug, disease state, or a related condition or designed to enhance patient compliance with therapeutic regimens; (3-21-12)

- h.** Conducting a drug therapy review consultation with the patient or caregiver; (3-21-12)
  - i.** Preparing or providing information as part of a personal health record; (3-21-12)
  - j.** Identifying processes to improve continuity of care and patient outcomes; (3-21-12)
  - k.** Providing consultative drug-related intervention and referral services; (3-21-12)
  - l.** Coordinating and integrating pharmaceutical care services within the broader health care management services being provided to the patient; and (3-21-12)
  - m.** Other services as allowed by law. (3-21-12)
- 142.** **Pharmacist Extern.** A person enrolled in an accredited school or college of pharmacy who is pursuing a professional degree in pharmacy. (4-4-13)
- 123.** **Pharmacist Intern.** A person who has successfully completed a course of study at an accredited school or college of pharmacy, has received a professional degree in pharmacy, and is obtaining practical experience under the supervision of a pharmacist. (3-21-12)
- 134.** **Pharmacy Operations.** Activities related to and including the preparation, compounding, distributing, or dispensing of drugs or devices from a pharmacy. (3-21-12)
- 145.** **PHI -- Protected Health Information.** Individually identifiable health information that is: (3-21-12)
- a.** Transmitted by electronic media (as defined by the HIPAA Privacy Rule at 45 CFR 160.103); (3-21-12)
  - b.** Maintained in electronic media; and (3-21-12)
  - c.** Transmitted or maintained in any other form or medium. (3-21-12)
  - d.** PHI excludes individually identifiable health information in:
    - i.** Education records covered by the Family Education Right and Privacy Act, as amended (20 U.S.C. Section 1232g); (3-21-12)
    - ii.** Records described at 20 U.S.C. Section 1232g(a)(4)(B)(iv); and (3-21-12)
    - iii.** Employment records held by a covered entity (as defined by the HIPAA Privacy Rule at 45 CFR 160.103) in its role as an employer. (3-21-12)
- 1516.** **PIC.** Pharmacist-in-charge. (3-21-12)
- 1617.** **PMP.** Prescription Monitoring Program. (3-21-12)
- 1718.** **Prepackaging.** The act of transferring a drug, manually or using an automated system, from a manufacturer's original container to another container prior to receiving a prescription drug order. (3-21-12)
- 1819.** **Prescriber.** An individual currently licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice. (3-21-12)
- 1920.** **Prescriber Drug Outlet.** A drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples. (3-21-12)

**201. Readily Retrievable.** Records are considered readily retrievable if they are able to be completely and legibly produced upon request within seventy-two (72) hours. (3-21-12)

**242. Relative Contraindication.** A condition that renders a particular treatment or procedure inadvisable, but not prohibitive. (3-21-12)

**223. Remote Dispensing Site.** A licensed pharmacy staffed by one or more certified technicians at which telepharmacy services are provided through a supervising pharmacy. (3-21-12)

**234. Remote Office Location.** A secured area that is restricted to authorized personnel, adequately protects private health information, and shares a secure common electronic file or a private, encrypted connection with a pharmacy, from which a pharmacist who is contracted or employed by a central drug outlet performs centralized pharmacy services. (7-1-13)

**245. Retail Non-Pharmacy Drug Outlet.** A retail outlet that sells non-prescription drugs or devices that is not a pharmacy. (3-21-12)

**256. Retail Pharmacy.** A community or other pharmacy that sells prescription drugs at retail and is open to the public for business. (3-21-12)

