

IDAHO ADMINISTRATIVE BULLETIN

November 6, 2024 – Vol. 24-11

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator



The Idaho Administrative Bulletin is published monthly by the Office of the Administrative Rules Coordinator, Division of Financial Management, Office of the Governor, pursuant to Title 67, Chapter 52, Idaho Code.

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PREFACE

The Idaho Administrative Bulletin is an electronic-only, online monthly publication of the Office of the Administrative Rules Coordinator, Division of Financial Management, that is published pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all official rulemaking notices, official rule text, executive orders of the Governor, and all legislative documents affecting rules that are statutorily required to be published in the Bulletin. It may also include other rules-related documents an agency may want to make public through the Bulletin.

State agencies are required to provide public notice of all rulemaking actions and must invite public input. This is done through negotiated rulemaking procedures or after proposed rulemaking has been initiated. The public receives notice that an agency has initiated proposed rulemaking procedures through the Idaho Administrative Bulletin and a legal notice (Public Notice of Intent) that publishes in authorized newspapers throughout the state. The legal notice provides reasonable opportunity for the public to participate when a proposed rule publishes in the Bulletin. Interested parties may submit written comments to the agency or request public hearings of the agency, if none have been scheduled. Such submissions or requests must be presented to the agency within the time and manner specified in the individual “Notice of Rulemaking - Proposed Rule” for each proposed rule that is published in the Bulletin.

Once the comment period closes, the agency considers fully all comments and information submitted regarding the proposed rule. Changes may be made to the proposed rule at this stage of the rulemaking, but changes must be based on comments received and must be a “logical outgrowth” of the proposed rule. The agency may now adopt and publish the pending rule. A pending rule is “pending” legislative review for final approval. The pending rule is the agency’s final version of the rulemaking that will be forwarded to the legislature for review and final approval. Comment periods and public hearings are not provided for when the agency adopts a temporary or pending rule.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is identified by the calendar year and issue number. For example, Bulletin **19-1** refers to the first Bulletin issued in calendar year **2019**; Bulletin **20-1** refers to the first Bulletin issued in calendar year **2020**. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. **19-1** refers to January 2019; Volume No. **20-2** refers to February 2020; and so forth. Example: The Bulletin published in January 2019 is cited as Volume **19-1**. The December 2019 Bulletin is cited as Volume **19-12**.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

The **Idaho Administrative Code** is an electronic-only, online compilation of all final and enforceable administrative rules of the state of Idaho that are of full force and effect. Any temporary rule that is adopted by an agency and is of force and effect is codified into the Administrative Code upon Bulletin publication. All pending rules that have been approved by the legislature during the legislative session as final rules and any temporary rules that are extended supplement the Administrative Code. These rules are codified into the Administrative Code upon becoming effective. Because proposed and pending rules are not enforceable, they are published in the Administrative Bulletin only and cannot be codified into the Administrative Code until approved as final.

To determine if a particular rule remains in effect or whether any amendments have been made to the rule, refer to the **Cumulative Rulemaking Index**. Link to it on the Administrative Rules homepage at adminrules.idaho.gov.

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

Idaho’s administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises distinct rulemaking actions: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings incorporate or require all of these actions. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies must, when feasible, engage in negotiated rulemaking at the beginning of the process to facilitate consensus building. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of rule.

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so. The agency files a “Notice of Intent to Promulgate – Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

2. PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a “Notice of Rulemaking – Proposed Rule” in the Bulletin. This notice must include very specific information regarding the rulemaking including all relevant state or federal statutory authority occasioning the rulemaking, a non-technical description of the changes being made, any associated costs, guidance on how to participate through submission of written comments and requests for public hearings, and the text of the proposed rule in legislative format.

3. TEMPORARY RULEMAKING

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) protection of the public health, safety, or welfare; or
- b) compliance with deadlines in amendments to governing law or federal programs; or
- c) conferring a benefit.

If a rulemaking meets one or more of these criteria, and with the Governor’s approval, the agency may adopt and make a temporary rule effective prior to receiving legislative authorization and without allowing for any public input. The law allows an agency to make a temporary rule immediately effective upon adoption. A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is extended by concurrent resolution, is replaced by a final rule, or expires under its own terms.

4. PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule. When a pending rule is published in the Bulletin, the agency is required to include certain information in the “Notice of Rulemaking – Pending Rule.” This includes a statement giving the reasons for adopting the rule, a statement regarding when the rule becomes effective, a description of how it differs from the proposed rule, and identification of any fees being imposed or changed.

Agencies are required to republish the text of the pending rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule.

5. FINAL RULEMAKING

A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is of full force and effect.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the **Idaho Administrative Bulletin** are organized by a numbering schematic. Each state agency has a two-digit identification code number known as the “**IDAPA**” number. (The “IDAPA” Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or sections to which a two-digit “TITLE” number is assigned. There are “CHAPTER” numbers assigned within the Title and the rule text is divided among major sections that are further subdivided into subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.200.02.c.ii.

“**IDAPA**” refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

“**38.**” refers to the Idaho Department of Administration

“**05.**” refers to Title **05**, which is the Department of Administration’s Division of Purchasing

“**01.**” refers to Chapter **01** of Title 05, “Rules of the Division of Purchasing”

“**200.**” refers to Major Section **200**, “Content of the Invitation to Bid”

“**02.**” refers to Subsection 200.02.

“**c.**” refers to Subsection 200.02.c.

“**ii.**” refers to Subsection 200.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. Each rulemaking that is filed with the Coordinator is assigned a “DOCKET NUMBER.” The docket number is a series of numbers separated by a hyphen “-”, (**38-0501-1401**). Rulemaking dockets are published sequentially by IDAPA number (the two-digit agency code) in the Bulletin. The following example is a breakdown of a typical rule docket number:

“DOCKET NO. 38-0501-1901”

“**38-**” denotes the agency’s **IDAPA** number; in this case the Department of Administration.

“**0501-**” refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

“**1901**” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in **calendar year 2019**. A subsequent rulemaking on this same rule chapter in calendar year 2019 would be designated as “**1902**”. The docket number in this scenario would be 38-0501-**1902**.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section “200” appears before Section “345” and so on). Whenever the sequence of the numbering is broken the following statement will appear:

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR YEAR 2024

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
24-2	February 2024	December 22, 2023	January 5, 2024	February 7, 2024	February 28, 2024
24-3	March 2024	January 26, 2024	February 9, 2024	March 6, 2024	March 27, 2024
24-4	April 2024	February 23, 2024	March 8, 2024	April 3, 2024	April 24, 2024
24-5	May 2024	March 22, 2024	April 5, 2024	May 1, 2024	May 22, 2024
24-6	June 2024	April 19, 2024	May 3, 2024	June 5, 2024	June 26, 2024
24-7	July 2024	May 24, 2024	June 7, 2024	July 3, 2024	July 24, 2024
24-8	August 2024	June 21, 2024	July 5, 2024	August 7, 2024	August 28, 2024
24-9	September 2024	July 19, 2024	August 2, 2024	September 4, 2024	September 25, 2024
24-10	October 2024	August 16, 2024	*August 30, 2024	October 2, 2024	October 23, 2024
24-11	November 2024	September 20, 2024	October 4, 2024	November 6, 2024	November 27, 2024
24-12	December 2024	October 25, 2024	November 8, 2024	December 4, 2024	December 25, 2024
25-1	January 2025	November 15, 2024	**November 29, 2024	January 1, 2025	January 22, 2025

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25-5	May 2025	March 21, 2025	April 4, 2025	May 7, 2025	May 28, 2025
25-6	June 2025	April 18, 2025	May 2, 2025	June 4, 2025	June 25, 2025
25-7	July 2025	May 23, 2025	June 6, 2025	July 2, 2025	July 23, 2025
25-8	August 2025	June 20, 2025	July 3, 2025	August 6, 2025	August 27, 2025
25-9	September 2025	July 18, 2025	August 1, 2025	September 3, 2025	September 24, 2025
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25-11	November 2025	September 19, 2025	October 3, 2025	November 5, 2025	November 26, 2025
25-12	December 2025	October 24, 2025	November 7, 2025	December 3, 2025	December 24, 2025
26-1	January 2026	November 21, 2025	**December 5, 2025	January 7, 2026	January 28, 2026

***Last day to submit a proposed rule for the rulemaking to remain on course for review by the upcoming legislature.**

****Last day to submit a pending rule to be reviewed by the upcoming legislature.**

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2023-04

**DIRECTING THE IDAHO DEPARTMENT OF HEALTH AND WELFARE TO SUPPORT
IDAHO SUICIDE PREVENTION ACTION COLLECTIVE IN MONITORING
AND IMPLEMENTING THE IDAHO SUICIDE PREVENTION PLAN**

WHEREAS, Idaho is consistently among the highest states for number of suicide deaths per capita; and

WHEREAS, in 2021, 387 people died by suicide in Idaho, a rate of 20.4 per 100,000 population; and

WHEREAS, the rate of death by suicide is particularly high in Idaho's rural areas;

WHEREAS, the Idaho Suicide Prevention Action Collective (ISPAC) was established in 2018 by the Idaho Suicide Prevention Council to develop and support implementation of a suicide prevention action plan for the state;

NOW THEREFORE, I, BRAD LITTLE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order that:

- 1. The Idaho Suicide Prevention Action Collective is established as a public/private partnership of stakeholders committed to reducing suicide in Idaho.*
- 2. The Collective shall:*
 - a. Promote suicide prevention, intervention, and postvention services in all regions of the State;*
 - b. Collaborate with the Department of Health and Welfare's Suicide Prevention Program as well as other public and private organizations to fulfill the current statewide Idaho Suicide Prevention Plan goals;*
 - c. Monitor implementation of the Idaho Suicide Prevention Plan and update the plan at least once every five (5) years to ensure relevance and effectiveness in promoting suicide prevention awareness and reducing suicide attempts and deaths;*
 - d. Collaborate with the Department of Health and Welfare's Suicide Prevention Program to provide an annual report on the status of Idaho Suicide Prevention Plan goals and accomplishments. The Department of Health and Welfare shall submit the report to the Legislative Services Office and Governor's Office by November 1 of each year;*
 - e. Operate in accordance with the mission and bylaws set forth by the Collective's Charter and Membership agreement.*
- 3. The Collective's membership will be appointed by the Steering Committee of the Idaho Suicide Prevention Action Collective. Membership may include, but is not limited to:*
 - a. A representative of the office of the Governor;*
 - b. A member of the Idaho House of Representatives;*
 - c. A member of the Idaho Senate;*
 - d. A representative of the Department of Health and Welfare Division of Public Health Suicide Prevention Program;*
 - e. A representative of the Department of Health and Welfare Division of Behavioral Health;*
 - f. A representative of the Department of Corrections OR Juvenile Justice;*
 - g. A representative of the Department of Education, a School District OR Institution of Higher Education;*
 - h. A representative of Veterans Affairs OR Veterans Services;*
 - i. A Law Enforcement Officer OR First Responder;*
 - j. A County Coroner;*

- k. A representative of each of the five Federally Recognized Tribes located in the state of Idaho;*
- l. A representative of a Hospital System OR Medical Provider;*
- m. A representative of a Suicide Prevention Advocacy Organization;*
- n. A Suicide Attempt OR Loss Survivor;*
- o. Four (4) additional representatives of groups at elevated risk of suicide.*

Members of the Collective shall serve without compensation but shall be reimbursed by the Department of Health and Welfare for actual travel expenses not to exceed State of Idaho guidelines.

- 4. The Collective shall receive administrative staff support from the Department of Health and Welfare.*



PHIL MCGRANE
SECRETARY OF STATE

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 27th day of September, in the year of our Lord two thousand and twenty-three and of the Independence of the United States of America the two hundred forty-eighth and of the Statehood of Idaho the one hundred thirty-fourth.

BRAD LITTLE
GOVERNOR

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2023-05

ESTABLISHING THE GOVERNOR'S COMMISSION ON SERVICE AND VOLUNTEERISM

WHEREAS, there is a compelling need for more civic participation to solve community and state problems and to address many unmet social, environmental, educational, and disaster preparedness needs; and

WHEREAS, promoting the capability of Idaho's people, communities, and enterprises to work together is vital to the long-term prosperity of the state; and

WHEREAS, building and encouraging community collaboration and service is an integral part of the state's future well-being and requires cooperative efforts by the public and private sectors; and

WHEREAS, the development of a National Service Program in Idaho requires an administrative vehicle conforming with federal guidelines as set forth in the National and Community Service Trust Act of 1993 as reauthorized and reformed by the Serve America Act of 2009;

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

1. *The Governor's Commission on Service and Volunteerism will be known as Serve Idaho with a tag line stating, "The Governor's Commission on Service and Volunteerism."*
2. *Serve Idaho ("the Commission") is hereby established to advise and assist in the development and implementation of a comprehensive, statewide plan for promoting volunteer involvement and citizen participation in Idaho, as well as to serve as the state's liaison to national, state and community organizations that support the intent of the Serve America Act of 2009 ("the Act").*
3. *The Commission will be comprised of no fewer than 15 and no more than 25 voting members to be appointed by the Governor in compliance with federal guidelines as described in the Act and as detailed below:*
 - a. *The Commission's membership shall include:*
 - i. *A representative from a community-based agency or organization in the state;*
 - ii. *The head of the state education agency or his/her designee;*
 - iii. *A representative from county or city government;*
 - iv. *A representative from local labor organizations;*
 - v. *A representative from the business sector;*
 - vi. *A representative from a national service program;*
 - vii. *A representative from the volunteer sector;*
 - viii. *An individual between the ages of 16 and 25, who is a participant in or supervisor of a service program for school-age youth or a campus-based or national service program;*
 - ix. *An individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth;*
 - x. *An individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism;*
 - xi. *The Corporation for National and Community Service ("Corporation") will designate one of its employees to serve as an ex-officio member on the Commission;*

- b. *Other members may include educators, including representatives from institutions of higher education and local education agencies; experts in the delivery of human, educational, environmental, or public safety services; representatives of Indian tribes; out-of-school youth or at-risk youth; and representatives of programs that are administered or receive assistance under the Serve America Act.*
 - c. *All members of the Commission shall serve at the pleasure of the Governor.*
 - d. *Not more than 25 percent of the Commission members may be employees of state government, though the Governor may appoint additional state agency representatives to sit on the Commission as non-voting ex-officio members. Members may not vote on issues affecting organizations for which they have served as a staff person or volunteer at any time during the preceding 12 months.*
 - e. *Not more than 50 percent of the Commission plus one member may be from the same political party. To the maximum extent predictable, membership of the Commission shall be diverse with respect to race, ethnicity, age, gender, religion, and disability characteristics. Members will serve for a term of three years. One-third of the appointments to the first Commission will serve terms of one year; one-third will serve terms of two years; and one-third will serve terms of three years. Vacancies among the members shall be filled by the Governor to serve for the remainder of the unexpired term.*
 - f. *The Commission will elect from among its members a chairperson.*
4. *The Commission will have the following duties and responsibilities:*
- a. *To develop a three-year comprehensive national and community service plan and establish state priorities;*
 - b. *To administer a competitive process to select national service programs to be included in an application to the Corporation for National and Community Service for funding;*
 - c. *To prepare an application to the Corporation to receive funding and/or educational awards for the programs designated in the Act;*
 - d. *To maintain fiduciary responsibility in the administration of all funds awarded by the Corporation for National and Community Service and other entities and to oversee and monitor the performance and progress of all programs and initiatives. The Department of Labor will serve as Serve Idaho 's fiscal agent;*
 - e. *To implement, in conjunction with the Corporation, comprehensive, non- duplicative evaluation and monitoring systems;*
 - f. *To assist in the development of programs pursuant to the Act;*
 - g. *To develop mechanisms for recruitment and placement of people interested in participating in national service programs;*
 - h. *To assist in the provision of health and childcare benefits to eligible program participants as specified by the regulations pertaining to the Act;*
 - i. *To make recommendations to the Corporation with respect to priorities within the state for programs receiving assistance pursuant to the Act;*
 - j. *To coordinate with other state agencies that administer federal financial assistance programs under the Community Service Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate federal financial assistance programs;*

- k. To coordinate its functions with any division of the Corporation, that carries out volunteer service programs in the state;*
 - l. To provide technical assistance to agencies, corporations, and other organizations seeking to develop, strengthen or expand their ability to meet critical needs of the community through service;*
 - m. To reach out to and partner with national foundations and other organizations that support the intent of the Act and Serve Idaho;*
 - n. Other activities as determined by the Governor to be necessary for the development and implementation of programs that enhance national and community service;*
- 5. Serve Idaho shall reside within the Idaho Department of Labor, and the Department shall serve as the host agency for administration of the Commission. The Director of the Department shall appoint one (1) Commission Administrator and up to five (5) Commission staff members.*
 - a. The Commission Administrator and all Commission staff shall be non-classified employees of the Department.*
 - b. The Commission Administrator shall select and supervise Commission staff members according to the Department's personnel policies and procedures.*
 - c. Evaluation of Commission staff members will be the responsibility of the Commission Administrator.*
 - d. Evaluation of the Commission Administrator will be the joint responsibility of the Director and the Commission Chair.*
- 6. The Commission and its activities shall be funded from federal, state, and other revenues appropriated to Serve Idaho. The Commission is authorized to accept funds, including public and private gifts and in-kind services from other state and private entities.*
- 7. The Commission shall meet at least quarterly. Failure to attend at least 75 percent of the meetings in any calendar year may result in removal from the Commission. A quorum shall consist of a simple majority of voting members.*
- 8. In the circumstance the Commission fails to receive funding from the Corporation for National and Community Service, the Commission will cease to exist.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 19th day of October, in the year of our Lord two thousand and twenty-three and of the Independence of the United States of America the two hundred forty- eighth and of the Statehood of Idaho the one hundred thirty-fourth.

BRAD LITTLE
GOVERNOR

PHIL MCGRANE
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2024-09

**CONTINUING THE OFFICE OF ENERGY AND MINERAL RESOURCES
WITHIN THE OFFICE OF THE GOVERNOR**

WHEREAS, energy production, generation, transmission, and conservation are vital to Idaho; and

WHEREAS, mineral acquisition, production, and exploration are key contributors to Idaho's economy; and

WHEREAS, stable, reliable, and cost-competitive long-term energy supplies are critical to the wellbeing and future of Idaho; and

WHEREAS, it is the responsibility of state government to coordinate energy and mineral planning and policy development for Idaho.

NOW, THEREFORE I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

- 1. The continuation of the Office of Energy and Mineral Resources within the Executive Office of the Governor; and*
- 2. The term "energy" as used in this Executive Order shall include, but is not limited to, electricity, oil, natural gas, bioenergy, nuclear energy, renewable energy, hydrogen, and transportation fuels.*
- 3. The term "mineral" as used in this Executive Order shall include, but is not limited to, naturally occurring, inorganic, metallic, non-metal, or solid energy substances that are leasable, salable, or locatable.*
- 4. The Governor shall appoint an administrator ("Administrator") to lead the Office of Energy and Mineral Resources ("Office"). The Administrator shall serve at the pleasure of the Governor and shall be subject to confirmation by the Idaho Senate. The Administrator shall be the official in Idaho designated to oversee energy and mineral coordination, planning, and policy, and, as funding allows, to fulfill the duties provided in this Executive Order.*
- 5. Employees of the Office shall be non-classified for the purpose of Chapter 53, Title 67 of the Idaho Code.*
- 6. The duties, powers, and authorities of the Office of Energy and Mineral Resources shall include:*
 - a. Serve as Idaho's clearinghouse and first point of contact for energy and mineral information, including addressing policy inquires and providing information regarding issues;*
 - b. Coordinate the state's energy and mineral planning efforts;*
 - c. Advise the Governor, the Legislature, and other public officials on the state's energy requirements, supply, transmission, management, conservation, and efficiency efforts, permitting processes, and policy development;*
 - d. Coordinate with federal agencies, state agencies, local governments, and stakeholders on issues concerning the state's energy requirements, supply, transmission, management, conservation, and efficiency efforts, permitting processes, and policy development;*
 - e. Advise the Governor, the Legislature, and other public officials on mineral exploration, production, planning, permitting processes, and policy development;*
 - f. Coordinate with federal agencies, state agencies, local governments, and stakeholders on issues concerning mineral exploration, production, planning, permitting processes, and policy development in the state;*

- g. *Serve as a cooperating agency for energy and mineral projects subject to the National Environmental Policy Act, in the discretion of the Administrator;*
 - h. *Lead coordination of state comments on documents and processes involving energy and mineral projects and regulation, including Federal Energy Regulatory Commission licensing of hydropower projects;*
 - i. *Coordinate, support, and oversee the Idaho Strategic Energy Alliance;*
 - j. *Staffs and supports the Leadership in Nuclear Energy Commission, which enhances the long-term viability and mission of INL and other nuclear industries.*
 - k. *Assist state agencies, local governments, and stakeholders to secure funding where available for energy and mineral projects and opportunities;*
 - l. *Apply for, accept, and administer energy loan programs, grants, and other forms of financial assistance for eligible projects;*
 - m. *Enter into other agreements or contracts necessary or appropriate to carry out the provisions of this Executive Order, including, without limitation voluntary agreements with public and private parties to fund or reimburse staff and consultant costs to support Idaho executive branch agencies in the discharge of their respective duties, as provided by statute and administrative rule, on energy- or mineral-related licensing or permitting matters, provided that moneys received through these agreements shall be expended pursuant to appropriation; and*
 - n. *Perform other duties as may be directed by the Governor.*
7. *The Office may accept private contributions, state or federal funds, funds from other public agencies, or funds from any other sources. Funding shall be accounted for and expended solely for the purposes provided in the Executive Order and as provided by law.*
8. *All orders, regulations, contracts, and licenses that are in effect at the time this Executive Order is signed shall continue in effect according to their terms until modified or terminated.*
9. *The duties, responsibilities, and authority of this Executive Order shall not alter any existing authorities of state agencies established by state law. Nothing in this Executive Order shall be construed to provide or imply any regulatory authority by the Office over activities that are subject to the jurisdiction of another state agency, including the Idaho Public Utilities Commission, the Idaho Division of Building Safety, the Idaho Department of Lands, the Idaho Department of Environmental Quality, the Idaho Department of Water Resources, and the Idaho Department of Fish and Game.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 17th day of October, in the year of our Lord two thousand and twenty-four.



BRAD LITTLE
GOVERNOR

PHIL MCGRANE
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2024-10

**CONTINUING THE IDAHO STRATEGIC ENERGY ALLIANCE
REPEALING AND REPLACING EXECUTIVE ORDER 2020-18**

WHEREAS, it is the policy of the State of Idaho to promote development of the state's energy resources to increase energy supply in an economically efficient manner while maintaining the integrity of Idaho's natural resources; and

WHEREAS, the State of Idaho encourages public dialogue and educating citizens on the importance of the state's clean and diverse energy portfolio; and

WHEREAS, maintaining an affordable, reliable, and sustainable energy supply is critical for our state and national economy; and

WHEREAS, innovatively developing Idaho's energy resources will benefit the state by creating diverse, sustainable forms of energy and new job opportunities for Idahoans; and

WHEREAS, the state's energy portfolio should emphasize the importance of an affordable, reliable, and secure energy supply, as well as diverse energy resources and production methods, while providing the highest value to the citizens of Idaho.

NOW, THEREFORE I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state do hereby order:

- 1. The continuation of the Idaho Strategic Energy Alliance (Alliance) as an effort between the State of Idaho and stakeholders to facilitate the discussion of a sound energy portfolio for Idaho.*
- 2. The responsibilities of the Alliance shall be to advise and provide information to elected officials, stakeholders, and the public through a Board of Directors in furtherance of the principles of Idaho's Energy Policy. This will:*
 - a. Increase awareness and understanding of Idaho's diverse energy resources and the opportunities and challenges they face;*
 - b. Increase awareness of cost-effective energy development and conservation opportunities within Idaho;*
 - c. Improve cooperation, collaboration, and communication among Idaho's public and private-sector entities in the areas of energy efficiency, conservation, and affordable and sustainable energy development; and*
 - d. Provide a forum to showcase Idaho's new and innovative energy technologies.*
- 3. Membership of the Board of Directors shall include, but not be limited to, stakeholder representatives and the following representatives of state entities or their designee:*
 - a. Administrator of the Office of Energy and Mineral Resources;*
 - b. President of the Public Utilities Commission;*
 - c. Director of the Idaho Department of Commerce;*
 - d. Director of the Idaho Department of Environmental Quality; and*
 - e. Director of the Idaho Department of Lands*
- 4. Members of the Board of Directors, including the Chairman and Vice Chairman, shall be designated by and serve at the pleasure of the Governor. Terms for Board members will be two years, with the option to be renewed. The Board shall be governed by an Executive Committee consisting of the Chairman,*

Vice Chairman, and the Administrator of the Office of Energy and Mineral Resources.

5. *The Idaho Strategic Energy Alliance shall be coordinated and supported by the Office of Energy and Mineral Resources.*
6. *When necessary, the Alliance's Board of Directors may engage representatives of the federal, state, or local governments, Idaho universities, private entities, and not-for-profit organizations who can provide the expertise and resources necessary to contribute to the success of the Alliance.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 17th day of October, in the year of our Lord two thousand and twenty-four.

BRAD LITTLE
GOVERNOR

PHIL MCGRANE
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2024-11

PHONE FREE LEARNING ACT

WHEREAS, it is our duty as parents, educators, and elected leaders to create the best school environment possible where our children can thrive and learn; and

WHEREAS, in our day and age, technology and technological devices are integrated into how we learn, teach, and operate day to day; and

WHEREAS, we are seeing the dangers of social media and personal technological devices in our classrooms when kids are more concerned about what is happening on their cell phones than what they are learning in class; and

WHEREAS, I join many leaders, including the Superintendent of Public Instruction and my legislative partners in recognizing cell phone use is happening in schools and that cell phones and social media present negative effects on student mental health, development, and learning; and

WHEREAS, I look forward to working with my fellow legislators in the 2025 legislative session to bring forward a codified policy on cell phones in schools; and

WHEREAS, it is not just our job but our moral obligation to safeguard our children's future and ensure that every student in Idaho's public school system has a chance to achieve the American Dream.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the following:

Encouragement of all schools to have a comprehensive, district wide policy in place on cell phone restriction in schools by the end of the 2024-2025 school year. These policies should follow the policy guidance as issued by the State Department of Education.

With the adoption of a policy on cell phone use in schools, I am authorizing the State Board of Education to award \$5,000 one-time funds to any district that adopts a district wide policy on cell phone use that follows the State Department of Education's policy guidance. The money will be distributed by the State Department of Education and must be used in priority order, as established by the State Department of Education.

Any school district that has already adopted a cell phone use policy that follows the State Department of Education's guidance can apply to receive reimbursement, up to \$5,000, for actual costs incurred implementing the policy.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of October, in the year of our Lord two thousand and twenty-four.

BRAD LITTLE
GOVERNOR

PHIL MCGRANE
SECRETARY OF STATE

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.09 – RULES GOVERNING INVASIVE SPECIES AND NOXIOUS WEEDS
DOCKET NO. 02-0609-2405

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 7, 2024.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section(s) 22-2004, 22-2006, and 22-2012, 22-2013, and 22-1904, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Invasive quagga mussel samples were recently discovered in the Snake River. Left unchecked, quagga mussels pose a significant threat to the health and safety of Idaho’s environment, and water use as well as threaten Idaho’s economy. Accordingly, the Director has exercised the authority granted to them under Idaho law to quarantine certain areas of the snake river until the Department is able to eradicate any existing quagga mussels. This new temporary rule replaces the September 26 update to the same rule by allowing for restricted access to the river at defined locations and per a defined requirement for watercraft and conveyances to be inspected and decontaminated and decontaminated as needed prior to launch and decontaminated upon exit.

The new amendment adds a restriction for access to the Snake River for watercraft or other conveyances from the Yingst Grade Bridge (or “Broken Bridge”) to Hansen Bridge for the purposes of chemical treatment for quagga mussels.

The Governor declared an emergency related to this event on October 2, 2024.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: Protection for and maintaining the safety of property and aquatic plant life.

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: There is no fee being charged by this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lloyd Knight.

DATED this 7th day of October, 2024.

Lloyd B. Knight, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 7249
Boise, ID 83707
Phone: (208) 332-8615
Email: lloyd.knight@isda.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0609-2405
(Only Those Sections With Amendments Are Shown.)

135. SNAKE RIVER QUARANTINE.

ISDA has issued a quarantine of the Snake River from Hansen Bridge to the partial bridge structure at the bottom of Yingst Grade (known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”), which is approximately one-half (1/2) mile upstream of Auger Falls to contain and treat quagga mussels. All public access to the Snake River via watercraft or other conveyance between ~~Pillar Falls~~ the “Broken Bridge” and Hansen Bridge is prohibited for the purposes of treatment of quagga mussels. ~~Access to the river by watercraft or other conveyance between the bottom of Yingst Grade (known as “the Broken Bridge”, “Yingst Grade Bridge”, the “Old Interstate Bridge”), which is approximately one-half (1/2) mile upstream of Auger Falls, and Pillar Falls is restricted. Launch of watercraft or other conveyances in this section is restricted to the hours when the watercraft inspection station at Centennial Park is in operation and requires inspection and decontamination of all conveyances and watercraft by ISDA or an assigned entity prior to launch into and upon exit from the water. This requirement applies to all motorized and non-motorized watercraft or other conveyances of any size, including paddle boards and kayaks.~~

(9-26-24)T(10-7-24)T

~~**01. State and County Watercraft.** State and county watercraft, including watercraft operated by the vendor approved by the Twin Falls County to operate at Centennial Park, are permitted to access the area from Pillar Falls to the Shoshone Falls provided the watercraft do not leave the infested area or go through decontamination prior to leaving the quarantine area. All watercraft entering the area between Pillar Falls and Shoshone Falls must launch from Centennial Park, presenting for inspection and decontamination prior to launch into and upon exit from the water.~~

(6-28-24)T

**IDAPA 11 – IDAHO STATE POLICE
STATE FORENSIC LABORATORY**

11.03.01 – RULES GOVERNING ALCOHOL TESTING

DOCKET NO. 11-0301-2401 (ZBR CHAPTER REWRITE)

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 67-2901, Idaho Code.

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

Monday, November 18, 2024 – 10:00 a.m. (MT)
Idaho State Police, District 3 700 S Stratford Drive Meridian, ID 83642
Virtual Meeting Link Meeting ID: 240 843 592 434 Passcode: zyP4tW
Dial in by Phone: 1-872-215-6990 Conference ID 485 988 928#

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 summary of this action is found in the October 2nd, 2024, Idaho Administrative Bulletin [Vol. 24-10, pages 191-199](#).

The Idaho State Police State Forensic Laboratory is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with the governing statute and Executive Order 2020-01.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Matthew Gamette, (208) 884-7217, email – matthew.gamette@isp.idaho.gov.

SUBMISSION OF WRITTEN COMMENTS: The comment period for this rulemaking has been extended. Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before November 27th, 2024.

DATED this 6th day of November, 2024.

Lt. Colonel Russ Wheatley
Chief of Staff
Idaho State Police

700 S Stratford Drive Meridian ID 83642
(208) 884-7004
Russ.Wheatley@isp.idaho.gov

IDAPA 11 – IDAHO STATE POLICE

11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-2403 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 23-932, 23-946(B), 23-1330, and 23-1408, 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:

Under [Executive Order 2020-01-Zero Based Regulation](#), the department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce the regulatory burden and enhance operational efficiency.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Vol. 24-9, pages 37-46](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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 fiscal impact associated with this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Captain Rocky Gripton, Idaho State Police, (208) 884-7062, email – rocky.gripton@isp.idaho.gov.

DATED this 16th day of October, 2024.

Lt Colonel Russ Wheatley, Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004

DOCKET NO. 11-0501-2403 - ADOPTION OF PENDING RULE

**Substantive changes have been made in the pending rule.
Italicized red text that is double underscored indicates
amendments to the proposed text as adopted in the pending rule.**

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-9, September 4, 2024, pages 37 through 46.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 11-0501-2403
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

11.05.01 – RULES GOVERNING ALCOHOL BEVERAGE CONTROL

010. DEFINITIONS.

In addition to the applicable definitions found in Sections 23-902, 23-942, 23-1001, and 23-1303, Idaho Code, the following apply: ()

01. Actual Use. The Actual Use of a liquor license by a licensee requires that the premises be open for business to the public and advertised to the public for regular scheduled availability of the sale, service, and dispensing of alcoholic beverages including liquor by the drink on a weekly basis. The licensee is required to notify ABC within fifteen (15) days of any reduction of the regular scheduled day(s) and time(s) due to construction or refurbishment. ()

02. Business. Business means any operation to carry out the normal day to day activities to exercise the privilege of holding a liquor license and operating a premises, for purposes of Section 23-903, Idaho Code. ()

~~01. Licensed Premises. Any premises for which a license has been issued under any of the provisions of Title 23, Chapters 9, 10 or 13, Idaho Code. All areas included on the floor plan submitted to the Director with the licensee's application for a license constitute the licensed premises. In the event of loss or move of the physical licensed premises, the licensee has ninety (90) days to secure and occupy a new premises in which to display the license. All licenses must be prominently displayed in a suitable premises and remain in actual use by the licensee and available for legitimate sales of alcoholic beverages by the drink. An additional sixty (60) days may be granted by the Director, upon petition by the license holder.~~ (3-23-22)

~~02. New Licenses. For purposes of Section 23-908(4), Idaho Code, a "new license" is one that has become available as an additional license within a city's limits under the quota system after July 1, 1980. The requirement of Section 23-908(4), Idaho Code, that a new license be placed into actual use by the licensee and remain in use for at least six (6) consecutive months is satisfied if the licensee makes actual sales of liquor by the drink during at least eight (8) hours per day, no fewer than six (6) days per week.~~ (3-23-22)

03. Multipurpose Arena Facility. For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena Facility is a publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions. (3-23-22)()

a. For purposes of Section 23-944(3), Idaho Code, a Multipurpose Arena is a: (3-23-22)

i. Publicly or privately owned or operated arena, coliseum, stadium, or other facility where sporting events, concerts, live entertainment, community events, and other functions are presented for a ticketed price of admission or one whose premises are leased for private events such as receptions; (3-23-22)

- ii. Facility that is licensed to sell liquor by the drink at retail for consumption upon the premises; and (3-23-22)
- iii. Facility that has been endorsed by the director. (3-23-22)
- ~~b. A Multipurpose Arena facility must apply annually for an endorsement on its alcohol beverage license. (3-23-22)~~
- ~~c. To receive a Multipurpose Arena endorsement under this Section will require the facility to have food available including, but not limited to, hamburgers, sandwiches, salads, or other snack food. The director may also restrict the type of events at a Multipurpose Arena facility at which beer, wine, and liquor by the drink may be served. The director will also consider the seating accommodations, eating facilities, and circulation patterns in such a facility, and other amenities available at a Multipurpose Arena facility before the director will endorse the license. (3-23-22)~~
- ~~d. A licensee that applies for a Multipurpose Arena endorsement must submit with the application an operating/security plan to the director and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or the director determines that a change is necessary due to demonstrated problems or conditions not previously considered or adequately addressed in the original plan. The plan must be submitted in a format designated by the director and contain all of the following elements: (3-23-22)~~
 - ~~i. How the Multipurpose Arena facility will prevent the sale and service of alcohol to persons under twenty one (21) years of age and those who appear to be intoxicated; (3-23-22)~~
 - ~~ii. The ratio of alcohol service staff and security staff to the size of the audiences at events where alcohol is being served; (3-23-22)~~
 - ~~iii. Training provided to staff who serve, regulate, or supervise the service of alcohol; (3-23-22)~~
 - ~~iv. The facility's policy on the number of alcoholic beverages that will be served to an individual patron during one (1) transaction; (3-23-22)~~
 - ~~v. A list of event type/categories to be held in the facility at which alcohol service is planned, along with a request for the level of alcohol service at each event; and (3-23-22)~~
 - ~~vi. Diagrams and designation of alcohol service areas for each type of event category with identified restrictions of minors. (3-23-22)~~
- ~~e. Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to the director and local law enforcement office showing the date and time of each event during which alcohol service is planned. The licensee must notify the director and local law enforcement at least twenty four (24) hours in advance of any events where alcohol service is planned that were not included in the monthly schedule. (3-23-22)~~
- ~~f. To prevent persons who are under twenty one (21) years of age or who appear intoxicated from gaining access to alcohol, the director may require that an operating plan include additional mandatory requirements if it is determined that the plan does not effectively prevent violations of liquor laws and regulations, particularly those that prevent persons under twenty one (21) years of age or who are apparently intoxicated from obtaining alcohol. (3-23-22)~~
- ~~g. If premises, licensed as a Multipurpose Arena, subsequently ceases to meet the qualifications of a Multipurpose Arena, the restrictions contained in Section 23-943, Idaho Code, apply and the posting of signs as provided for in Section 23-945, Idaho Code, is required. The licensee shall advise the director, by mail, that his premises no longer constitute a Multipurpose Arena, so that the license may be modified accordingly. (3-23-22)~~

04. Owner. An owner as stated in Section 23-903 subsections 16-18, Idaho Code, may hold the privilege to a license as between that person and the state of Idaho, and is subject to the qualifications and restrictions

contained in Idaho Code Chapters 9, 10 and 13 of Title 23. ()

045. Partition. A partition, as used in Section 23-944 Idaho Code, is defined as a structure separating the place from the remainder of the premises. ~~Access through the structure to the place will be controlled to prevent minors from entering the place. The structure must be:~~ (3-23-22)()

- ~~a. Permanently fixed from the premises ceiling to the premises floor. (3-23-22)~~
- ~~b. Made or constructed of solid material such as glass, wood, metal or a combination of those products. (3-23-22)~~
- ~~c. Designed to prevent an alcoholic beverage from being passed over, under or through the structure. (3-23-22)~~
- ~~d. All partitions must be approved by the Director. (3-23-22)~~

05. Place. For the purposes of Section 23-943, Idaho Code, "Place" as defined by Section 23-942(b), for a one (1) room restaurant without a barrier or partition, refers to the immediate bar area wherein there is seating alongside a counter or barrier that encloses bar supplies and equipment that are kept, and where alcoholic beverages are mixed, poured, drawn or served for consumption. (3-23-22)

06. Restaurant. The term Restaurant, as defined by Section 23-942(c), Idaho Code, is further defined as an establishment maintained, advertised and held out to the public as primarily a food eating establishment, where individually priced meals are prepared and regularly served to the public, primarily for on-premises consumption. The establishment must also have a dining room or rooms, kitchen and cooking facilities for the preparation of food, and the number, and type of employees normally used in the preparing, cooking and serving of meals. Primarily as defined for the purposes of Section 010, also includes that the licensee must show to the director the following: (3-23-22)

- ~~a. An established menu identifying the individually priced meals for consumption; (3-23-22)~~
- ~~b. Food service and preparation occurs on the premises by establishment employees; (3-23-22)~~
- ~~c. Stoves, ovens, refrigeration equipment or such other equipment usually and normally found in restaurants are located on the premises of the establishment; (3-23-22)~~
- ~~d. The licensee must demonstrate to the satisfaction of the Director, through appropriate business records, that the establishment is advertised and held out to the public as primarily a food eating establishment, or that at least forty percent (40%) of the establishment's consumable purchases are derived from purchases of food and non-alcoholic beverages. (3-23-22)~~

076. Stock Transfer. For the purposes of Section 23-908, Idaho Code, the sale or exchange of stock in a closely held corporation holding a license is deemed a transfer of the license. However, the sale or exchange of shares in a family corporation among family members, is not a transfer. (3-23-22)

07. Transfer. Any change to a person as defined in Section 23-902(13), Idaho Code, who owns, operates, or leases an alcohol beverage license as a privilege granted by ABC except the transfer conditions set forth in Section 23-903(16), Idaho Code. For purposes of Sections 23-903(16)(d) and (e), Idaho Code, other than the "onetime-only transfer" where referenced, transfer means sale of the license. ()

011. GENERAL PROVISIONS.

01. Delegation of Authority to License Alcoholic Beverages. The Director hereby delegates his authority for the alcohol beverage licensing of establishments which sell alcoholic beverages, as contained in as defined in Title 23, Chapters 9, 10, and 13, Idaho Code, to the Alcohol Beverage Control Bureau, Idaho State Police. ~~All applications and inquiries concerning alcoholic beverage licenses must be directed to the Alcohol Beverage Control Bureau. The Alcohol Beverage Control Bureau provides forms for all applications and inquiries. Nothing~~

~~contained herein interferes with the Director's supervisory authority for alcoholic beverage licensing. (pursuant to Section 67-2901(4), Idaho Code). (3-23-22)()~~

02. Restaurant Licensure Requirements. In order to receive a license under these rules and Chapter 9, Title 23, a Restaurant must: ()

- a.** Have a dining room, kitchen, and cooking facilities for the preparation of food; and ()
- b.** Demonstrate to the satisfaction of the Director: ()
 - i.** An established menu identifying individually priced meals; ()
 - ii.** Food service and preparation occurs on the premises; ()
 - iii.** Stoves, ovens, refrigeration equipment or such other equipment commonly found in restaurants are located on the premises; and ()
 - iv.** Through appropriate business records, that the establishment is advertised and held out to the public as primarily a food-eating establishment, or that at least forty percent (40%), or at least sixty percent (60%) for resort city restaurant liquor licenses as set forth in Section 23-903c., Idaho Code, of the establishment's consumable purchases are derived from purchases of food and non-alcoholic beverages. ()

~~**02. Authority to Stagger the Renewal of Licenses to Sell Alcohol.** For the purposes of Sections 23-908, 23-1010 and 23-1316, Idaho Code, the Director may adjust the renewal month to accommodate population increases. Renewal months vary by county and are available on the Alcohol Beverage Control website. (3-23-22)~~

03. Premises Loss, License Display, and Actual Use Requirement. ()

- a.** In the event of loss or move of the physical licensed premises, or reversion under Section 23-903(17), Idaho Code, a licensee has one hundred eighty (180) days to secure and occupy a new premises in which to display the license. An additional sixty (60) days may be granted by ABC, upon petition by the license holder. ()
- b.** All licenses must be prominently displayed in suitable premises and remain in Actual Use. ()

04. Notification of Renewals and Administrative Actions. For the purposes of Section 23-903(18)(e), Idaho Code, the owner and lessee must each include in the lease agreement a primary email contact to which the renewal notice, filings, and payment of administrative actions will be sent. It is the responsibility of the owner and lessee to notify ABC of any change in contact information. ()

05. Controlled Access to Minors. Access through any premises will be controlled to prevent minors from entering the place: ()

- a.** Except for a one (1) room restaurant without a barrier or partition, rooms must be separated by a permanently fixed partition no less than six (6) feet in height; ()
- b.** Exterior portions of a premises must be constructed in a manner that prevents loitering or access by a minor and must be in compliance with local ordinances; ()
- c.** Partitions must be constructed of such material designed to prevent alcohol beverages from being passed over, under, or through the partition; and ()
- d.** Approved by the Director. ()

06. Multipurpose Arena Facility Licensure Requirements. A Multipurpose Arena Facility must renew the endorsement annually on the alcohol beverage license. To receive a multipurpose arena endorsement under these rules, the facility must: ()

- a.** Prepare cooked food for purchase during events; and ()
 - b.** Submit with the application an operating/security plan to ABC and the local law enforcement agency for review and approval. Once approved, the plan remains in effect until the licensee requests a change or ABC determines that a change is necessary due to demonstrated problems or conditions not previously considered or addressed in the original plan. The plan must contain the following elements: ()

 - i.** How the licensee will prevent the sale and service of alcohol to persons under twenty-one (21) years of age and those who appear to be intoxicated; ()
 - ii.** The ratio of employees and security staff to the size of audiences at events where alcohol is being served or dispensed; ()
 - iii.** Training provided to staff who serve dispense, or supervise the service and consumption of alcohol; ()
 - iv.** The licensee's policy on the number of alcohol beverages that will be served to an individual patron during one (1) transaction; ()
 - v.** A list of event types to be held in the facility; and ()
 - vi.** Diagrams and designation of alcohol service areas for each event, category type, with identified areas to restrict minors. ()
 - c.** ABC may restrict the type of events at the facility at which beer, wine, and liquor by the drink may be served. ()
 - d.** ABC will consider the seating accommodations, dining, operational plans, and other amenities available at the facility prior to endorsement. ()
 - e.** Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to ABC and local law enforcement showing the date and time of any events where alcohol service is planned. The licensee must notify ABC and local law enforcement at least twenty-four (24) hours in advance of any events where alcohol service is planned but was not included in the monthly schedule. ()
 - f.** When the facility ceases to meet the qualifications of the endorsement, Sections 23-943 and 23-945 Idaho Code, apply. The licensee shall advise ABC that facility no longer constitutes a Multipurpose Arena. ()
- 07. Product Replacement.** Any beer or wine products removed from the licensed retailer's premises by a wholesaler/distributor for quality control or public health are not considered to be a violation of Section 23-1033 or 23-1325, Idaho Code. ()

012. TRANSFER OF ALCOHOLIC BEVERAGE LICENSES.

~~**01. Transfer of License Subject to Sanctions.** The Director of the Idaho State Police may deny the transfer of an alcoholic beverage license which is subject to possible disqualification, revocation or suspension under the provisions of Title 23, Chapters 9, 10, and 13, Idaho Code, or these rules, when an action has been filed to such effect before the Idaho State Police pursuant to Sections 23-933, 23-1037 or 23-1331, Idaho Code. (3-23-22)~~

~~**02. Death or Incapacity of Licensee.** In the event of the incapacity, death, receivership, bankruptcy, or assignment for the benefit of creditors of a licensee, his guardian, executor, administrator, receiver, trustee in bankruptcy, or assignee for benefit of creditors may, upon written authorization from the Alcohol Beverage Control Bureau, continue the business of the licensee on the licensed premises for the duration of the license or until the business is terminated. Any person operating the licensed premises under this regulation must submit a signed agreement that he will assume all of the responsibilities of the licensee for operation of the premises in accordance with law. A person operating licensed premises under the regulation must demonstrate to the satisfaction of the Alcohol Beverage Control Bureau that he is qualified to hold an alcoholic beverage license. A guardian, executor,~~

~~administrator, receiver, trustee in bankruptcy, or assignee for benefit of creditors may renew or transfer a license so held, in the same manner as other licensees, subject to the approval of the Alcohol Beverage Control Bureau. (Sections 23-908(1), 23-1005A, and 23-1317, Idaho Code). (3-23-22)~~

~~**01. Events Not Implicating the One Transfer Law Restriction.** When any of the events occur pursuant to Sections 23-908(5)(a), (b), (d), and (e), 23-903(16-18), Idaho Code, a person must apply with ABC pursuant to Section 23-905, Idaho Code, within sixty (60) days. ()~~

~~**a.** The owner must give written notice to the agency within thirty (30) days of the termination of the license lease per Section 23-903(17), Idaho Code. ()~~

~~**b.** Any licensee that elects to apply the provisions of Section 23-903(18), Idaho Code, must notify ABC of such declaration via the lease agreement submitted with the application for transfer to the lessee. ()~~

~~**02. Transfer Fees if Applicable.** Options to purchase an incorporated city liquor license shall submit the required transfer fee when the application to transfer occurs. A refund may be requested if the option to purchase is not exercised at the end of the term. ()~~

~~**03. Authorization to Transfer and Assignment of Privilege to Renew.** Any person applying to renew or transfer an liquor license alcohol beverage license who was not the licensee at the applicable premises for the preceding year, must submit with the application to renew or transfer, a written Authorization to Transfer and Assignment of Privilege to Renew Affidavit of Release of License form signed by the current licensee. (3-23-22)()~~

~~**04. Temporary Permits.** When application for transfer of an alcoholic beverage license has been made, the Alcohol Beverage Control Bureau, in its discretion, may authorize issuance of a temporary permit during the review of the application, during which time the applicant for transfer may conduct business as a temporary permit holder. The permit holder, in accepting the temporary permit, is responsible for complying must comply with pertinent all statutes and rules pertinent to the sale of alcoholic beverages. Any Ssanctions are the responsibility of the against such permit holder, whether civil, administrative, or criminal lies with the permittee, and, a acceptance of the permit constitutes a waiver of any defenses by the permit holder based upon the fact that, † The permit holder is not, technically, a licensee, and is not entitled to administrative due process. The Alcohol Beverage Control Bureau may withdraw a temporary permit it has issued pursuant to this rule at any time without hearing or notice. (3-23-22)()~~

~~**05. Product Replacement and Credit.** Any beer or wine products removed from the licensed retailer's premises by a wholesaler/distributor for quality control or public health are not considered to be a violation of Section 23-1033 or 23-1325, Idaho Code, which prohibit aid to the retailer or of Sections 23-1031 or 23-1326, Idaho Code, which prohibit extension of credit to a retailer, if: (3-23-22)~~

~~**a.** The packages or kegs are replaced with identical product and quantity; or (3-23-22)~~

~~**b.** In the instance of replacement of a partial keg of beer or wine, a credit to be redeemed on subsequent alcoholic beverage purchases by the retailer is given for the value of the unused portion; or (3-23-22)~~

~~**c.** In the instance of removal of product for which the identical product or quantity thereof is not immediately available to the wholesaler/distributor at the time of removal of the product, a credit is given. The credit shall be redeemed on subsequent alcoholic beverage purchases by the retailer; or (3-23-22)~~

~~**d.** In the case of a licensed establishment which is in operation no less than two (2) months and no more than nine (9) months of each year, prior to its period of closure, it is apparent that product will become outdated or spoiled before the date of re-opening, a wholesaler/distributor may remove product from the retailer's premises and may give a credit to the retailer. Such credit shall be redeemed on subsequent alcoholic beverage purchases by the same retailer. (3-23-22)~~

~~**e.** Credit is given to a retailer for the amount paid by the retailer at the time of purchase of the product being removed by the wholesaler/distributor. (3-23-22)~~

~~**06. Expiration of Licenses.** When a county or city has, pursuant to Sections 23-927 and/or 23-1012, Idaho Code, passed an ordinance extending the hours of sale of liquor and/or beer to two o'clock a.m. (2:00 a.m.), all liquor and/or beer licenses in that county expire at two a.m. (2 a.m.), on the first of the renewal month of the year following their issuance. (Section 23-908(1), Idaho Code). (3-23-22)~~

~~**075. Maintenance of Keg Receipts.** Licensees shall retain a copy of all completed keg receipts required by Section 23-1018, Idaho Code, for a period of six (6) months. (3-23-22)~~

~~**06. Continuous Operation Facilities Licenses.** An existing license issued under Section 23-903(8), Idaho Code, before July 1, 2028, may be renewed annually and may be transferable through sale or lease. ()~~

IDAPA 11 – IDAHO STATE POLICE
11.13.01 – THE MOTOR CARRIER RULES
DOCKET NO. 11-1301-2401
NOTICE OF RULEMAKING –
RESCISSION OF TEMPORARY RULE AND VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Sections 67-5221 and 67-5226, Idaho Code, notice is hereby given that this agency has vacated the proposed rulemaking previously initiated under this docket and is rescinding the temporary rule previously adopted under this docket. The action is authorized pursuant to Section 67-2901A, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for the rescission and vacation of this rulemaking:

The temporary rule, adopted under this docket 11-1301-2401 by the Idaho State Police, was published in the August 7, 2024, Administrative Bulletin, [Vol. 24-8 pages 42 and 43](#); the proposed rule published concurrently with the temporary rule. This Notice of Rulemaking hereby rescinds the temporary rules, effective July 1, 2024, and vacates the proposed rulemaking.

The temporary and proposed rulemaking was done in order to provide intrastate commercial carriers relief from some burdensome federal regulations.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of proposed rulemaking and rescission of temporary rule, contact Captain Jason Bailey, (208) 884-7222, email jason.bailey@isp.idaho.gov.

DATED this 6th day of November, 2024.

Lt. Colonel Russ Wheatley, Chief of Staff
Idaho State Police
700 S Stratford Drive
Meridian ID 83642
(208) 884-7004
russ.wheatley@isp.idaho.gov

**IDAPA 15 – OFFICE OF THE GOVERNOR
IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

15.02.30 – BUSINESS ENTERPRISE PROGRAM

DOCKET NO. 15-0230-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – 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(s) 67-5407(c)(e) and 67-5408 Idaho Code.

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

15.02.30 – BUSINESS ENTERPRISE PROGRAM
Thursday, November 14, 2024 2:00 p.m. to 3:00 p.m. (MST)
In-person participation is available at: Idaho Commission for the Blind and Visually Impaired 341 W. Washington, 2nd Floor Conference Room Boise, ID 83702
Web meeting link: Join the meeting now
Meeting ID: 226 014 363 239 Passcode: AkhL7s
Download Teams Join on the web

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:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Commission for the Blind and Visually Impaired is striving to prevent the accumulation ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: There is no fee or charge imposed or increased associated with this rulemaking.

FISCAL IMPACT: N/A.

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 in the September 4, 2024 Idaho Administrative Bulletin, [Vol.24-9 page 50](#).

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:

The Business Enterprise Program is administered under the following federal and state statutes:

20 U.S.C Ch. 6A Randolph-Sheppard Act

34 CFR 395

Section 67-5402, 67-5411, 67-5909, 67-6901, 67-6902, 67-6903, 67-6904, 67-6905 Idaho Code

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Mike Walsh at 208-334-3220.

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 November 27, 2024.

DATED this 17th day of October, 2024.

Mike Walsh, PhD, CRC
Rehabilitation Services Chief
Idaho Commission for the Blind and Visually Impaired
341 W. Washington St.
Boise, ID 83702
Email: mikew@ics.idaho.gov
Website: <https://icbvi.idaho.gov>
Phone: 208-334-3220

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 15-0230-2401
(ZBR Chapter Rewrite)**

15.02.30 – BUSINESS ENTERPRISE PROGRAM

000. LEGAL AUTHORITY.

~~The Idaho Legislature has designated the Commission for the Blind and Visually Impaired as the sole licensing agency under the provisions of the Randolph-Sheppard vending stand act pursuant to Section 67-5411, Idaho Code, and has given to the Board of the Idaho Commission for the Blind and Visually Impaired the legislative power to promulgate rules by the provisions of Section 67-5407(c), Idaho Code.~~ The Idaho Legislature, through the U.S. Secretary of Education, recognizes the Commission for the Blind and Visually Impaired (Commission) as the sole State Licensing Agency (SLA) under the provisions of the Randolph-Sheppard vending stand act pursuant to Section 67-5411, Idaho Code, and has given to the Board of the Idaho Commission the legislative power to establish a Business Enterprise Program (BEP) pursuant to Section 67-5407(c), Idaho Code, and promulgate rules by the provisions of Section 67-5407(e), Idaho Code. (3-31-22)()

001. TITLE AND SCOPE.

~~01. Title.~~ **01. Title.** These rules are titled IDAPA 15.02.30, "Business Enterprise Program." (3-31-22)

~~02. Scope.~~ These rules specify the conditions and standards under which the ~~Business Enterprise Program~~ BEP facilities are operated. (3-31-22)()

002. INCORPORATION BY REFERENCE

The following federal laws and regulations are incorporated by reference into the rules of this chapter and copies are available at the Commission's office. ()

01. 20 U.S.C Ch. 6A Randolph-Sheppard Act. ()

02. 34 CFR 395. ()

03. Section 67-5402, 67-5411, 67-5909, 67-6901, 67-6902, 67-6903, 67-6904, and 67-6905, Idaho Code. ()

~~003.~~ -- 009. (RESERVED)

010. DEFINITIONS.

~~Unless otherwise indicated in these rules,~~ The terms below are defined as follows: (3-31-22)()

01. Active Participation. An ongoing process of negotiations between the SLA and the Idaho Blind Merchants Committee (IBMC) to achieve joint planning and approval of Program policies, standards, and procedures affecting the overall operation of the BEP, prior to being implemented by the SLA. ()

~~042.~~ **Administrator.** The Administrator of the Commission. (3-31-22)

~~02. Agreement.~~ An agreement between the Program and an operator for the operation of a vending facility as a primary location. (3-31-22)

~~03. Benefits.~~ Retirement or pension plans, health insurance contributions, and paid sick and vacation, ~~leave available only to operators. (See 34 CFR 395.8.)~~ (3-31-22)()

~~04. Blind Person.~~ A person who, after examination by a physician skilled in diseases of the eye or by an optometrist, ~~whichever such person selects, has been determined to have the following (see 34 CFR 395.1(c)):~~ (3-31-22)

~~a. Not more than twenty-two hundred (20/200) central visual acuity in the better eye with correcting lenses; or~~ (3-31-22)

~~b. An equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty (20) degrees.~~ (3-31-22)

~~054. Certified.~~ Having successfully completed the Commission-approved training program established by the ~~Program~~ SLA as a requirement for licensing. ~~(See Section 150 of these rules.)~~ (3-31-22)()

~~06. Commission.~~ The Idaho Commission for the Blind and Visually Impaired. (3-31-22)

~~07. Committee.~~ The Idaho Blind Merchants Committee (IBMC). (3-31-22)

~~085. Contract.~~ An agreement with a government entity or other business for the operation of a cafeteria. ~~A contract with a licensee or other qualified individual for the operation of a vending facility. Contracts are of limited duration.~~ (3-31-22)()

~~096. Contract Facility.~~ A facility operated under a contract by a licensee or other party. In addition to Section 67-6902(2), Idaho Code, a vending enterprise defined as: (3-31-22)()

- ~~10. Facility. A vending enterprise defined as: (3-31-22)~~
- ~~a. Automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment which may be operated by blind licensees and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, and including the vending or exchange of chances for any lottery authorized by state law and conducted by an agency of a state within such a state. (See 34 CFR 395.1(x)); or (3-31-22)~~
- ~~b. Restaurants, cafeterias, snack bars, and goods and services customarily offered in connection with any of the foregoing, and includes vending machines dispensing foods when operated independently or in conjunction with such facilities. (See Section 67-6903, Idaho Code); or (3-31-22)~~
- ~~a. A Vending Facility as defined in 34 CFR 395.1 (x) ()~~
- ~~b. Any business that sells articles or services consistent with the policies, goals, and objectives of the Program. ()~~
- ~~07. IBMC. Is comprised of licensed vendors currently operating a Facility. ()~~
- ~~08. Operating Agreement. An agreement between the SLA and a Vendor or other qualified individual for the operation of a vending Facility or individual location. ()~~
- ~~e. Any type of business which the Supervisor finds is consistent with and furthers the policies, goals, and objectives of the Program. (3-31-22)~~
- ~~11. License. A written instrument issued by the state licensing agency to a blind person, authorizing such person to operate a vending facility on federal or other property. (See 34 CFR 395.1(i).) (3-31-22)~~
- ~~12. Licensee. A blind person licensed by the state licensing agency to operate a vending facility on federal or other property. (See 34 CFR 395.1(b).) (3-31-22)~~
- ~~13. Operator. A licensee assigned to and operating a primary location. (3-31-22)~~
- ~~14. Permit. The official approval given a state licensing agency by a department, agency or instrumentality in control of the maintenance, operation, and protection of federal property, or person in control of other property, whereby the state licensing agency is authorized to establish a vending facility. (See 34 CFR 395.1(e).) (3-31-22)~~
- ~~15. Primary Location. A single building or group of buildings operated as a vending facility pursuant to an agreement. (3-31-22)~~
- ~~1609. Probation. A conditional status wherein a vendor has a specified period of time to correct identified problems before an agreement or contract may be terminated, the operation of a facility by a Vendor or Provisional Licensee is being monitored for a specified period of time. (3-31-22)()~~
- ~~17. Program. The Business Enterprise Program (BEP), provided for by the Randolph Sheppard Act to give priority to the blind in need of economic opportunities. (See 34 CFR 395.1(p) and Title 67, Chapter 69, Idaho Code.) (3-31-22)~~
- ~~1810. Property Manager. The individual or entity in charge of administering vending issuing contracts or permits in federal, state, or local government buildings or private buildings entities. (3-31-22)()~~
- ~~11. Provisional Licensee. A trainee who is operating a facility during a six-month probationary period prior to full licensing. ()~~
- ~~19. Satellite. An ancillary site separate from a primary location granted to an operator as part of an~~

~~agreement.~~ (3-31-22)

~~20. **Set Aside Funds.** Funds which accrue to a state licensing agency from an assessment against the net proceeds of each vending facility in the state's vending facility program and any income from vending machines on federal property which accrues to the state licensing agency. (See 34 CFR 395.1(s).)~~ (3-31-22)

~~21. **State Licensing Agency.** The Commission which has been designated by the Secretary of Education to issue licenses to blind persons for the operation of vending facilities on federal and other property. (See 34 CFR 395.1(v).)~~ (3-31-22)

~~22~~12. **Supervisor.** The BEP individual who administers the Program The individual designated to administer the BEP. (3-31-22)()

~~23~~13. **Suspension.** Temporary withdrawal by the Supervisor of privileges granted by a license, or any agreement or contract during which time a vendor may not continue to operate a facility. (3-31-22)()

~~24~~14. **Vendor.** A licensee who operates a primary location with or without satellites, pursuant to an agreement, or who operates a contract facility pursuant to a contract A certified blind licensee who is operating a vending facility on federal or other property. (3-31-22)()

011. PURPOSE.

~~The purpose of the Program is to provide remunerative employment opportunities for blind individuals who have an interest in and aptitude for operating a facility, to demonstrate alternative techniques for coping with blindness, and to educate the public regarding the ability of blind individuals to independently operate businesses. The Supervisor is responsible for the administration of the Program and reports to the Administrator. The Program shall be coordinated with other vocational rehabilitation programs of the Commission~~See U.S. Department of Education--Randolph Sheppard Vending Facility Program. (3-31-22)()

012. -- 029. (RESERVED)

030. LICENSES.

01. Issuance of Licenses. Licenses ~~shall be~~ do not expire and are issued ~~for an indefinite period of time and shall be issued~~ only to persons who are determined by the ~~Program SLA~~ to be: blind, a United States citizen, and certified. (3-31-22)()

~~a. Blind, as defined in Subsection 010.04 of these rules; and~~ (3-31-22)

~~b. Citizens of the United States; and~~ (3-31-22)

~~c. Certified by the Program as qualified and trained to operate a facility.~~ (3-31-22)

02. Inactive License. ~~If a licensee, who is not an operator, fails for more than one (1) year to bid for a facility, the license of such licensee shall become inactive~~ A license will become inactive if a non-vendor licensee fails to bid for a facility for more than one (1) year. (3-31-22)()

03. Reactivation. A license can be reactivated upon written request to the Supervisor. ~~The Supervisor may require a licensee~~ may be required to repeat some of the certification requirements ~~to reactivate a license.~~ (3-31-22)()

031. OPERATING AGREEMENTS.

In order to operate a Facility an individual must enter into an Operating Agreement (OA) with the SLA that specifies the rights and responsibilities of each party as they relate to the operation of a Facility. ()

01. SLA Responsibilities. In addition to the responsibilities stipulated by the OA and Idaho Code, the SLA will: ()

a. Periodically audit, or cause to be audited, the Vendor's records and financial data to verify the accuracy of the set aside report; and ()

b. Provide information or make available data in suitable format at the Vendor's request provided that such disclosure does not violate applicable Federal or State laws pertaining to the disclosure of confidential information. ()

c. Make available to all Vendors each Location's signed OA. ()

02. General Rights and Responsibilities. ()

a. The Vendor is encouraged to hire blind persons or persons with other disabilities when feasible. ()

b. The Vendor shall report to the Supervisor any unresolved complaints of the Property Manager within one business day. ()

c. The Vendor may, with written approval of the Supervisor, negotiate with Property Managers for additional facilities. ()

d. A vendor may purchase equipment for a facility only if the purchase is approved in advance, in writing, by the Supervisor. The SLA, in its sole discretion, has the first option to purchase from the Vendor any equipment purchased without advanced, written approval. ()

0312. -- 039. (RESERVED)

040. **TERMINATION AND SUSPENSION OF LICENSES AND OPERATING AGREEMENTS.**

01. **Grounds for License Termination.** Except in emergency situations, probation occurs prior to termination. Licenses are subject to termination after fifteen (15) days' notice if the Program SLA finds: (3-31-22)()

~~a. That the facility is not being operated in accordance with Commission rules, the terms and conditions governing the permit, or the terms and conditions of the agreement or contract (See Section 140 of these rules.);~~ (3-31-22)

~~b. That the licensee no longer meets the definition of blind person as set out in Subsection 010.04 of these rules;~~ (3-31-22)

~~c. That the licensee has received a medically documented diagnosis that will result in prolonged incapacity of the licensee and a continuing inability to operate a facility;~~ (3-31-22)

~~d. That the licensee has withdrawn from the Program by submitting written notification to the Supervisor;~~ (3-31-22)

~~e. That the licensee has made unauthorized use of retirement account funds; or~~ (3-31-22)

~~f. That the licensee engages in conduct or allows a condition to exist for which the licensee has previously been placed on probation, or which has previously led to the suspension of the license.~~ (3-31-22)

a. That the Vendor engages in conduct or allows a condition to exist for which the Vendor has previously been placed on Probation, or which has previously led to the suspension of the license; ()

b. That the Facility is not being operated in accordance with SLA rules, the terms and conditions governing the Permit, or the terms and conditions of any agreement; ()

c. That the Vendor no longer meets the definition of blind person; ()

d. That the Vendor has received a medically documented diagnosis that will result in their being incapacitated or unable to oversee the operation of a Facility for more than one year; ()

e. That the Vendor has withdrawn from the Program by submitting written notification to the Supervisor. ()

02. Grounds for Agreement Termination. Operating Agreements may be terminated if: ()

a. The health and safety of the Vendor, the employees, or the customers are jeopardized; ()

b. The Vendor jeopardizes the state's investment in the Facility by violating the terms of the Permit, OA, applicable federal, state, or local laws, rules, and regulations, or by placing the Facility in danger of being closed; ()

c. The business and premises of the Facility are not covered by adequate insurance; ()

03. Grounds for License Suspension. The Supervisor has the authority to suspend the license of a Vendor whose conduct may jeopardize a Contract, Permit or the Program. ()

04. Grounds for Agreement Suspension. Any agreement may be suspended if: ()

a. The Vendor has committed any of the acts enumerated in Subsection 040.02 of these rules; or ()

b. The Property Manager requests the removal of the Vendor and documents the request in writing, and the SLA determines that immediate removal of the Vendor is in the best interest of the Program; or ()

c. The Supervisor and the Vendor cannot agree on a plan to resolve violations and improve performance. ()

025. Notice of Termination or Suspension. Notice shall be in writing, specify the grounds upon which the notice of termination is based; and advise the operator of his right to administrative review and a full evidentiary hearing. A written notice, in accessible format, will be provided to the Vendor that includes the specific grounds for termination or suspension and outlines a Vendor's right to pursue an administrative review and/or full evidentiary hearing within fifteen (15) business days following the issuance of this notice. (3-31-22)()

036. Request for Review Not a Stay. A timely filed request for administrative review shall not stay the termination of the license. If the Vendor seeks an administrative review and/or evidentiary hearing, and prevails during the proceedings, all rights and benefits are restored to the Vendor including compensation for the period of time the license or agreement was terminated or suspended. Compensation is calculated at a weekly rate determined by averaging the net income of the Facility for a designated period prior to the notice of termination or suspension. The designated timeframes are: (3-31-22)()

a. The prior federal fiscal year in the case of license terminations; or ()

b. The eight (8) weeks prior to the notice of termination in the case of any terminated agreement; or ()

c. The eight (8) weeks prior to the notice of suspension in the case of any suspended agreement or license. ()

047. Termination. The termination becomes effective following the fifteen (15) day notice period unless the vendor seeks administrative review, in which case the license may be suspended and any contract or agreement may be terminated pending completion of the administrative review, full evidentiary hearing, and subsequent appeals. Until the review process has been concluded, the Program shall operate the facility. At the conclusion of the review process, should the vendor prevail, the Program shall restore all rights and benefits to the

~~vendor including compensation for the period of termination calculated at a weekly rate determined by averaging the net income for the facility for the prior federal fiscal year. The termination becomes effective following the fifteen (15) business day notice period unless the Vendor seeks an administrative review and/or evidentiary hearing, in which case the license may be suspended, and any OA may be terminated pending completion of the administrative review, full evidentiary hearing, and subsequent appeals.~~ (3-31-22)()

~~**058. Suspension.** The Supervisor has the authority to suspend the license of a vendor whose conduct may jeopardize a permit or the Program.~~ (3-31-22)

~~**a.** The Supervisor shall notify the vendor in writing of the suspension and identify the specific deficiencies and the time allowed for the vendor to take corrective action. If no resolution has been made at the end of the specified time, the Supervisor shall issue a notice of termination.~~ (3-31-22)

~~**b.** If the Supervisor and a vendor, whose license has been suspended, cannot agree on arrangements for a temporary replacement vendor, the procedures set out in Section 180 of these rules shall be followed to resolve the matter. Suspension may continue up to one hundred eighty (180) calendar days. If the Vendor seeks an administrative review and/or evidentiary hearing, the suspension will continue until the administrative review, evidentiary hearing, and subsequent proceedings have concluded.~~ (3-31-22)()

~~**069. Operating Agreement Cancellation.** The Supervisor has the authority to place a vendor who is not in compliance with the terms of an agreement or contract on probation. The Supervisor shall notify the vendor in writing of the probation and identify the specific deficiencies and the time allowed for the vendor to take corrective action. If no resolution has been made at the end of the specified time, the Supervisor shall issue a notice of termination. An OA may be cancelled by the SLA at any time should the Facility cease to be a vending Facility by revocation of the Permit by the Property Manager. Cancellation under this Subsection will not affect licensure and does not give rise to a right to administrative review, evidentiary hearing, or other relief.~~ (3-31-22)()

~~**10. License Probation.** The Supervisor has the authority to place a Vendor who is not in compliance with the terms of an OA on Probation. The Vendor is provided written notification of the Probation including the specific deficiencies and the timeframe to complete corrective action. A notice of termination will be issued if corrective action is not completed within the time frame.~~ ()

~~**0711. Improvement Plans.** If the Supervisor receives a set aside report from a vendor that indicates no profit has been realized during two (2) consecutive months or three (3) months in a fiscal year the Supervisor shall review the situation and, with the vendor, devise a plan with measurable objectives and timetables for improvement. Should the facility not show a reasonable profit during the three (3) subsequent months the Supervisor may issue a notice of termination or the facility may be contracted or closed. If a Vendor's set aside report indicates that no profit has been realized during three (3) consecutive months or five (5) months in a fiscal year, a review will be initiated. The Supervisor and Vendor will determine a plan with measurable objectives and timetables for improvement and the Vendor will submit a (6) six-month business plan including areas of improvement they identify for themselves. Should the Facility not show a reasonable profit during the five (5) subsequent months the Supervisor will review the Vendors records and financial data to verify the level of improvement; and may issue a notice of termination, or the Facility may be operated under a temporary OA or closed.~~ (3-31-22)()

041. -- 049. (RESERVED)

050. SELECTION OF ~~OPERATORS~~ VENDORS.

~~**01. Notification of Opening.** The Supervisor shall notify all licensees and prospective operators, all commissioners and counselors of the Commission of all facility openings in writing. The notice of openings shall also be posted on the Commission web site. The notice shall state the facility location, the application procedure, and the deadline for application. The notice shall also solicit interest in operating the facility on a contract, in the event it is not awarded as a primary location. Interested parties will be provided specific information about the openings upon request. Written notification of any Facility opening will be provided to all Vendors, Provisional Licensees and Trainees, Commissioners, and Counselors of the Commission. The notice includes the Facility location, application procedure, submission and deadline.~~ (3-31-22)()

02. **Qualification of Bidders.** A bidder for a ~~primary location facility~~ shall be: (3-31-22)(____)
- a. ~~Licensed by the Commission; Fully or provisionally licensed in good standing by the SLA and be current with program payments, monthly set asides, and any other monies due to the Program.~~ (3-31-22)(____)
 - b. ~~Current with Program payments, including monthly set asides and any other monies due the Program; and~~ (3-31-22)
 - c. ~~In good standing and not have been placed on probation or had his license suspended within the last calendar year.~~ (3-31-22)
03. **No Qualified Bidders.** If no applications are received from qualified bidders' ~~licensees who expressed an interest in operating the facility as a contract facility will be given priority in the selection of a contractor. If no licensee is awarded the facility,~~ the Supervisor may award a ~~contract~~ temporary Operating Agreement to any ~~qualified individual~~ food service business with a registered EIN. (3-31-22)(____)
04. **Application.** An application ~~shall~~ will be in the form of a written letter to the Supervisor and include a statement of qualifications and pertinent experience. (3-31-22)(____)
05. **Selection-~~Process~~ Panel.** A panel is appointed to review all applications and conduct interviews. (3-31-22)(____)
- a. ~~The Supervisor shall appoint a panel to review all applications and conduct interviews. The panel includes the Supervisor serving as chair, a representative of the IBMC selected by the IBMC Chair, and one (1) person from field services who will be selected through active participation. No member of the selection panel will have a conflict of interest with the applicants.~~ (3-31-22)(____)
 - b. ~~The panel shall consist of the Supervisor who serves as chair, a representative of the Committee selected by the Committee chair, and one (1) person from field services. The person from field services shall not have had a client relationship with the applicants.~~ (3-31-22)
 - c. ~~The panel shall review~~ s all written applications and conducts interviews at least of the top five (5) candidates, using the same format and interview questions. All members of the panel must be ~~physically~~ present during the interviews. (3-31-22)(____)
 - d. ~~A weighted evaluation form shall be is used by each panel member. Selection criteria shall will be consistent with the job requirements of that facility. Points shall be given by each interviewer to each candidate in the various categories assessed. A composite score shall be tabulated for each candidate.~~ (3-31-22)(____)
 - e. ~~The Supervisor shall make a final selection from the two (2) candidates with the highest total points. If the candidate with the highest score is not selected, the Supervisor must will provide an written explanation in writing to the highest scoring candidate upon request with the documentation that supports the decision.~~ (3-31-22)(____)
 - f. ~~If no bidder is awarded operation of the facility, the Supervisor may grant it on a contract a temporary OA to a licensee or other qualified individual food service provider with a registered EIN.~~ (3-31-22)(____)
06. **Notification of Decision.** ~~The Supervisor shall notify all applicants in writing of the final decision. Written notification of final decision is provided to all applicants.~~ (3-31-22)(____)
07. **Records.** ~~The Supervisor shall maintain a record of all proceedings.~~ (3-31-22)
08. **Transfer and Promotion.** ~~The procedure for transfer and promotion shall be the same as for original selection of vendors. Licenses, OAs, and Contracts are not transferable and must go through the original selection process.~~ (3-31-22)(____)

051. -- 059. (RESERVED)

060. ACCESS TO PROGRAM AND FINANCIAL INFORMATION.

~~Each licensee in the Program shall be provided access to all Program financial data relevant to the operation of the Program, including annual financial reports, provided that such disclosure does not violate applicable federal or state laws pertaining to the disclosure of confidential information. Insofar as practical, such data shall be made available in suitable alternative format. At the request of a licensee, qualified staff of the Program shall arrange a convenient time to assist in the interpretation of the financial data.~~ See 34 CFR 395.12. (3-31-22)(____)

061. -- 069. (RESERVED)

070. EQUIPMENT, INITIAL STOCK AND BUSINESS EXPENSES.

~~01. Program Responsibility~~ **SLA Responsibilities.** The ~~Program~~ SLA assumes full responsibility for providing each facility established under the Program with adequate equipment and initial stock of merchandise. (3-31-22)(____)

~~02. Initial Stock of Merchandise.~~ An initial stock of merchandise shall be provided by the Supervisor. The Supervisor shall determine the quantity of the initial stock, which shall be enough for at least one (1) full week of operation. The vendor shall account for the value of the initial stock when the operation is concluded. An initial stock of merchandise for a minimum of two (2) full weeks of operation is provided to the Vendor. (3-31-22)(____)

~~03. Vending Machine Contracts.~~ The Program shall negotiate contracts with vending companies for installation or location of vending machines in or to be assigned to facilities. (3-31-22)

~~04.~~ **Insurance.** All vendors shall be responsible for must obtaining general liability, product liability, and worker's compensation insurance. and provide Pproof of insurance ~~must be sent to the Supervisor~~ prior to the start of operation and within ten (10) days of policy renewal date. (3-31-22)(____)

071. MAINTENANCE AND REPLACEMENT OF EQUIPMENT.

~~The Program shall maintain or cause to be maintained all equipment in a safe and satisfactory working condition. Replacement in lieu of repair shall be a decision of the Supervisor. It is the vendor's responsibility to report any incident resulting in damage, breakage, theft, defacement, or malfunction of equipment or fixtures as soon as possible. Vendors are authorized to arrange for minor repairs or replacement of small equipment where the total cost does not exceed three hundred dollars (\$300). Repair shall be deemed unauthorized when the repair or replacement is attributable to negligent actions by the vendor or when the equipment or fixtures are not the maintenance responsibility of the Program.~~ See 34 CFR 395.10. The vendor must report any incident resulting in damage, breakage, theft, defacement, or malfunction of equipment or fixtures within three (3) days. Vendors may arrange for minor repairs or replacement of small equipment when the total cost does not exceed BEP Internal Controls. The SLA will not be responsible or cover the cost of repairs that are due to negligent actions of the Vendor or for equipment or fixtures not covered under an OA. (3-31-22)(____)

072. OPERATOR VENDOR OWNERSHIP OF VENDING FACILITIES.

The ~~Commission~~ SLA does not vest title to equipment and stock in ~~an operator~~ a vendor. (3-31-22)(____)

073. -- 099. (RESERVED)

100. SETTING ASIDE OF FUNDS.

See 34 CFR 395.8 (____)

~~01. Set Aside.~~ The Commission may set aside, or cause to be set aside, from the net profit of the operation of facilities, funds for the purposes of maintenance and replacement and purchase of equipment. (3-31-22)

~~02. Other Purposes Allowed by the Randolph Sheppard Act.~~ The Commission reserves the right to use set aside funds for other purposes as permitted in accordance with the provisions of the Randolph Sheppard Act and federal rules and regulations. (3-31-22)

~~03. **Approval by the United States Department of Education.** The funds set aside for those specified purposes shall not exceed the amount determined reasonable by the Rehabilitation Services Administration Commissioner, U.S. Department of Education. (3-31-22)~~

~~04. **Record of Expenditures.** The charge for each of the program purposes cited shall be determined on the basis of records of expenditures made for each of these purposes over a reasonable period of time with allowances for improving services, fluctuations in costs and program expansion. Adequate records shall be maintained to support the charges for each of the purposes cited. (3-31-22)~~

~~05. **Increases.** At no time shall the set aside charges be increased without prior consultation with the Committee. (3-31-22)~~

~~06. **Review of Schedule of Funds.** The schedule of funds to be set aside shall be reviewed periodically by the Supervisor and the Committee. After reviewing the accounting records and other criteria pertinent to the administration of the Program, it may be necessary to revise the set aside payment schedule. (3-31-22)~~

~~07. **Income with No Program Operator.** Vending machine income received from federal sites where there is no licensed Program operator shall be used for those purposes designated by the Committee in accordance with 34 CFR 395.8. (3-31-22)~~

101. DISTRIBUTION AND USE OF INCOME FROM VENDING MACHINES ON FEDERAL PROPERTY.

See 34 CFR 395.8 ()

~~01. **Limitations.** No limitation shall be imposed on income from vending machines combined to create a facility when such facility is maintained, serviced or operated by a program vendor. (3-31-22)~~

~~02. **Vending Machine Income.** The Program shall manage vending machine income disbursed by a property managing department, agency or instrumentality of the United States in accordance with the requirements of 34 CFR 395.8. (3-31-22)~~

102. -- 119. (RESERVED)

120. ~~OPERATOR~~ VENDOR BENEFITS.