**267. R.N.** Registered nurse. (3-21-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**021. FEE SCHEDULE.**

- 01. Licenses -- Professionals.** (3-21-12)
  - a.** Original pharmacist license: one hundred dollars (\$100). (3-21-12)
  - b.** Licensure by reciprocity: two hundred fifty dollars (\$250). (3-21-12)
  - c.** Pharmacist license annual renewal. (3-21-12)
    - i.** Active: ninety dollars (\$90). (3-21-12)
    - ii.** Inactive: fifty dollars (\$50). (3-21-12)
  - d.** Late payment processing: fifty dollars (\$50). (3-21-12)
  - e.** License reinstatement fee: seventy-five dollars (\$75). (3-21-12)
- 02. Certificates of Registration -- Professionals.** (3-21-12)
  - a.** Pharmacist registration or annual renewal: two hundred fifty dollars (\$250). (7-1-13)
  - b.** Pharmacist intern - registration or annual renewal: fifty dollars (\$50). (3-21-12)
  - c.** Pharmacist extern registration and annual renewal: fifty dollars (\$50) due upon enrollment in an accredited school or college of pharmacy and renewed annually at no charge. (3-21-12)
  - d.** Technician - registration or annual renewal: thirty-five dollars (\$35). (3-21-12)
  - e.** Veterinary drug technician - registration or annual renewal: thirty-five dollars (\$35). (3-21-12)



f.	Registration reinstatement: one-half (1/2) the amount of the annual fee.	(3-21-12)
<b>03.</b>	<b>Certificates of Registration and Licensure - Facilities.</b>	(3-21-12)
a.	Retail pharmacy - registration or annual renewal: one hundred dollars (\$100).	(3-21-12)
b.	Institutional facility - registration or annual renewal.	(3-21-12)
i.	Hospital pharmacy: one hundred dollars (\$100).	(3-21-12)
ii.	Nursing home: thirty-five dollars (\$35).	(3-21-12)
c.	Manufacturer (including a repackager that is a manufacturer's authorized distributor of record) - registration or annual renewal: one hundred dollars (\$100).	(3-21-12)
d.	Wholesaler.	(3-21-12)
i.	License or annual renewal: one hundred thirty dollars (\$130); or	(3-21-12)
ii.	Registration or annual renewal: one hundred dollars (\$100).	(3-21-12)
e.	Veterinary drug outlet - registration or annual renewal: one hundred dollars (\$100).	(3-21-12)
f.	Nonresident central drug outlet.	(7-1-13)
i.	Initial license: five hundred dollars (\$500).	(7-1-13)
ii.	License annual renewal: two hundred fifty dollars (\$250).	(7-1-13)
g.	Mail service pharmacy.	(3-21-12)
i.	Initial license: five hundred dollars (\$500).	(3-21-12)
ii.	License annual renewal: two hundred fifty dollars (\$250).	(3-21-12)
h.	Limited service outlet - registration or annual renewal.	(3-21-12)
i.	Limited service outlet, if not listed: one hundred dollars (\$100).	(3-21-12)
ii.	Sterile product pharmacy: one hundred dollars (\$100).	(4-4-13)
iii.	Remote dispensing pharmacy: one hundred dollars (\$100).	(3-21-12)
iv.	Facility operating a narcotic treatment program: one hundred dollars (\$100).	(3-21-12)
v.	Durable medical equipment outlet: fifty dollars (\$50).	(3-21-12)
vi.	Prescriber drug outlet: thirty five dollars (\$35).	(3-21-12)
<u>vii.</u>	<u>Outsourcing facilities:</u>	<u>( )</u>
<u>(1)</u>	<u>Initial nonresident registration: five hundred dollars (\$500).</u>	<u>( )</u>
<u>(2)</u>	<u>Initial resident registration: two hundred fifty dollars (\$250).</u>	<u>( )</u>
<u>(3)</u>	<u>Registration annual renewal: two hundred fifty dollars (\$250).</u>	<u>( )</u>