See 34 CFR 395.8 ()

~~01. **Vending Machine Income.** The Program shall provide licensees with information regarding benefits. Upon a majority vote of licensees, the Program may retain vending machine income from federal property in accordance with 34 CFR 395.8(a). Such income may be used for the establishment and maintenance of retirement or pension plans, for health insurance contributions, and for the provision of paid sick leave and vacation time for operators. Distribution of benefit payments shall be determined by a majority vote of licensees and established as policy. (3-31-22)~~

~~02. **Eligibility.** Only operators of a primary location pursuant to an agreement shall be eligible to receive benefits. There shall be a ninety (90) day waiting period before a new operator is eligible to receive benefits. Benefit payments will not be interrupted when an operator transfers from one primary location to another. Benefits shall be paid only after the appropriate documentation is submitted to the Program. (3-31-22)~~

~~03. **Medical Insurance.** If a majority of licensees determines that operators shall be reimbursed for medical insurance premiums, operators shall be responsible for acquiring their own policies. The Program shall reimburse the operator in an amount determined by the vote of licensees. Operators shall provide documentation to the Program proving payment of their premiums, prior to any reimbursement. (3-31-22)~~

~~04. **Retirement and Pension Accounts.** If a majority vote of licensees determines that operators shall have retirement accounts, the Program shall deposit into approved retirement accounts an amount determined by a majority vote of licensees, up to the maximum federal allowance for IRAs per year. The funds shall be deposited on a monthly basis directly into each operator's retirement account. (3-31-22)~~

~~05. Sick Leave and Vacation Funds. If a majority vote of licensees determines that operators shall have sick or vacation leave funds, or both, the Program shall remit to each operator an amount determined by a majority vote of licensees. (3-31-22)~~

01. Eligibility. Only vendors operating a facility pursuant to an Operating Agreement are eligible to receive benefits. ()

~~062. Non-Fully Funded Benefits. If funds are not available for full payment of benefits, as voted by the licensees, the Program may pro-rate the payments from available funds, unless another method of disbursement of non-fully funded benefits was voted by a majority of the licensees. IBMC, the SLA may pro-rate the payments from available funds, unless another method of disbursement of non-fully funded Benefits was voted by a majority of the licensed vendors operating a Facility. (3-31-22)()~~

121. -- ~~129~~49. (RESERVED)

130. AGREEMENTS/CONTRACTS.

~~Vendors shall enter into an agreement or a contract with the Program that specifies the rights and responsibilities of the operator and Program as they relate to the operation of a primary location and any satellites. The contract shall specify the rights and responsibilities of the licensee or qualified operator and Program as they relate to the operation of a contract facility. (3-31-22)~~

~~01. Program Responsibilities. The Program shall: (3-31-22)~~

~~a. Equip the facility for carrying out the business authorized by the permit; (3-31-22)~~

~~b. Furnish initial stocks of merchandise sufficient to enable the vendor to commence operating the business. The Program shall also furnish the vendor with an inventory list of all equipment and initial stock; (3-31-22)~~

~~c. Provide for the maintenance of the equipment and replace obsolete and worn out equipment as necessary; (3-31-22)~~

~~d. Provide, or provide for supervisory and management services as deemed appropriate by the Supervisor for efficient operation; (3-31-22)~~

~~e. Periodically audit, or cause to be audited, the vendor's records and financial data to verify the accuracy of the set aside report; and (3-31-22)~~

~~f. Provide information or make available data in suitable format at the vendor's request when possible. (3-31-22)~~

~~02. Vendor Responsibilities. The vendor shall: (3-31-22)~~

~~a. Have the facility open for business as specified in the permit. Exceptions may be approved in advance by the Supervisor; (3-31-22)~~

~~b. Operate on a cash basis. The Program shall not be responsible for bills incurred by the vendor. The vendor is responsible for notifying suppliers that the vendor alone is responsible and shall verify that notification by use of the purveyor letter supplied by the Program; (3-31-22)~~

~~c. Be accountable to the Program for the income of the facility; (3-31-22)~~

~~d. Provide for a temporary worker in the vendor's absence because of illness, vacation, or other causes. The salary of the person who substitutes for the vendor, or that of other emergency help, shall be paid for by the vendor. The vendor shall notify the Program a reasonable time in advance of taking any voluntary leave, and as soon as possible with respect to any involuntary leave; (3-31-22)~~

~~e. Carry on the business of the facility in compliance with the permit and applicable health laws and regulations and make available to the Program copies of inspection reports; (3-31-22)~~

~~f. Maintain a neat, business like appearance while working at the facility, and conduct business in an orderly, professional manner; (3-31-22)~~

~~g. Take proper care of the equipment and not make structural alterations or changes to the facility without written approval of the Program; (3-31-22)~~

~~h. Keep appropriate records and send a monthly report and set aside payment to the Program by the fifteenth day of the following month as required. Late reports or payments will be resolved in the manner set forth in Section 040 of these rules; (3-31-22)~~

~~i. Be responsible for the day to day management of the facility. For staffed facilities, the vendor should be present the majority of the time the facility is staffed for service to the public. For vending only facilities, the Supervisor and vendor will mutually agree on the hours that the vendor shall be at the facility, and the agreement shall become an addendum to the contract or operating agreement; and (3-31-22)~~

~~j. The vendor shall provide copies of proof of insurance as required by Subsection 070.04 of these rules. (3-31-22)~~

~~**03. General Rights and Responsibilities. (3-31-22)**~~

~~a. The business to be conducted shall be limited to that specified and authorized in the permit or contract between property managing agency and the Program. (3-31-22)~~

~~b. The right, title to, and interest in the equipment and initial inventories of the facility are vested in the Program. At termination of the operating agreement, a value equal to that assigned to the outgoing vendor as beginning inventory will be returned to the Program. The Program will determine what inventory will be accepted from the outgoing vendor. The outgoing vendor shall have receipts no more than ninety (90) days old to show the value of inventory. Any inventory refused by the Program will become the property of the outgoing vendor. If the takeover inventory is less than initially assigned, the outgoing vendor will pay the difference in cash. If the Program agrees to accept more inventory than was initially assigned, the Program will reimburse the outgoing vendor in cash. (3-31-22)~~

~~c. The monthly income of the vendor shall be the net profit for the period in question; the expenses shall be in accordance with the monthly set aside report as developed by the Program and the Committee. (3-31-22)~~

~~d. Rebates, commissions, or bonuses received by the vendor from suppliers shall be reported as income. Such income is not to be treated as the separate, personal income of the vendor. (3-31-22)~~

~~e. Merchandise taken from the stock in trade of the facility by the vendor for personal use shall be paid for at cost. (3-31-22)~~

~~f. The business and premises shall be covered by adequate comprehensive and product liability insurance, and any such other insurance as will protect the vendor and anyone employed by the vendor against losses and claims arising out of the conduct of the business or which are required by law. The dollar amount of insurance shall be fixed by the Program and the Committee using industry standards and state requirements as guidelines to assure up to date coverage. The cost of such insurance shall be a cost of operating the business of the facility and taken into account as such in determining the net proceeds of the business operation. (3-31-22)~~

~~g. After an initial commitment to operate a primary location for twelve (12) months, an agreement may be terminated at anytime by the operator with at least thirty (30) days written notice to the Program. During the initial twelve (12) month period, the operator cannot bid on other primary locations without the consent of the Supervisor. (3-31-22)~~

- ~~h.~~ The operator is encouraged to hire blind persons or persons with other disabilities when feasible. (3-31-22)
- ~~i.~~ The vendor shall report promptly to the Supervisor any unresolved complaints of the property manager. (3-31-22)
- ~~j.~~ The vendor may, with written approval of the Supervisor, negotiate with property managers for additional facilities. (3-31-22)
- ~~k.~~ A vendor may purchase equipment for a facility only if the purchase is approved in advance, in writing, by the Supervisor. The Program, in its sole discretion, has the first option to purchase from the vendor any equipment purchased without advance, written approval. (3-31-22)

~~131.—139.~~ (RESERVED)

~~140.~~ **TERMINATION AND SUSPENSION OF AGREEMENTS/CONTRACTS.**

- ~~01.~~ **Grounds for Termination.** Agreements and contracts may be terminated if: (3-31-22)
 - ~~a.~~ The vendor is not operating the facility on a cash basis; (3-31-22)
 - ~~b.~~ The health and safety of the vendor, the employees, or the customers are jeopardized; (3-31-22)
 - ~~c.~~ The set aside report indicates the vendor did not show an average one thousand dollar (\$1,000) net profit per month, after set aside payment, for the prior federal fiscal year; (3-31-22)
 - ~~d.~~ The vendor jeopardizes the state's investment in the facility by violating the terms of the permit, agreement or contract, or by placing the facility in danger of being closed; (3-31-22)
 - ~~e.~~ The business and premises of the facility are not covered by adequate insurance; (3-31-22)
 - ~~f.~~ The facility is not being operated in accordance with the agreement, contract, Commission rules, or with applicable federal, state, or local laws, rules, and regulations; (3-31-22)
- ~~02.~~ **Notice of Termination.** The notice shall be in writing and specify the grounds upon which the notice of termination is based and advise the vendor of his right to administrative review and a full evidentiary hearing. (3-31-22)
- ~~03.~~ **Request for Review Not a Stay.** A timely filed request for administrative review shall not stay the termination of an agreement or contract. (3-31-22)
- ~~04.~~ **Review.** The termination becomes effective following the fifteen (15) day notice period unless the vendor seeks administrative review, in which case the License may be suspended and any contract or agreement may be terminated pending completion of the administrative review, full evidentiary hearing, and subsequent appeals. Until the review process has been concluded, the Program shall operate the facility. At the conclusion of the review process, should the vendor prevail, the Program shall restore all rights and benefits to the vendor including compensation for the period of termination calculated at a weekly rate determined by averaging the net income for the facility for the eight (8) weeks prior to the notice of termination. (3-31-22)
- ~~05.~~ **Grounds for Suspension.** Agreements and contracts may be suspended if: (3-31-22)
 - ~~a.~~ The vendor has committed any of the acts enumerated in Subsection 140.01 of these rules; or (3-31-22)
 - ~~b.~~ The property manager requests the removal of the vendor and documents the request in writing, and the Program determines that immediate removal of the vendor is in the best interest of the Program; or (3-31-22)

~~e. The Supervisor and the vendor cannot agree on a plan to resolve violations and improve performance. (3-31-22)~~

~~06. **Notice of Suspension.** A written notice of suspension shall be delivered to the vendor and shall state the reason for the suspension. Suspension may continue up to sixty (60) days. If the vendor seeks administrative review of the suspension, the suspension shall continue until the administrative review, evidentiary hearing, and subsequent proceedings have concluded. During the suspension, the facility shall be operated by the Program. At the conclusion of the review process, should the vendor prevail, the Program shall restore all rights and benefits to the vendor including compensation for the period of termination calculated at a weekly rate determined by averaging the net income for the facility for the eight (8) weeks prior to the notice of termination. (3-31-22)~~

~~07. **Cancellation.** An agreement or contract may be cancelled by the Program at any time should the facility cease to be a vending facility by revocation of the permit by the property manager. Cancellation under this Subsection shall not affect licensure and does not give rise to a right to administrative review, evidentiary hearing or other relief. (3-31-22)~~

~~141. – 149. (RESERVED)~~

150. TRAINING PROGRAM.

~~01. **Certification.** Prior to certification, an applicant shall satisfactorily complete the training program established by the Program and any on-the-job training prescribed by the Supervisor. The training program shall have certain basic requirements but also be customized to meet the needs of each individual applicant. The training program shall include, but is not limited to: fundamentals of purchasing, inventory control, pricing, record keeping and other accounting systems; display and arrangement of merchandise and equipment; and public relations and promotion. An applicant becomes certified after completing the training program established by the SLA which is comprised of general non-visual skills training, a core curriculum, on-the-job training, and a six-month probationary period during which a trainee is issued a provisional license to operate a facility. (3-31-22)()~~

~~02. **In-Service Training.** The Program shall SLA provides each vendor with regular and systematic assistance and in-service training to: promote maximum returns to the vendor; maximum service to the clientele; maintenance of a clean and attractive place of business; utilization of sound business practices; and adherence to the Commission's SLA's rules, policies, and building management requirements. (3-31-22)()~~

~~03. **Post-Employment Services.** Post-employment services may be provided to eligible vendors when necessary to assure that they maintain suitable employment within the agency's Business Enterprise Program. Eligibility for and provision of post-employment services shall be in accordance with IDAPA 15.02.02, "Vocational Rehabilitation Services." (3-31-22)~~

~~151. -- 159. (RESERVED)~~

160. IDAHO BLIND MERCHANT'S COMMITTEE.

See 34 CFR 395.14 ()

~~01. **Committee Name.** The Program shall provide for a state committee of blind vendors per the Randolph Sheppard Act (See 34 CFR 395.14.) The name of this committee is the Idaho Blind Merchants Committee (IBMC). (3-31-22)~~

~~02. **Purpose of Committee.** The purpose of the Committee is to: (3-31-22)~~

~~a. Actively participate with the Commission in major administrative decisions and policy and program development decisions affecting the overall administration of the Program; (3-31-22)~~

~~b. Receive and transmit to the Commission grievances at the request of vendors and serve as advocates for such vendors in connection with such grievances; (3-31-22)~~

~~e. Actively participate with the Commission in the development and administration of a system for~~

~~the transfer and promotion of vendors;~~ (3-31-22)

~~d. Actively participate with the Commission in the development of training and retraining programs for vendors; and~~ (3-31-22)

~~e. Sponsor, with the assistance of the Commission, meetings and instructional conferences for vendors within the state.~~ (3-31-22)

01. Active Participation. The implementation of policies, standards, and procedures affecting the overall operation of the vending facilities program, agreed upon through active participation with the SLA, shall be subject to review by the IBMC. ()

032. Bylaws. ~~The Committee shall, by a two-thirds (2/3) majority vote, adopt bylaws, consistent with the Randolph Sheppard Act, which govern the internal operation of the Committee~~ The IBMC shall, by a majority vote, adopt bylaws, consistent with the Randolph-Sheppard Act, which govern the internal operation of the IBMC. (3-31-22)()

04. Committee Membership. ~~The Committee comprises the operators of all facilities in the state.~~ (3-31-22)

05. Executive Board. ~~An executive board consisting of a chair, vice chair, secretary, and two (2) at large representatives shall be elected by the Committee at a regular meeting. Members of the executive board shall serve for two (2) years in their respective positions. The executive board may conduct all business of the Committee between regular meetings of the Committee.~~ (3-31-22)

161. -- 169. (RESERVED)

170. MEETINGS OF THE COMMITTEE.

01. Annual Meetings. ~~The Committee~~ IBMC shall hold at least one (1) regular meeting each calendar year. (3-31-22)()

02. Additional Meetings. ~~The Committee may provide for additional meetings in its bylaws.~~ (3-31-22)

032. Program Responsibilities. ~~The Program shall~~ SLA will work with the ~~Committee~~ IBMC chair or designated representative to coordinate and participate the regular meetings of the ~~Committee~~. ~~At regular meetings, the Program shall give financial and overview reports, review Program rules and policies; and receive Committee recommendations for changes to the Program rules or policies~~ IBMC. (3-31-22)()

043. Expenses. Allowable expenses of not more than two (2) regular meetings per calendar year may be paid out of Program monies. Allowable expenses include meeting rooms, lodging, per diem, and transportation. The transportation arrangements ~~shall be~~ are determined by the Supervisor. Expenses for additional meetings of the ~~Committee~~ IBMC may be paid by the Program at the discretion of the ~~Supervisor after consultation with the Administrator~~ SLA. (3-31-22)()

05. Future Meeting. ~~The date and time for the next regular meeting shall be set prior to adjournment.~~ (3-31-22)

064. Minutes. ~~Minutes shall be kept by the Committee and made available to the Supervisor. Minutes shall be sent to each operator and to the Supervisor within ninety (90) days after conclusion of the meeting. See Idaho Code 74.205.~~ The Program shall pay all reasonable costs for this service. (3-31-22)()

171. -- 179. (RESERVED)

180. ADMINISTRATIVE REVIEW.

Administrative reviews are optional and may be bypassed by a vendor in favor of a full evidentiary hearing. ()

01. Request for Review. A vendor who is aggrieved by any action or failure to act arising from the operation or administration of the Program may ask for a review of the action by filing a written request with the Administrator. The written request for review, which may be filed by the vendor or a designated representative of the vendor, shall specify the matter to be reviewed and how the vendor has been aggrieved. (3-31-22)

02. Response. Upon receipt of a request for administrative review, the Administrator shall notify the Supervisor, who has fifteen (15) ~~calendar~~ business days to file a written response to the request. A copy of the Supervisor's response ~~shall~~ will be sent to the vendor or the vendor's designated representative. (3-31-22)()

03. Filing Objections, Replies, and Decisions. Upon receipt of the response from the Supervisor, the vendor or the vendor's designated representative has fifteen (15) ~~calendar~~ business days in which to file any objections or make reply, after which time the Administrator shall, in good faith, evaluate the materials submitted and issue a written decision within fifteen (15) ~~calendar~~ business days. The vendor or the vendor's designated representative may request an evidentiary hearing in accordance with Subsection 190.01 of these rules if the decision issued by the Administrator fails to resolve the vendor's grievance(s). (3-31-22)()

181. -- 189. (RESERVED)

190. FULL EVIDENTIARY HEARING.

01. Request. The Commission shall provide a vendor an opportunity for a full evidentiary hearing. The vendor or the vendor's designated representative may request a full evidentiary hearing following ~~the receipt of an unfavorable decision issued by the Administrator pursuant to Subsection 180.03 of these rules~~ a filed complaint or the results of the administrative review if the vendor chooses to pursue that option. The written request ~~shall~~ will be delivered to the Administrator, with a copy to the ~~Committee~~ IBMC chair, within fifteen (15) ~~calendar~~ business days of the aggrieved party's complaint or receipt of the ~~Administrator's decision~~ administrative review outcome. (3-31-22)()

~~**02. Suspension.** If the conduct of the vendor places the facility or permit in jeopardy, the Supervisor may suspend or terminate the agreement or contract pending the decision of the full evidentiary hearing. (3-31-22)~~

03. Time and Place of Hearing. The evidentiary hearing ~~shall~~ will be held in the Commission headquarters at a mutually convenient time. (3-31-22)()

04. Time Limit. The hearing procedure shall be limited to ninety (90) calendar days, beginning on the date the request for hearing is filed by the vendor. The time limit may be extended due to illness of the vendor or delay in obtaining evidence because of circumstances beyond the control of the vendor or the ~~Program~~ SLA. (3-31-22)()

~~**05. Hearing Officer.** The Administrator shall appoint a hearing officer to conduct the evidentiary hearing and issue a report. The Administrator will consult with the Office of the Attorney General to identify a hearing officer to conduct the evidentiary hearing and issue a report. (3-31-22)()~~

06. Hearing Notice. A notice of the hearing date shall be provided to the vendor at least twenty-one (21) calendar days prior to the date set for the hearing. (3-31-22)

07. Legal Counsel. The vendor may arrange to have legal counsel or other representation. Such counsel shall be at the expense of the vendor. (3-31-22)

08. Evidence. The hearing officer shall make a reasonable effort to obtain the most credible evidence of fact in the case, and the rules of evidence do not apply. (3-31-22)

09. Conduct of Hearing. Each party ~~shall~~ will be given an opportunity to present its case, examine and cross-examine witnesses, present argument, and rebut evidence. (3-31-22)()

~~**10. Transcripts.** A transcript of the proceedings ~~shall~~ will be made available to the parties upon~~

request. The Program shall pay all transcript costs associated with the conduct of the hearing. (3-31-22)()

140. Report of Facts, Findings, Conclusion, and Recommended Decision. (3-31-22)

a. The hearing officer shall submit a report to the Administrator within twenty-one (21) calendar days after the hearing. This report shall include: the issues and relevant facts adduced at the hearing; applicable provisions of law, rules, and Commission policy; findings of fact and conclusions of law with respect to issues; and the reasons and basis thereof. (3-31-22)

b. The report ~~shall will~~ also set forth any action necessary to resolve the issue and a recommended decision. (3-31-22)()

121. Service of Report. The report ~~shall will~~ be served on the Administrator and all parties to the hearing. (3-31-22)()

132. Written Comments, Arguments, and Exceptions. Parties to the hearing may, within fifteen (15) ~~calendar~~ business days of the date the report was received in the Administrator's office, file written comments, arguments, and exceptions to the report with the Administrator. Comments, arguments, and exceptions received in a timely fashion become a part of the record and ~~shall will~~ be considered by the Administrator in making a final decision. (3-31-22)()

143. Exclusive Record for Decision. The transcript of testimony, exhibits, and all papers and documents filed ~~shall will~~ constitute an exclusive record for decision. (3-31-22)()

154. Decision. The final decision of the Administrator ~~shall will~~ be mailed to the vendor within thirty (30) calendar days of receipt of the hearing officer's report. (3-31-22)()

191. -- 199. (RESERVED)

200. ARBITRATION.

If a Vendor is dissatisfied with a decision rendered after a full evidentiary hearing, the vendor may request that an arbitration panel be convened by filing a complaint with the Secretary of the U.S. Department of Education in accordance with 34 CFR 395.13. (3-31-22)

201. -- 209. (RESERVED)

210. EXPLANATION TO VENDORS OF RIGHTS AND RESPONSIBILITIES.

The ~~Program shall~~ SLA will furnish to each vendor copies of documents relevant to the operation of the facility, in an accessible format including rules and procedures, a written description of the arrangements for providing services, the agreement and permit covering the operation of the facility, and ~~shall will~~ provide explanation of these documents upon request by the vendor. (3-31-22)()

211. -- 219. (RESERVED)

220. DISCRIMINATION.

~~The Program shall not discriminate against any applicant, licensee or vendor on the basis of gender, race, age, creed, color, religion, physical or mental handicap, sexual orientation, or national origin.~~ (3-31-22)

2240. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.01 – EMERGENCY MEDICAL SERVICES

DOCKET NO. 16-0101-2401 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Sections 56-1003 and 56-1011 through 56-1030, 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:

Chapters 16.01.02, 16.01.03, 16.01.05, 16.01.07, 16.01.12, 16.02.01 and 16.02.02 are being repealed and consolidated into a singular EMS chapter (16.01.01) that will be published in this bulletin. The language in chapter 16.01.07 (Personnel Licensure Rules) was updated as part of Zero-Based Regulation and is included in the proposed new chapter 16.01.01.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, pages 54 through 117](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

N/A. Fees are not increased as a result of this rulemaking. The fees listed in this new rule chapter simply represent the consolidation of the fees previously listed in Chapters 16.01.02, 16.01.03, 16.01.05, 16.01.07, 16.01.12, 16.02.01 and 16.02.02.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.01.02 – EMERGENCY MEDICAL SERVICES (EMS) – RULE DEFINITIONS
DOCKET NO. 16-0102-2401 (CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Sections 56-1003 and 56-1023, 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:

IDAPA chapters 16.01.02, 16.01.03, 16.01.05, 16.01.07, 16.01.12, 16.02.01, and 16.02.02 are being repealed and consolidated into a singular EMS chapter, 16.01.01.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 118](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.03 – EMERGENCY MEDICAL SERVICES (EMS) – AGENCY LICENSING REQUIREMENTS

DOCKET NO. 16-0103-2401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Sections 56-1003 and 56-1023, 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:

IDAPA chapters 16.01.02, 16.01.03, 16.01.05, 16.01.07, 16.01.12, 16.02.01, and 16.02.02 are being repealed and consolidated into a singular EMS chapter, 16.01.01.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 119](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.05 – EMERGENCY MEDICAL SERVICES (EMS) – EDUCATION, INSTRUCTOR, AND EXAMINATION REQUIREMENTS

DOCKET NO. 16-0105-2401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Sections 56-1003, and 56-1011 through 56-1023, 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:

IDAPA chapters 16.01.02, 16.01.03, 16.01.05, 16.01.07, 16.01.12, 16.02.01, and 16.02.02 are being repealed and consolidated into a singular EMS chapter, 16.01.01.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 120](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.07 – EMERGENCY MEDICAL SERVICES (EMS) – PERSONNEL LICENSING REQUIREMENTS

DOCKET NO. 16-0107-2401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Sections 56-1003, and 56-1011 through 56-1023, 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:

IDAPA chapters 16.01.02, 16.01.03, 16.01.05, 16.01.07, 16.01.12, 16.02.01, and 16.02.02 are being repealed and consolidated into a singular EMS chapter, 16.01.01.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 121](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.01.12 – EMERGENCY MEDICAL SERVICES (EMS) – COMPLAINTS, INVESTIGATIONS, AND DISCIPLINARY ACTIONS

DOCKET NO. 16-0112-2401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Sections 56-1003, 56-1005, 56-1022, and 56-1023, 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:

IDAPA chapters 16.01.02, 16.01.03, 16.01.05, 16.01.07, 16.01.12, 16.02.01, and 16.02.02 are being repealed and consolidated into a singular EMS chapter, 16.01.01.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 122](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.02.01 – IDAHO TIME SENSITIVE EMERGENCY SYSTEM COUNCIL
DOCKET NO. 16-0201-2401 (CHAPTER REPEAL)
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Sections 56-1007, 56-1024 through 56-1030, and 57-2003, 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:

IDAPA chapters 16.01.02, 16.01.03, 16.01.05, 16.01.07, 16.01.12, 16.02.01, and 16.02.02 are being repealed and consolidated into a singular EMS chapter, 16.01.01.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 123](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.02 – IDAHO EMERGENCY MEDICAL SERVICES (EMS) PHYSICIAN COMMISSION

DOCKET NO. 16-0202-2401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Sections 56-1013, and 56-1023, 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:

IDAPA chapters 16.01.02, 16.01.03, 16.01.05, 16.01.07, 16.01.12, 16.02.01, and 16.02.02 are being repealed and consolidated into a singular EMS chapter, 16.01.01.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 124](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.12 – NEWBORN SCREENING

DOCKET NO. 16-0212-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, and Sections 39-906, 39-909, and 39-910, 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:

[Executive Order 2020-01, Zero Based Regulation](#), requires agencies to review and rewrite chapters every five (5) years on an approved schedule. The purpose of this proposed rulemaking is to comply with this mandate and is scheduled for presentation to the 2025 Legislature. The rule specifies the tests and procedures that must be performed on newborn infants for early detection of metabolic disorders, endocrine disorders, hemoglobin disorders, cystic fibrosis, critical congenital heart disease, and prevention of infant blindness.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, pages 125 through 131](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.13 – STATE OF IDAHO DRINKING WATER LABORATORY CERTIFICATION PROGRAM

DOCKET NO. 16-0213-2401 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, and Sections 56-1003 and 56-1007, 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 rule has been rewritten in accordance with [Executive Order 2020-01: Zero-Based Regulation](#). The goals for this chapter rewrite are to eliminate unnecessary text, improve readability using plain language, lessen requirements for microbiology supervisors to reflect more simplified methods used as the industry standard, update notification requirements, and to change certification fees to prioritize Idaho laboratories.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, pages 132-144](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

Section 56-1007, Idaho Code, authorizes the Department to charge and collect reasonable fees, established by rule, for any services provided by the Department. The fee schedule in this chapter of rule was set in 2011 and is being updated to help support increased costs to the program. We are proposing that the annual base certification fee for Idaho drinking water labs performing chemistry testing increase from \$50 to \$100 per chemistry discipline. The \$20 per analyte per method fee will remain unchanged. Idaho drinking water labs performing microbiology testing will move from a base fee plus per analyte per method structure to a flat annual fee of \$150. The move to the flat fee is to simplify the payment structure, currently almost all microbiology labs pay an itemized invoice with three separate charges to meet compliance testing requirements. The annual base certification fee for out of state chemistry laboratories is being increased from \$50 to \$200 per discipline. The annual flat certification fee for out of state microbiology laboratories will be \$300.

The total estimated increase in receipts due to these fee updates is approximately \$8,300, based on the number of currently certified drinking water laboratories. The laboratory participants in our negotiated rulemaking sessions did not express concerns about the updated fee schedule.

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 negative fiscal impact exceeding \$10,000 as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 17th day of October, 2024.

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IDAPA 16 – IDAHO DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section(s) 56-202, Idaho Code, and Sections 56-264, 56-265, and 56-1610, 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:

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter to streamline or simplify this rule language. The changes in text from the proposed rule to the adopted rule are as a result of responses received from stakeholders during the public comment period, as well as to correct errors noted after publication of the proposed rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, pages 145-302](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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 or any other fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at (208) 334-5500.

DATED this 15th day of October, 2024.

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DOCKET NO. 16-0309-2401 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-9, September 4, 2024, pages 145 through 302.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 16-0309-2401
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

16.03.09 – MEDICAID BASIC PLAN BENEFITS

EXCLUDED SERVICES
(Section 390)

390. SERVICES, TREATMENTS, AND PROCEDURES NOT COVERED BY ~~MEDICAL ASSISTANCE~~
MEDICAID.

~~The following services, treatments, and procedures are not covered for payment by the Medical Assistance Program:~~
(3-17-22)

01. **Service Categories Not Covered.** The following service categories are not covered for payment by
~~the Medical Assistance Program~~ Medicaid: (3-17-22)()

- a. Acupuncture services; (3-17-22)
- b. Naturopathic services; (3-17-22)
- c. Bio-feedback therapy; (3-17-22)
- d. Group hydrotherapy; ~~and~~ (3-17-22)()
- e. Fertility-related services, including testing; (3-17-22)()
- f. Vocational services; ()*
- g. Educational services; ()*
- h. Recreational services; ()*
- i. Duplicative services; ()*
- j. Housing except when approved for a medical institution; and ()*

k. Food except the home-delivered meals benefit in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." ()

02. Types of Treatments and Procedures Not Covered. The costs of ~~physician provider~~ and hospital services for the following types of treatments and procedures are not covered for payment by ~~the Medical Assistance Program Medicaid~~; (3-17-22)()

a. Elective medical and surgical treatment, except for family planning services, without Departmental approval. Procedures that are generally accepted by the medical community and are medically necessary may not require prior approval and may be eligible for payment; (3-17-22)

b. ~~Cosmetic surgery, excluding~~ Services for convenience, comfort, or cosmetic reasons except when allowed elsewhere in rule. Hospice services, and reconstructive surgery that has prior approval by the Department are covered benefits; (3-17-22)()

~~e.~~ Acupuncture; (3-17-22)

~~d.~~ Bio-feedback therapy; (3-17-22)

~~ec.~~ Laetrile therapy; (3-17-22)

~~f.~~ Procedures and testing for the inducement of fertility. This includes artificial inseminations, consultations, counseling, office exams, tuboplasties, and vasovasostomies; (3-17-22)

~~gd.~~ New procedures of unproven value and established procedures of questionable current usefulness as identified by the Public Health Service and that are excluded by the Medicare program or major commercial carriers; (3-17-22)

~~he.~~ Drugs supplied to patients for self-administration other than those allowed under ~~the conditions of Section 662 of~~ these rules; (3-17-22)()

~~i.~~ Services provided by psychologists and social workers who are employees or contract agents of a physician, or a physician's group practice association except for psychological testing on the order of the physician; (3-17-22)

~~jf.~~ The treatment of complications, consequences, or repair of any medical procedure where the original procedure was not covered by ~~the Medical Assistance Program Medicaid~~, unless the resultant condition is life-threatening as determined by the Department; (3-17-22)()

~~kg.~~ Medical transportation costs incurred for travel to medical facilities for the purpose of receiving a noncovered medical service; (3-17-22)

~~l.~~ Eye exercise therapy; or (3-17-22)

~~mh.~~ Surgical procedures on the cornea for myopia; or (3-17-22)()

i. Services as detailed in Section 56-270 [56-273], Idaho Code. ()

03. Experimental Treatments or Procedures. ~~Treatments and procedures used solely to gain further evidence or knowledge or to test the usefulness of a drug or type of therapy are not covered for payment by the Medical Assistance Program. This includes both the Experimental treatments or and procedures itself, and the costs for all follow-up medical treatment directly associated with such a procedure are not covered.~~ Treatments and procedures are deemed experimental ~~are not covered for payment by the Medical Assistance Program~~ under the following circumstances: (3-17-22)()

a. The treatment or procedure is in Phase I clinical trials ~~in which the study drug or treatment is given~~

~~to a small group of people for the first time to evaluate its safety, determine a safe dosage range, and identify side effects;~~ (3-17-22)()

b. There is inadequate available clinical ~~or pre-clinical~~ data to provide a reasonable expectation that the trial treatment or procedure will be at least as effective as non-investigational therapy; or (3-17-22)()

c. Expert opinion suggests that additional information is needed to assess the safety or efficacy of the proposed treatment or procedure. (3-17-22)

(BREAK IN CONTINUITY OF SECTIONS)

573. CHIS: COVERAGE AND LIMITATIONS.

~~01. Excluded for Medicaid Payment.~~ (7-1-24)

~~i. Vocational services;~~ (3-17-22)

~~ii. Educational services; and~~ (3-17-22)

~~iii. Recreational services.~~ (3-17-22)

021. Service Delivery. ~~The CHIS allowed under the Medicaid State Plan authority include evaluations, diagnostic and therapeutic treatment services provided on an outpatient basis. These services help improve individualized functional skills, develop replacement behaviors, and promote self sufficiency of the participant. CHIS may be delivered in the community, the participant's home, or in a DDA under the requirements of these rules. Duplication of services is not reimbursable.~~ (7-1-24)()

032. Required Recommendation Order. CHIS must be ~~recommended~~ ordered by a ~~physician or other licensed practitioner of the healing arts~~ provider within their scope of practice, ~~under state law.~~ (3-17-22)()

a. ~~The~~ CHIS providers ~~may~~ cannot seek reimbursement for services provided more than thirty (30) calendar days prior to the signed and dated ~~recommendation~~ order. (3-17-22)()

b. The ~~recommendation~~ order is only required to be completed once and must be received prior to submitting the initial prior authorization request. If the participant has not accessed CHIS for more than three hundred sixty-five (365) calendar days, ~~then a new recommendation must be received~~ order is required. (7-1-24)()

043. Required Screening. Needs are determined through the current version of the ~~Vineland Adaptive Behavior Scales or other~~ Department-approved screening tools ~~that are conducted by the family's chosen CHIS provider, and the Department, and are administered under the protocol of the tool.~~ The screening tool is only required to be completed once and must be completed prior to submitting the initial prior authorization request. The following apply: (7-1-24)()

~~a. If a screening tool has been completed by the Department a new screening is not required.~~ (7-1-24)

~~b. If the participant has been determined eligible by the Department, a new screening tool is not required.~~ (3-17-22)

~~ea.~~ If the participant has not accessed CHIS for more than three hundred sixty-five (365) calendar days, a new screening must be completed. (3-17-22)

~~d.~~ The screening ~~cannot be billed more than once unless an additional screening is required under guidelines as outlined in the Medicaid Provider Handbook.~~ (7-1-24)

054. Services. All CHIS ~~recommended~~ ordered on a participant's assessment and clinical treatment plan

~~(ACTP) must be prior authorized by the Department. Group services must be provided by one (1) qualified staff providing direct services for two (2) or three (3) participants. As the number and needs of the participants increase, the participant ratio in the group must be adjusted from three (3) to two (2). Group services will only be reimbursed when the participant's objectives relate to benefiting from group interaction.~~ The following CHIS ~~are available for eligible participants and~~ are reimbursable services when provided under these rules: ~~(7-1-24)()~~

a. **Habilitative Skill Building.** This direct intervention service includes techniques used to develop, improve, and maintain, to the maximum extent possible, the developmentally appropriate functional abilities and daily living skills needed by a participant. This service may include teaching and coordinating methods of training with family members or others who regularly participate in caring for the eligible participant. Services include individual or group interventions. (3-17-22)

~~i. Group services must be provided by one (1) qualified staff providing direct services for two (2) or three (3) participants. (7-1-24)~~

~~ii. As the number and needs of the participants increase, the participant ratio in the group must be adjusted from three (3) to two (2). (7-1-24)~~

~~iii. Group services will only be reimbursed when the participant's objectives relate to benefiting from group interaction. (3-17-22)~~

b. **Behavioral Intervention.** This service utilizes direct intervention techniques used to produce positive meaningful changes in behavior that incorporate functional replacement behaviors and reinforcement-based strategies while also addressing any identified habilitative skill building needs. ~~These services are provided to participants who exhibit interfering behaviors that impact the independence or abilities of the participant, such as impaired social skills and communication~~ or destructive behaviors. Intervention services may include teaching and coordinating methods of training with family members or others who regularly participate in caring for the eligible participant. ~~Evidence-based or evidence-informed practices are used to promote positive behaviors and learning while reducing interfering behaviors and developing behavioral self regulation.~~ Services include individual or group interventions. (3-17-22)()

~~i. Group services must be provided by one (1) qualified staff providing direct services for two (2) or three (3) participants. (7-1-24)~~

~~ii. As the number and severity of the participants with behavioral issues increase, the participant ratio in the group must be adjusted from three (3) to two (2). (7-1-24)~~

~~iii. Group services should only be delivered when the participant's objectives relate to benefiting from group interaction. (3-17-22)~~

c. **Interdisciplinary Training.** This is a companion service to behavioral intervention and habilitative skill building and is used to assist with implementing a participant's health and medication monitoring, positioning and physical transferring, use of assistive equipment, and intervention techniques in a manner that meets the participant's needs. This service is to be utilized for collaboration, with the participant present, during the provision of services between the intervention specialist or professional and a ~~Speech Language and Hearing Professional (SLP), Physical Therapist (PT), Occupational Therapist (OT), medical professional, behavioral or mental health professional provider.~~ (3-17-22)()

d. **Crisis Intervention.** This service ~~may~~ includes providing training to staff directly involved with the participant, delivering intervention directly with the eligible participant, and developing a crisis plan that directly addresses the behavior occurring and the necessary intervention strategies to minimize the behavior and future occurrences. Crisis intervention is provided in the home or community on a short-term basis ~~typically~~ not to exceed thirty (30) days. Positive behavior interventions must be used prior to, and in conjunction with, the implementation of any restrictive intervention. Crisis intervention is available for participants who have an unanticipated event, circumstance, or life situation that places a participant at risk of at least one (1) of the following: (3-17-22)()

i. Hospitalization; (3-17-22)

- ii. Out-of-home placement; (7-1-24)
- iii. Incarceration; or (3-17-22)
- iv. Physical harm to self or others, including a family altercation or psychiatric relapse. (3-17-22)
- e. Assessment and Clinical Treatment Plan (ACTP). The ACTP is a comprehensive assessment that guides the formation of the implementation plan(s) that include developmentally appropriate objectives and strategies related to identified needs. ~~The qualified provider conducts an assessment to evaluate the participant's strengths, needs, and functional abilities across environments. This process guides the development of intervention strategies and recommendations for services related to the participant's identified needs. The ACTP must be monitored and adjusted to reflect the current needs of the participant. The CHIS provider must document that a copy of the ACTP was offered to the participant's parent or legal guardian. The ACTP must be completed on a Department approved form as referenced in the Medicaid Provider Handbook and contain the following minimum standards:~~ (7-1-24)()
 - i. Clinical interview(s) must be completed with the parent or legal guardian; (3-17-22)()
 - ii. ~~Administer or obtain an~~ Objective and validated comprehensive skills or developmental assessment ~~approved by the Department. The most current version of the~~ assessment must be used and ~~the assessment must have been completed~~ be from within the last ~~three hundred and sixty-five (365) days~~ year; (3-17-22)()
 - iii. Review of assessments, reports, and relevant history; (3-17-22)
 - iv. Observations in at least one (1) environment; (3-17-22)
 - v. ~~A reinforcement inventory or preference assessment~~ Clinical summary and recommendations; (3-17-22)()
 - vi. A transition plan; and (3-17-22)
 - vii. Be signed by the individual completing the assessment and the parent or legal guardian. (3-17-22)

574. CHIS: PROCEDURAL REQUIREMENTS.

All CHIS identified on a participant's ACTP must be prior authorized by the Department, or its contractor, and must be maintained in each participant's file. ~~The~~ CHIS providers is are responsible for documenting and submitting the ~~participant's~~ ACTP to obtain prior authorization before delivering any CHIS. (3-17-22)()

01. Prior Authorization Request. The request must be submitted to the Department, or its contractor, who will review and approve or deny prior authorization requests and notify the provider and the parent or legal guardian of the decision. ~~Prior authorization is intended to help ensure the provision of medically necessary services and will be approved according to the timeframes established by the Department and as described in the Medicaid Provider Handbook.~~ (3-17-22)()

a. Once the initial request for prior authorization is submitted, CHIS may be delivered for a maximum of twenty-four (24) total hours for up to thirty (30) calendar days or until the prior authorization is approved. Initial prior authorization requests must include: (3-17-22)

- i. An recommendation order from a ~~physician or other practitioner of the healing arts~~ provider; and (3-17-22)()
- ii. The ACTP; and (3-17-22)()
- iii. Implementation plan(s). (3-17-22)
- b.** Ongoing prior authorization requests must include: (3-17-22)

- i. A list of the participant's goals and objectives; (3-17-22)()
- ~~ii. Graphs showing change lines;~~ (3-17-22)
- iii. A brief analysis written summary of data regarding progress or lack of progress to meeting each objective including graphs showing change lines; (3-17-22)()
- ~~iv.~~ ii. A list of all CHIS hours being requested and the qualification of the individual(s) who will provide them; and (3-17-22)()
- v. Request for the annual ACTP, if applicable; (3-17-22)
- vi. New implementation plans, if applicable; (3-17-22)
- ~~iv.~~ vii. An updated annual ACTP, if applicable; and; (3-17-22)()
- ~~viii. An annual written summary with an analysis of data regarding the participant's progress or lack of progress, justification for any changes made to implementation of programming for new objectives, discontinuation of objectives, if applicable, and a summary of parent(s) or caregiver(s) response to teaching of coordinated methods.~~ (3-17-22)
- c. The following services may be requested retroactively: (3-17-22)
 - i. The initial ATCP; (3-17-22)
 - ii. The screening tool; and (3-17-22)
 - iii. Crisis intervention within seventy-two (72) hours of the service initiation. (3-17-22)

02. Implementation Plan(s). An implementation plan will provide details on how intervention will be implemented and must be completed and signed by a qualified provider. All implementation plan objectives must be related to a need identified on the ATCP. The provider must document that a copy of the participant's implementation plan(s) was offered to the participant's parent or legal guardian. ~~The implementation plan(s) must include the following requirements:~~ (3-17-22)

- ~~a. Participant's name;~~ (3-17-22)
- ~~b. Measurable, behaviorally stated objectives including criteria for successful achievement, and a baseline statement;~~ (3-17-22)
- ~~c. Location(s) where objectives will be implemented;~~ (3-17-22)
- ~~d. Precursor behaviors for participants receiving behavioral intervention;~~ (3-17-22)
- ~~e. Description of the treatment modality to be utilized;~~ (3-17-22)
- ~~f. Discriminative stimulus or direction;~~ (3-17-22)
- ~~g. Targets, steps, task analysis or prompt level;~~ (3-17-22)
- ~~h. Correction procedure;~~ (3-17-22)
- ~~i. Data collection;~~ (3-17-22)
- ~~j. Reinforcement, including type and frequency;~~ (3-17-22)

- ~~k.~~ A plan for generalization and a plan for family training; (3-17-22)
- ~~l.~~ A behavior response plan for participants receiving behavioral intervention; (3-17-22)
- ~~m.~~ Any restrictive or aversive interventions being implemented must be reviewed and approved by a licensed ~~or certified~~ individual working within the scope of their practice; ~~and.~~ (3-17-22)()
- ~~n.~~ A signature of the qualified provider who completed the document(s), date signed, and credential. (3-17-22)

03. Requirements for Program Documentation. Providers must maintain records for each participant served. ~~Failure to maintain such documentation may result in the recoupment of funds paid for undocumented services. Undocumented services are subject to recoupment.~~ For each participant, the following program documentation is required for each visit made or service provided to the participant, ~~including at a minimum the following information:~~ (3-17-22)()

- a. Date, time, and duration; (3-17-22)
- b. Summary of session or service provided, and if interdisciplinary training is provided, ~~documentation must include~~ who the service was delivered to and the content covered; (3-17-22)()
- c. Data documentation that corresponds to the implementation plans for habilitative skill building or behavioral intervention; (3-17-22)
- d. Location of service delivery; and (3-17-22)
- e. Signature of the individual providing the service, date signed, and credential. (3-17-22)

04. Supervision. Supervision includes both face-to-face observation and direction to the staff regarding developmental and behavioral techniques, progress measurement, data collection, function of behaviors, and generalization of acquired skills for a participant. ~~Supervision is provided to ensure staff demonstrate the necessary skills to correctly provide the services as defined in this rule and informs of any modification needed to the methods implemented to support the accomplishment of outcomes identified in the ACTP.~~ Supervision must be provided ~~in accordance with~~ under the requirements of the ~~evidence-based model~~ EBM or ~~in accordance with~~ each individual provider qualification. Intervention specialists providing services to children birth to three (3) years old must be supervised by an ~~intervention~~ specialist or ~~intervention~~ professional who also meets the birth to three (3) years old requirements. (3-17-22)()

575. CHIS: PROVIDER QUALIFICATIONS AND DUTIES.

CHIS are delivered by individuals who meet or exceeds one (1) of the qualifying criteria below in Subsections 575.01 through 575.07 of this rule, and are employed by a certified DDA, or who meet the criteria ~~as defined~~ in Subsection 575.08 of this rule and is enrolled as an independent CHIS provider. ~~All providers of CHIS must meet the continuing training requirements in Subsection 575.09 of this rule.~~ (3-17-22)()

01. Crisis Intervention Technician. ~~A~~ e crisis intervention technician is an employee of a DDA that can deliver crisis intervention directly with the eligible participant and ~~must~~ meets the qualifications of a community-based supports staff ~~as defined in~~ under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 526. The technician must be under the supervision of a specialist or professional who is observing and reviewing the direct crisis intervention services performed. Supervision must occur monthly, ~~or more often as necessary, to ensure the technician demonstrates the necessary skills to correctly provide the crisis intervention service.~~ (3-17-22)()

02. Intervention Technician. ~~An i~~ intervention technicians can deliver habilitative skill building, behavioral intervention, and crisis intervention. This is a provisional position ~~intended~~ to allow an individual to gain the necessary degree, competency, or experience needed to qualify as an intervention specialist or higher. ~~An intervention~~ The technician must be an employee of a DDA and be under the supervision of a specialist or professional who is observing and reviewing the ~~direct~~ services performed ~~by the intervention technician.~~ Supervision must occur monthly, ~~or more often as necessary, to ensure the intervention technician demonstrates the~~

~~necessary skills to correctly provide the intervention.~~ Provisional status is limited to a single eighteen (18) successive month period. ~~The qualifications for this type of p~~Providers ~~can be met by one (1) of the following~~ **are qualified that:** (3-17-22)()

~~a. An individual who is currently enrolled and is within twenty four (24) semester credits, or equivalent, to complete their bachelor's degree or higher from an accredited institution in a human services field and~~ **Are** working towards meeting the experience and competency requirements; ~~or.~~ (3-17-22)()

~~b. An individual who holds a bachelor's degree from an accredited institution in a human services field or has a bachelor's degree and a minimum of twenty four (24) semester credits, or equivalent, in a human services field and working towards meeting the experience and competency requirements.~~ (3-17-22)

03. Intervention Specialist. ~~An i~~Intervention specialists can deliver all CHIS, complete assessments and implementation plans, and must be under the supervision of a specialist or professional who is observing and reviewing the ~~direct CHHS services~~ performed. Supervision must occur monthly, ~~or more often as necessary, to ensure the intervention specialist demonstrates the necessary skills to correctly provide the service.~~ An intervention specialist who will complete assessments or supervise an individual completing assessments must have a minimum of ten (10) hours of documented training and five (5) hours of supervised experience in completing comprehensive assessments and implementation plans for participants with functional or behavioral needs. ~~The qualifications for this type of p~~Providers ~~can be met by one (1) of~~ **must meet** the following **qualifications:** (3-17-22)()

~~a. An individual who h~~Holds a Habilitative Intervention Certificate of Completion in Idaho with an expiration date of July 1, 2019 or later; ~~These providers~~ will be allowed to continue providing services as an intervention specialist as long as there is not a gap of more than three (3) successive years of employment as an intervention specialist; or (3-17-22)()

~~b. An individual who h~~Holds a bachelor's degree from an accredited institution in a human services field or ~~a has~~ a bachelor's degree and a minimum of twenty-four (24) semester credits, or equivalent, in a human services field; and (3-17-22)()

i. Can demonstrate one thousand forty (1,040) hours of supervised experience working with participants birth to twenty-one (21) years of age who demonstrate functional or behavioral needs; and (3-17-22)

ii. Meets the competency requirements by completing one (1) of the following: (3-17-22)

(1) A Department-approved competency checklist ~~referenced in the Medicaid Provider Handbook;~~ or (3-17-22)()

(2) A minimum of forty (40) hours of applied behavior analysis training delivered by an individual who is certified or credentialed to provide the training; ~~or.~~ (3-17-22)()

(3) ~~Other Department-approved competencies as defined in the Medicaid Provider Handbook.~~ (3-17-22)

~~c. An i~~Individuals who provides services to children birth to three (3) years of age must also demonstrate a minimum of two hundred forty (240) hours of professionally supervised experience providing assessment or evaluation, curriculum development, and service provision in the areas of communication, cognition, motor, adaptive (self-help), and social-emotional development with infants and toddlers birth to five (5) years of age with developmental delays or disabilities. ~~Experience must be through paid employment or university internship or practicum experience and may be documented within the supervised experience listed in Subsection 575.02.b.i. of this rule, and have one (1) of the following:~~ (3-17-22)()

i. An elementary education certificate or special education certificate with an endorsement in early childhood special education; or (3-17-22)

ii. A blended Early Childhood or Early Childhood Special Education (EC or ECSE) certificate; or (3-17-22)

iii. ~~A bachelor's or master's degree in special education, elementary education, speech language pathology, early childhood education, physical therapy, occupational therapy, psychology, social work, counseling, or nursing.~~ This individual must have a minimum of twenty-four (24) semester credits from an accredited college or university, which can be within their bachelor's or master's degree coursework, or can be in addition to the degree coursework. Courses must cover the following ~~as defined in the Medicaid Provider Handbook:~~ (3-17-22)()

- (1) Promotion of development and learning for children from birth to five (5) years of age. (3-17-22)
- (2) Assessment and observation methods that are developmentally appropriate assessment of young children with developmental delays or disabilities; (3-17-22)
- (3) Building family and community relationships to support early interventions; (3-17-22)
- (4) Development of appropriate curriculum for young children; (3-17-22)
- (5) Implementation of instructional and developmentally effective approaches for early learning, including strategies for children and their families; and (3-17-22)
- (6) Demonstration of knowledge of policies and procedures in special education and early intervention and demonstration of knowledge of exceptionalities in children's development. (3-17-22)

04. Intervention Professional. ~~An i~~Intervention professionals can deliver all CHIS and complete assessments and implementation plans. ~~Intervention professionals~~ Providers must meet the following ~~minimum~~ qualifications: (3-17-22)()

a. Hold a master's degree or higher from an accredited institution in psychology, education, applied behavior analysis, or have a ~~related discipline with one thousand five hundred (1,500) hours~~ minimum of twenty-four (24) upper-division semester credits from an accredited college or university of relevant coursework or training, or both, in principles of child development, learning theory, positive behavior support techniques, dual diagnosis, psychology, education, or behavior analysis which may be documented within the individual's degree program, other coursework, or training; and (3-17-22)()

b. Have one thousand two hundred (1,200) hours of relevant experience in completing and implementing comprehensive behavioral therapies for participants with functional or behavioral needs, which may be documented within the individual's degree program, other coursework, or training. (3-17-22)

c. ~~An i~~Individuals who provides services to children birth to three (3) years of age must meet the requirements ~~defined in under~~ Subsection 575.03.c. of this rule. (3-17-22)()

05. Evidence-Based Model (EBM) Intervention Paraprofessional. ~~An~~EBM intervention paraprofessionals can deliver habitative skill building, crisis intervention, and behavioral intervention, and must be supervised in accordance with the ~~evidence-based model~~ EBM. ~~The qualifications for this type of p~~Providers are: must (3-17-22)

~~a.~~ An individual who holds a high school diploma or general equivalency diploma; and (3-17-22)

~~b.~~ Hholds a para-level certification or credential in an ~~evidence-based model~~ EBM approved by the Department. (3-17-22)()

06. Evidence-Based Model (EBM) Intervention Specialist. ~~An~~EBM intervention specialists can deliver all CHIS and complete assessments and implementation plans. ~~This individual~~ Specialists must be supervised in accordance with according to the evidenced-based model EBM and may also supervise the evidence based EBM paraprofessionals working within the same ~~evidence-based model~~ EBM. ~~The qualifications for this type of p~~Providers are: must (3-17-22)

~~a.~~ An individual who holds a bachelor's degree from an accredited institution in accordance with their

~~certification or credentialing requirements; and (3-17-22)~~

~~b. Hholds a bachelor-level certification or credential in an evidence-based model EBM approved by the Department. (3-17-22)()~~

~~e. An individual who provides services to children birth to three (3) years of age must also have a minimum of two hundred forty (240) hours of professionally supervised experience providing assessment or evaluation, curriculum development, and service provision in the areas of communication, cognition, motor, adaptive (self-help), and social-emotional development with infants and toddlers birth to five (5) years of age with developmental delays or disabilities. Experience must be through paid employment or university activities. (3-17-22)~~

07. Evidence-Based Model (EBM) Intervention Professional. ~~An EBM intervention professional~~s can deliver all CHIS and complete assessments and implementation plans. ~~The qualifications for this type of pProviders are: must (3-17-22)~~

~~a. An individual who holds a master's degree or higher from an accredited institution in accordance with their certification or credentialing requirements; and (3-17-22)~~

~~b. Hholds a masters-level degree and certification or credential in an evidence-based model EBM approved by the Department. (3-17-22)()~~

~~e. An individual who provides services to children birth to three (3) years of age must meet the requirements defined in Subsection 575.06.e. of this rule. (3-17-22)~~

08. Independent CHIS Provider. ~~This type of Independent CHIS pProviders~~s can deliver all types of CHIS, complete assessments and implementation plans ~~in accordance with according to~~ their provider qualification ~~as defined in under~~ Subsections 575.03, 575.04, 575.06, and 575.07 of these rules. Documentation of supervision must be maintained in accordance with the Department's record retention requirements. The following must be met: (3-17-22)()

~~a. Obtain an independent Medicaid provider agreement through the Department and maintain in good standing; (3-17-22)~~

~~b. Be certified in CPR and first aid prior to delivering services and maintain current certification thereafter; (3-17-22)~~

~~c. Compete a criminal history and background check, including clearance in accordance with under IDAPA 16.05.06, "Criminal History and Background Checks"; (3-17-22)()~~

~~d. Follow all applicable requirements in Sections 570 through 577 of these rules; and (3-17-22)~~

~~e. Not receive supervision from an individual that they are directly supervising. (3-17-22)~~

09. Continuing Training Requirements. ~~Each individual providing~~ CHIS ~~providers~~ must complete a minimum of twelve (12) hours of training each calendar year, including one (1) hour of ethics and six (6) hours of behavior methodology or evidence-based intervention. ~~The following criteria applies: (3-17-22)~~

~~a. Training must be relevant to the services being delivered. (3-17-22)~~

~~b. Continuing training requirements for new independent providers or employees of a DDA who have not provided CHIS for a full calendar year, may be prorated as defined in the Medicaid Provider Handbook. (3-17-22)()~~

~~e. Individuals who have not completed the required training during the previous calendar year, may not provide services in the current calendar year until the required number of training hours have been completed. (3-17-22)~~

~~d. Training hours may not be earned in the current calendar year to be applied to a future calendar year. (3-17-22)~~

~~e. Training topics can be repeated but the content of the continuing training must be different each calendar year; and (3-17-22)~~

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.13 – CONSUMER-DIRECTED SERVICES

DOCKET NO. 16-0313-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, and Sections 56-203, 56-250 through 56-257, and 56-260 through 56-266, 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:

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter to streamline or simplify this rule language.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, pages 303 through 334](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

Alex J. Adams, PharmD, MPH
Director
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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.14 – HOSPITALS

DOCKET NO. 16-0314-2401 (ZBR CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section(s) 56-202, Idaho Code, and 39-1307.

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:

Hospital licensing requirements exist in Title 39 Chapter 13 of Idaho Code and IDAPA 16.03.14. To be eligible for funding from federal payors hospitals must also be certified through The Centers for Medicare and Medicaid Services (CMS). The certification process is comprehensive and requires an on-site survey to ensure compliance. Additionally, the health and safety standards for certification mirror state licensure requirements as described in 16.03.14. Given this duplication, the department will pursue a legislative proposal in 2025 to consolidate the licensing process, using the CMS certification standards as the benchmark for obtaining a hospital license.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, pages 335 through 336](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.04.07 – FEES FOR STATE HOSPITAL NORTH AND STATE HOSPITAL SOUTH

DOCKET NO. 16-0407-2401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Section 56-1003, 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 proposed rule intends to repeal IDAPA 16.04.07 because this chapter repeats Centers for Medicare and Medicaid Services' (CMS) regulations, state Medicaid rules, and/or state waiver authority. By eliminating this chapter, the Department of Health and Welfare removes duplicative regulations and reverts direct control to elected policy makers by proposing enacting in code long-standing provisions found in this rules chapter.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 337](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.05.01 – USE AND DISCLOSURE OF DEPARTMENT RECORDS

DOCKET NO. 16-0501-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Sections 39-242, 56-221, 56-222, 56-1003, and 561004, 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 rule adds language detailing that the Department will provide information to the maximum extent possible to protect children from abuse. This rule change also deletes unnecessary regulatory burden.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 339 through 341](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.01 – CHILD AND FAMILY SERVICES

DOCKET NO. 16-0601-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as 16-1629, 16-1623, 16-2102, 16-2406, 16-2423, 16-2433, 39-1209, 39-1210, 39-1211, 39-5603, 397501, 56-204A, 56-803, 56-1003, 56-1004, 56-1004A, and 56-1007, 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:

In compliance with [Executive Order Number 2020-01, Zero- Based Regulation](#) a complete review and re-write of the rule was completed. The focus of the review and re-write was to eliminate outdated rules and streamline the rule chapter to be more clear. Rather than incorporating federal and state laws into the rule itself, references to those laws were used to ensure the public has the ability to review the source of those regulations directly. Content in the rule was reorganized to ensure topics were in the same place in the rule rather than being discussed in several different areas of the rule. Language was updated as well to be more clear and align with current practice. The rule was updated to ensure compliance with recent court rulings related to the child welfare program. Some of the larger changes to the rule were related to changes regarding the placement of individuals on the central registry to ensure due process, elimination of fees related to adoptions and adoption home studies, expanding the definition of family service worker, and removing the foster care reimbursement fees from the rule to be published on the department's website.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 348 through 414](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.05 – ALLEGED MEDICAL NEGLECT OF DISABLED INFANTS

DOCKET NO. 16-0605-2401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, as well as Section 56-1003, 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 proposed rule repeals IDAPA 16.06.05 because nearly all regulations in this chapter are already repeated in 16.06.01. The remaining rules exclusive to this chapter have been proposed to be included in chapter rewrite of 16.06.01, thus by repealing this chapter, only duplicative regulations are eliminated.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 427](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.17 – SUBSTANCE USE DISORDERS SERVICES

DOCKET NO. 16-0717-2401

NOTICE OF RULEMAKING – 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 56-202, Idaho Code, and 56-1003, 56-1004, 56-1004A, 56-1007, 56-1009, 39-305, 39-306, and 39-311, Idaho Code.

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

<p>VIRTUAL TELECONFERENCE Via WebEx Wednesday, November 13th, 2024 1:30 p.m. MST</p>
<p>Virtual Meeting Link: https://idhw.webex.com/idhw/j.php?MTID=mffe0f7bbaf6bf38f9b758ffd5d0a6ecc</p>
<p>Join by meeting number: Meeting number (access code): 2824 442 2379 Meeting password: qFhYtEih635 (when dialing from a phone or video system) 73498344</p>
<p>Join by phone: +1-415-527-5035,,28244422379#73498344# United States Toll +1-303-498-7536,,28244422379#73498344# United States Toll (Denver)</p>

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 rule change strives to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. This also coincides with the recent go-live status of the Idaho Behavioral Health Plan and seeks to update this rule chapter in association with similarly effected chapters including 16.07.33 and 16.07.37.

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

Fees are not being increased as a result of this proposed 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 as a result of this rulemaking:

There will not be a negative fiscal impact exceeding \$10,000 as a result of this proposed rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted on this rule chapter however public comments will be collected at the public hearing scheduled above.

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: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jared Larsen at 208-334-5500.

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 November 27th, 2024.

DATED this 11th day of October, 2024.

Alex J. Adams, PharmD, MPH
Director
Idaho Department of Health & Welfare
450 W. State Street, 10th Floor
P.O. Box 83720
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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0717-2401
(Only Those Sections With Amendments Are Shown.)**

16.07.17 – SUBSTANCE USE DISORDERS SERVICES

002. ~~(RESERVED)~~

003. ~~ADMINISTRATIVE APPEALS:~~

01. ~~Appeal of Denial Based on Eligibility Requirements.~~ Administrative appeals from a denial of substance use disorder services based on eligibility requirements are governed by the provisions of IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.” (3-17-22)

02. ~~Appeal of Decision Based on Clinical Judgment.~~ Decisions involving ASAM clinical judgment, including the category of services, the particular provider of services, or the duration of services, are reserved to the Department, and are not subject to appeal, administratively or otherwise, under *Maresh v. State*, 132 Idaho 221, 970 P.2d 14 (Idaho 1999). (3-17-22)

03. ~~Appeal by a Substance Use Disorder Services Provider or Program.~~ Administrative appeals from a decision that a substance use disorder services provider or program is out of compliance with these rules are governed by the provisions of IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.” An appeal does not stay Department action. (3-17-22)

004. ~~INCORPORATION BY REFERENCE.~~

The following are incorporated by reference in this chapter of rules: (3-17-22)

01. ~~ASAM.~~ American Society of Addiction Medicine (ASAM) Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions, Third Edition, 2013. A copy of this manual is available by mail at the American Society of Addiction Medicine, 4601 North Park Ave., Suite 101, Chevy Chase, MD 20815; by telephone and fax, (301) 656-3920 and (301) 656-3815 (fax); or on the internet at <http://www.asam.org>. (3-17-22)

~~02. DSM-5. American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, (DSM-5) Washington, DC, American Psychiatric Association, 2000. Copies of the manual are available from the American Psychiatric Association, 1000 Wilson Boulevard, Suite 1825, Arlington VA 22209-3901. (3-17-22)~~

~~03. Federal Guidelines for Opioid Treatment Programs (OTP). Substance Abuse and Mental Health Services Administration. HHS Publication No. (SMA) PEP15 FEDGUIDEOTP, March 2015. Center for Substance Abuse Treatment, Division of Pharmacologic Therapies for the Substance Abuse and Mental Health Services Administration, 1 Choke Cherry Road, Rockville, MD 20857. This manual is available on the internet at <https://store.samhsa.gov/product/Federal-Guidelines-for-Opioid-Treatment-Programs/PEP15-FEDGUIDEOTP>. (3-17-22)~~

005. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

~~01. Criminal History and Background Check. All employees, volunteers, interns, and contractors of substance use disorder treatment and recovery support services must comply with the provisions of IDAPA 16.05.06, "Criminal History and Background Checks." (3-17-22)~~

~~02. Availability to Work or Provide Service. An individual listed in Subsection 009.01 of this rule is available to work on a provisional basis at the discretion of the employer or agency once the individual has submitted their completed criminal history and background check application, it has been reviewed by the employer or agency, and no disqualifying crimes or relevant records are disclosed on the application. An individual must be fingerprinted within twenty-one (21) days of submitting their criminal history and background check. (3-17-22)~~

~~a. An individual is allowed to work or have access to participants only under supervision until the criminal history and background check is completed. (3-17-22)~~

~~b. An individual, who does not receive a criminal history and background check clearance or have a Behavioral Health waiver granted under the provisions in Subsection 009.03 of this rule, must not provide direct care or services, or serve in a position that requires regular contact with participants. (3-17-22)~~

031. Waiver of Criminal History and Background Check Denial.

a. A certified or uncertified individual who is seeking to provide Peer Support Specialist, Family Support Partner, or Recovery Coach services that receives an unconditional denial or a denial after an exemption review by the Department's Criminal History Unit, may apply for a Behavioral Health waiver. (3-17-22)

b. An individual is allowed to work or have access to participants only under supervision until the waiver request is processed. (3-17-22)

010. DEFINITIONS - A THROUGH F.

For the purposes of these rules, the following terms apply: (3-17-22)

01. Adolescent. A youth twelve (12) through seventeen (17) years of age. (3-17-22)

02. Adult. An individual eighteen (18) years or older. (3-17-22)

03. ASAM. Refers to the manual of the patient placement criteria for the treatment of substance-related disorders, published by the American Society of Addiction Medicine, incorporated by reference in Section 004 of these rules. (3-17-22)

04. ASAM Level of Care Certification. Verifies a treatment program's capacity to deliver services consistent with the Level III standards of care described in the ASAM criteria. (3-17-22)

~~05. **Clinical Assessment.** The gathering of historical and current clinical information through a clinical interview and from other available resources to identify an individual's strengths, weaknesses, problems, needs, and determine priorities so that a service plan can be developed. (3-17-22)~~

~~06. **Clinical Judgment.** Refers to observations and perceptions based upon education, experience, and clinical assessment. This may include psychometric, behavioral, and clinical interview assessments that are structured, integrated, and then used to reach decisions, individually or collectively, about an individual's functional, mental, and behavioral attributes and substance use disorders service needs. (3-17-22)~~

~~07.5. **Department.** The Idaho Department of Health and Welfare or its designee. (3-17-22)~~

~~08.6. **Eligibility Screening.** The collection and review of information directly related to the individual's substance use and level of functioning, which the Department uses to determine whether an individual is eligible for adult or adolescent substance use disorder services available through the Department's Division of Behavioral Health. (3-17-22)~~

~~09. **Federal Poverty Guidelines.** Guidelines issued annually by the Federal Department of Health and Human Services establishing the poverty income limits. The federal poverty guidelines for the current year may be found at: <http://aspe.hhs.gov/poverty/>. (3-17-22)~~

011. DEFINITIONS - G THROUGH Z.

For the purposes of these rules, the following terms apply: (3-17-22)

01. Idaho Board of Alcohol/Drug Counselor Certification, Inc. (IBADCC). A board affiliated with the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC) and the National Certification Commission for Addiction Professionals (NCCAP). The IBADCC is the certifying entity that oversees credentialing of Idaho Student of Addiction Studies (ISAS), and Certified Alcohol/Drug Counselors (CADC) in the state of Idaho and accepts certification from both the ICRC and the NCCAP. (3-17-22)(____)

~~02. **Individualized Service Plan.** A written action plan based on an eligibility screening and clinical assessment, that identifies the individual's clinical needs, the strategy for providing services to meet those needs, treatment goals and objectives and the criteria for terminating the specified interventions. (3-17-22)~~

~~03. **Intensive Outpatient Services.** Educational classes and individual or group counseling consisting of regularly scheduled sessions within a structured program, for a minimum of nine (9) hours of treatment per week for adults and six (6) hours of treatment per week for adolescents. (3-17-22)~~

~~04. **Medication Assisted Treatment (MAT).** The use of medications, approved by the Food and Drug Administration (FDA), in combination with counseling and behavioral therapies, to provide a whole-patient approach to the treatment of substance use disorders. (3-17-22)~~

~~05. **Network Treatment Provider.** Any provider, group of providers, or entity that has a network provider agreement with the Department's Division of Behavioral Health contractor to provide behavioral health services. (3-17-22)~~

~~06. **Opioid Treatment Program (OTP).** A program that provides MAT for persons diagnosed with opioid use disorder (OUD). OTPs provide all FDA approved MAT medications. In addition, participants receiving MAT medications must also receive counseling and other behavioral therapies to provide participants with a whole-person approach. (3-17-22)~~

~~07. **Outpatient Services.** Educational classes and individual or group counseling consisting of regularly scheduled sessions within a structured program for up to eight (8) hours of treatment per week for adults and five (5) hours of treatment per week for adolescents. (3-17-22)~~

08.2. **Priority Population. Priority populations consist of individuals who receive services ahead of other persons. Priority populations are determined yearly by the Department and align with federally mandated priorities. (3-17-22)**

~~09. **Recovery Support Services.** Non clinical services designed to initiate, support, and enhance recovery. These services may include: safe and sober housing, transportation, child care, life skills education, drug testing, recovery coaching, and case management. (3-17-22)~~

~~10. **Residential Treatment Services.** A planned and structured regimen of treatment provided in a 24-hour residential setting. Residential programs serve individuals who, because of function limitations need safe and stable living environments and 24 hour care. (3-17-22)~~

~~11. **Substance-Related Disorders.** Clinical presentations due to substance use that may or may not demonstrate sufficient signs or symptoms to substantiate a diagnosis of a substance use disorder. (3-17-22)~~

~~12. **Substance Use Disorder.** A disorder evidenced by a cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using a substance despite significant substance-related problems. According to the DSM-5, diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to use of the substance. (3-17-22)~~

012. -- 099. (RESERVED)

**PARTICIPANT ELIGIBILITY
(Sections 100-199)**

100. ~~**ACCESSING SUBSTANCE USE DISORDERS SERVICES.**~~ **(RESERVED)**
Individuals may access substance use disorders services administered by the Department's Division of Behavioral Health through an eligibility screening. (3-17-22)

(BREAK IN CONTINUITY OF SECTIONS)

~~103. **NOTICE OF CHANGES IN ELIGIBILITY FOR SUBSTANCE USE DISORDERS SERVICES.**~~
The Department may, upon ten (10) days' written notice, reduce, limit, suspend, or terminate eligibility for substance use disorders services. (3-17-22)

~~104. **NOTICE OF DECISION ON ELIGIBILITY AND RIGHT TO APPEAL.**~~

~~01. **Notification of Eligibility Determination.** Within two (2) business days of receiving a completed screening, the Department will notify the individual or the individual's designated representative of its eligibility determination. When the individual is not eligible for services through the Department, the individual or the individual's designated representative will be notified in writing. (3-17-22)~~

~~02. **Notice of Right to Appeal.** When the individual is not eligible for services through the Department, the Department will notify the individual or the applicant's individual's designated representative. The written notice will include: (3-17-22)~~

~~a. A statement of the decision and the concise reasons for it; (3-17-22)~~

~~b. The process and timeline for pursuing an appeal of the decision under IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings"; and; (3-17-22)~~

~~e. The right to be represented on appeal. (3-17-22)~~

1053. -- 119. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

SUBSTANCE USE DISORDER SERVICES
(Sections 200-600)

200. QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL PERSONNEL REQUIRED.

Each behavioral health program providing substance use disorders services must employ the number and variety of staff needed to provide the services and treatments offered by the program as a multidisciplinary team. The program must employ at least one (1) qualified substance use disorders professional for each behavioral health program location. A qualified substance use disorders professional includes individuals ~~with the as~~ following ~~ings~~ qualifications: (3-17-22) ()

01. Idaho Board of Alcohol/Drug Counselor Certification - Certified Advanced or Certified Alcohol/Drug Counselor. (3-17-22)

~~**02. Northwest Indian Alcohol/Drug Specialist Certification—Counselor II or Counselor III.**~~ (3-17-22)

~~**03. National Board for Certified Counselors (NBCC) - Master Addictions Counselor (MAC).**~~ (3-17-22)

~~**04. Clinical Social Worker (LCSW) or Masters Social Worker (LMSW).** Licensed under Title 54, Chapter 32, Idaho Code;~~ (3-17-22)

~~**05. Marriage and Family Therapist or Associate Marriage and Family Therapist.** Licensed under Title 54, Chapter 34, Idaho Code;~~ (3-17-22)

~~**06. Nurse Practitioner.** Licensed under Title 54, Chapter 14, Idaho Code;~~ (3-17-22)

~~**07. Clinical Nurse Specialist.** Licensed under Title 54, Chapter 14, Idaho Code;~~ (3-17-22)

~~**08. Physician Assistant.** Licensed under Title 54, Chapter 18, Idaho Code;~~ (3-17-22)

~~**09. Professional Counselor (LPC) or Clinical Professional Counselor (LCPC).** Licensed under Title 54, Chapter 34, Idaho Code;~~ (3-17-22)

~~**10. Psychologist or Psychologist Extender.** Licensed under Title 54, Chapter 23, Idaho Code;~~ (3-17-22)

~~**11. Physician.** Licensed under Title 54, Chapter 18, Idaho Code; and;~~ (3-17-22)

~~**12. Registered Nurse (RN).** Licensed under Title 54, Chapter 14, Idaho Code.~~ (3-17-22)

~~**13. Pharmacist.** Licensed under Title 54, Chapter 17, Idaho Code.~~ (3-17-22)

03. Licensed Professional. Hold an active license or registration with the applicable jurisdiction for the profession and provide services within the practice authority for the applicable profession consistent with the laws and regulations of the state where services are provided and consistent with the applicable standard of care. ()

201. -- 209. (RESERVED)

210. QUALIFIED SUBSTANCE USE DISORDERS PROFESSIONAL TRAINEE.

Each qualified substance use disorders professional trainee practicing in the provision of substance use disorders services must meet the following requirements. (3-17-22)

01. Work Qualifications for Qualified Substance Use Disorders Professional Trainee. A qualified substance use disorders professional trainee must meet one (1) of the following qualifications to begin work: (3-17-22)

- a. Substance Use Disorder Associate certification; (3-17-22)
- ~~b. Formal documentation as a Northwest Indian Alcohol/Drug Specialist Counselor I; or (3-17-22)~~
- ~~eb. Formal documentation of current enrollment in a program for qualifications in any licensed professional consistent with Section 200 of these rules. (3-17-22)()~~

02. Continue as Qualified Substance Use Disorders Professional Trainee. An individual who has completed a program listed in Section 200 of these rules and is awaiting licensure can continue as a qualified substance use disorders professional trainee at the same agency for a period of six (6) months from the date of program completion. (3-17-22)

211. -- 299. (RESERVED)

~~300. SERVICES FOR ADOLESCENTS.~~

~~Behavioral health programs providing substance use disorders treatment to adolescents must comply with the following requirements: (3-17-22)~~

~~**01. Separate Services From Adults.** Each program providing adolescent program services must provide the services separate from adult program services. The program must ensure the separation of adolescent participants from adult participants except as specified in Subsections 300.03 and 300.04 of this rule. (3-17-22)~~

~~**02. Residential Care as an Alternative to Parental Care.** Any program that provides care, control, supervision, or maintenance of adolescents for twenty-four (24) hours per day as an alternative to parental care must meet the following criteria: (3-17-22)~~

- ~~a. Be licensed under the "Child Care Licensing Act," Title 39, Chapter 12, Idaho Code; or (3-17-22)~~
- ~~b. Be certified by the Department of Juvenile Corrections. (3-17-22)~~

~~**03. Continued Care of an Eighteen Year Old.** An adolescent who turns the age of eighteen (18), and is receiving outpatient or intensive outpatient treatment in a state-approved behavioral health program, may remain in the program under continued care described in this rule. The individual may remain in the program for: (3-17-22)~~

- ~~a. Up to ninety (90) days after their eighteenth birthday; or (3-17-22)~~
- ~~b. Until the close of the current school year for an individual attending school. (3-17-22)~~

~~**04. Documentation Requirements for Continued Care.** Prior to accepting an individual into continued care, the program must assure and document the following: (3-17-22)~~

- ~~a. A signed voluntary agreement to remain in the program or a copy of a court order authorizing continued placement after the individual's eighteenth birthday; (3-17-22)~~
- ~~b. Clinical staffing for appropriateness of continued care with clinical documentation; (3-17-22)~~
- ~~c. Verification the individual in continued care was in the care of the program prior to their eighteenth birthday; and (3-17-22)~~
- ~~d. Verification that the individual needs to remain in continued care to complete treatment, education, or other similar needs. (3-17-22)~~

~~**05. Licensed Hospital Facilities.** Facilities licensed as hospitals under Title 39, Chapter 13, Idaho Code, are exempt from the requirements in this rule. (3-17-22)~~

~~301. — 349. (RESERVED)~~

~~350. RECOVERY SUPPORT SERVICES.~~

~~Recovery Support Services are administered through contract. Recovery Support Services are non-clinical services that support recovery from a substance use disorder and are based on an individual participant's needs. Recovery Support Services may include:~~ (3-17-22)

- ~~01. Case Management. (3-17-22)~~
- ~~02. Alcohol and Drug Screening. (3-17-22)~~
- ~~03. Child Care. (3-17-22)~~
- ~~04. Transportation. (3-17-22)~~
- ~~05. Life Skills. (3-17-22)~~
- ~~06. Recovery Residence Staffed Safe and Sober Housing for Adults. (3-17-22)~~
- ~~07. Recovery Residence Enhanced Staffed Safe and Sober Housing for Adults. (3-17-22)~~
- ~~08. Recovery Coaching. (3-17-22)~~

~~351.—394. (RESERVED)~~

395. RESIDENTIAL TREATMENT SERVICES.

~~01. Residential Treatment Services.~~ Residential Treatment Services are administered under the Department through a contractor and must be nationally accredited by the Joint Commission, the Council on Accreditation (COA), or Commission on Accreditation of Rehabilitation Facilities (CARF) and have an ASAM Level of Care certification. (3-17-22)()

~~02. Licensed for Adolescent Residential Treatment.~~ Each adolescent residential treatment program must be licensed as a Children's Residential Care Facility under IDAPA 16.06.02, "Child Care Licensing." (3-17-22)

~~396. -- 409. (RESERVED)~~

~~410. OUTPATIENT TREATMENT SERVICES.~~

~~Outpatient substance use disorder treatment services are contained in the Medicaid Idaho Behavioral Health Plan (IBHP) and delivered under contract. (3-17-22)~~

~~01. Treatment Services.~~ Services are delivered according to ASAM criteria and Level of Care Placement guidelines. Services include: (3-17-22)

- ~~a. Assessments; (3-17-22)~~
- ~~b. Service planning and placement; (3-17-22)~~
- ~~e. Group therapy; and (3-17-22)~~

~~02. Treatment Providers.~~ Outpatient treatment services are delivered by network providers enrolled with the Medicaid IBHP contractor. (3-17-22)

~~411.—414. (RESERVED)~~

~~415. MEDICATION ASSISTED TREATMENT.~~

~~01. Medication Assisted Treatment Services.~~ A behavioral health program providing medication

~~assisted treatment for substance use disorders must make counseling and behavioral therapies available in combination with MAT services. (3-17-22)~~

~~**02. Opioid Treatment Program.** OTP must meet all requirements established under 42 CFR, Section 8.12, Federal Opioid Treatment Standards. (3-17-22)~~

**QUALITY ASSURANCE AND INSPECTIONS
(Sections 416-419)**

~~**416. INSPECTIONS.**~~

~~As the State substance abuse authority, the Department will periodically inspect substance use disorder services providers or programs as provided in Section 39-305, Idaho Code, to determine compliance with these rules and Title 39, Chapter 3, Idaho Code. (3-17-22)~~

~~**01. Department Inspection.** The Department may inspect a substance use services provider or program at any reasonable time during regular business hours. Inspections may be made without prior notice to the substance use services provider or program. (3-17-22)~~

~~**02. Program Compliance with Inspection.** The program or provider must, in compliance with federal and state confidentiality requirements, provide for review of participant treatment records, behavioral health records, logbooks, staffing charts, time reports, claims data, administrative documents, complaints, grievances, and any other requested documents or data required by the Department. (3-17-22)~~

~~**03. Department Protection of Participants.** The Department will take steps to protect individuals receiving substance use disorder services during its inspections. (3-17-22)~~

~~**417. INVESTIGATIONS AND FINDINGS.**~~

~~The Department may conduct inspections as provided in Section 416 of these rules, to investigate complaints, incidents, accidents, allegations of abuse, neglect, or exploitation. If the Department chooses to investigate, the investigation and a report of the Department's findings must be completed within thirty (30) calendar days of the date the Department learned of the complaint, incident, accident, or allegation. The Department may take any of the following actions: (3-17-22)~~

~~**01. Corrective Action Plan.** Require the substance use disorders services provider, program, or the Department contractor administering the provider network to engage in a corrective action plan as determined and monitored by the Department or the contractor administering the provider network; or (3-17-22)~~

~~**02. Program Improvement Plan.** Require the substance use disorder services provider, program, or the Department contractor administering the provider network to develop a program improvement plan to be implemented and monitored over time. (3-17-22)~~

~~**418. NOTICES FOLLOWING INVESTIGATION.**~~

~~Within thirty (30) calendar days of the date the Department learned of the complaint, incident, accident, or allegation, the Department must issue a notice to the provider, program, or the contractor administering the provider network. The notice must include: (3-17-22)~~

~~**01. Statement of Department Findings.** A statement of the Department's findings about whether the program, provider, or contractor is in compliance with these rules or has engaged in abuse, neglect, or exploitation; or whether an incident or accident occurred; (3-17-22)~~

~~**02. Department Plan Requirement.** Whether the Department will require a corrective action plan or program improvement plan; (3-17-22)~~

~~**03. Department Notifications.** Whether the Department will be notifying the program or provider's accrediting entity or licensing authority, if applicable; and (3-17-22)~~

~~**04. Appealing the Decision.** The process and timeline for appealing the decision under IDAPA~~

~~16.05.03, “Contested Case Proceedings and Declaratory Rulings.” (3-17-22)~~

~~**419. NOTIFICATION TO ACCREDITING OR LICENSING AUTHORITY.**~~

~~When the Department issues a notice requiring corrective action or a program improvement plan, the Department: (3-17-22)~~

~~**01. Notification of Accrediting Entity.** May notify the program or provider’s accrediting entity, if any, of the Department decision; and (3-17-22)~~

~~**02. Notification of Licensing Authority.** Must notify the licensing authority of any program or provider that must be licensed, of the Department decision. (3-17-22)~~

~~**420.—999. (RESERVED)**~~

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.33 – ADULT MENTAL HEALTH SERVICES

DOCKET NO. 16-0733-2401

NOTICE OF RULEMAKING – 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 56-202, Idaho Code, and 39-3140, 56-1003, 56-1004, 56-1004A, 56-1007, and 56-1009, Idaho Code.