- i. Analytical or research lab -- registration or annual renewal: forty dollars (\$40). (3-21-12)
- j. Retail non-pharmacy outlets - registration or annual renewal. (3-21-12)
  - i. "A" (Stocks more than fifty (50) drug items): sixty dollars (\$60). (3-21-12)
  - ii. "B" (Stocks fifty (50) or fewer drug items): twenty-five dollars (\$25). (3-21-12)
  - iii. "V" (Vending machines): ten dollars (\$10) per machine. (3-21-12)
- k. Supplemental facility registrations or annual renewals. (3-21-12)
  - i. Laminar flow or other hood, biological safety cabinet, or barrier isolator -- single registration required for one (1) or more hoods: no charge. (3-21-12)
  - ii. ADS system -- single registration required for one (1) or more systems: no charge. (3-21-12)
- l. Reinstatement: one-half (1/2) the amount of the annual fee. (3-21-12)
- 04. Controlled Substance Registration.** (3-21-12)
  - a. Controlled substance - registration or annual renewal: sixty dollars (\$60). (3-21-12)
  - b. Wholesaler or distributor-controlled substance - registration or annual renewal: one hundred dollars (\$100). (3-21-12)
  - c. Controlled substance registration reinstatement: seventy-five dollars (\$75). (3-21-12)
- 05. Administrative Services and Publications.** (3-21-12)
  - a. Experiential hours certification: twenty-five dollars (\$25). (3-21-12)
  - b. Duplicate pharmacist certificate of licensure: thirty-five dollars (\$35). (3-21-12)
  - c. Duplicate registration or license card: ten dollars (\$10). (3-21-12)
  - d. Commercial lists. (3-21-12)
    - i. Pharmacy list: fifty dollars (\$50). (3-21-12)
    - ii. Pharmacist list: fifty dollars (\$50). (3-21-12)
    - iii. Controlled Substances Act ("CSA") registrant list: one hundred fifty dollars (\$150). (3-21-12)
  - e. Official Idaho Register: fifteen dollars (\$15). (3-21-12)
  - f. Idaho Pharmacy Laws and Rules book: thirty-five dollars (\$35). (3-21-12)
  - g. Hearing transcript: five dollars (\$5) per page. (3-21-12)

**(BREAK IN CONTINUITY OF SECTIONS)**

**074. OUTSOURCING FACILITY REGISTRATION.**

An outsourcing facility must be registered with the Board in order to distribute compounded drug product for human use in or into Idaho. ( )

**01. Application.** An applicant must submit an application in the manner and form prescribed by the Board, including, but not limited to: ( )

**a.** A copy of a valid FDA registration as an outsourcing facility as required by 21 U.S.C. Section 353b: ( )

**b.** Identity of a pharmacist licensed or registered in Idaho who is designated the PIC of the outsourcing facility; and ( )

**c.** An inspection report indicating compliance with applicable state and federal law. ( )

**02. Coincidental Activity.** An outsourcing facility applicant currently registered by the Board as a pharmacy or mail service pharmacy will be considered for an outsourcing facility registration with a supplemental pharmacy or mail service pharmacy registration at no additional fee. Exemption from registration fees does not excuse compliance with all laws and rules pertaining to pharmacies and mail service pharmacies. ( )

**0745. -- 079. (RESERVED)**

**(BREAK IN CONTINUITY OF SECTIONS)**

**600. PIC OR DIRECTOR.**

**01. Designated PIC or Director Required.** A new pharmacy, outsourcing facility or central drug outlet must have a designated PIC or director by the date of opening and must not thereafter allow a vacancy or lapse in appointment of a designated PIC or director to continue for more than thirty (30) sequential days. (7-1-13)( )

**02. Corresponding and Individual Responsibility.** The pharmacy, outsourcing facility or central drug outlet and the PIC or director each have corresponding and individual responsibility for compliance with the law and these rules in all aspects of the sale and the dispensing of drugs, devices, and other materials at the drug outlet, including the safe, accurate, secure, and confidential handling and storage and the preparation, compounding, distributing, or dispensing of drugs and PHI. (7-1-13)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**731. -- 743. (RESERVED)**

**740. OUTSOURCING FACILITY.**

**01. Federal Act Compliance.** An outsourcing facility must ensure compliance with 21 U.S.C. Section 353b of the Federal Food, Drug and Cosmetic Act. ( )

**02. Adverse Event Reports.** Outsourcing facilities must submit a copy of all adverse event reports submitted to the secretary of Health and Human Services in accordance with the content and format requirement established in Section 310.305 of Title 21 of the Code of Federal Regulations to the Board. ( )

**03. Policies and Procedures.** An outsourcing facility must adopt policies and procedures for maintaining records pertaining to compounding, process control, labeling, packaging, quality control, distribution, complaints, and any information required by state or federal law. ( )

**741. -- 749. (RESERVED)**