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

VIRTUAL TELECONFERENCE Via WebEx
Wednesday, November 13, 2024 2:30 p.m. (MST)
Join from the meeting link: https://idhw.webex.com/idhw/j.php?MTID=m268521f0e14217752d8ecbfda943e4d2
Join by meeting number: Meeting number (access code): 2830 965 8425 Meeting password: mFjKUBQM528 (when dialing from a phone or video system) 63558276
Join by phone: +1-415-527-5035,,28309658425#63558276# United States Toll +1-303-498-7536,,28309658425#63558276# United States Toll (Denver)

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 rule change strives to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. This also coincides with the recent go-live status of the Idaho Behavioral Health Plan and seeks to update this rule chapter in association with similarly effected chapters including 16.07.17 and 16.07.37.

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

Fees are not being increased as a result of this proposed 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 as a result of this rulemaking:

There will not be a negative fiscal impact exceeding \$10,000 as a result of this proposed rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted on this rule chapter however public comments will be collected at the public hearing scheduled above.

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: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jared Larsen at 208-334-5500.

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 November 27th, 2024.

DATED this 11th day of October, 2024.

Alex J. Adams, PharmD, MPH
Director
Idaho Department of Health & Welfare
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0733-2401
(Only Those Sections With Amendments Are Shown.)

16.07.33 – ADULT MENTAL HEALTH SERVICES

001 – ~~002~~3. (RESERVED)

~~003. ADMINISTRATIVE APPEALS.~~

~~Administrative appeals from a denial of eligibility under Section 102 of these rules are governed by IDAPA 16.05.03, “Contested Case Proceedings and Declaratory Rulings.” (4-6-23)~~

(BREAK IN CONTINUITY OF SECTIONS)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

~~**01. Background Checks.** All employees, interns, contractors, and volunteers of adult mental health services must comply with IDAPA 16.05.06, “Criminal History and Background Checks,” Section 101. (4-6-23)~~

~~**02. Availability to Work or Provide Service.** An individual under Subsection 009.01 of this rule is available to work on a provisional basis at the discretion of the employer or agency once the individual has submitted their background check application, it has been reviewed by the employer or agency, and no disqualifying crimes or relevant records are disclosed on the application. An individual is fingerprinted within twenty one (21) days of submitting their background check. (4-6-23)~~

~~**a.** An individual is allowed to work or have access to participants only under supervision until the~~

~~background check is completed.~~ (4-6-23)

~~b. An individual, who does not receive a background check clearance or have a Behavioral Health waiver granted under these rules, may not provide direct care or services, or serve in a position that requires regular contact with participants.~~ (4-6-23)

031. Waiver of Background Check Denial. (4-6-23)

a. A certified individual who is seeking to provide Peer Support Specialist, Family Support Partner, or Recovery Coach services that receives an unconditional denial or a denial after an exemption review by the Department's Criminal History Unit, may apply for a Behavioral Health waiver. (4-6-23)

b. An individual is allowed to work with or have access to participants only under supervision until the waiver request is processed. (4-6-23)

010. DEFINITIONS

01. Adult. An individual eighteen (18) years or older. (4-6-23)

02. Adult Mental Health Services (AMHS). Are listed in Section 301 of these rules. These services are provided in response to the mental health needs of adults eligible for services required in Title 39, Chapter 31, Idaho Code, the Regional Behavioral Health Service Act, and under Section 102 of these rules. (4-6-23)

03. Applicant. An adult individual who is seeking mental health services through the Department who has completed, or had completed on their behalf, an application for mental health services. (4-6-23)

~~04. Clinical Assessment.~~ The gathering of historical and current clinical information through a clinical interview and from other available resources to identify a participant's mental health issues, strengths, and service needs. (4-6-23)

~~05. Clinical Team.~~ A proposed participant's clinical team may include: clinicians, behavioral health professionals, professionals other than behavioral health professionals, behavioral health technicians, and any other individual deemed appropriate and necessary to ensure that the treatment is comprehensive and meets the needs of the proposed participant. (4-6-23)

~~06. Crisis Intervention Services.~~ A set of planned activities designed to reduce the risk of life-threatening harm to self or another person. Crisis intervention services include evaluation, assessment, intervention, stabilization, and follow up planning. (4-6-23)

074. Department. The Idaho Department of Health and Welfare or its designee. (4-6-23)

085. Eligibility Screening. The collection and review of information directly related to the applicant's mental health and level of functioning, which the Department uses to determine whether an applicant is eligible for adult mental health services available through the Department's Division of Behavioral Health. (4-6-23)

~~09. Mental Health Crisis.~~ Occurs when a sudden loss of an adult individual's ability to use effective problem solving and coping skills leads to an imminent risk of harm to self or others, or decompensation to the point of the individual's inability to protect themselves. (4-6-23)

~~10. Network Treatment Provider.~~ Any provider, group of providers, or entity that has a network provider agreement with the Department's Division of Behavioral Health contractor to provide behavioral health services. (4-6-23)

~~106. Participant.~~ A person receiving mental health services through the Department. (4-6-23)

~~107. Serious Mental Illness (SMI).~~ Any of the following psychiatric illnesses as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders, (DSM-5-TR),

incorporated in these rules: (4-6-23)

- a. Schizophrenia spectrum and other psychotic disorders; (4-6-23)
- b. Bipolar disorders (mixed, manic, and depressive); (4-6-23)
- c. Major depressive disorders (single episode or recurrent); (4-6-23)
- d. Obsessive-compulsive disorders. (4-6-23)

1308. Serious and Persistent Mental Illness (SPMI). A primary diagnosis under DSM-5-TR of Schizophrenia, Schizoaffective Disorder, Bipolar I Disorder, Bipolar II Disorder, Major Depressive Disorder Recurrent Severe, Delusional Disorder, or Psychotic Disorder Not Otherwise Specified (NOS) for a maximum of one hundred twenty (120) days without a conclusive diagnosis. The psychiatric disorder must be of sufficient severity to cause a substantial disturbance in role performance or coping skills in at least two (2) of the following functional areas in the last six (6) months: (4-6-23)

- a. Vocational or educational, or both. (4-6-23)
- b. Financial. (4-6-23)
- c. Social relationships or support, or both. (4-6-23)
- d. Family. (4-6-23)
- e. Basic daily living skills. (4-6-23)
- f. Housing. (4-6-23)
- g. Community or legal, or both. (4-6-23)
- h. Health or medical, or both. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

101. ELIGIBILITY SCREENING AND MENTAL HEALTH ASSESSMENT.

~~01. Eligibility Screening.~~ The eligibility screening must be directly related to the participant's mental illness and level of functioning and is based on the eligibility criteria under Section 102 of these rules. (4-6-23)

~~02. Clinical Assessment.~~ Once an individual is found eligible for AMHS the individual will be authorized to receive a clinical assessment from a treatment provider in the Division of Behavioral Health's AMHS network to determine level of care. (4-6-23)

102. ELIGIBILITY DETERMINATION.

01. Determination of Eligibility for Mental Health Services. The Department may limit or prioritize mental health services, define eligibility criteria, or establish the number of persons eligible based upon such factors as court-ordered services, availability of funding, the degree of financial need, the degree of clinical need, or other factors. (4-6-23)

- 02. Eligibility Requirements.** To be eligible for voluntary mental health services, the individual must: (4-6-23)
 - a. Be an adult; (4-6-23)

- b. Be a resident of the state of Idaho; and (4-6-23)
- c. Have a primary diagnosis of SMI or SPMI. (4-6-23)

~~**03. Court Ordered Assessment, Treatment, and Services.** The court may order the Department to provide assessment, treatment, and services according to Sections 18-212, 19-2524, and 66-329, Idaho Code. (4-6-23)~~

~~**04. Ineligible Conditions.** An individual who has a neurological disorder, a neurocognitive disorder as defined in Section 66-317, Idaho Code, a developmental disability as defined in Section 66-402, Idaho Code, a physical disability, or any medical disorder that includes psychiatric symptomology or is primarily impaired by substance use, unless in addition to such condition, such person is mentally ill. (4-6-23)~~

~~**103. NOTICE OF CHANGES IN ELIGIBILITY FOR MENTAL HEALTH SERVICES.** The Department may, upon ten (10) days' written notice, reduce, limit, suspend, or terminate eligibility for mental health services. (4-6-23)~~

~~**104. CRISIS INTERVENTION SERVICES.** Crisis intervention services are available twenty four (24) hours per day, seven (7) days per week to adults experiencing a mental health crisis as defined under Section 010 of these rules. Crisis intervention services include evaluation, assessment, intervention, stabilization, and follow-up planning. (4-6-23)~~

~~**01. Determination of the Need for Crisis Intervention Services.** The Department or its contractors will assess an adult experiencing a mental health crisis to determine whether services are needed to alleviate the crisis. (4-6-23)~~

~~**02. Identification of the Crisis Intervention Services Needed.** If crisis intervention services are clinically necessary, as determined by the Department or its contractors, the Department or its contractors will: (4-6-23)~~

- a. Identify the services needed to stabilize the crisis; (4-6-23)
- b. Arrange for the provision of the crisis intervention services; and (4-6-23)
- e. Document in the individual's record the crisis services that are to be provided to the individual. (4-6-23)

~~**03. Immediate Intervention.** If the Department determines that a mental health crisis exists necessitating immediate intervention, crisis services will be arranged immediately. (4-6-23)~~

~~**105. NOTICE OF DECISION ON ELIGIBILITY AND RIGHT TO APPEAL.**~~

~~**01. Notification of Eligibility Determination.** Within two (2) business days of receiving a completed screening, the Department or its contractors will notify the applicant or the applicant's designated representative in writing of its eligibility determination. (4-6-23)~~

~~**02. Notice of Right to Appeal.** When the applicant is not eligible for services through the Department or its contractor(s), the Department or its contractor(s) will notify the applicant or the applicant's designated representative. The written notice will include: (4-6-23)~~

- a. A statement of the decision and the concise reasons for it; (4-6-23)
- b. The process and timeline for pursuing an appeal of the decision under IDAPA 16.05.03, "Contested Case Proceedings and Declaratory Rulings"; and (4-6-23)
- e. The right to be represented on appeal. (4-6-23)

~~106. – 119.~~ (RESERVED)

~~120. PARTICIPANT'S RIGHTS AND RESPONSIBILITIES.~~

~~The Department will inform each participant receiving AMHS through the Department of their rights and responsibilities prior to the delivery of mental health services. Each participant is given a written statement of participant rights and responsibilities, which includes who the participant may contact with questions, concerns, or complaints regarding services provided.~~ (4-6-23)

~~121~~⁰³. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.07.37 – CHILDREN’S MENTAL HEALTH SERVICES

DOCKET NO. 16-0737-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 56-202, Idaho Code, and Sections 16-2404, 16-2406, 16-2423, 16-2433, 56-202(b), 56-203B, 56-204A, 56-1003, 56-1004, and 56-1004A, 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:

Under [Executive Order 2020-01: Zero-Based Regulation](#), the Department is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. The rule changes are intended to perform a comprehensive review of this chapter to streamline or simplify this rule language.

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 4th, 2024, Idaho Administrative Bulletin, [Vol. 24-9, page 428 through 446](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

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 will not be a negative fiscal impact exceeding \$10,000 to the state by this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jared Larsen at 208-334-5500.

DATED this 26th day of September, 2024.

Alex J. Adams, PharmD, MPH
Director
Idaho Department of Health & Welfare
450 W. State Street, 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
Alex.Adams@dhw.idaho.gov

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.01 – RULE TO IMPLEMENT THE PRIVACY OF CONSUMER FINANCIAL INFORMATION

DOCKET NO. 18-0101-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 41-1334, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

The proposed rule, promulgated under this Docket No. 18-0101-2401 by the Idaho Department of Insurance, was published in the September 4, 2024, Administrative Bulletin, [Vol. 24-9 pages 452 through 466](#). This Notice of Rulemaking hereby vacates the proposed rulemaking.

The purpose of this rule describes conditions when a licensee may disclose nonpublic personal financial information to affiliates and non-affiliated third parties. Also, this rule provides methods for individuals to prevent a licensee from disclosing that information. This rulemaking is being vacated after receiving comments from interested parties during the proposed rulemaking comment period that cannot be fully addressed during this rulemaking process. The Department plans to revisit this rulemaking at a future date.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Weston Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this 3rd day of October, 2024.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.03.02 – LIFE SETTLEMENTS

DOCKET NO. 18-0302-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 41-211 and 41-1965, 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 rule sets the requirements for the sale and settlement of life insurance contracts where the owner is an Idaho resident. 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 4, 2024 Idaho Administration Bulletin, [Volume 24-9, pages 467-472](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: No fee or charge imposed or increased.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this 3rd day of October, 2024.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.05.01 – RULES FOR TITLE INSURANCE REGULATION

DOCKET NO. 18-0501-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 41-2705, 41-211, and 41-1314, 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 purpose of this rule defines certain fair-trade practice standards for title insurance, defines and clarify Section 41-2702, Idaho Code, provides procedural rules for title insurers, agents; and escrow officers in order to protect consumers and preserve the financial stability of title insurers and agents. 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 4, 2024, Idaho Administrative Bulletin, [Volume 24-9, pages 475-488](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: No fee or charge imposed or increased.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this 3rd day of October, 2024.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.06.06 – SURPLUS LINE RULES

DOCKET NO. 18-0606-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

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 Section 41-12, 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 rule provides procedures for the placement of surplus line insurance. 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 4, 2024, Idaho Administrative Bulletin, [Volume 24-9, page 489-492](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: No fee or charge imposed or increased.

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: None.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Weston Trexler, (208) 334-4214, weston.trexler@doi.idaho.gov.

DATED this 3rd day of October, 2024.

Dean L. Cameron, Director
Idaho Department of Insurance
700 W. State Street, 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Phone: (208) 334-4250
Fax: (208) 334-4398

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.02.01 – RULES OF THE STATE ATHLETIC COMMISSION

DOCKET NO. 24-0201-2402 (ZBR NEW CHAPTER, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, 67-9413, and Section 54-406, 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 pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed is as follows:

Rule 002.03 – Athlete Guide to the 2020 Prohibited List: Updated the incorporation by reference to the World Anti-Doping Agency (WADA).

Rule 101.02 – Additional Examination: The language was changed to “Any licensed combatant who participates in an unsanctioned event, as determined by the Commission, will need to submit to a new physical or produce proof of medical clearance acceptable to the commission” to add clarity.

Rule 103 – Suspension: Reorganized the rule structure for clarity and flow into four subsections covering suspension, violation of Laws and Rules, honoring actions of agencies in other jurisdictions, and other. No substantive changes to the content were made to the rule language.

Rule 112.02 – Commission Involvement: Struck “which may be withdrawn at any time” as unnecessary language.

Rule 113.01 – Selection: Struck this rule as unnecessary since promoters choose the referees.

Rule 115.02.g. – Suspension and Revocation: Struck the rule as unnecessary and too broad.

Rule 115.05 – Temporary Suspension: Changed the language to clarify that this rule only applies during a sanctioned event.

Rule 115.04 – Disciplinary Action for Use of Dishonest Methods: The Commission changed the language to read “will not be eligible to be reinstated” to clarify that the process is not automatic.

Rule 115.07 – Unsanctioned Events: The Commission struck the rule as redundant to Rule 101.02.

Rule 116 – Amateur Athletic Sanctioning Organizations: The Commission changed the language to give the Commission sole discretion to approve entities to hold sanctioned amateur events that meet the requirements laid out in the subsections in the rule.

Rule 117 – Fees: To comply with Legislative Intent language, the fees changed in the proposed rule chapter have been reverted to the original fees as written in the currently effective rule chapter.

Rule 204 – Prohibited Substances: The Commission struck language referencing WADA as redundant to Rule 002.03 and added a reference to Rule 002.03.

Rule 204.03.b. – Procedure for Testing for Prohibited Substance(s): The Commission changed the language to clarify the Commission’s process in conducting and overseeing drug testing of combatants, that only water may be consumed by a combatant from the time a drug test is requested to the time of collection, and that The Commission will ensure the chain of custody of the sample to the testing laboratory.

Rule 205 – Percentage of Gate Receipts to Combatant: The Commission changed the language from “price” to “value” of complimentary tickets to be deducted for combatant percentage payment.

Rule 207.02 – Combatants: The Commission struck the first two sentences of the rule as an overstep of authority by the Commission on a contract between a promoter and a combatant.

Rule 207.03 – Promoters: The Commission struck “advanced for transportation and maintenance” as an overstep of authority by the Commission on a contract between a promoter and a combatant.

Rule 207.05 – Timing: The Commission deleted the last sentence as unnecessary because a receipt of payment is sufficient proof of payment.

Rule 300 – Program for Charity: The Commission revised the language to state, “A promoter may present an event for charity upon application to the Commission. The Commission will review any application that includes the name of the benefiting charity and EIN establishing 501(c)(3) or (6) status before issuing a sanctioning permit for the contest or exhibition at the Commission's sole discretion The Commission may waive any rules within this chapter, including fees, for charity events.” This language will allow a path for charity events to be sanctioned by the Commission.

Rule 300.02 – Certified Itemized Statement: The Commission changed the timeframe to submit the itemized statement to the Commission from 72 hours to 5 business days based on stakeholder feedback.

Rule 400.01.e. – Tickets: The Commission struck “medical” from emergency medical personnel as redundant of itself. Removal of “medical” allowed police and fire personnel to be included in the “emergency personnel” definition.

Rule 400.01.f. – Tickets: The Commission moved the language identifying non-medical emergency personnel to 400.01.e. The Commission moved language exempting the press from purchasing tickets from 400.02.b into this rule.

Rule 400.02.a. – Complimentary Tickets: The Commission struck the rule as violating Idaho Code § 54-411(2).

Rule 400.02.b. – Complimentary Tickets: The Commission struck the rule as redundant of the new language in Rule 400.01.f.

Rule 400.03 – Tickets: The Commission swapped the language in Rule 400.04 and Rule 400.03 to make the structure flow better. The Commission changed “gross revenue” to “all revenue” in the new language for Rule 400.03.

Rule 400.03.a. – Tickets: The Commission changed the language to state a licensee cannot resell tickets because prohibiting all reselling of tickets is too broad and unenforceable.

Rule 415 – Tickets – Removal and Retention After Match – Destruction: The Commission deleted the rule as outdated.

Rule 501 – Medical Preparedness: The Commission added language stating medical personnel must be present at a sanctioned event to ensure medical personnel is on-site at an event.

Rule 700.02 – Gloves: The Commission struck the first sentence as redundant to the rest of the rule.

Rule 800.06.b. – Bandaging of Combatant’s Hand: The Commission added language that allows a combatant to waive the privilege to witness the bandaging of their opponent.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 4, 2024 Idaho Administrative Bulletin, [Vol. 24-8, pages 88-107](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 54-406, Idaho Code, the fee(s) in this rulemaking are established in Rule 117. None of these fees are being changed because of this rulemaking or since being previously reviewed by the Idaho Legislature.

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 not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

DOCKET NO. 24-0201-2402 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is ***double underscored*** indicates amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 24-8, August 7, 2024, pages 88 through 107.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-0201-2402

(Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.)

24.02.01 – RULES OF THE STATE ATHLETIC COMMISSION

002. INCORPORATION BY REFERENCE.

Pursuant to Section 67-5229, Idaho Code, this chapter incorporates by reference the following documents available on the Commission’s website: ()

01. Association of Boxing Commissions and Combative Sports Unified Rules of Boxing Amended 2016. This document can be accessed online here: <https://www.abcboxing.com/unified-rules-boxing/>. ()

02. Association of Boxing Commissions and Combative Sports Unified Rules of Mixed Martial Arts. This document can be accessed online here: <https://www.abcboxing.com/wp-content/uploads/2022/08/unified-rules-mma-july-2022.pdf>. ()

03. Athlete Guide to the 2024 Prohibited List. Published by the World Anti-Doping Agency (WADA). Copyright date 2024. This document can be accessed online at: https://www.wada-ama.org/sites/default/files/2023-09/2024list_en_final_22_september_2023.pdf. ()

(BREAK IN CONTINUITY OF SECTIONS)

101. COMBATANT.

01. Age of Combatant. The Commission will review all complete applications for a combatant license so that the applicant’s experience and fitness may be considered before a license is issued, if the applicant has: ()

a. Not reached eighteen (18) years of age; or ()

b. Reached thirty-six (36) years of age. ()

c. Poor Vision. The Commission will not issue a license to engage in unarmed combat to any applicant who is found to be blind in one (1) eye or whose vision in one (1) eye is so poor that a physician recommends that no license be granted. No exceptions will be made. ()

d. Cerebral Hemorrhage. Any person who has suffered a cerebral hemorrhage will not be issued a license. ()

e. Serious Head Injuries. The Commission will review the application of any person who has suffered a serious head injury before a license is issued to that person. ()

02. Additional Examination. Any licensed combatant who participates in an unsanctioned event, as determined by the Commission, will need to submit to a new physical or produce proof of medical clearance acceptable to the Commission. ()

03. Blood Testing. The Commission will not issue a license to or allow an athlete to compete in an event, if the athlete, within the six (6) months immediately preceding the application for licensure or the event at which the licensee wishes to compete, has tested positive for the HIV virus, Hepatitis B Surface Antigen and Hepatitis C Antibody, or illegal drugs or other substances. Upon application for a license, the athlete will submit with the application a blood test report from a blood test conducted within the six (6) months preceding the application date. The blood test must have tested the athlete for HIV virus, Hepatitis B Surface Antigen, Hepatitis C Antibody, and illegal drugs and substances. Additionally, each combatant who is to compete in an event will, at the start of the event, provide the Commission with a blood test report from a blood test conducted within the six (6) months

immediately preceding the event. The Commission may, in its discretion, request addition blood tests. ()

04. Drug Abuse. The Commission will not issue a license to an athlete who has a recent history of drug abuse, without proof of participation in a recognized drug rehabilitation program and/or submission to urinalysis. ()

05. Blood Testing and Five Panel Drug Test Results. Results must show blood concentrate percentages. ()

(BREAK IN CONTINUITY OF SECTIONS)

103. SUSPENSION.

01. Medical Safety. Ringside physicians may suspend a licensee for medical safety, as set forth in this chart. A ringside physician may additionally require proof of medical clearance for release of suspension:

Technical Knockout (TKO) Occurrence	Loss of Consciousness	Suspension
1	None	30 Days
1	Less than one minute	90 Days
1	Greater than one minute	180 Days
2 in 90 days	None	90 Days
2 in 90 days	Less than one minute	180 Days
2 in 90 days	Greater than one minute	360 Days
3 in 365 days	None	12 Months
3 in 365 days	Regardless of time	18 Months

()

02. Violation of Laws or Rules. A violation of another state's laws or rules governing boxing, wrestling, martial arts, or any other sport which also exists in this state, shall be grounds for suspension of a combatant. ()

03. Honoring Actions of Agencies in Other Jurisdictions. The Commission may honor the suspension actions of agencies in other jurisdictions which regulate boxing, wrestling, martial arts, or any other sport may suspend a combatant's license in Idaho as determined by the Commission. ()

04. Other. The Commission may also suspend for any other conduct which discredits boxing, wrestling, martial arts, or any other sport as determined by the Commission. ()

(BREAK IN CONTINUITY OF SECTIONS)

112. OFFICIALS OF EVENTS.

01. Officials Described. The officials of events are the referee, judges, timekeeper, physician, and the Commission's agents. ()

02. Commission Involvement. The Commission will have final approval of all officials. The promoter may select the announcer subject to the Commission's approval. ()

113. REFEREES.

01. Protests. If any licensee of the Commission protests the assignment of a referee, the protesting licensee will be given a hearing by the Commission if time permits. If time does not permit, the matter will be heard by two (2) Commissioners in order to make such disposition of the protest as the facts may justify. Protests not made in a timely manner may be summarily rejected. ()

02. Physical Examination. Each referee licensed by the Commission may be required to submit to or provide proof of a complete physical examination, including an eye examination. ()

(BREAK IN CONTINUITY OF SECTIONS)

115. DISCIPLINE.

01. Grounds for Discipline. The Commission may take disciplinary action including denial, suspension, or revocation of a license, or other appropriate action, against an applicant or licensee for: ()

- a.** Violation of the laws or rules of the Commission. ()
- b.** A felony conviction relevant to licensure with the Commission; ()
- c.** Engaging in illegal bookmaking; ()
- d.** Engaging in any illegal gambling activity; ()
- e.** Engaging in any fraud or misrepresentation in the application process; ()
- f.** A recent history of drug abuse or failing a drug test or refuses to submit to a drug test; ()
- g.** Being under suspension from any other commission; ()
- h.** Failure to report to the Commission a request or suggestion that a contest not be conducted honestly. ()
- i.** Engaging in any activity or practice which is detrimental to the best interests of a contest regulated by the Commission. ()
- j.** Failing to appear to an agreed-upon event without written good cause from a physician designated by the Commission prior to weigh in; or ()
- k.** Allowing any person under suspension to take part as a participant or in arranging or conducting matches or exhibitions. ()

02. Suspension of Revocation. Licensees with suspended or revoked licenses of this state or another state may not: ()

- a.** Participate in contests; ()
- b.** Participate in matchmaking or holding contests; ()
- c.** Enter dressing rooms at the premises where any program of is being held; ()

- d. Sit within six (6) rows of seats from the ring platform; ()
- e. Approach within six (6) rows of seats from the ring platform; ()
- f. Communicate in the arena or near the dressing rooms with any of the principals in the contests, their managers, their seconds, or the referee, whether directly or by a messenger, during any program. ()

03. Removal from Premises. Persons who violate the above rule may be ejected from the arena or building where the program is being held, and thereafter, are barred entirely from all premises used for contests or exhibitions while the programs are being held. ()

04. Disciplinary Action for Use of Dishonest Methods. Any license revoked for dishonesty, influencing the outcome of any contest, or for conduct reflecting serious discredit upon the sport, will not be eligible to be reinstated for six (6) months for the first offense and permanently in the event of a second violation. ()

05. Temporary Suspension. A manager under temporary suspension forfeits all managerial rights related to any licensed combatant during any sanctioned event. A combatant, matchmaker, or promoter who engages with a suspended manager may be indefinitely suspended. ()

06. Continuation. A combatant whose manager is suspended may compete independently and sign match contracts. Promoters may not pay a suspended manager or their agent, but must pay the combatant in full. ()

116. AMATEUR ATHLETIC SANCTIONING ORGANIZATIONS.

The Commission, in its sole discretion, may approve an entity as an officially recognized amateur athletic sanctioning organization that may sanction amateur events which: ()

- 01. Application. Submits an application on a Commission approved form. ()
- 02. Minimum Experience. Can demonstrate that its officers or principals have a minimum of three (3) years total combined amateur or professional experience in at least three (3) of the following areas: ()
 - a. Referee; ()
 - b. Promoter; ()
 - c. Judge; ()
 - d. Inspector; or ()
 - e. Training and instruction at an established business. ()
- 03. Authorized Business. Is duly registered with the Idaho Secretary of State as a business authorized to work in Idaho, including a current tax registration through the Department of Revenue. ()

117. FEES.

FEE TYPE	AMOUNT	RENEWAL
Professional Combatant	\$150.00	\$150.00
Amateur Combatant	\$100.00	\$100.00
Non-combatant	\$150.00	\$150.00
Matchmaker	\$250.00	\$250.00

Promoter	<u>\$1,000.00</u>	<u>\$750.00</u>
Sanction permit	<u>\$200.00</u>	<u>\$200.00</u>
Ring official	<u>\$150.00</u>	<u>\$150.00</u>

()

(BREAK IN CONTINUITY OF SECTIONS)

204. PROHIBITED SUBSTANCES.

Prohibited substances as incorporated by reference in Rule 002.03 are regulated by the Commission in the following manner: ()

01. Urinalysis. A combatant will submit to a urinalysis or chemical test before or after a contest if the Commission directs him to do so. ()

02. Suspension. A Combatant who tests positive for a prohibited substance in quantities prohibited by the incorporated document will forfeit purse. ()

03. Procedure for Testing for Prohibited Substance(s). ()

a. The Commission reserves the right to conduct random drug testing. Combatants may be tested by urine specimen or blood test at the discretion of the Commission. Such drug testing may be overseen by a Commission-approved Physician, including all collection of samples, at the Commission's discretion. ()

b. From the time a test is requested to the time a sample is collected, only water may be consumed. ()

c. The physician or agent of the Commission will transport the sample to the testing laboratory while maintaining the chain of custody. ()

205. PERCENTAGE OF GATE RECEIPTS TO COMBATANT.

Each combatant working on a percentage basis will be paid on the basis of the net receipts of each exhibition after state and federal taxes, ring expenses, and the value of complimentary tickets have been deducted. ()

(BREAK IN CONTINUITY OF SECTIONS)

207. PAYMENTS.

01. Generally. All payments must be made in legal tender including bank checks and transfers, unless specified by contract with approval of the Commission. ()

02. Combatants. Consistent with Section 54-402, Idaho Code, promoters may not compensate amateurs for participating in or being associated with events, including paying an amateur to sell tickets or merchandise or provide services related to an event. ()

03. Promoters. Promoters may withhold from a combatant's purse money, if agreed upon in writing and approved by the Commission, up to ten percent (10%) of the purse. Reconciliation of these expenses and payment of the remaining purse shall be made to the Commission within seven (7) working days after the contest, and written approval of the combatant. The Commission may grant an extension of up to thirty (30) days for good cause shown. ()

04. Manager's Share. A manager's share of the purse may be deducted and paid directly to the manager if the contract so specifies. ()

05. Timing. Checks or cash shall be released to entitled persons immediately after the contest of exhibition, or after the combatant's percentage of net receipts is determined, unless otherwise ordered by the Commission. ()

06. Alternative Payment. The Commission may permit alternative forms of payment, subject to a written request from the promoter at least thirty (30) days before the contest, detailing the proposed method of payment and showing good cause for a waiver of the Commission's provisions. The promoter shall comply with all Commission requirements and procedural directives if the request is granted. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. PROGRAM FOR CHARITY.

01. Application. A promoter may present an event for charity upon application to the Commission. The Commission will review any application that includes the name of the benefiting charity and EIN establishing 501(c)(3) or (6) status before issuing a sanctioning permit for the contest or exhibition at the Commission's sole discretion. The Commission may waive any rules within this chapter, including fees, for charity events. ()

02. Certified, Itemized Statement. Within five (5) business days after such a program is held, the promoter will furnish to the Commission a certified itemized statement of the receipts and expenditures in connection with the program and the net amount paid to the charitable fund or organization. If the promoter fails to file the statement within the prescribed time, the Commission: ()

- a.** May suspend or revoke the promoter's license; and ()
- b.** May prohibit the promoter from holding any program for charitable purposes. ()

(BREAK IN CONTINUITY OF SECTIONS)

400. TICKETS.

01. Selling Tickets. Promoters may not sell tickets beyond the seating capacity of a venue; no standing room sections are allowed. All attendees must present a ticket, except: ()

- a.** A Commission designee or Commission member; ()
- b.** Persons designated by the Commission for official duty; ()
- c.** Officials attending under provisions of state law or these rules; ()
- d.** The principals, managers, and corners involved in the contest; ()
- e.** The emergency personnel on duty for the contest; ()
- f.** Press; and ()
- g.** Persons arranged by the promoter or employed by the venue for other duties. ()

02. Complimentary Tickets. Pursuant to Section 54-411(2), Idaho Code, complimentary tickets are

limited to two percent (2%) of the seats. ()

03. Revenue. All revenues from the contest must be reported to the Commission within thirty (30) days of the contest. The state fee on those gross receipts will be delivered to the Commission with this report. To comply with this section: ()

a. Licensees cannot resell or enter into a contract to resell tickets: ()

b. A promoter may not issue a ticket to any person for the purpose of readmission due to leaving the arena and later reentering the arena without the Commission's written permission; and ()

c. Requests for changes in ticket prices or dates of programs will be made in writing to the Commission for approval. ()

04. Inventory of Tickets. Promoters must prepare an inventory of all tickets and send that inventory to the Commission within thirty (30) days of any contest. ()

05. Records. The promoter must maintain records related to tickets and revenues for at least six (6) months. ()

401. – 499. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

501. MEDICAL PREPAREDNESS.

A promoter must contact the local fire department prior to any event to ensure adequate medical readiness coverage is present for the event. ()

(BREAK IN CONTINUITY OF SECTIONS)

700. GENERAL RULES NOT INCORPORATED BY REFERENCE.

01. Use of Official Rules for Art. Any rules not incorporated by reference must be submitted to the Commission for approval before the Commission will issue a sanctioning permit for the contest or exhibition at the Commission's sole discretion. ()

02. Gloves. For main and semi-main events, gloves will be in new condition and substantially similar for each combatant. ()

(BREAK IN CONTINUITY OF SECTIONS)

800. BOXING – RULES.

A licensed combatant in a boxing contest must adhere to the Unified Rules of the Association of Boxing Commissions and Combative Sports Unified Boxing Rules. ()

01. The Association of Boxing Commissions and Combative Sports. The Commission adopts the Unified Boxing Rules of the Association of Boxing Commissions and Combative Sports as the official Rules of the Idaho Athletic Commission for boxing. ()

02. Weights and Classes of Boxing Combatants. The classes and weights for each class are shown in

the following schedule:

- a. Strawweight – up to one hundred five (105) pounds. ()
 - b. Light-Flyweight – over one hundred five (105) to one hundred eight (108) pounds. ()
 - c. Flyweight – over one hundred eight (108) to one hundred twelve (112) pounds. ()
 - d. Super Flyweight – over one hundred twelve (112) to one hundred fifteen (115) pounds. ()
 - e. Bantamweight – over one hundred fifteen (115) to one hundred eighteen (118) pounds. ()
 - f. Super Bantamweight – over one hundred eighteen (118) to one hundred twenty-two (122) pounds. ()
 - g. Featherweight – over one hundred twenty-two (122) to one hundred twenty-six (126) pounds. ()
 - h. Super Featherweight – over one hundred twenty-six (126) to one hundred thirty (130) pounds. ()
 - i. Lightweight – over one hundred thirty (130) to one hundred thirty-five (135) pounds. ()
 - j. Super Lightweight – over one hundred thirty-five (135) to one hundred forty (140) pounds. ()
 - k. Welterweight – over one hundred forty (140) to one hundred forty-seven (147) pounds. ()
 - l. Super Welterweight – over one hundred forty-seven (147) to one hundred fifty-four (154) pounds. ()
 - m. Middleweight – over one hundred fifty-four (154) to one hundred sixty (160) pounds. ()
 - n. Super Middleweight – over one hundred sixty (160) to one hundred sixty-eight (168) pounds. ()
 - o. Light-Heavyweight – over one hundred sixty-eight (168) to one hundred seventy-five (175) pounds. ()
 - p. Cruiserweight – over one hundred seventy-five (175) to two hundred (200) pounds. ()
 - q. Heavyweight – all over two hundred (200) pounds. ()
- 03. Exceeding Weight Allowances.** No contest may be scheduled and no combatant may engage in a boxing contest without the approval of the Commission if the difference in weight between combatants exceeds the allowance shown in the following schedule: ()
- a. Up to one hundred eighteen (118) pounds – not more than three (3) pounds. ()
 - b. One hundred eighteen (118) to one hundred twenty-six (126) pounds – not more than five (5) pounds. ()
 - c. One hundred twenty-six (126) to one hundred thirty-five (135) pounds – not more than seven (7) pounds. ()
 - d. One hundred thirty-five (135) to one hundred forty-seven (147) pounds – not more than nine (9) pounds. ()

e. One hundred forty-seven (147) to one hundred sixty (160) pounds – not more than eleven (11) pounds. ()

f. One hundred sixty (160) to one hundred seventy-five (175) – not more than twelve (12) pounds. ()

g. One hundred seventy-five (175) to one hundred ninety-five (195) pounds – not more than twenty (20) pounds. ()

h. One hundred ninety-five (195) pounds and over – no limit. ()

04. Licensing Exemption. Amateur Boxing Organizations that meet the conditions set forth within Section 54-406(3)(b), Idaho Code, are considered exempt from the licensing requirements set forth in these rules. ()

05. Boxing Gloves. The gloves used in a boxing contest must meet the following requirements: ()

a. All gloves will be examined by the Commission and the referee. The Commission or referee may require the examined gloves to be discarded and replaced with gloves acceptable to the Commission. ()

b. The gloves for every main event will be new, of the same brand for both combatants, furnished by the promoter, and of the size specified by the Commission. ()

c. Each combatant will wear gloves that are not less than eight (8) ounces and not more than ten (10) ounces in weight except that the Commission will set the weight of gloves to be used in a championship fight. Eight (8) ounce gloves will be used for all weight classes through welterweight (one hundred forty-seven (147) lbs). Super welterweight (above one hundred forty-seven (147) lbs) and above must use ten (10) ounce gloves. ()

06. Bandaging of Combatant's Hands. Bandages may not exceed one (1) winding of surgeon's adhesive tape, not over one and one-half (1 1/2) inches wide, placed directly on the hand to protect the part of the hand near the wrists. The tape may cross the back of the hand twice but may not extend within three-fourths (3/4) inch of the knuckles when the hand is clenched to make a fist. ()

a. Each combatant will use soft surgical bandage not over two (2) inches wide, held in place by not more than six (6) feet of surgeon's adhesive tape for each hand. Up to one (1) fifteen (15) yard roll of bandage may be used to complete the wrappings for each hand. Strips of tape may be used between the fingers to hold down the bandages. ()

b. Bandages must be adjusted in the dressing room in the presence of the Commission and both combatants. Either combatant may waive this privilege. ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.08.01 – RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-2401 (ZBR CHAPTER REWRITE, FEE RULE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-1106 and 54-1107, 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 pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed is as follows:

Rule 100.06.d.i. was edited to include the word “including” to specify that the section does not apply to only alkaline hydrolysis, but simply includes alkaline hydrolysis among all other disposal methods.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Vol. 24-9, pages 498-507](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 54-1115, Idaho Code, the fee(s) in this rulemaking are established in Rule 400. During the 2024 Legislative session, House Bill 505 was passed by the Legislature. This bill moves all boards to a biennial renewal cycle and updates all fees set through Idaho Code from an annual rate to a biennial rate. The Idaho Board of Morticians fees are established within their administrative rules, therefore the increase of fees found in these proposed rules updates all fees within the fee table from an annual rate to a biennial rate.

Additionally, during the 2023 Legislative session, the Joint Finance Appropriations Committee required the Division to report on year-end cash balances for all boards and to present a plan for all boards where the cash balances either exceed 125% or drops below 30% of the Division’s five-year rolling average of expenditures, pursuant to intent language found in Senate Bill 1201 passed by the Legislature. In response to the report and the plan, the board voted to address the board’s low cash balance by adjusting the fees upwards of 20% within these proposed rules.

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 not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

DOCKET NO. 24-0801-2401 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-9, September 4, 2024, pages 498 through 507.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-0801-2401
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

24.08.01 – RULES OF THE STATE BOARD OF MORTICIANS

~~250100. RESIDENT TRAINEE LICENSURE.~~

~~A Resident Trainee is a person who is licensed to train, under the direct and immediate supervision of a sponsoring mortician, to become a licensed mortician or funeral director.~~ (3-28-23)

01. ~~Training Requirements~~ *Resident Trainee.* To be licensed as a Resident Trainee, as defined in Section 54-1112, Idaho Code, an applicant must meet the following requirements. (3-28-23)()

a. ~~Full-time employment requires that the~~ *To meet the twelve (12) month requirement set forth in Idaho Code 54-1109(2)(b), a* Resident Trainee be employed for at least thirty-six (36) hours per week ~~for fifty (50) weeks per year~~ within ~~the an~~ Idaho mortuary where the Resident Trainee's sponsoring mortician is practicing *for the entirety of any twelve (12) months within the three-year trainee period set forth in Idaho Code 54-1112(4).* (3-28-23)()

i. ~~At least three-fourths (3/4) of the Resident Trainee's training must consist of the sponsoring mortician instructing and demonstrating practices and procedures to increase the Resident Trainee's knowledge of the service performed by a mortician or a funeral director as defined in Chapter 11, Title 54, Idaho Code.~~ (3-28-23)

~~ii.b.~~ ~~For the balance of the required hours, Personal supervision as required in Chapter 11, Title 54, Idaho Code, shall be defined as~~ the sponsoring mortician, or ~~his~~ a licensed appointee, ~~must be~~ being immediately available in person or remotely to consult with the Resident Trainee. (3-28-23)()

~~bc.~~ All training must occur within Idaho. (3-28-23)

~~ed.~~ A Resident Trainee shall not sign a death certificate. (3-28-23)

02. Sponsoring Mortician. A sponsoring mortician must: (3-28-23)

a. Be an Idaho-licensed mortician who practices in Idaho. (3-28-23)

b. Not serve as the sponsoring mortician for more than two (2) "Resident Trainees at any given time." (3-28-23)()

c. Supervise and instruct the Resident Trainee, and provide demonstrations for and consultations to the Resident Trainee, ~~as described in Subsection 250.01, of this rule.~~ (3-28-23)()

d. Complete and co-sign, with the Resident Trainee, quarterly and final reports. These reports must be completed on forms approved by the Board ~~and document the information described in Subparagraphs 250.04.c. and 250.04.d., of this rule.~~ The sponsoring mortician must ~~promptly~~ submit a report within thirty (30) days after the period of time covered by the report ~~ends.~~ (3-28-23)()

e. Promptly notify the Board in writing if a Resident Trainee's training is terminated, ~~including termination due to interruption as specified in Subsection 250.05, of this rule~~ and submit a final report documenting training up to the termination date. (3-28-23)()

03. Eligibility to Be Licensed. For purposes of accounting for total cumulative training as a Resident Trainee, the sponsoring mortician must notify the Division at the beginning and termination of the training period. ~~When a Resident Trainee completes training, the Resident Trainee must complete the remaining qualifications for licensure as a mortician or funeral director within the following three (3) years or show good reason for further delay.~~ (3-28-23)()

04. Inactive Licenses. Licensees may apply for inactive status by making written application and paying the established fee. ()

a. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho. ()

b. An inactive license holder may convert from inactive to active license status by: ()

i. Providing documentation to the Board showing successful completion within the previous twelve (12) months of the continuing education requirements for renewal of an active license; and ()

ii. Paying a fee equivalent to the difference between the current inactive fee and the active renewal fee. ()

05. Continuing Education. Each Idaho licensed mortician and funeral director must successfully complete a minimum of ten (10) hours of continuing education biennially for license renewal, such hours must be verified by a certificate of attendance which may be audited by the Board. A licensee shall not be required to complete continuing education in their first renewal period after initial licensure. The continuing education must be germane to the profession and approved by the Board. The Board has discretion to exempt a licensee from this requirement for reasons of individual hardship, including health, or other good cause. Applicants seeking reinstatement must provide proof of attendance of ten (10) hours of continuing education for the previous twenty-four (24) months. ()

06. Funeral Establishment and Crematory Establishment. Applicants shall submit a Board approved application form. A walk-through inspection of the establishment must be arranged and completed before the board will issue an establishment license. ()

a. Change in Ownership or Location. Any change in the ownership or location of a funeral establishment shall constitute a new funeral establishment for the purposes of licensure. ()

b. Funeral Establishment. All funeral establishments shall be required to provide each of the following: ()

i. An operating room and necessary equipment for embalming; ()

ii. A selection room for caskets and merchandise which may include video, catalogs, and electronic depiction of caskets and merchandise; ()

iii. A chapel where funeral or other religious ceremonies may be held; and ()

iv. A room for viewing and visitation. ()

c. Crematory Establishment. All crematory establishments shall be required to provide each of the following: ()

i. Detailed information regarding each retort, specifically documenting that each retort and accompanying equipment is listed by an approved testing agency as listed in the Uniform Fire Code or in the case of alkaline hydrolysis, an appropriate purpose-built vessel with documented validation for sterilization; and ()

ii. One (1) set of plans approved by the local building department for the proposed new construction or remodeling where the retort is to be located. ()

d. Minimum Standards. ()

i. Reasonable Sanitation and Safety Required. No license will be issued to operate a funeral establishment or crematory unless it is apparent that the establishment or crematory can and will be operated in a reasonably sanitary and safe manner and that all pertinent federal, state, and local permits have been obtained, including when operating an alkaline hydrolysis retort. ()

ii. Delay Before Cremation. No dead human body, regardless of cause of death, is to be cremated, unless the county coroner in the county in which the death occurred gives written authorization to cremate the body. ()

iii. Embalming. If a dead human body is to be held longer than twenty-four (24) hours prior to burial, cremation, or other disposition, the body must be either embalmed or refrigerated at thirty-six degrees Fahrenheit (36F) or less until buried, cremated, or otherwise disposed of. ()

iv. Casket Not Necessary. While caskets may be used in cremation, a crematorium may develop internal requirements allowing other containers for aesthetic or sanitary reasons. ()

v. Funeral Rule. Licensees are required to comply with Federal Funeral Industry Practices, 16 CFR Part 453, commonly known as the Funeral Rule. ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.29.01 – RULES OF PROCEDURE OF THE IDAHO CERTIFIED SHORTHAND REPORTERS BOARD

DOCKET NO. 24-2901-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 67-9404, 67-9405, 67-9406, 67-9409, 67-9413, and 54-3101 through 54-3118, 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:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Certified Shorthand Reporters Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. 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 August 7, 2024, Idaho Administrative Bulletin, [Vol. 24-8, pages 108-112](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 54-3110, Idaho Code, the fee(s) in this rulemaking are established in Rule 400. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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 not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.32.01 – RULES OF THE IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

DOCKET NO. 24-3201-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, and 54-1208(1), 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 pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed is as follows:

Technical, non-substantive edits throughout the docket.

Defines the “Division” as the Division of Occupational and Professional Licenses in Rule 002.03.

Removes reexamination for failed attempts language for land surveyor licensure from Rule 100.03.b.

Adds language to clarify continuing education requirements for land surveyors and professional engineers separately in Rule 100.05.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Vol. 24-9, pages 520-541](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Sections 54-1213, 54-1214, 54-1216, and 54-1219, Idaho Code, the fee(s) in this rulemaking are established in Rule 400. None of these fees are being changed as a result of this rulemaking or since being previously reviewed by the Idaho Legislature.

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 not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
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DOCKET NO. 24-3201-2401 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-9, September 4, 2024, pages 520 through 541.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3201-2401

(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

**24.32.01 – RULES OF THE IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

~~0402.~~ 02. DEFINITIONS.

The following terms are used as defined below: (3-28-23)

01. ~~Certificate Holder~~ *ANSAC*. Any person holding a current certificate as an Engineer Intern or a Land Surveyor Intern or a business entity (which is also herein referred to as a “person”) holding a current certificate of authorization, which has been duly issued by the Board *Applied and Natural Science Accreditation Commission*. (3-28-23)()

02. **Deceit.** To intentionally misrepresent a material matter, or intentionally omit to disclose a known material matter. (3-28-23)

03. *Division. The Division of Occupational and Professional Licenses.* ()

04. *EAC-ABET. Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology.* ()

05. ETAC. Engineering Technology Accreditation Commission. ()

036. **Incompetence.** Failure to meet the standard of care. (3-28-23)

04. Licensee. Any person holding a current license as a Professional Engineer, a Professional Land Surveyor, or a combination thereof, which has been duly issued by the Board. (3-28-23)

057. **Misconduct.** A violation or attempt to violate these rules or statutes applicable to the practice of engineering or surveying, or to knowingly assist or induce another to do so, or do so through the acts of another; a finding of guilt of commitment of a felony or a plea of guilty to a felony; commit fraud or deceit; failure to respond within twenty (20) days of an inquiry from the Board or its representative, unless such time is extended by the Board for justifiable cause; state or imply an ability to influence improperly a government agency or official. (3-28-23)

08. NCEES. National Council of Examiners for Engineering and Surveying. ()

003 – 099. (RESERVED)

100. LICENSURE.

01. Qualifications for Licensure. ()

a. Completion of Application. The application by a business entity for a certificate of authorization to practice or offer to practice engineering or land surveying must set forth its address, and name and address of the individual, or individuals, duly licensed to practice engineering or land surveying in this state, who will be in responsible charge of engineering or land surveying services offered or rendered by the business entity in this state. ()

b. Submittal of Applications and Examination Cutoff Date. Submittal of applications for licensure or intern certification must occur after passing the required. NCEES examinations. ()

i. Only experience up to the date of submittal of the application for licensure will be considered as valid, unless otherwise approved by the Board. ()

ii. Applications for certification as engineering or surveying interns are submitted after passing the Fundamentals of Engineering or the Fundamentals of Surveying examination and providing evidence of graduation with required educational credentials. ()

c. Minimum Boundary Survey Experience. Two (2) years of the required four (4) years of experience must be boundary survey experience as a condition of professional land surveyor licensure. ()

02. Educational Requirements. The application for licensure as a professional engineer or professional land surveyor together with a passing score on the written ethics questionnaire is considered in the determination of the applicant's eligibility. Prescriptive education requirements are as follows: ()

a. In regard to educational requirements, the Board will unconditionally approve only those engineering programs that are accredited by the Engineering Accreditation Commission (EAC) of ABET, Inc., or the bachelor's degree programs accredited by the Canadian Engineering Accrediting Board, or those bachelor's degree programs that are accredited by official organizations recognized by the U.K. Engineering Council. ()

b. Non-EAC-ABET accredited engineering programs, related science programs, and engineering technology programs will be considered by the Board on their specific merits but are not considered equal to engineering programs accredited by EAC-ABET. An applicant must have completed the following: ()

i. Thirty-two (32) college semester credit hours of higher mathematics and basic sciences. The credits in mathematics must be beyond algebra and trigonometry and emphasize mathematical concepts and principles rather than computation. Courses in differential and integral calculus are required. Additional courses may include differential equations, linear algebra, numerical analysis, probability and statistics and advanced calculus. The credits

in basic sciences must include at least two (2) courses. These courses must be in general chemistry, general calculus-based physics, or general biological sciences; the two (2) courses may not be in the same area. Additional basic sciences courses may include earth sciences (geology, ecology), advanced biology, advanced chemistry, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements. Basic engineering science courses or sequence of courses in this area are acceptable for credit but may not be counted twice. ()

ii. Twelve (12) college credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are philosophy, religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics (micro and macro), professional ethics, and social responsibility. Language courses in the applicant's native language are not acceptable for credit; no more than six (6) credit hours of foreign language courses are acceptable for credit. Native language courses in literature and civilization may be considered in this area. The Board may waive these requirements at its discretion. ()

iii. Forty-eight (48) college credit hours of engineering science and/or engineering design courses. Courses in engineering science must be taught within the college / faculty of engineering having their roots in mathematics and basic sciences but carry knowledge further toward creative application of engineering principles. Examples of approved engineering science courses are mechanics, thermodynamics, heat transfer, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. Graduate level engineering courses may be included to fulfill curricular requirements in this area. Engineering technology courses cannot be considered to meet engineering topic requirements. ()

c. In regard to educational requirements, the Board will unconditionally approve only those surveying programs that are accredited either by the Engineering Accreditation Commission (EAC), the Applied and Natural Science Accreditation Commission (ANSAC) or the Engineering Technology Accreditation Commission (ETAC) of ABET, Inc. Non-EAC-ETAC and non-ANSAC accredited surveying programs, related science programs, and surveying programs will be considered by the Board on their specific merits, but are not considered equal to surveying programs accredited by EAC-ETAC or ANSAC. An applicant must have completed the following: ()

i. Eighteen (18) college semester credit hours of mathematics and basic sciences. A minimum of twelve (12) credits in mathematics must be beyond basic mathematics, but the credits include college algebra or higher mathematics. These courses must emphasize mathematical concepts and principles rather than computation. Mathematics courses may include college algebra, trigonometry, analytic geometry, differential and integral calculus, linear algebra, numerical analysis, probability and statistics, and advanced calculus. A minimum of six (6) credits must be in basic sciences. These courses must cover one or more of the following topics: general chemistry, advanced chemistry, life sciences (biology), earth sciences (geology, ecology), general physics, and advanced physics. Computer skills and/or programming courses may not be used to satisfy mathematics or basic science requirements; ()

ii. Twelve (12) college semester credit hours in a general education component that complements the technical content of the curriculum. Examples of traditional courses in this area are religion, history, literature, fine arts, sociology, psychology, political science, anthropology, economics, professional ethics, and social responsibility. No more than six (6) credit hours of languages other than English or other than the applicant's native language are acceptable for credit. English and foreign language courses in literature and civilization may be considered in this area. Courses that instill cultural values are acceptable, while routine exercises of personal craft are not. The Board may waive these requirements at its discretion; ()

iii. Thirty (30) college semester credit hours of surveying science and surveying practice. Courses must be taught by qualified surveying faculty. Required courses will include a minimum of basic surveying, route surveying, geodesy, surveying law, public land survey system, and global positioning systems. Examples of additional surveying courses include geographic information systems, land development design and planning, photogrammetry, mapping, survey adjustment and coordinates systems, cartography, legal descriptions, and remote sensing. ()

d. The Board may require an independent evaluation of the engineering education of an applicant who

has a non-EAC-ABET accredited engineering degree or a non-engineering degree. Such evaluation must be done through an organization approved by the Board and be done at the expense of the applicant to ensure that the applicant has completed the coursework requirements of Subsection 017.03.b. ()

03. Examinations. ()

a. Two Examinations for Engineering Licensure. The examining procedure for licensure as a professional engineer consists of two (2) examinations: Fundamentals of Engineering examination; and the Principles and Practice of Engineering for professional engineer licensure. ()

b. Three Examinations for Land Surveying Licensure. The examining procedure for licensure as a professional land surveyor consists of three (3) written examinations: the Fundamentals of Surveying examination for land surveyor intern certification; the Principles and Practice of Surveying; and the Idaho specific professional land surveying examination. A passing score on the Idaho-specific professional land surveying examination will be set by the Board. ()

c. Reexaminations. The reexamination policy for each failed national examination will be established by NCEES. Reexamination for failed Idaho specific examinations will be allowed until a passing score is attained, but the Board may, in addition, require oral or other examinations. ()

04. Interstate Licensure/Comity. ()

a. Interstate Licensure Evaluation. Each application for an Idaho professional engineer license or professional land surveyor license submitted by an applicant who is licensed in one (1) or more states, possessions or territories or the District of Columbia, will be considered by the Board on its merits, and the application evaluated for substantial compliance with respect to the requirements of the Idaho law related to experience, examination, and education. A minimum of four (4) years of progressive experience after graduation with a bachelor's degree is required for licensure. Comity applicants must meet the education requirements and the following: ()

i. Graduates of bachelor of science engineering programs accredited by the Canadian Engineering Accrediting Board, or those university bachelor's of engineering programs that are accredited by official organizations recognized by the U.K. Engineering Council, will be considered to have satisfied the educational requirement for issuance of a license as a professional engineer. ()

ii. The Board may require an independent evaluation of the engineering education of an applicant who has a non-EAC-ABET accredited four (4) year bachelor's degree. Such evaluation must be performed by an organization approved by the Board and at the expense of the applicant to ensure they have completed the required coursework. ()

b. International Engineering Licensure Evaluation - Countries or Jurisdictions with Board Approved Licensure Process. The Board shall determine if the professional engineering licensure process in other countries or jurisdictions is substantially equivalent. The Board may waive prescriptive education and examination requirements if the applicant possesses a professional engineer in good standing, has a minimum of eight (8) years of experience after initial licensure, provided the applicant has no criminal or outstanding disciplinary. A licensing process in another country must include requirements of experience, education, testing, a code of professional responsibility, regulation of licensees including the ability to take disciplinary action and the willingness, availability, and capacity of a foreign licensing authority to release information to the Board in English. ()

c. International Engineering Licensure Evaluation - Countries or Jurisdictions Without a Board Approved Licensure Process. Each applicant who is licensed as a professional engineer in one (1) or more foreign countries or jurisdictions, will be considered by the Board on its merits. The applicant shall be evaluated for substantial compliance with the requirements of Idaho law with respect to experience, examination, and education. Two (2) years of the required four (4) years of experience must be in the United States, or experience working on projects requiring the knowledge and use of codes and standards similar to those in the United States validated by a professional engineer licensed in the United States. Applicants must have passed a professional engineering examination administered by NCEES. Prescriptive education requirements are as follows: ()

i. Graduates of bachelor's of engineering programs accredited by the Canadian Engineering Accrediting Board, or those university bachelor's of engineering programs that are accredited by official organizations recognized by the U.K. Engineering Council, will be considered to have satisfied the education requirement for issuance of a license as a professional engineer. ()

ii. The Board may require an independent evaluation of the engineering education of an applicant who has a non-EAC-ABET accredited four (4) year bachelor's degree. Such evaluation shall be performed by an organization approved by the Board and at the expense of the applicant to ensure they have completed the required coursework. ()

d. Business Entity Requirements. No application for a certificate of authorization to practice or offer to practice professional engineering or professional land surveying, or both, in Idaho by a business entity authorized to practice professional engineering or professional land surveying, or both, in one (1) or more states, possessions or territories, District of Columbia, or foreign countries are considered by the Board unless such application includes the name and address of the individual or individuals, duly licensed to practice professional engineering or professional land surveying or both in this state, who will be in responsible charge of the engineering or land surveying services, or both, as applicable, to be rendered by the business entity. Individuals must certify or indicate to the Board their willingness to assume responsible charge. ()

05. Continuing Education Requirements. The purpose of the continuing professional development requirement is to demonstrate a continuing level of competency of licensees. Every land surveyor licensee, including faculty license holders, shall meet thirty (30) PDH units per biennium of continuing professional development as a condition for licensure renewal. Every professional engineer licensee, including faculty holders, shall meet twenty-four (24) PDH units per biennium of continuing professional development as a condition for licensure renewal. A licensee may carry forward up to thirty (30) hours of excess continuing education per renewal period. Membership in a professional society will count as one (1) PDH per year, for a maximum of two (2) PDH per profession per year. A guidance document regarding PDH units shall be available on the Division's website. ()

06. Discontinued, Retired, And Expired Licenses and Certificates. ()

a. Reinstatement – Disciplinary. Licensees who choose to convert their license to retired status as part of a disciplinary action, in lieu of discipline, or in lieu of compliance with continuing professional development requirements, may be reinstated upon written request. The Board will consider the reinstatement request at a hearing. ()

b. Reinstatement – Nondisciplinary. Licensees who chose to convert their license to retired status not as part of a disciplinary action may request reinstatement in writing. Reinstatement may require a hearing. ()

c. Continuing Professional Development. Licensees requesting reinstatement must demonstrate compliance with the continuing professional development requirements described in these rules. ()

d. Eligibility. Unless otherwise approved by the Board, only active licensees are eligible to convert to retired status. ()

e. Discontinued Certificate of Authorization. Discontinued certificated are not eligible for reinstatement. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Seals. ()

a. Official Seal of Board. The official seal of this Board consists of the seal of the state of Idaho, surrounded with the words "Board of Professional Engineers and Professional Land Surveyors" and "State of Idaho." ()

b. Seals for Engineers and Land Surveyors. Seals prepared and approved prior to July 1, 2008, are valid for continued use. ()

c. Seal for Professional Engineer or Land Surveyor. Engineers obtaining licensure as land surveyors use the seal showing licensure as a Professional Engineer and Land Surveyor as adopted by the Board. Seals prepared and approved prior to July 1, 2008, are valid for continued use. ()

02. Responsibility to the Public. ()

a. Primary Obligation. All licensees and certificate holders must at all times recognize their primary obligation is to protect the safety, health and welfare of the public in the performance of their professional duties. ()

b. Standard of Care. Each licensee and certificate holder must exercise such care, skill and diligence as others in that profession ordinarily exercise under like circumstances. ()

c. Professional Judgment. If any licensee's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the Licensee or Certificate Holder must inform the employer or client of the possible consequences and, where appropriate, notify the Board or such other authority of the situation. ()

d. Obligation to Communicate Discovery of Discrepancy. Except as provided in the Idaho Rules of Civil Procedure 26(b)(4)(B), if a licensee or certificate holder, during the course of the licensee's work, discovers a material discrepancy, error, or omission in the work of another licensee or certificate holder, which may impact the health, property and welfare of the public, the discoverer must make a reasonable effort to inform the licensee or certificate holder whose work is believed to contain the discrepancy, error or omission. Such communication must reference specific codes, standards or physical laws which are believed to be violated and identification of documents which are believed to contain the discrepancies. The licensee or certificate holder whose work is believed to contain the discrepancy must respond within twenty (20) calendar days to any question about the licensee's work raised by another licensee or certificate holder. In the event a response is not received within twenty (20) calendar days, the discoverer must notify the licensee or certificate holder in writing, who has another twenty (20) calendar days to respond. Failure to respond (with supportable evidence) on the part of the licensee or certificate holder whose work is believed to contain the discrepancy is considered a violation of these rules and may subject the licensee or certificate holder to disciplinary action by the Board. The discoverer must notify the Board in the event a response that does not answer the concerns of the discoverer is not obtained within the second twenty (20) calendar days. A licensee or certificate holder is exempt from this requirement if their client is an attorney, and they are being treated as an expert witness. In this case, the Idaho Rules of Civil Procedure apply. ()

e. Obligation to Affected Landowners. Land surveyors have a duty to set monuments at the corners of their client's property boundaries. If a monument is to be set at a location that represents a material discrepancy with an existing monument at any corner of record, land surveyors must also notify in writing all affected adjoining land owners and the Board prior to setting the new monument. ()

03. Competency For Assignments. ()

a. Assignments in Field of Competence. A licensee must undertake to perform assignments only when qualified by education or experience in the specific technical field involved, however, a licensee, as the prime professional, may accept an assignment requiring education or experience outside of the licensee's own field of competence, but the licensee's services are restricted to those phases of the project in which the licensee is qualified. All other phases of such project must be performed by qualified associates, consultants or employees. For projects encompassing one (1) or more disciplines beyond the licensee's competence, a licensee may sign and seal the cover sheet for the total project only when the licensee has first determined that all elements of the project have been prepared, signed and sealed by others who are competent, licensed and qualified to perform such services. ()

b. Aiding and Abetting an Unlicensed Person. A licensee or certificate holder must avoid actions and procedures which, in effect, amount to aiding and abetting an unlicensed person to practice engineering or land

surveying. ()

04. Conflict of Interest. ()

a. Conflict of Interest to Be Avoided. Each licensee or certificate holder must conscientiously avoid conflict of interest with an employer or client, and, when unavoidable, must forthwith disclose the circumstances in writing to the employer or client. In addition, the licensee or certificate holder must promptly inform the employer or client in writing of any business association, interests, or circumstances which could influence a licensee's or certificate holder's judgment or quality of service or jeopardize the clients' interests. ()

b. Compensations From Multiple Parties on the Same Project. A licensee or certificate holder may accept compensation, financial or otherwise, from more than one (1) party for services on the same project, or for services pertaining to the same project, provided the circumstances are fully disclosed, in writing, in advance and agreed to by all interested parties. ()

c. Solicitation From Material or Equipment Suppliers. A licensee or certificate holder may not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying or recommending the products of said suppliers, except with full disclosure as outlined in Subsection 103.02. ()

d. Gratuities. A licensee or certificate holder may not solicit or accept gratuities, gifts, travel, lodging, loans, entertainment or other favors directly or indirectly, from contractors, their agents or other third parties dealing with a client or employer in connection with work for which the licensee or certificate holder is responsible, which can be construed to be an effort to improperly influence the licensee's or certificate holder's professional judgment. Minor expenditures such as advertising trinkets, novelties and meals are excluded. Neither may a licensee or certificate holder make any such improper offer. ()

e. Solicitation From Agencies. A licensee, a certificate holder, or a representative thereof may not solicit or accept a contract from a governmental authority on which an existing officer, director, employee, member, partner, or sole proprietor of the licensee's organization serves as a member of the elected or appointed policy and governing body of such governmental authority or serves as a member of an entity of such governmental authority having the right to contract or recommend a contract for the services of a licensee or certificate holder. ()

f. Professional Services Decisions of Agencies. A licensee, certificate holder, or representative thereof serving as a member of the governing body of a governmental authority, whether elected or appointed, or an advisor or consultant to a governmental Board, commission or department may at all times be subject to the statutory provisions concerning ethics in government, Section 74-401, Idaho Code, et seq. A violation of the "Ethics in Government Act of 2015" will be considered a violation of these rules. ()

g. Unfair Advantage of Position and Work Outside Regular Employment. When a licensee or an individual certificate holder is employed in a full-time position, the person may not use the advantages of the position to compete unfairly with other professionals and may not accept professional employment outside of that person's regular work or interest without the knowledge of and written permission or authorization from that person's employer. ()

05. Solicitation of Work. ()

a. Commissions. A licensee or certificate holder may not pay or offer to pay, either directly or indirectly, any commission, gift or other valuable consideration to secure work, except to employees or established business enterprises retained by a licensee or certificate holder for the purpose of securing business or employment. ()

b. Representation of Qualifications. A licensee or certificate holder may not falsify or permit misrepresentation of the licensee or the licensee associates' academic or professional qualifications and may not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment may not misrepresent pertinent facts concerning employers, employees, associates, joint venturers or the licensee or the licensee's past accomplishments with the intent and purpose of enhancing qualifications for the work. The licensee or certificate holder may not indulge in

publicity that is misleading. ()

c. Assignment on Which Others Are Employed. A licensee or certificate holder may not knowingly seek or accept employment for professional services for an assignment that another licensee or certificate holder is employed or contracted to perform without the currently employed or contracted entity being informed in writing. ()

d. Contingency Fee Contracts. A licensee or certificate holder may not accept an agreement, contract, or commission for professional services on a “contingency basis” that may compromise the licensee’s professional judgment and may not accept an agreement, contract or commission for professional services that includes provisions wherein the payment of fee involved is contingent on a “favorable” conclusion, recommendation or judgment. ()

e. Selection on the Basis of Qualifications. On selections for professional engineering and land surveying services that are required pursuant to Section 67-2320, Idaho Code, a licensee or certificate holder, in response to solicitations described in Section 67-2320, Idaho Code, may not submit information that constitutes a bid for services requested either as a consultant or subconsultant. ()

06. Form. The form to be used in filing corner perpetuations shall be available on the Division’s website. ()

a. Completion of Form. The professional land surveyor performing the work shall complete the form in compliance with the requirements set forth in these rules. Additional information, for example latitude and longitude, with datum used, may be included. ()

b. Contents on the Form. ()

i. Record of Original Corner and Subsequent History. Information provided in this section includes the name of the original surveyor and the date or dates on which the original survey was performed, and a description of the original monument set. The information also includes the history of subsequent remonumentation, including the name(s) of the surveyor(s), the agency or company they represented, the date(s) of the survey(s) and a description of all monuments found or set, including all monuments and accessories that are not shown on previously recorded corner records. Information provided in this section also includes the instrument numbers of all previously recorded corner records, or the filing information if the corner record was not recorded, pertaining to the corner in question. ()

ii. Description of Corner Evidence Found. Information provided in this section includes a description of any evidence found relating to the original corner. If no evidence of the original corner is found, evidence of a subsequent remonumentation shall be indicated on the form. ()

iii. Description and Sketch of Monument and Accessories Found or Established to Perpetuate the Location of this Corner. Information provided in this section includes a description and a sketch of the monument and accessories found or placed in the current survey as well as the date the work was performed and the true or assumed magnetic declination at the time of the survey if magnetic bearings are used. If magnetic bearings are not used, the professional land surveyor shall indicate the basis of bearing to accessories. ()

iv. Surveyor's Certificate. Include a print of the surveyor’s name, the license number issued by the Board, and the name of the employer for whom the surveyor is working. ()

v. Seal, Signature, Date. Include professional land surveyor’s seal, which is signed and dated by the surveyor. ()

vi. Marks on Monument Found or Set. Include a sketch or legible image of the marks found or placed on the monument, if applicable. ()

vii. Diagram. Include clear marks on the section diagram indicating the location of the monument found or being established or reestablished in the survey. ()

viii. Location. State the county, section, township, range and the monument location being established or reestablished or found in the survey. ()

07. State Plane Coordinates. The State Plane Coordinate System is defined by NOAA and NGS and is available on the Division's website. ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 24-3501-2401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 36-2107, 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, 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:

Rule 257.09.b. – Undesignated Tag Pool: Revises the language of allocated tag designation to prioritize outfitters with maximum usage of designated allocated tags.

Rule 257.09.d. – Undesignated Tag Pool: Simplifies the language to give all outfitters, regardless of tag use, an opportunity to pull from the undesignated tag pool.

Rule 257.09.e. – Undesignated Tag Pool: Strikes this proposed rule to collect further data on unused designated tags.

Rule 259.02 – (LS1) Little Salmon River: Additional language to clarify the bounds of the new opportunity and to comply with Idaho Fish and Game regulations.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 7, 2024 Idaho Administrative Bulletin, [Vol. 24-8, pages 113-133](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A

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 not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 4th day of October, 2024.

Krissy Veseth
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DOCKET NO. 24-3501-2401 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-8, August 7, 2024, pages 113 through 133.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3501-2401
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

257. DESIGNATION OF ALLOCATED DEER AND ELK TAGS.

For the purposes of this section, an outfitting operation is an outfitter licensee whose licensed activities include hunting for the species in the area of the allocated tag being designated. When IFGC allocates tags, the allocated tags will be designated pursuant to Section 36-2120, Idaho Code, and this rule. The designation applies for the next season unless IFGC adjusts the number of allocated tags for the hunt. (4-6-23)

01. Notification. All notices, orders, or other documents may be made to the email address on file with the Board. (4-6-23)

02. Outfitted Hunter Tag Use History. Each outfitter's hunter tag use history will be determined from the use recorded by IFGC pursuant to Section 36-408(4), Idaho Code, and as may be adjusted as a result of a tag transfer or hardship request that is approved by the Board. (4-6-23)

a. Transfers. An outfitting operation is credited for use of an allocated tag that it transfers to another outfitting operation for use that year in the same hunt. The receiving outfitting operation is not credited for using the transferred tag. (4-6-23)

b. Surrenders. An outfitting operation may surrender a designated allocated tag(s) to the undesignated

tag pool for use by any outfitting operation in the same hunt. The surrendering outfitting operation is not credited for use of the surrendered tag unless it later uses the tag from the pool. (4-6-23)

03. New Hunt Allocated Tag Designation. When the IFGC allocates tags for a newly capped or controlled hunt, the allocated tags will be designated proportionately as follows: (4-6-23)

a. Divide each outfitting operation's base allocation by the total of all base allocations in the hunt, resulting in a percentage of total use. Truncate the decimal at the hundredths place. (4-6-23)

b. Multiply the percentage of total use from Subsection 257.03.a. of these rules by the total number of allocated tags for the hunt, which determines the number of allocated tags designated to the outfitting operation. (4-6-23)

04. Use of Previously Designated Allocated Tags. For established capped or controlled hunts, allocated tags will first be designated to each outfitting operation in an amount equal to the outfitting operation's use of the allocated tags previously designated to it for the same hunt. (4-6-23)

a. In a capped hunt, the use of previously designated allocated tags is the average use of allocated tags in the preceding two (2) years; in the event that IFGC adjusts the number of allocated tags in a hunt where there is only one (1) year of allocation, the Board will not average the use. (4-6-23)

b. In a controlled hunt, the use of previously designated allocated tags is the highest year of use of allocated tags in the preceding two (2) years. (4-6-23)

05. Remaining or Additional Allocated Tags. Allocated tags not designated above will be designated proportionately as follows: (4-6-23)

a. Subtract each outfitting operation's use of previously designated allocated tags from Subsection 257.04 from its base allocation number to determine the number of non-allocated tags it used for a capped hunt or the matching hunt with non-allocated tags for a controlled hunt, when necessary to determine non-allocated tag use; then (4-6-23)

b. Divide the result by the total number of non-allocated tags used by all outfitting operations, resulting in a percentage of the total non-allocated tags used by outfitting operations in that hunt. Truncate the decimal at the hundredths place; and finally (4-6-23)

c. Multiply the percentage of total use from Subsection 257.05.b. by the number of allocated tags yet to be designated, which determines the number of allocated tags designated to the outfitting operation. (4-6-23)

06. Rounding. If allocated tag designation results in a partial tag, the calculation will be rounded up when a decimal equals or exceeds six tenths (0.6) and rounded down when a decimal is less than six tenths (0.6). When calculating after a reduction of allocated tags pursuant to Section 36-2120(4), Idaho Code, the calculation will be rounded up when a decimal equals or exceeds five tenths (0.5) and rounded down when a decimal is less than five tenths (0.5). (4-6-23)

07. Tie-breaker. If, after applying Subsections 257.03 through 06, there is a surplus or deficit of allocated tags to be designated, the unrounded proportion from Subsection 257.05, with as many decimal places as necessary, will be used, and then as follows: (4-6-23)

a. After a reduction in allocated tags, surplus tags will first be designated in amounts to restore outfitter operations to the number of tags that would have otherwise been designated pursuant to Subsection 257.04 or as close thereto as practicable. (4-6-23)

b. If a surplus, the outfitting operation whose unrounded proportion is the greatest will be designated one (1) tag, and if there are additional surplus tags, the outfitter with the next greatest unrounded proportion will be designated one (1) allocated tag, and repeated in descending unrounded proportions until all surplus tags are designated. In the event there is more than one outfitting operation with the same unrounded proportion and there are

insufficient undesignated tags to designate to each outfitter, the undesignated tag will be designated based on a random drawing between those outfitting operations. (4-6-23)

c. A deficit will be resolved from the outfitting operation whose unrounded proportion is closest to six tenths (0.6), and then next closest to six tenths (0.6) when there is a deficit of more than one (1) allocated tag. If there is more than one (1) outfitting operation with the same unrounded proportion, a random drawing will be held between those outfitters. (4-6-23)

08. Stipulation by Outfitters. Outfitting operations in a hunt may submit to the Board a written stipulation determining the number of allocated tags designated to each outfitting operation in that hunt. The stipulation must be signed by all eligible outfitting operations for the hunt; however, under special circumstances, the Board may waive the requirement of approval from all other outfitting operations. If the Board approves the stipulation, the stipulation will be effective until the next designation of allocated tags for the hunt. On or before November 1 preceding the hunt, any outfitting operation may petition the Board to vacate the stipulation for good cause that would make it unconscionable or unjust to enforce the stipulation. If the Board vacates the stipulation, the allocated tags in that hunt will be designated pursuant to Section 36-2120, Idaho Code, and this rule. (4-6-23)

09. Undesignated Tag Pool. Any designated allocated tags that are surrendered or have not been utilized by an outfitting operation on or before July 16 or the next business day for a capped hunt, or on or before September 10 or the next business day for a controlled hunt, will be available in an undesignated pool for any outfitting operation, as follows: (4-6-23)

a. Beginning April 10 preceding the hunt, an outfitting operation may submit a request for an allocated tag from the pool. The request must be on a Board-approved form. (4-6-23)

b. Beginning April 20 preceding the hunt, or next business day ~~thereafter, an allocated tag will be designated from the pool on a first-come, first-served basis to an outfitting operation without any designated allocated tags or which has utilized all of its designated allocated tags, using a waiting list when necessary. A maximum of two (2) allocated tags will be designated to each requesting outfitting operation until all other requesting outfitting operations have been served, then a requesting outfitting operation is eligible to receive a maximum of two (2) additional allocated tags from the pool, repeated until all requesting outfitting operations are served or until no tags remain~~ until July 16, allocated tags will be designated from the pool on a first-come, first-served basis to an outfitting operation without any designated allocated tags or which has utilized all of its designated allocated tags, with a maximum of two (2) tags per operation per round until all tags are designated. (4-6-23) ()

c. No tags designated from the pool will be considered for historical use calculations until all tag transfers are recorded and all hardship requests have been resolved. (7-1-24)

d. After July 16, tags will be designated on a first-come, first-served basis. Any remaining tags will be distributed among all requesting operations with a maximum of two (2) tags per operation per round until all requested tags have been allocated. ()

10. Objection to Calculation. If an outfitting operation believes the calculation is incorrect, it may object by filing a petition with the Board within fourteen (14) days from the date the notification was sent and in accordance with the Idaho Administrative Procedures Act. The petition will include any supporting information or documentation. (4-6-23)

a. All outfitting operations in the hunt in question will be notified of the petition. (4-6-23)

b. The outfitting operation bears the burden of establishing that the calculation was incorrect. (4-6-23)

11. Hardship Request. An outfitting operation may submit a written hardship request to maintain all or a portion of previous outfitted hunter tag use history when the outfitting operation shows good cause that its use of allocated designated tags was impacted by circumstances beyond the outfitting operation's control. The request must be submitted on or before a deadline set by the Board. The outfitting operation must provide information or documentation as requested by the Board to substantiate the request. (4-6-23)

12. Change in Operating Area or Owner of Business. When an outfitting operation is sold or when an operating area is adjusted through a sale and designated allocated tags are associated with the affected operating area, the associated designated allocated tags and tag use history will transfer to the new owner. (4-6-23)

(BREAK IN CONTINUITY OF SECTIONS)

259. RIVER, LAKE, AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.

For the express purpose of safeguarding the health, safety and welfare of the public, for the conservation of wildlife and range resources, and to enable the outfitted and non-outfitted public to enjoy the recreational value of Idaho’s rivers, streams, lakes, reservoirs and other natural resources, the Board has discretion to limit the number of outfitters licensed on waters that lie totally or partially within the State of Idaho. Pursuant to Section 36-2107(e), Idaho Code, the Board may cooperate with federal and state government to evaluate relevant factors in decisions related to setting outfitter licensure limits on navigable waterways. The following rivers and streams or sections that lie totally or partially within the state of Idaho are open to commercial boating operations by outfitters and guides. (4-6-23)

01. Licensable Waters – River Sections (BL1) Blackfoot River through (PR1) Priest River – Table:

River/Section	Maximum No. Power	Maximum No. Float
<p>(BL1) Blackfoot River - Blackfoot Reservoir/Government Dam to Trail Creek Bridge. For each license/permit issued, no more than two (2) boats per section/ per day may be used by any outfitter at any one time in each of the following river sections:</p> <p>a) Blackfoot Reservoir/Government Dam to Sage Hen Flats/Cutthroat Campground b) Sage Hen Flats/Cutthroat Campground to Morgan Bridge c) Morgan Bridge to Trail Creek Bridge</p> <p>No outfitter may have more than six (6) boats on the BL1 in any one (1) day.</p> <p>OGLB licenses are for the entire BL1 segment; a section of BL1 cannot be separated from BL1 for the purposes of selling a portion of an outfitter's business.</p>	none	2
<p>(BO1) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman. No overnight camping or walk-and-wade fishing allowed.</p>	none	2
<p>(BO1A) Boise River - Eckert Road Bridge to Main Street Bridge.</p>	none	
<p>(BO1B) Boise River - Main Street Bridge to West side of Garden City limits.</p>	none	
<p>(BO2) Boise River - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. A maximum of two (2) outfitters may be licensed for fishing in addition to float boating. Each outfitter may use at any time a maximum of four (4) boats for boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.</p>	none	4

River/Section	Maximum No. Power	Maximum No. Float
(CF1) Clark Fork River - Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough). Each outfitter may use at any one time a maximum of two (2) boats prior to the Friday preceding Memorial Day of each year, there is no limit thereafter.	2 outfitters for either power or float or combination thereof	
(CF2) Clark Fork River - Entire river upstream of a straight line extending north of county boat dock (near mouth of Johnson Creek) to Bear Paw Point (southwest tip of Denton Slough) (boating limited to the Friday preceding Memorial Day through December November 31st)	2 outfitters for either power or float or combination thereof	
(CL1) Clearwater River - Lowell to the Lower Bridge at Kooskia. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. Fishing may not be conducted downstream from the Upper Bridge at Kooskia by CL1 outfitters. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5
(CL2) Clearwater River - The Upper Bridge at Kooskia to the Orofino Bridge. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	6	10
(CL3) Clearwater River - The Orofino Bridge to the mouth of the Clearwater River with the Snake River at Lewiston. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	10	10
* (NFCL) North Fork Clearwater River - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir	none	4
(CDNF) Headwaters of North Fork Coeur d'Alene - Including tributaries (Independence and Tee Pee Creeks) upstream from Devils Elbow Campground. Three (3) walk and wade only licenses. Up to four (4) clients on the river at one time per license.	none	none
(CD1) Coeur d'Alene River - Devil's Elbow to South Fork confluence. Fishing limit is two (2) float boats per license with a maximum of two (2) clients at a time per boat. Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.	none	1
(CD2) Coeur d'Alene River - South Fork confluence downstream to Cataldo Mission Boat Ramp. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.	none	1

River/Section	Maximum No. Power	Maximum No. Float
(CD3) Lateral (Coeur d'Alene chain) Lakes - Connected by the Coeur d'Alene River. Cataldo Mission Boat Ramp to Highway 97 Bridge. A limit of one (1) power boat per license with a maximum of two (2) clients at a time or a limit of one (1) guide per license and two (2) float tubes at a time or two (2) clients walking and wading. The walk and wade activities must be associated with the power boating.	3	none
* (JB1) Jarbidge/Bruneau Rivers	none	4
(KO1) Kootenai River - Montana state line to Canada boundary	5	5
(LCL1) Little North Fork Clearwater River - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.	none	2
* (LO1) Lochsa River	none	5
(MO1) Moyie River - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)	none	5
* (OW1) Owyhee River - Nevada state line to Oregon state line or South Fork to confluence with Owyhee River and continuing on to a take-out point.	none	6
(PN1) Payette River, North Fork - Payette Lakes Outlet to Hartsell Bridge. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN1A) Payette River, North Fork - Cascade City Park, ¼ mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & G rules apply. No stopping by commercial groups from ¼ mile above to ¼ mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN2) Payette River, North Fork - Cabarton to Smiths Ferry Bridge	none	5
(PS1) Payette River, South Fork - Grandjean to Deadwood River	none	5
* (PS2) Payette River, South Fork - Deadwood River to Banks	none	5
(PA1) Payette River - Banks to Black Canyon Dam	none	5
(PO1) Pend Oreille River	5	5
(PR1) Priest River - Dickensheet Campground to Priest River City	none	2

(7-1-24)()

02. Licensable Waters – River Sections (MF1) Middle Fork Salmon River through (SE2) Selway River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(LS1) Little Salmon River – From Highway 95 bridge at Hazard Creek to confluence of the Main Salmon River. <u>Annually, prior to May 15, portage of the amphitheater rapid on river right is required when anglers are present in the hole below the rapid. Closed for operating below mouth of the Rapid River in May through July. No fishing.</u>	none	2
###(MF1) Salmon River, Middle Fork - Boundary Creek to Cache Bar on the Salmon River	none	27
(SA1) Salmon River - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar	none	6
(SA2) Salmon River - Torrey's Bar to first Highway 93 bridge above Challis. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	5
(SA3) Salmon River - First Highway 93 bridge above Challis to Kilpatrick River access. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.	none	6
(SA4A) Salmon River - Kilpatrick River access to North Fork - License period from May 1 to September 30. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	5	11
(SA4B) Salmon River - Kilpatrick River access to North Fork - License period from October 1 to April 30. Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.	2	8
(SA5) Salmon River - North Fork to Corn Creek	3	9
###(SA6) Salmon River - Corn Creek to Spring Bar Boat Ramp with no outfitter fishing below Vinegar Creek from September 15 through March 31 except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	14	31
* (SA7A) Salmon River - Vinegar Creek to Hammer Creek - License period from March 15 to October 15. No power boating is allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00 p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.	10	26

River/Section	Maximum No. Power	Maximum No. Float
* (SA7B) Salmon River - Power boats from Vinegar Creek to Spring Bar Boat Ramp and float boats from Vinegar Creek to Island Bar Boat Ramp, open from September 15 to March 31 only. Each float boat outfitter may use at any one time a maximum of three (3) boats for fishing, or two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer; and each power boat outfitter may use at any one time a maximum of two (2) boats for fishing, or one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Officer.	6	12
* (SA7C) Salmon River - Riggins City Park Boat Ramp to Hammer Creek. Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period from September 15 to March 31.	none	3
* ##(SA8) Salmon River - Hammer Creek to Heller Bar or Lewiston on the Snake River	15	35
* (SE1) Selway River - Paradise Campground to Selway Falls	none	4
(SE2) Selway River - Selway Falls to the mouth of the Selway River at Lowell. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	5

(4-6-23)()

03. Licensable Waters – River Sections (SH1) Henry’s Fork Snake River through (TE3) Teton River – Table:

River/Section	Maximum No. Power	Maximum No. Float
(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford. (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	7
(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony. Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing, no more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Stone Bridge, Stone Bridge to Ashton Dam, and Ashton Dam to Chester Dam, and Chester Dam to St. Anthony, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.	none	8

River/Section	Maximum No. Power	Maximum No. Float
<p>(SH3) Snake River, Henry's Fork - No more than three (3) boats for fishing may be used by an outfitter at any one (1) time in each of the following river sections:</p> <p>a) St. Anthony to Red Road Bridge Boat Access (i.e., Parker/Salem or Fort Henry) b) Red Road Bridge Boat Access to Warm Slough Boat Access c) Warm Slough Boat Access to Menan Boat Access</p> <p>No outfitter may have more than six (6) boats on the SH3 in any one (1) day.</p> <p>When permitted by the BLM and with the notification to and concurrence of the Board Executive Officer, each outfitter may be allowed adjustments to the maximum boat limits in order to accommodate non-fishing boating activities (e.g., canoeing, paddle boards, and kayaks) and hazardous excursions that are part of an outfitter's operating plan. These adjustments must be reviewed and approved annually.</p> <p>OGLB licenses are for the entire SH3 segment; a section of SH3 cannot be separated from SH3 for the purposes of selling a portion of an outfitter's business.</p>	<p>none</p>	<p>4</p>

River/Section	Maximum No. Power	Maximum No. Float
<p>(SS1) Snake River - South Fork - No more than four (4) boats per section/per day may be used by an outfitter at any one (1) time in each of the following river sections:</p> <p>a) Palisades Dam Boat Access to the Spring Creek Boat Access (Swan Valley Bridge) or Conant Boat Access. Exception: Not more than eight boats would be permitted between Spring Creek Boat Access and Conant Boat Access to allow for the flexibility to launch/take-out boats.</p> <p>b) Spring Creek or Conant Boat Access to Fullmer Boat Access. Exception: Not more than eight (8) boats would be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m. due to overnight use at designated outfitter camps.</p> <p>c) Fullmer Boat Access to Byington Boat Access.</p> <p>d) Byington Boat Access to Lorenzo Boat Access.</p> <p>e) Lorenzo Boat Access to Menan Boat Access.</p> <p>Additionally, no outfitter may have more than twelve (12) boats on the SS1 in any one day.</p> <p>A one-time per year exception after July 15 may be granted from Conant Boat Access to Byington Boat Access that would allow two (2) additional boats per section to accommodate large client groups. During this one-time exception, if the two (2) additional boats do not accommodate the large client group, additional boats must come from slots allocated to other outfitters. The maximum daily boat limit for SS1 may not be exceeded. This would require written concurrence from the BLM/USFS and the Board Executive Officer.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SS1 segment; a section of SS1 cannot be separated from SS1 for the purposes of selling a portion of an outfitter's business.</p>	None*	8**

River/Section	Maximum No. Power	Maximum No. Float
<p>* Each licensed float boat outfitter may use one (1) supply boat (float or power) that does not carry clients. During periods of preparing overnight camps (i.e., setting up tents and portable toilet facilities, boating in grills and other cooking supplies) for the season, usually May or June of each year; and removing the same items listed above from overnight camps at the end of the season, usually October or November; multiple supply boats may be used.</p> <p>** One (1) license additional for waterfowl hunting covering both BLM and USFS managed lands and waters for the South Fork (Palisades Dam to Wolf Flats Boat Access may be issued. This license opportunity is in addition to the eight (8) float licenses and is limited to providing waterfowl hunting during waterfowl hunting season as defined by Idaho Fish and Game Rules and where no more than two (2) float or power boat boats per day per section a and b only can be used by the outfitter at any one time for that purpose. Fishing may not be provided or conducted unless the outfitter is also licensed and permitted as one (1) of the eight (8) outfitters addressed in this rule who may not provide hunting activities. This business opportunity may be sold separately.</p>		
<p>(SN1) Snake River - For each license/permit issued, no more than four (4) boats per section/per day may be used by an outfitter at any one time in each of the following river sections:</p> <p>a) Menan Boat Access to Mike Walker Boat Access (includes Federally managed lands).</p> <p>b) Mike Walker Boat Access to Gem State Power Plant (includes non-Federal lands).</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SN1 segment; a section of SN1 cannot be separated from SN1 for the purposes of selling a portion of an outfitter's business.</p>	<p>3 outfitters either float or power or combination thereof</p>	

River/Section	Maximum No. Power	Maximum No. Float
<p>(SN2) Snake River - Gem State Power Plant. Idaho Falls, downstream to headwaters of American Falls Reservoir. For each license/permit issued, no more than four (4) boats per section/per day may be used by any outfitter at any one time in each of the following river sections:</p> <p>a) Gem State Power Plant to Shelley/Firth b) Shelley/Firth to Porterville c) Porterville to Blackfoot (Boating limited, walk-wade if there is access) d) Blackfoot to Tilden Bridge e) Tilden Bridge to the headwaters of American Falls Reservoir</p> <p>No outfitter may have more than twelve (12) boats on the SN2 in any one day.</p> <p>OGLB licenses are for the entire SN2 segment; a section of SN2 cannot be separated from SN2 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	
<p>(SN3) Snake River - American Falls Dam to Massacre Rocks State Park. For each license/permit issued, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the following river sections:</p> <p>a) American Falls Dam to Pipeline (includes federally and non- federally managed lands) b) Pipeline to Vista (includes federally and non- federally managed lands) c) Vista to Eagle Rock (includes non-federally managed lands) d) Eagle Rock to Massacre Rocks (includes non-federally managed lands)</p> <p>No outfitter may have more than ten (10) boats on the SN3 in any one day.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only. Downstream steerage does not include holding or upstream travel of watercraft with a motor.</p> <p>Sturgeon Fishing: Pipeline to Massacre Rocks, no more than five (5) boats per section/per day may be used by any outfitter at any one time in each of the river sections between Pipeline to Massacre Rocks.</p> <p>American Falls Dam to Pipeline, one (1) boat within this section/two (2) weekdays per week/two (2) weekend days per month. Idaho Department of Fish and Game, Southeast Region (Pocatello) needs to be notified prior to Sturgeon Fishing.</p> <p>OGLB licenses are for the entire SN3 segment; a section of SN3 cannot be separated from SN3 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	
<p>(SN4) Snake River - Massacre Rocks State Park to Milner Dam</p>	3	3
<p>* (SN5) Snake River - Milner Dam to Star Falls</p>	none	3
<p>* (SN6) Snake River - Star Falls to Twin Falls</p>	none	5

River/Section	Maximum No. Power	Maximum No. Float
(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam	3	3
(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam	3	5
(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir	5	5
(SN10) Snake River - C.J. Strike Dam to Walter's Ferry	5 outfitters for either power or float or combination thereof	
(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir	5	none
* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing	18	15
* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only	none	2
(SN14) Snake River - Pittsburg Landing to Heller Bar or Lewiston	19	15
(SN15) Snake River - Washington/Oregon state line to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters.)	
(SJ1) St. Joe River - St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter.	none 2	none
(SJ2) St. Joe River - Red Ives to Avery. In addition to one (1) float boat license, three (3) walk and wade only outfitters. No fishing from float boats, boat clients may fish via walk and wade.	none	1
(SJ3) St. Joe River - Avery to St. Joe City Bridge	none	2
(SJ4) St. Joe River - St. Joe City Bridge to Lake Coeur d'Alene	2	none
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge, motors not to exceed 10 hp	5 outfitters for either power or float or combination thereof	
(TE2) Teton River - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp	6 outfitters for either power or float or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
<p>(TE3) Teton River - No more than two (2) boats per section/per day may be used by an outfitter at any one time in each of the following river sections: a), b), d), e) and f). No more than four (4) boats per section/per day may be used by an outfitter at any one time on river section c) and where two (2) boats from same outfitter must be spaced at three-hour (3) intervals:</p> <p>a) Harrop Bridge Boat Access to Felt Dam Boat Access. b) Felt Dam Boat Access to Spring Hollow Boat Access. c) Spring Hollow Boat Access to Teton Dam Site Boat Access. d) Teton Dam Site Boat Access to Hog Hollow Bridge Boat Access. e) Hog Hollow Bridge Boat Access to Teton Highway. f) Teton Highway to confluence with the Henry's Fork of the Snake River. Note: No boat access exists at the confluence with the Henry's Fork of the Snake River. Outfitters would utilize Hibbard Bridge or Warm Slough Access on SH3. No fishing on SH3.</p> <p>No outfitter may have more than eight (8) boats on the TE3 in any one day.</p> <p>Float boats may use motors not to exceed 10 hp in section a) (Harrop Bridge to Felt Dam Access) only. Float boats may use motors (5HP or less) for downstream steerage only in sections d), e) and f). Motors are not allowed in other sections. Downstream steerage does not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire TE3 segment; a section of TE3 cannot be separated from TE3 for the purposes of selling a portion of an outfitter's business.</p>	none	5

* Classified rivers

Floatboat and powerboat outfitters on these sections are considered within their area of operations when hiking from the river or fishing in tributaries away from the river but does not include overnight activities. Conflicts with land-based outfitters will be handled on a case-by-case basis. (4-6-23)

04. Other -- Table. The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho are open to fishing by outfitters with the following limitations:

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	4 2
Dworshak Reservoir	7	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2
Lake Pend Oreille	11	4 2

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Priest Lake	5	4 2
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

(7-1-24)()

05. Other Lakes and Reservoirs. All other Idaho lakes and reservoirs are limited to two (2) **fishing** outfitters with a maximum of two (2) boats (float or power) per outfitter. (4-6-23)()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.36.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 24-3601-2402 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, as well as Sections 37-2702, 37-2715, 54-1717, 54-1753, 54-1755, 67-2614, 67-9406, and 67-9409, 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 pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed is as follows:

The Board determined that proposed definition 002.09 Pharmaceutical Care Services included a non-exclusive, unenforceable list, which was struck, with the remainder of the definition incorporated into proposed Rule 200.01 Scope of Practice.

The Exemption from Separate Practitioner Controlled Substance Registration was moved from proposed Rule 100.03 Determination of Need for Nonresident Licensure or Registration to proposed Rule 100.07 Practitioner Controlled Substance Registration, as fitting better under that rule. No language was changed.

Language mirroring other boards, “Not more than,” was added to all items on the proposed fee table, capping fees at their current level while allowing the Board greater flexibility in reducing fees.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August 7, 2024 Idaho Administrative Bulletin, [Vol. 24-8, pages 134-172](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

The proposed amendments to the rules do not impose any new or increased fees.

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 not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

DOCKET NO. 24-3601-2402 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is ***double underscored*** indicates
amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-8, August 7, 2024, pages 134 through 172.

This rule has been adopted as a pending rule by the Agency and is now awaiting
review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3601-2402
(Only those sections or subsections that have changed from the original proposed
text are printed in this Bulletin following this notice.)

24.36.01 – RULES OF THE IDAHO STATE BOARD OF PHARMACY

~~040~~02. DEFINITIONS AND ABBREVIATIONS ~~(A—N).~~

The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. ~~(3-28-23)~~()

- ~~01. ACCME. Accreditation Council for Continuing Medical Education. (3-28-23)~~
- ~~02. ACPE. Accreditation Council for Pharmacy Education. (3-28-23)~~
- 031. ADS – Automated Dispensing and Storage.** A mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, dispensing, or distribution of drugs and that collects, controls, and maintains transaction information. (3-28-23)
- ~~04. Change of Ownership. A change of majority ownership or controlling interest of a drug outlet licensed or registered by the Board. (3-28-23)~~
- ~~05. CME. Continuing medical education. (3-28-23)~~
- ~~06. CPE. Continuing pharmacy education. (3-28-23)~~

~~07. CPE Monitor. An NABP service that allows pharmacists to electronically keep track of CPE credits from ACPE-accredited providers. (3-28-23)~~

~~082. DEA. United States Drug Enforcement Administration. (3-28-23)~~

~~093. DME - Durable Medical Equipment Outlet. A registered outlet that may hold for sale at retail durable medical equipment (DME) and the following prescription drugs: pure oxygen for human application, nitrous oxide, sterile sodium chloride, and sterile water for injection. (3-28-23)()~~

~~104. Drug Outlet. Drug outlets include, but are not limited to, sterile product pharmacies, remote dispensing pharmacies, facilities operating narcotic treatment programs, DME outlets, prescriber drug outlets, outsourcing facilities, nuclear pharmacies, cognitive service pharmacies, correctional facilities, offsite ADSs for non-emergency dispensing, reverse distributors, mobile pharmacies, and analytical or research laboratories. (3-28-23)~~

~~105. FDA. United States Food and Drug Administration. (3-28-23)~~

~~12. Flavoring Agent. An additive in food or drugs in the minimum quantity necessary. (3-28-23)~~

~~13. Floor Stock. Drugs or devices not labeled for a specific patient that are maintained at a nursing station or other department of an institutional facility, excluding the pharmacy, for the purpose of administering to patients of the facility. (3-28-23)~~

~~14. FPGEC Certification. Foreign Pharmacy Graduate Examination Committee Certification. (3-28-23)~~

~~1506. Hazardous Drug. Any drug listed as such by the National Institute for Occupational Safety and Health or any drug identified by at least one (1) of the following criteria: carcinogenicity; teratogenicity or developmental toxicity; reproductive toxicity in humans; organ toxicity at low doses in humans or animals; genotoxicity; or new drugs that mimic existing hazardous drugs in structure or toxicity. (3-28-23)~~

~~1607. HIPAA. Health Insurance Portability and Accountability Act of 1996. (3-28-23)~~

~~17. NABP. National Association of Boards of Pharmacy. (3-28-23)~~

~~18. NAPLEX. North American Pharmacists Licensure Examination. (3-28-23)~~

~~1908. NDC. National Drug Code. (3-28-23)~~

~~011. DEFINITIONS AND ABBREVIATIONS (O – Z).~~

~~The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. In addition, the following terms have the meanings set forth below: (3-28-23)~~

~~01. Parenteral Admixture. The preparation and labeling of sterile products intended for administration by injection. (3-28-23)~~

~~0309. PDMP. Prescription Drug Monitoring Program. (3-28-23)~~

~~04. Prescriber. An individual currently licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice. (3-28-23)~~

~~05. Purple Book. The list of licensed biological products with reference product exclusivity and biosimilarity or interchangeability evaluations published by the FDA under the Public Health Service Act. (3-28-23)~~

~~0610. Readily Retrievable. Records are considered readily retrievable if they are able to be completely and legibly produced upon request within seventy-two (72) hours. (3-28-23)~~

~~0711. Reconstitution. The process of adding a diluent to a powdered medication to prepare a solution or~~

suspension, according to the product’s labeling or the manufacturer’s instructions. (3-28-23)

~~08. **Restricted Drug Storage Area.** The area of a drug outlet where prescription drugs are prepared, compounded, distributed, dispensed, or stored. (3-28-23)~~

~~09. **Therapeutic Equivalent Drugs.** Products assigned an “A” code by the FDA in the Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book) and animal drug products published in the FDA Approved Animal Drug Products (Green Book). (3-28-23)~~

~~102.~~ **USP-NF.** United State Pharmacopeia-National Formulary. (3-28-23)

~~01203.~~ – 099. (RESERVED)

SUBCHAPTER A – GENERAL PROVISIONS
(Rules 100 through 199)

~~100. **PRACTICE OF PHARMACY: GENERAL APPROACH.**~~

~~To evaluate whether a specific act is within the scope of pharmacy practice in or into Idaho, or whether an act can be delegated to other individuals under their supervision, a licensee or registrant of the Board must independently determine whether: (3-28-23)~~

~~01. **Express Prohibition.** The act is expressly prohibited by: (3-28-23)~~

~~a. The Idaho Pharmacy Act, Title 54, Chapter 17, Idaho Code; (3-28-23)~~

~~b. The Uniform Controlled Substances Act, Title 37, Chapter 27, Idaho Code; (3-28-23)~~

~~c. The rules of the Idaho State Board of Pharmacy; or (3-28-23)~~

~~d. Any other applicable state or federal laws or regulations. (3-28-23)~~

~~02. **Education, Training, and Experience.** The act is consistent with licensee or registrant’s education, training, and experience. (3-28-23)~~

~~03. **Standard of Care.** Performance of the act is within the accepted standard of care that would be provided in a similar setting by a reasonable and prudent licensee or registrant with similar education, training and experience. (3-28-23)~~

~~101. **PRESCRIBER PERFORMANCE OF PHARMACY FUNCTIONS.**~~

~~For the purposes of this chapter, any function that a pharmacist may perform may similarly be performed by an Idaho prescriber or may be delegated by an Idaho prescriber to appropriate support personnel, in accordance with the prescriber’s practice act. (3-28-23)~~

~~102. **WAIVERS OR VARIANCES.**~~

~~01. **Emergency Waiver.** In the event of an emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, the division administrator may waive any requirement of these rules for the duration of the emergency. (3-28-23)~~

~~103. **BOARD INSPECTIONS AND INVESTIGATIONS.**~~

~~01. **Records Subject to Board Inspection.** Records created, maintained, or retained by Board licensees or registrants in compliance with statutes or rules enforced by the Board must be made available for inspection upon request by Board inspectors or authorized agents. It is unlawful to refuse to permit or to obstruct a Board inspection. (3-28-23)~~

~~02. **Inspections.** Prior to the commencement of business, as applicable, and thereafter at regular~~

~~intervals, registrants and licensees must permit the Board or its compliance officers to enter and inspect the premises and to audit the records of each drug outlet for compliance with laws enforced by or under the Board's jurisdiction.~~
~~(3-28-23)~~

~~**03. Inspection Deficiencies.** Deficiencies noted must be promptly remedied, and if requested, the Board office notified of corrective measures. One (1) follow-up inspection may be performed by the Board at no cost. For additional follow-up inspections, the drug outlet will be charged actual travel and personnel costs incurred in the inspection to be paid within ninety (90) days of inspection.~~
~~(3-28-23)~~

~~**04. Inspection Reports.** Inspection reports must be reviewed with the Board inspector and signed by an agent of the drug outlet upon completion of the exit interview.~~
~~(3-28-23)~~

~~**05. Investigations.** Licensees or registrants must fully cooperate with Board investigations conducted to confirm compliance with laws enforced by the Board, to gather information pertinent to a complaint received by the Board, or to enforce disciplinary actions.~~
~~(3-28-23)~~

~~**104. UNPROFESSIONAL CONDUCT.**~~

~~The following acts or practices by any licensee or registrant are declared to be specifically, but not by way of limitation, unprofessional conduct and conduct contrary to the public interest.~~
~~(3-28-23)~~

~~**01. Unethical Conduct.** Conduct in the practice of pharmacy or in the operation of a pharmacy that may reduce the public confidence in the ability and integrity of the profession of pharmacy or endangers the public health, safety, and welfare. A violation of this section includes committing fraud, misrepresentation, negligence, concealment, or being involved in dishonest dealings, price fixing, or breaching the public trust with respect to the practice of pharmacy.~~
~~(3-28-23)~~

~~**02. Lack of Fitness.** A lack of fitness for professional practice due to incompetency, personal habits, drug or alcohol dependence, physical or mental illness, or for any other cause that endangers public health, safety, or welfare.~~
~~(3-28-23)~~

~~**03. On-Duty Intoxication or Impairment.** Intoxication, impairment, or consumption of alcohol or drugs while on duty, including break periods after which the individual is expected to return to work, or prior to reporting to work.~~
~~(3-28-23)~~

~~**04. Diversion of Drug Products and Devices.** Supplying or diverting drugs, biologicals, and other medicines, substances, or devices legally sold in pharmacies that allows the circumvention of laws pertaining to the legal sale of these articles.~~
~~(3-28-23)~~

~~**05. Unlawful Possession or Use of Drugs.** Possessing or using a controlled substance without a lawful prescription drug order. A failed drug test creates a rebuttable presumption of a violation of this rule.~~
~~(3-28-23)~~

~~**06. Prescription Drug Order Noncompliance.** Failing to follow the instructions of the person writing, making, or ordering a prescription as to its refills, contents, or labeling except as provided in these rules.~~
~~(3-28-23)~~

~~**07. Failure to Confer.** Failure to confer with the prescriber when necessary or appropriate or filling a prescription if necessary components of the prescription drug order are missing or questionable.~~
~~(3-28-23)~~

~~**08. Excessive Provision of Controlled Substances.** Providing an excessive amount of controlled substances. Evidentiary factors of a clearly excessive amount include, but are not limited to, the amount of controlled substances furnished and previous ordering patterns (including size and frequency of orders).~~
~~(3-28-23)~~

~~**09. Failure to Counsel or Offer Counseling.** Failing to counsel or offer counseling, unless specifically exempted or refused.~~
~~(3-28-23)~~

~~**10. Substandard, Misbranded, Adulterated, or Expired Products.** Manufacturing, compounding, delivering, distributing, dispensing, or permitting to be manufactured, compounded, delivered, distributed or~~

~~dispensed substandard, misbranded, or adulterated drugs or preparations or those made using secret formulas. Failing to remove expired drugs from stock. (3-28-23)~~

~~**11. Prescriber Incentives.** Allowing a commission or rebate to be paid, or personally paying a commission or rebate, to a person writing, making, or otherwise ordering a prescription. (3-28-23)~~

~~**12. Exclusive Arrangements.** Participation in a plan or agreement that compromises the quality or extent of professional services or limits access to provider facilities at the expense of public health or welfare. (3-28-23)~~

~~**13. Failure to Report.** Failing to report to the Board any violation of statutes or rules pertaining to the practice of pharmacy or any act that endangers the health, safety, or welfare of patients or the public. (3-28-23)~~

~~**14. Failure to Follow Board Order.** Failure to follow an order of the Board. (3-28-23)~~

~~**15. Use of False Information.** Knowingly using false information in connection with the prescribing, delivering, administering, or dispensing of a controlled substance or other drug product. (3-28-23)~~

~~**16. Standard of Care.** Acts or omissions within the practice of pharmacy which fail to meet the standard provided by other qualified licensees or registrants in the same or similar setting. (3-28-23)~~

~~**17. Unnecessary Services or Products.** Directly promoting or inducing for the provisions of health care services or products that are unnecessary or not medically indicated. (3-28-23)~~

~~**18. Controlled Substance Non-Compliance.** Violating provisions of the federal Controlled Substances Act or Title 37, Chapter 27, Idaho Code. (3-28-23)~~

~~105.—199. (RESERVED)~~

~~**SUBCHAPTER B—RULES GOVERNING LICENSURE AND REGISTRATION**
(Rules 200 through 299)~~

~~**200. BOARD OF PHARMACY LICENSURE AND REGISTRATION.**~~

~~The Board will issue or renew a license or certificate of registration upon application and determination that the applicant has satisfied the requirements of applicable statutes, and any additional criteria specified by these rules. Licenses or registrations must be obtained prior to engaging in these practices or their supportive functions. (3-28-23)~~

~~**201. LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.**~~

~~**01. Board Forms.** Initial applications, annual renewal applications, and other forms used for licensure, registration, or other purposes must be in such form as designated by the Board. (3-28-23)~~

~~**02. Incomplete Applications.** Information requested on any form must be provided and submitted to the Board office with the applicable fee or the submission will be considered incomplete and will not be processed. Applications that remain incomplete after six (6) months from the date of initial submission will expire. (3-28-23)~~

~~**03. On-Time Annual Renewal Application.** Licenses and registrations must be renewed annually prior to expiration to remain valid. Timely submission of the renewal application is the responsibility of each licensee or registrant. Licenses and certificates of registration issued to individuals will expire annually on the last day of the individual's birth month, and on December 31 for facilities, unless an alternate expiration term or date is stated in these rules. (3-28-23)~~

~~**04. Late Renewal Application.** Failure to submit a renewal application prior to the expiration date will cause the license or registration to lapse and will result in the assessment of a late fee and possible disciplinary action. A lapsed license or registration is invalid until renewal is approved by the Board and if not renewed within thirty (30) days after its expiration will require reinstatement. (3-28-23)~~

~~05. **Exemption.** New licenses and registrations issued ten (10) weeks or less prior to the renewal due date are exempt from the renewal requirements that year only. (3-28-23)~~

~~06. **Cancellation and Registration.** Failure to maintain the requirements for any registration will result in the cancellation of the registration. (3-28-23)~~

~~07. **Reinstatement of License or Registration.** Unless otherwise specified in Board rule, consideration of a request for reinstatement of a license or registration will require a completed application on a Board form, submission of a completed fingerprint card, as applicable, and payment of any applicable fees due or delinquent at the time reinstatement is requested. (3-28-23)~~

~~08. **Parent or Legal Guardian Consent.** No person under the age of eighteen (18), unless an emancipated minor, may submit an application for licensure or registration without first providing the Board with written consent from a parent or legal guardian. (3-28-23)~~

202. BOARD FEES.

~~01. **Fee Determination and Collection.** Pursuant to the authority and limitations established by Sections 37-2715 and 54-1720(5)(a), Idaho Code, the Board has determined and will collect fees for the issuance, annual renewal, or reinstatement of licenses and certificates of registration to persons and drug outlets engaged in acts or practices regulated by the Board. (3-28-23)~~

~~02. **Time and Method of Payment.** Fees are due at the time of application payable to the "Idaho State Board of Pharmacy." (3-28-23)~~

~~03. **Fee for Dishonored Payment.** A reasonable administrative fee may be charged for a dishonored check or other form of payment. If a license or registration application has been approved or renewed by the Board and payment is subsequently dishonored, the approval or renewal is immediately canceled on the basis of the submission of an incomplete application. The board may require subsequent payments to be made by cashier's check, money order, or other form of guaranteed funds. (3-28-23)~~

~~04. **Fee Exemption for Controlled Substance Registrations.** Persons exempt pursuant to federal law from fee requirements applicable to controlled substance registrations issued by the DEA are also exempt from fees applicable to controlled substance registrations issued by the Board. (3-28-23)~~

203. FEE SCHEDULE.

~~01. **Licenses and Registrations—Professionals.**~~

License/Registration	Initial Fee	Annual Renewal Fee
Pharmacist License	\$140	\$130
Nonresident PIC Registration	\$290	\$290
Pharmacist Intern	\$50	\$50
Technician	\$35	\$35
Practitioner Controlled Substance Registration	\$60	\$60

~~(3-28-23)~~

~~02. **Certificates of Registration and Licensure—Facilities.**~~

License/Registration	Initial Fee	Annual Renewal Fee
Drug Outlet (unless otherwise listed)	\$100	\$100
Wholesale License	\$180	\$180
Wholesale Registration	\$150	\$150
Central Drug Outlet (Nonresident)	\$500	\$250
Mail Service Pharmacy	\$500	\$250
Durable Medical Equipment Outlet	\$50	\$50
Outsourcing Facility (Nonresident)	\$500	\$250
Manufacturer	\$150	\$150
Veterinary Drug Outlet	\$35	\$35

(3-28-23)

03. Late Fees and Reinstatements:

Category	Fee
Late payment processing fee	\$50
License or registration reinstatement fee	One half (1/2) of the amount of the annual renewal

(3-28-23)

04. Administrative Services:

Category	Fee
Experiential hours certification	\$25
Duplicate pharmacist certificate of licensure	\$35

(3-28-23)

204.—209. (RESERVED)

210. DETERMINATION OF NEED FOR NONRESIDENT LICENSURE OR REGISTRATION:

01. Independent Practice. Nonresident pharmacists must be licensed if engaged in the independent practice of pharmacy across state lines and not practicing for an Idaho registered drug outlet. (3-28-23)

02. Practice for an Idaho Registered Drug Outlet. A nonresident pharmacist serving as the PIC for an Idaho registered nonresident drug outlet must be registered to practice into Idaho. All other nonresident pharmacists who are employed by, or affiliated with, and practicing for the Idaho registered nonresident drug outlet, but who are not the PIC, are exempt from license and registration requirements for practice into Idaho. (3-28-23)

03. Multistate Pharmacists. Multistate pharmacists, as defined in Section 54-1723B, Idaho Code, are exempt from separate licensure or registration in Idaho. (3-28-23)

04. Exemption from Separate Controlled Substance Registration. All pharmacists who are practicing in or into Idaho are exempt from obtaining a separate controlled substance registration, but are subject to

~~compliance with all requirements under Title 37, Chapter 27, Idaho Code. (3-28-23)~~

~~211. PHARMACIST LICENSURE BY EXAMINATION.~~

~~To be considered for licensure, a person must satisfy the requirements of Section 54-1722(1)(a) through (e), Idaho Code, submit to the Board an application for licensure by examination, and meet the following: (3-28-23)~~

~~**01. Graduates of U.S. Pharmacy Schools.** Graduate from an ACPE-accredited school or college of pharmacy within the United States. (3-28-23)~~

~~**02. Graduates of Foreign Pharmacy Schools.** Graduate from a school or college of pharmacy located outside of the United States, submit certification by the FPGEC, and complete a minimum of seventeen hundred forty (1,740) experiential hours as verified on an employer's affidavit signed by a pharmacist licensed and practicing in the United States. The Board may request verifiable business records to document the hours. (3-28-23)~~

~~**03. Licensure Examinations.** Qualified applicants must pass the NAPLEX in accordance with NABP standards. A candidate who fails the NAPLEX three (3) times must complete at least thirty (30) hours of continuing education accredited by an ACPE-accredited provider prior to being eligible to sit for each subsequent reexamination. Candidates are limited to five (5) total NAPLEX attempts. (3-28-23)~~

~~**04. Score Transfer.** Score transfers into Idaho during the examination registration process are accepted for one (1) year. After taking the exam, score transfers into Idaho must be submitted within eighty-nine (89) days. (3-28-23)~~

~~212. PHARMACIST LICENSURE BY RECIPROCIDY.~~

~~An applicant for pharmacist licensure by reciprocity must satisfy the requirements of Section 54-1723, Idaho Code, and submit a preliminary application for licensure transfer through NABP. An applicant whose pharmacist license is currently restricted by a licensing entity in another state must appear before the Board to petition for licensure by reciprocity. An applicant not actively engaged in the practice of pharmacy during the year preceding the date of application may have to complete intern hours for each year away from the practice of pharmacy. (3-28-23)~~

~~213. PHARMACIST LICENSE: CPE REQUIREMENTS.~~

~~Each pharmacist must complete fifteen (15) CPE hours each calendar year between January 1 and December 31. (3-28-23)~~

~~**01. ACPE.** At least twelve (12) of the CPE hours obtained must be from programs by an ACPE that have a participant designation of "P" (for pharmacist) as the suffix of the ACPE universal program number. ACPE credits must be reported to and documented in CPE Monitor in order to be accepted. (3-28-23)~~

~~**02. CME.** A maximum of three (3) of the hours may be obtained from CME, if the credits are: (3-28-23)~~

~~**a.** Obtained from an ACCME-accredited provider; and (3-28-23)~~

~~**b.** A certificate is furnished that identifies the name of the ACCME-accredited provider and a clear reference to its accreditation status, the title of the CME program, the completed hours of instruction, the date of completion, and the name of the individual obtaining the credit. Upon audit, all CME certificates must be submitted to the Board. (3-28-23)~~

~~**03. Alternative to CPE.** If audited, a pharmacist may substitute a current certification by a nationally accredited pharmacy practice specific specialty certification program. (3-28-23)~~

~~214. PHARMACIST LICENSE: REINSTATEMENT.~~

~~The Board may, at its discretion, consider reinstatement of a pharmacist license upon receipt of a completed application, background check, and payment of the reinstatement and other fees due or delinquent at the time reinstatement is requested. (3-28-23)~~

~~**01. Satisfactory Evidence.** Reinstatement applicants must provide satisfactory evidence of completion~~

~~of a minimum of thirty (30) CPE hours within the twenty-four (24) months prior to reinstatement and compliance with any direct orders of the Board. (3-28-23)~~

~~**02. Additional Requirements.** A pharmacist reinstatement applicant may be required to appear before the Board. The Board may also, at its discretion, impose additional requirements on a pharmacist reinstatement applicant who has not practiced as a pharmacist for the preceding twelve (12) months or longer that may include taking and passing an examination, completion of intern hours, completion of additional CPE hours, or other requirements determined necessary to acquire or demonstrate professional competency. (3-28-23)~~

~~**215. NONRESIDENT PIC REGISTRATION TO PRACTICE PHARMACY INTO IDAHO.**~~

~~To be registered as a nonresident PIC, an applicant must submit an application on a Board form including, but not limited to: (3-28-23)~~

~~**01. Individual License Information.** Current pharmacist licensure information in all other states, including each state of licensure and each license number; (3-28-23)~~

~~**02. Facility License Information.** The license or registration number of the facility for which the applicant will be practicing. (3-28-23)~~

~~**216. PHARMACIST INTERN REGISTRATION.**~~

~~**01. Registration Requirements.** To be approved for and maintain registration as a pharmacist intern, the applicant must: (3-28-23)~~

~~**a.** Currently be enrolled and in good standing in an accredited school or college of pharmacy, pursuing a professional degree in pharmacy; or (3-28-23)~~

~~**b.** Be a graduate of an accredited school or college of pharmacy within the United States and awaiting examination for pharmacist licensure; or (3-28-23)~~

~~**c.** Be a graduate of a school or college of pharmacy located outside the United States, obtain certification by the FPGEC, and be awaiting finalization of pharmacist licensure. (3-28-23)~~

~~**02. Renewal.** (3-28-23)~~

~~**a.** Current Students. A pharmacist intern registration must be renewed annually by July 15; however, the renewal fee will be waived, if renewed on time, for the duration of the student's enrollment in the school or college of pharmacy. Following graduation, if a pharmacist license application has been submitted, the pharmacist intern license will be extended at no cost for up to six (6) additional months from the date of application as a pharmacist, after which time the individual will need to submit a new application to continue to be a pharmacist intern. (3-28-23)~~

~~**b.** Pharmacy Graduates. A graduate pharmacist intern registration may be obtained and renewed once within one (1) year from the date of issuance. The Board may, at its discretion, grant additional time to complete internship experience if unique circumstances present. (3-28-23)~~

~~**217. 219. (RESERVED)**~~

~~**220. TECHNICIAN REGISTRATION.**~~

~~**01. Registration Requirements.** A person may apply for registration as a technician if the person satisfies the following requirements: (3-28-23)~~

~~**a.** Age. Be at least sixteen (16) years of age. (3-28-23)~~

~~**b.** Exemption from Criminal Background Check. Technician candidates under the age of eighteen (18) are exempt from the fingerprint-based criminal history check requirement of Idaho Code. (3-28-23)~~

~~02. **Certified Technician Registration.** To be approved for registration as a certified technician, a person must have obtained and maintained certified pharmacy technician (CPhT) status through the Pharmacy Technician Certification Board (PTCB), the National Healthcareer Association (NHA), or their successors. (3-28-23)~~

~~221.— 223. (RESERVED)~~

~~224. **PRACTITIONER-CONTROLLED SUBSTANCE REGISTRATION.**~~

~~Any practitioner in Idaho who intends to prescribe, administer, dispense, or conduct research with a controlled substance must first obtain an Idaho practitioner controlled substance registration and: (3-28-23)~~

~~01. **State License.** Hold a valid license or registration to prescribe medications from a licensing entity established under Title 54, Idaho Code. (3-28-23)~~

~~02. **DEA Registration.** Obtain a valid federal DEA registration, if needed under federal law. (3-28-23)~~

~~a. Failure to obtain a federal DEA registration for any reason within forty five (45) days of the issuance of the Idaho Practitioner Controlled Substance Registration will result in automatic cancellation. (3-28-23)~~

~~225.— 229. (RESERVED)~~

~~230. **DRUG-OUTLET LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.**~~

~~A license or a certificate of registration is required for drug outlets prior to doing business in or into Idaho. A license or certificate of registration will be issued by the Board to drug outlets pursuant to, and in the general classifications defined by, Section 54-1729, Idaho Code. (3-28-23)~~

~~01. **New Drug Outlet Inspections.** Following the issuance of a new license or registration, each drug outlet will be inspected to confirm that the facility is compliant with applicable law. A change of ownership of a currently registered pharmacy will not require an onsite inspection of a new pharmacy registration unless a change of location occurs. (3-28-23)~~

~~02. **License and Registration Transferability.** Drug outlet licenses and registrations are location and owner specific and are nontransferable as to person or place. (3-28-23)~~

~~03. **Nonresident Drug Outlet.** The Board may license or register a drug outlet licensed or registered under the laws of another state if the other state's standards are comparable to those in Idaho and acceptable to the Board, evidenced by an inspection report. (3-28-23)~~

~~04. **Change of Location.** At least ten (10) days prior to the event, the registrant must notify the Board of a drug outlet's change of location through the completion of an application for a new license or registration. When a licensee or registrant has made a timely and complete application for a new license or registration, the existing license does not expire until the application has been finally determined by the Board, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the Board order. This does not preclude the Board from taking immediate action to protect the public interest. (3-28-23)~~

~~05. **Change of Ownership.** The registrant must notify the Board of a drug outlet's change of ownership within thirty (30) days of the event on a Board form. (3-28-23)~~

~~06. **Permanent Closing.** A registrant must notify the Board and the general public of the pharmacy's permanent closing at least ten (10) days prior to closing. The notice must include the proposed date of closure, and the new location of the prescription files. The notice to the board is to include the location where the closing inventory record of controlled substances is retained. (3-28-23)~~

~~07. **Exemption from Separate Controlled Substance Registration.** All drug outlets doing business in or into Idaho who hold a valid license or registration from the Board are exempt from obtaining a separate controlled substance registration, but are subject to compliance with all requirements under Title 37, Chapter 27,~~

Idaho Code: (3-28-23)

~~08. Sterile Preparation Endorsement.~~ A drug outlet engaged in sterile preparation must obtain a single endorsement for one (1) or more hood or aseptic environmental control devices. (3-28-23)

~~231.—239. (RESERVED)~~

~~240. WHOLESALER LICENSURE AND REGISTRATION.~~

~~01. Wholesaler Licensure.~~ The following information must be provided under oath by each applicant for wholesaler licensure as part of the initial licensing procedure and for each renewal on a Board form: (3-28-23)

~~a. Any felony conviction or any conviction of the applicant relating to wholesale or retail prescription drug distribution or distribution of controlled substances. (3-28-23)~~

~~b. Any discipline of the applicant by a regulatory agency in any state for violating any law relating to wholesale or retail prescription drug distribution or distribution of controlled substances. (3-28-23)~~

~~02. NABP Accreditation.~~ The Board will recognize a wholesaler's accreditation by NABP for purposes of reciprocity and satisfying the new drug outlet inspection requirements of these rules. (3-28-23)

~~03. Wholesaler Registration.~~ Except when licensed pursuant to the Idaho Wholesale Drug Distribution Act and these rules, a wholesaler that engages in wholesale distribution of DME supplies, prescription medical devices, or products that contain pseudoephedrine in or into Idaho must be registered by the Board. (3-28-23)

~~241.—249. (RESERVED)~~

~~250. MANUFACTURER REGISTRATION.~~

Manufacturers must be registered as follows: (3-28-23)

~~01. Mail Service Pharmacy.~~ Those that ship, mail, or deliver dispensed prescription drugs or devices to an Idaho resident will be registered by the Board as a mail service pharmacy. (3-28-23)

~~02. Manufacturer.~~ Those engaged in wholesale distribution will be registered as a manufacturer and comply with the Idaho Wholesale Drug Distribution Act and rules, as applicable. (3-28-23)

~~251.—299. (RESERVED)~~

~~SUBCHAPTER C DRUG OUTLET PRACTICE STANDARDS~~
~~(Rules 300 through 399)~~

~~300. DRUG OUTLETS: MINIMUM FACILITY STANDARDS.~~

A resident drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements: (3-28-23)

~~01. Security and Privacy.~~ A drug outlet must be constructed and equipped with adequate security to protect its equipment, records and supply of drugs, devices and other restricted sale items from unauthorized access, acquisition or use. All protected health information must be stored and maintained in accordance with HIPAA. (3-28-23)

~~02. Controlled Substance Storage.~~ Drug outlets must store controlled substances in accordance with federal law. (3-28-23)

~~03. Authorized Access to the Restricted Drug Storage Area.~~ Access to the restricted drug storage area must be limited to authorized personnel. (3-28-23)

~~04. **Staffing.** A drug outlet must be staffed sufficiently to allow for appropriate supervision, to otherwise operate safely and, if applicable, to remain open during the hours posted as open to the public for business. (3-28-23)~~

~~05. **Electronic Recordkeeping System.** A drug outlet that dispenses more than twenty (20) prescriptions per day must use an electronic recordkeeping system to establish and store patient medication records and prescription drug order, refill, transfer information, and other information necessary to provide safe and appropriate patient care. The electronic recordkeeping system must have audit trail functionality that documents for each prescription drug order the identity of each individual involved at each step of its processing, filling, and dispensing or, alternatively, the identity of the pharmacist or prescriber responsible for the accuracy of these processes. (3-28-23)~~

~~**301. DRUG OUTLETS THAT DISPENSE PRESCRIPTION DRUGS: MINIMUM PRESCRIPTION FILLING REQUIREMENTS.**~~

~~Unless exempted by these rules, each drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements either at the drug outlet or through offsite pharmacy services: (3-28-23)~~

~~01. **Valid Prescription Drug Order.** Prescription drugs may only be dispensed pursuant to a valid prescription drug order as set forth in Subchapter E of these rules. (3-28-23)~~

~~02. **Prospective Drug Review.** Prospective drug review must be provided. (3-28-23)~~

~~03. **Labeling.** Each drug must bear a complete and accurate label as set forth in these rules. (3-28-23)~~

~~04. **Verification of Dispensing Accuracy.** Verification of dispensing accuracy must be performed to compare the drug stock selected to the drug prescribed. If not performed by a pharmacist or prescriber, an electronic verification system must be used that confirms the drug stock selected to fill the prescription is the same as indicated on the prescription label. (7-1-24)~~

~~05. **Patient Counseling.** Counseling must be provided. (3-28-23)~~

~~**302. DRUG OUTLETS THAT DISPENSE DRUGS TO PATIENTS WITHOUT AN ONSITE PHARMACIST OR PRESCRIBER.**~~

~~A drug outlet that dispenses drugs to patients in Idaho that does not have a pharmacist or prescriber onsite to perform or supervise pharmacy operations must comply with the following requirements: (3-28-23)~~

~~01. **Security and Access.** Maintain adequate video surveillance of the facility and retain a high quality recording for a minimum of thirty (30) days. (3-28-23)~~

~~02. **Technology.** The video or audio communication system used to counsel and interact with each patient or patient's caregiver, must be clear, secure, and HIPAA compliant. (3-28-23)~~

~~03. **Technical Limitation Closure.** The drug outlet must be, or remain, closed to the public if any component of the surveillance or video and audio communication system is malfunctioning, until system corrections or repairs are completed. (3-28-23)~~

~~04. **Exemption for Self-Service Systems.** A self-service ADS that is operating as a drug outlet is exempt from the video surveillance requirement and the self-inspection requirement of this rule. In addition, if counseling is provided by an onsite prescriber or pharmacist, a self-service ADS is exempt from the video and audio communication system requirements of this rule. (3-28-23)~~

~~05. **Exemption for Veterinarians.** Veterinarians practicing in accordance with their Idaho practice act are exempt from this rule. (3-28-23)~~

~~**303. DRUGS STORED OUTSIDE OF A DRUG OUTLET FOR RETRIEVAL BY A LICENSED HEALTH PROFESSIONAL.**~~

~~Drugs may be stored in an alternative designated area outside the drug outlet, including, but not limited to, floor~~

~~stock, in an emergency cabinet, in an emergency kit, or as emergency outpatient drug delivery from an emergency room at a registered institutional facility, provided the following conditions are met: (3-28-23)~~

~~**01. Supervising Drug Outlet.** Drugs stored in such a manner must remain under the control of, and be routinely monitored by, the supervising drug outlet. (3-28-23)~~

~~**02. Secure Storage.** The area is appropriately equipped to ensure security and protection from diversion or tampering. (3-28-23)~~

~~**03. Controlled Substances.** Controlled substances may only be stored in an alternative designated area as permitted by, and in accordance with, federal law. (3-28-23)~~

~~**04. Stocking and Replenishing.** Stocking or replenishing drugs in an alternative designated area may be performed by a pharmacist or prescriber, or by appropriate support personnel using either an electronic verification system or a two (2) person checking system. (3-28-23)~~

~~304.—349. (RESERVED)~~

~~**SUBCHAPTER D—RULES GOVERNING PHARMACIST PRESCRIPTIVE AUTHORITY**
(Rules 350 through 399)~~

~~**350.— PHARMACIST PRESCRIBING: GENERAL REQUIREMENTS.**~~

~~In accordance with Section 54-1705, Idaho Code, a pharmacist may independently prescribe provided the following general requirements are met by the pharmacist: (3-28-23)~~

~~**01. Education.** Only prescribe drugs or devices for conditions for which the pharmacist is educationally prepared and for which competence has been achieved and maintained. (3-28-23)~~

~~**02. Patient-Practitioner Relationship.** Only issue a prescription for a legitimate medical purpose arising from a patient-practitioner relationship as defined in Section 54-1733, Idaho Code. (3-28-23)~~

~~**03. Patient Assessment.** Obtain adequate information about the patient's health status to make appropriate decisions based on the applicable standard of care and the best available evidence. (3-28-23)~~

~~**04. Collaboration with Other Health Care Professionals.** Recognize the limits of the pharmacist's own knowledge and experience and consult with and refer to other health care professionals as appropriate. (3-28-23)~~

~~**05. Documentation.** Maintain documentation adequate to justify the care provided including, but not limited to, the information collected as part of the patient assessment, the prescription record, provider notification, and the follow-up care plan. (3-28-23)~~

~~**06. Prescribing Exemption.** The general requirements set forth in this section do not apply to collaborative pharmacy practice agreements, devices, and nonprescription drugs. (3-28-23)~~

~~**351. COLLABORATIVE PHARMACY PRACTICE.**~~

~~Collaborative pharmacy practice may be performed in accordance with an agreement that identifies the parties to the agreement, the pharmacist's scope of practice authorized, and if necessary, any monitoring parameters. (3-28-23)~~

~~352.—399. (RESERVED)~~

~~**SUBCHAPTER E—FILLING AND DISPENSING PRESCRIPTION DRUGS**
(Rules 400 through 499)~~

~~**400. PRESCRIPTION DRUG ORDER: VALIDITY.**~~

~~Prior to filling or dispensing a prescription drug order, a pharmacist must verify its validity. (3-28-23)~~

~~**01. Invalid Prescription Drug Orders.** A prescription drug order is invalid if not issued by a licensed~~

~~prescriber for a legitimate medical purpose, and within the course and scope of the prescriber's professional practice and prescriptive authority. (3-28-23)~~

~~**02. Antedating or Postdating.** A prescription drug order is invalid if antedated or postdated. (3-28-23)~~

~~**03. Tampering.** A prescription drug order is invalid if, at the time of presentation, it shows evidence of alteration, erasure, or addition by any person other than the person who wrote it. (3-28-23)~~

~~**04. Prescriber Self-Use.** A prescription drug order written for a controlled substance is invalid if written for the prescriber's own use. (3-28-23)~~

~~**05. Digital Image Prescriptions.** A digital image of a prescription drug order is invalid if it is for a controlled substance or if the patient intends to pay cash for the drug in whole. (3-28-23)~~

~~**401. PRESCRIPTION DRUG ORDER: MINIMUM REQUIREMENTS.**~~

~~A prescription drug order must comply with applicable requirements of federal law and, except as differentiation is permitted for an institutional drug order, include at least the following: (3-28-23)~~

~~**01. Patient's Name.** The patient's or authorized entity's name and: (3-28-23)~~

~~**a.** If for a controlled substance, the patient's full name and address; and (3-28-23)~~

~~**b.** If for an animal, the species. (3-28-23)~~

~~**02. Date.** The date issued. (3-28-23)~~

~~**03. Drug Information.** The drug name, strength, and quantity. (3-28-23)~~

~~**04. Directions.** The directions for use. (3-28-23)~~

~~**05. Prescriber Information.** The name and, if for a controlled substance, the address and DEA registration number of the prescriber. (3-28-23)~~

~~**06. Signature.** A signature sufficient to evidence a valid prescription of either the prescriber or, if a renewal of a previous prescription, the prescriber's agent, when authorized by the prescriber. (3-28-23)~~

~~**07. Institutional Drug Order Exemptions.** An institutional drug order may exempt the patient's address, the dosage form, quantity, prescriber's address, and prescriber's DEA registration number. (3-28-23)~~

~~**08. Exemptions for Non-Controlled Substances.** A prescriber may omit drug information and directions and make an indication for the pharmacist to finalize the patient's drug therapy plan. (3-28-23)~~

~~**402. FILLING PRESCRIPTION DRUG ORDERS: PRACTICE LIMITATIONS.**~~

~~**01. Drug Product Selection.** Drug product selection is allowed only between therapeutic equivalent drugs. If a prescriber orders by any means that a brand name drug must be dispensed, then no drug product selection is permitted. (3-28-23)~~

~~**02. Partial Filling.** A prescription drug order may be partially filled within the limits of federal law. The total quantity dispensed in partial fillings must not exceed the total quantity prescribed. (3-28-23)~~

~~**03. Refill Authorization.** A prescription drug order may be refilled when permitted by state and federal law and as specifically authorized by the prescriber. A pharmacist may also refill a prescription for a non-controlled drug to ensure continuity of care. (3-28-23)~~

~~**403. FILLING PRESCRIPTION DRUG ORDERS: ADAPTATION.**~~

~~A pharmacist may adapt drugs as specified in this rule. (3-28-23)~~

- ~~**01. Change Quantity.** A pharmacist may change the quantity of medication prescribed if:
a. The prescribed quantity or package size is not commercially available; (3-28-23)
b. The change in quantity is related to a change in dosage form, strength, or therapeutic interchange; (3-28-23)
c. The change is intended to dispense up to the total amount authorized by the prescriber including refills; or (3-28-23)
d. The change extends a maintenance drug for the limited quantity necessary to coordinate a patient's refills in a medication synchronization program. (3-28-23)~~

~~**02. Change Dosage Form.** A pharmacist may change the dosage form of the prescription if it is in the best interest of patient care, so long as the prescriber's directions are also modified to equate to an equivalent amount of drug dispensed as prescribed. (3-28-23)~~

~~**03. Complete Missing Information.** A pharmacist may complete missing information on a prescription if there is evidence to support the change. (3-28-23)~~

~~**04. Documentation.** The adaption must be documented in the patient's record. (3-28-23)~~

~~**404. FILLING PRESCRIPTION DRUG ORDERS: DRUG PRODUCT SUBSTITUTION.**~~

~~Drug product substitutions in which a pharmacist dispenses a drug product other than that prescribed are allowed only as follows: (3-28-23)~~

~~**01. Hospital.** Pursuant to a formulary or drug list prepared by the pharmacy and therapeutics committee of a hospital; (3-28-23)~~

~~**02. Institutional Facility.** At the direction of the quality assessment and assurance committee of an institutional facility; (3-28-23)~~

~~**03. Biosimilars.** A pharmacist may substitute an interchangeable biosimilar product for a prescribed biological product if: (3-28-23)~~

~~**a.** The biosimilar has been determined by the FDA to be interchangeable and published in the Purple Book; (3-28-23)~~

~~**b.** The name of the drug and the manufacturer or the NDC number is documented in the patient medical record. (3-28-23)~~

~~**04. Therapeutic Interchange.** A pharmacist may substitute a drug with another drug in the same therapeutic class, provided the substitution lowers the cost to the patient or occurs during a drug shortage. (3-28-23)~~

~~**405. FILLING PRESCRIPTION DRUG ORDERS: TRANSFERS.**~~

~~A prescription drug order may be transferred within the limits of federal law. Drug outlets using a common electronic file are exempt from transfer limits. (3-28-23)~~

~~**406. LABELING STANDARDS.**~~

~~All prescription drugs must be in an appropriate container and bear information that identifies the drug product, any additional components as appropriate, and the individual responsible for its final preparation. (3-28-23)~~

~~**01. Standard Prescription Drug.** A prescription drug for outpatient dispensing must be labeled in accordance with federal law. (3-28-23)~~

~~02. **Parenteral Admixture.** If one (1) or more drugs are added to a parenteral admixture, the admixture's container must include the date and time of the addition, or alternatively, the beyond use date. (3-28-23)~~

~~03. **Prepackaged Product.** The containers of prepackaged drugs must include an expiration date that is the lesser of the manufacturer's original expiration date, one (1) year from the date the drug is prepackaged, or a shorter period if warranted. (3-28-23)~~

~~04. **Repackaged Drug.** If a previously dispensed drug is repackaged, it must contain the serial number and contact information for the original dispensing pharmacy, as well as a statement that indicates that the drug has been repackaged, and the contact information of the repackaging pharmacy. (3-28-23)~~

~~05. **Distributed Compounded Drug Product.** Compounded and sterile prepackaged drug product distributed in the absence of a patient specific prescription must be labeled as follows: (3-28-23)~~

~~a. If from a pharmacy, the statement: "not for further dispensing or distribution." (3-28-23)~~

~~b. If from an outsourcing facility, the statements: "office use only" and "not for resale." (3-28-23)~~

~~407. **PRESCRIPTION DELIVERY: RESTRICTIONS.**~~

~~01. **Acceptable Delivery.** A drug outlet that dispenses drugs to patients in Idaho may deliver filled prescriptions in accordance with federal law, as long as appropriate measures are taken to ensure product integrity and safety. (3-28-23)~~

~~02. **Pick-up or Return by Authorized Personnel.** Filled prescriptions may be picked up for or returned from delivery by authorized personnel from a secured delivery area. (3-28-23)~~

~~408. **DESTRUCTION OR RETURN OF DRUGS OR DEVICES: RESTRICTIONS.**~~

~~A drug outlet registered with the DEA as a collector may collect controlled and non-controlled drugs for destruction in accordance with applicable federal law. Otherwise a dispensed drug or prescription device may only be accepted for return as follows: (3-28-23)~~

~~01. **Potential Harm.** When the pharmacist determines that harm could result if the drug is not returned. (3-28-23)~~

~~02. **Did Not Reach Patient.** Non-controlled drugs that have been maintained in the custody and control of the institutional facility, dispensing pharmacy, or their related clinical facilities may be returned if product integrity can be assured. Controlled substances may only be returned from a hospital daily delivery system under which a pharmacy dispenses no more than a seventy-two (72) hour supply for a drug order. (3-28-23)~~

~~03. **Donation.** Those that qualify for return under the provisions of the Idaho Legend Drug Donation Act as specified in Section 54-1762, Idaho Code. (3-28-23)~~

~~409.—499. **(RESERVED)**~~

~~**SUBCHAPTER F—REPORTING REQUIREMENTS AND DRUG OUTLET RECORDKEEPING**
(Rules 500 through 599)~~

~~500. **RECORDKEEPING: MAINTENANCE AND INVENTORY REQUIREMENTS.**~~

~~01. **Records Maintenance and Retention Requirement.** Unless an alternative standard is stated for a specified record type, form, or format, records required to evidence compliance with statutes or rules enforced by the Board must be maintained and retained in a readily retrievable form and location for at least three (3) years from the date of the transaction. (3-28-23)~~

~~02. **Prescription Retention.** A prescription drug order must be retained in a readily retrievable manner by each drug outlet and maintained in accordance with federal law: (3-28-23)~~

~~03. **Inventory Records.** Each drug outlet must maintain a current, complete and accurate record of each controlled substance manufactured, imported, received, ordered, sold, delivered, exported, dispensed or otherwise disposed of by the registrant. Drug outlets must maintain inventories and records in accordance with federal law. An annual inventory must be conducted at each registered location no later than seven (7) days after the date of the most recent inventory in a form and manner that satisfies the inventory requirements of federal law. Drugs stored outside a drug outlet in accordance with these rules must be regularly inventoried and inspected to ensure that they are properly stored, secured, and accounted for. Additional inventories are necessary when required by federal law. (3-28-23)~~

~~04. **Rebuttal Presumption of Violation.** Evidence of an amount of a controlled substance that differs from the amount reflected on a record or inventory required by state or federal law creates a rebuttable presumption that the registrant has failed to keep records or maintain inventories in conformance with the recordkeeping and inventory requirements of state and federal law. (3-28-23)~~

~~05. **Drug Distributor Records.** Wholesalers and other entities engaged in wholesale drug distribution must maintain inventories and records or transactions pertaining to the receipt and distribution or other disposition of drugs in accordance with federal law that include at least: (3-28-23)~~

~~a. The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped; (3-28-23)~~

~~b. The identity and quantity of the drugs received and distributed or disposed of; (3-28-23)~~

~~c. The dates of receipt and distribution or other disposition of the drugs; and (3-28-23)~~

~~d. Controlled substance distribution invoices, in the form and including the requirements of federal law. (3-28-23)~~

~~06. **Central Records Storage.** Records may be retained at a central location in compliance with federal law. (3-28-23)~~

~~07. **Electronic Records Storage.** Records may be electronically stored and maintained if they remain legible and are in a readily retrievable format, and if federal law does not require them to be kept in a hard copy format. (3-28-23)~~

~~501. **REPORTING REQUIREMENTS.**~~

~~01. **Theft or Loss of Controlled Substances.** A registrant must report to the Board on the same day reported to the DEA a theft or loss of a controlled substance that includes the information required by federal law. (3-28-23)~~

~~02. **Individual and Outlet Information Changes.** Changes in employment or changes to information provided on or with the initial or renewal application must be reported to the Board within ten (10) days of the change. (3-28-23)~~

~~03. **Drug Distributor Monthly Reports.** An authorized distributor must report specified data on drugs distributed at least monthly to the Board in a form and manner prescribed by the Board. (3-28-23)~~

~~502.—599. **(RESERVED)**~~

~~**SUBCHAPTER C—PRESCRIPTION DRUG MONITORING PROGRAM REQUIREMENTS**
(Rules 600 through 699)~~

~~600. **CONTROLLED SUBSTANCES: PDMP.** Specified data on controlled substances must be reported by the end of the next business day by all drug outlets that dispense controlled substances in or into Idaho and prescribers that dispense controlled substances to humans.~~

(3-28-23)

~~01. **Online Access to PDMP.** To obtain online access, a prescriber or pharmacist, or their delegate must complete and submit a registration application and agree to adhere to the access restrictions and limitations established by law. (3-28-23)~~

~~02. **Use Outside Scope of Practice.** Information obtained from the PDMP must not be used for purposes outside the prescriber's or pharmacist's scope of professional practice. A delegate may not access the PDMP outside of their supervisor's scope of professional practice. (3-28-23)~~

~~03. **Profile Requests.** Authorized persons without online access may obtain a profile by completing a Board form and submitting it to the Board office with proof of identification and other credentials necessary to confirm the requestor's authorized status pursuant to Section 37-2726, Idaho Code. (3-28-23)~~

~~601.—699. (RESERVED)~~

SUBCHAPTER H—RULES GOVERNING DRUG COMPOUNDING
(Rules 700 through 799)

~~700. **COMPOUNDING DRUG PREPARATIONS.**
Any compounding that is not permitted herein is considered manufacturing. (3-28-23)~~

~~01. **Application.** This rule applies to any person, including any business entity, authorized to engage in the practice of non-sterile compounding, sterile compounding, and sterile prepackaging of drug products in or into Idaho, except these rules do not apply to: (3-28-23)~~

~~a. Compound positron emission tomography drugs; (3-28-23)~~

~~b. Radiopharmaceutics; (3-28-23)~~

~~c. The reconstitution of a non-sterile drug or a sterile drug for immediate administration; (3-28-23)~~

~~d. The addition of a flavoring agent to a drug product; and (3-28-23)~~

~~e. Product preparation of a non-sterile, non-hazardous drug according to the manufacturer's FDA approved labeling. (3-28-23)~~

~~02. **General Compounding Standards.** (3-28-23)~~

~~a. **Active Pharmaceutical Ingredients.** All active pharmaceutical ingredients must be obtained from an FDA registered manufacturer. FDA registration as a foreign manufacturer satisfies this requirement. (3-28-23)~~

~~b. **Certificate of Analysis (COA).** Unless the active pharmaceutical ingredient complies with the standards of an applicable USP-NF monograph, a COA must be obtained for all active pharmaceutical ingredients procured for compounding and retained for a period of not less than three (3) years from the date the container is emptied, expired, returned, or disposed of. The following minimum information is necessary on the COA: product name, lot number, expiration date, and assay. (3-28-23)~~

~~c. **Equipment.** Equipment and utensils must be of suitable design and composition and cleaned, sanitized, or sterilized as appropriate prior to use. (3-28-23)~~

~~d. **Disposal of Compromised Drugs.** When the correct identity, purity, strength, and sterility of ingredients and components cannot be confirmed (in cases of, for example, unlabeled syringes, opened ampoules, punctured stoppers of vials and bags, and containers of ingredients with incomplete labeling) or when the ingredients and components do not possess the expected appearance, aroma, and texture, they must be removed from stock and isolated for return, reclamation, or destruction. (3-28-23)~~

~~**03. Prohibited Compounding.** Compounding any drug product for human use that the FDA has identified as presenting demonstrable difficulties in compounding or has withdrawn or removed from the market for safety or efficacy reasons is prohibited. (3-28-23)~~

~~**04. Limited Compounding.** (3-28-23)~~

~~**a. Triad Relationship.** A pharmacist may compound a drug product in the usual course of professional practice for an individual patient pursuant to an established prescriber/patient/pharmacist relationship and a valid prescription drug order. (3-28-23)~~

~~**b. Commercially Available Products.** A drug product that is commercially available may only be compounded if not compounded regularly or in inordinate amounts and if: (3-28-23)~~

~~**i.** It is medically warranted to provide an alternate ingredient, dosage form, or strength of significance; or (3-28-23)~~

~~**ii.** The commercial product is not reasonably available in the market in time to meet the patient's needs. (3-28-23)~~

~~**e. Anticipatory Compounding.** Limited quantities of a drug product may be compounded or sterile prepackaged prior to receiving a valid prescription drug order based on a history of receiving valid prescription drug orders for the compounded or sterile prepackaged drug product. (3-28-23)~~

~~**05. Drug Compounding Controls.** (3-28-23)~~

~~**a. Policies and Procedures.** In consideration of the applicable provisions of USP Chapter 795 concerning pharmacy compounding of non-sterile preparations, USP Chapter 797 concerning sterile preparations, Chapter 1075 of the USP-NF concerning good compounding practices, and Chapter 1160 of the USP-NF concerning pharmaceutical calculations, policies and procedures for the compounding or sterile prepackaging of drug products must ensure the safety, identity, strength, quality, and purity of the finished product, and must include any of the following that are applicable to the scope of compounding practice being performed: (3-28-23)~~

~~**i.** Appropriate packaging, handling, transport, and storage requirements; (3-28-23)~~

~~**ii.** Accuracy and precision of calculations, measurements, and weighing; (3-28-23)~~

~~**iii.** Determining ingredient identity, quality, and purity; (3-28-23)~~

~~**iv.** Labeling accuracy and completeness; (3-28-23)~~

~~**v.** Beyond use dating; (3-28-23)~~

~~**vi.** Auditing for deficiencies, including routine environmental sampling, quality and accuracy testing, and maintaining inspection and testing records; (3-28-23)~~

~~**vii.** Maintaining environmental quality control; and (3-28-23)~~

~~**viii.** Safe limits and ranges for strength of ingredients, pH, bacterial endotoxins, and particulate matter. (3-28-23)~~

~~**b. Accuracy.** Components including, but not limited to, bulk drug substances, used in the compounding or sterile prepackaging of drug products must be accurately weighed, measured, or subdivided, as appropriate. The amount of each active ingredient contained within a compounded drug product must not vary from the labeled potency by more than the drug product's acceptable potency range listed in the USP-NF monograph for that product. If USP-NF does not publish a range for a particular drug product, the active ingredients must not contain less than ninety percent (90%) and not more than one hundred ten percent (110%) of the potency stated on the label. (3-28-23)~~

~~e. Non-Patient Specific Records. Except for drug products that are being compounded or sterile prepackaged for direct administration, a production record of drug products compounded or sterile prepackaged in anticipation of receiving prescription drug orders or distributed in the absence of a patient specific prescription drug order (“office use”) solely as permitted in these rules, must be prepared and kept for each drug product prepared, including: (3-28-23)~~

~~i. Production date; (3-28-23)~~

~~ii. Beyond use date; (3-28-23)~~

~~iii. List and quantity of each ingredient; (3-28-23)~~

~~iv. Internal control or serial number; and (3-28-23)~~

~~v. Initials or unique identifier of all persons involved in the process or the compounder responsible for the accuracy of these processes. (3-28-23)~~

701. STERILE PREPARATION.

~~01. Application. In addition to all other applicable rules in this chapter, including the rules governing Compounding Drug Preparations, these rules apply to all persons, including any business entity, engaged in the practice of sterile compounding and sterile prepackaging in or into Idaho. (3-28-23)~~

~~02. Dosage Forms Requiring Sterility. The sterility of compounded biologics, diagnostics, drugs, nutrients, and radiopharmaceuticals must be maintained or the compounded drug preparation must be sterilized when prepared in the following dosage forms: (3-28-23)~~

~~a. Aqueous bronchial and nasal inhalations, except sprays and irrigations intended to treat nasal mucosa only; (3-28-23)~~

~~b. Baths and soaks for live organs and tissues; (3-28-23)~~

~~c. Injections (for example, colloidal dispersions, emulsions, solutions, suspensions); (3-28-23)~~

~~d. Irrigations for wounds and body cavities; (3-28-23)~~

~~e. Ophthalmic drops and ointments; and (3-28-23)~~

~~f. Tissue implants. (3-28-23)~~

~~03. Compounder Responsibilities. Compounders and sterile prepackagers are responsible for ensuring that sterile products are accurately identified, measured, diluted, and mixed and are correctly purified, sterilized, packaged, sealed, labeled, stored, dispensed, and distributed, as well as prepared in a manner that maintains sterility and minimizes the introduction of particulate matter; (3-28-23)~~

~~a. Unless following manufacturer’s guidelines or another reliable literature source, opened or partially used packages of ingredients for subsequent use must be properly stored as follows; (3-28-23)~~

~~i. Opened or entered single dose containers, such as bags, bottles, syringes, and vials of sterile products and compounded sterile preparations are to be used within one (1) hour if opened in non-sterile conditions, and any remaining contents must be discarded; (3-28-23)~~

~~ii. Single dose vials needle punctured in a sterile environment may be used up to six (6) hours after initial needle puncture; (3-28-23)~~

~~iii. Opened single dose ampules may not be stored for any time period; and (3-28-23)~~

~~iv. Multiple-dose containers that are formulated for removal of portions on multiple occasions because they contain antimicrobial preservatives, may be used for up to twenty-eight (28) days after initial opening or entering, unless otherwise specified by the manufacturer; (3-28-23)~~

~~b. Water-containing compounded sterile products that are non-sterile during any phase of the compounding procedure must be sterilized within six (6) hours after completing the preparation in order to minimize the generation of bacterial endotoxins; (3-28-23)~~

~~e. No food, drinks, or materials exposed in patient care and treatment areas may enter ante-areas, buffer areas, or segregated areas where components and ingredients of sterile preparations are prepared. (3-28-23)~~

~~**04. Environmental Controls.** Except when prepared for immediate administration, the environment for the preparation of sterile preparations in a drug outlet must be in an isolated area, designed to avoid unnecessary traffic and airflow disturbances, and equipped to accommodate aseptic techniques and conditions. (3-28-23)~~

~~a. Hoods and aseptic environmental control devices must be certified for operational efficiency as often as recommended by the manufacturer or at least every six (6) months or if relocated. (3-28-23)~~

~~b. Filters must be inspected and replaced in accordance with the manufacturer's recommendations. (3-28-23)~~

~~**05. Sterile Preparation Equipment.** A drug outlet in which sterile preparations are prepared must be equipped with at least the following: (3-28-23)~~

~~a. Protective apparel including gowns, masks, and sterile (or the ability to sterilize) non-vinyl gloves, unless written documentation can be provided from the aseptic isolator manufacturer that any component of garbing is not necessary; (3-28-23)~~

~~b. A sink; (3-28-23)~~

~~e. A refrigerator for proper storage of additives and finished sterile preparations prior to delivery when necessary; and (3-28-23)~~

~~d. An appropriate laminar airflow hood or other aseptic environmental control device such as a laminar flow biological safety cabinet, or a comparable compounding area when authorized by USP Chapter 797. (3-28-23)~~

~~**06. Documentation Requirements.** The following documentation must also be maintained by a drug outlet in which sterile preparations are prepared: (3-28-23)~~

~~a. Justification of beyond use dates assigned, pursuant to direct testing or extrapolation from reliable literature sources; (3-28-23)~~

~~b. Training records, evidencing that personnel are trained on a routine basis and are adequately skilled, educated, and instructed; (3-28-23)~~

~~e. Audits appropriate for the risk of contamination for the particular sterile preparation including: (3-28-23)~~

~~i. Visual inspection to ensure the absence of particulate matter in solutions, the absence of leakage from bags and vials, and the accuracy of labeling with each dispensing; (3-28-23)~~

~~ii. Periodic hand hygiene and garbing competency; (3-28-23)~~

~~iii. Media fill test procedures (or equivalent), aseptic technique, and practice related competency evaluation at least annually by each compounder or sterile prepackager; (3-28-23)~~

- ~~iv. Environmental sampling testing at least upon registration of a new drug outlet, following the servicing or re-certification of facilities and equipment, or in response to identified problems with end products, staff techniques or patient-related infections, or every six (6) months. (3-28-23)~~
 - ~~v. Gloved fingertip sampling testing at least annually for personnel who compound low- and medium-risk level compounded sterile preparations and every six (6) months for personnel who compound high-risk level compounded sterile preparations. (3-28-23)~~
 - ~~vi. Sterility testing of high risk batches of more than twenty-five (25) identical packages (ampules, bags, vials, etc.) before dispensing or distributing; (3-28-23)~~
 - ~~d. Temperature, logged daily; (3-28-23)~~
 - ~~e. Beyond use date and accuracy testing, when appropriate; and (3-28-23)~~
 - ~~f. Measuring, mixing, sterilizing, and purification equipment inspection, monitoring, cleaning, and maintenance to ensure accuracy and effectiveness for their intended use. (3-28-23)~~
- ~~07. **Policy and Procedures Manual.** Maintain a policy and procedures manual to ensure compliance with this rule. (3-28-23)~~

702. HAZARDOUS DRUGS PREPARATION.

In addition to all other applicable rules in this chapter, including the rules governing Compounding Drug Preparations and Sterile Preparation, these rules apply to all persons, including any business entity, engaged in the practice of compounding or sterile prepackaging with hazardous drugs. Such persons must: (3-28-23)

- ~~01. **Ventilation.** Ensure the storage and compounding areas have sufficient general exhaust ventilation to dilute and remove any airborne contaminants. (3-28-23)~~
- ~~02. **Ventilated Cabinet.** Utilize a ventilated cabinet designed to reduce worker exposures while preparing hazardous drugs. (3-28-23)~~
 - ~~a. Sterile hazardous drugs must be prepared in a dedicated Class II biological safety cabinet or a barrier isolator of appropriate design to meet the personnel exposure limits described in product material safety data sheets; (3-28-23)~~
 - ~~b. When asepsis is not required, a Class I BSC, powder containment hood or an isolator intended for containment applications may be sufficient. (3-28-23)~~
 - ~~e. A ventilated cabinet that re-circulates air inside the cabinet or exhausts air back into the room environment is prohibited, unless: (3-28-23)~~
 - ~~i. The hazardous drugs in use will not volatilize while they are being handled; or (3-28-23)~~
 - ~~ii. Written documentation from the manufacturer attesting to the safety of such ventilation. (3-28-23)~~
- ~~03. **Clear Identification.** Clearly identify storage areas, compounding areas, containers, and prepared doses of hazardous drugs. (3-28-23)~~
- ~~04. **Labeling.** Label hazardous drugs with proper precautions, and dispense them in a manner to minimize risk of hazardous spills. (3-28-23)~~
- ~~05. **Protective Equipment and Supplies.** Provide and maintain appropriate personal protective equipment and supplies necessary for handling hazardous drugs, spills and disposal. (3-28-23)~~
- ~~06. **Contamination Prevention.** Unpack, store, prepackage, and compound hazardous drugs~~

~~separately from other inventory in a restricted area in a manner to prevent contamination and personnel exposure until hazardous drugs exist in their final unit of use packaging. (3-28-23)~~

~~**07. Compliance With Laws.** Comply with applicable local, state, and federal laws including for the disposal of hazardous waste. (3-28-23)~~

~~**08. Training.** Ensure that personnel working with hazardous drugs are trained in hygiene, garbing, receipt, storage, handling, transporting, compounding, spill control, clean up, disposal, dispensing, medical surveillance, and environmental quality and control. (3-28-23)~~

~~**09. Policy and Procedures Manual.** Maintain a policy and procedures manual to ensure compliance with this rule. (3-28-23)~~

703. 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. (3-28-23)~~

~~**02. Adverse Event Reports.** Outsourcing facilities must submit to the Board a copy of all adverse event reports submitted to the secretary of Health and Human Services in accordance with Section 310.305 of Title 21 of the Code of Federal Regulations. (3-28-23)~~

~~**704.—999. (RESERVED)**~~

100. LICENSURE.

01. Licensure and Registration: Special Requirements. ()

a. Out-of-Practice. The Board may require any applicant who has both failed to maintain an active license in Idaho and has not practiced as a pharmacist for the preceding twelve (12) months or longer to take and pass an examination, complete intern hours, complete additional continuing education hours, or complete other requirements determined necessary to acquire or demonstrate professional competency. ()

b. Cancellation and Registration. Failure to maintain the requirements for any registration will result in the cancellation of the registration. ()

c. Reinstatement of License or Registration. Reinstatement applicants must provide satisfactory evidence of completion of a minimum of thirty (30) continuing education hours within the twenty-four (24) months prior to reinstatement and compliance with any direct orders of the Board. ()

02. Pharmacist Continuing Education Requirement. To meet the standard of care, pharmacists are expected to complete sufficient continuing education germane to the practice of pharmacy to maintain their professional competence. At license renewal, every pharmacist shall attest that they have maintained competence through continuing education commensurate with their active practice setting. ()

03. Determination of Need for Nonresident Licensure or Registration. ()

a. Independent Practice. Nonresident pharmacists must be licensed if engaged in the independent practice of pharmacy across state lines and not practicing for an Idaho registered drug outlet. ()

b. Practice for an Idaho Registered Drug Outlet. A nonresident pharmacist serving as the PIC for an Idaho registered nonresident drug outlet must be registered to practice into Idaho. All other nonresident pharmacists who are employed by, or affiliated with, and practicing for the Idaho registered nonresident drug outlet, but who are not the PIC, are exempt from license and registration requirements for practice into Idaho. ()

c. Multistate Pharmacists. Multistate pharmacists, as defined in Section 54-1723B, Idaho Code, are exempt from separate licensure or registration in Idaho. ()

d. Exemption from Separate Practitioner Controlled Substance Registration. All pharmacists who manufacture, distribute, administer, dispense, or conduct research with any controlled substance in or into Idaho are exempt from obtaining a separate controlled substance registration, subject to compliance with all requirements of Title 37, Chapter 27, Idaho Code. This exemption does not apply to pharmacists who prescribe controlled substances in Idaho. ()

04. Nonresident PIC Registration to Practice Pharmacy into Idaho. To be registered as a nonresident PIC, an applicant must submit an application on a Board form including, but not limited to: ()

a. Individual License Information. Current pharmacist licensure information in all other states, including each state of licensure and each license number; ()

b. Facility License Information. The license or registration number of the facility for which the applicant will be practicing. ()

05. Pharmacist Intern Registration. ()

a. Registration Requirements. To be approved for and maintain registration as a pharmacist intern, the applicant must: ()

i. Currently be enrolled and in good standing in an accredited school or college of pharmacy, pursuing a professional degree in pharmacy; or ()

ii. Be a graduate of an accredited school or college of pharmacy within the United States and awaiting examination for pharmacist licensure; or ()

iii. Be a graduate of a school or college of pharmacy located outside the United States, obtain certification by the FPGEC, and be awaiting finalization of pharmacist licensure. ()

b. Renewal. ()

i. Current Students. A pharmacist intern registration must be renewed biennially; however, the renewal fee will be waived, if renewed on time, for the duration of the student's enrollment in the school or college of pharmacy. Following graduation, if a pharmacist license application has been submitted, the pharmacist intern license will be extended at no cost for up to six (6) additional months from the date of application as a pharmacist, after which time the individual will need to submit a new application to continue to be a pharmacist intern. ()

ii. Pharmacy Graduates. A graduate pharmacist intern registration may be obtained and renewed once within one (1) year from the date of issuance. The Board may, at its discretion, grant additional time to complete internship experience if unique circumstances present. ()

06. Technician Exemption from Criminal Background Check. Technician candidates under the age of eighteen (18) are exempt from the fingerprint-based criminal history check requirement of Idaho Code. ()

07. Practitioner Controlled Substance Registration. Any practitioner in Idaho who intends to prescribe, administer, dispense, or conduct research with a controlled substance must first obtain an Idaho practitioner controlled substance registration and: ()

a. State License. Hold a valid license or registration to prescribe medications from a licensing entity established under Title 54, Idaho Code. ()

b. DEA Registration. Obtain a valid federal DEA registration, if needed under federal law. Failure to obtain a federal DEA registration for any reason within forty-five (45) days of the issuance of the Idaho Practitioner Controlled Substance Registration will result in automatic cancellation. ()

c. Idaho Practice Address. An Idaho practitioner controlled substance registration requires the

applicant to establish an Idaho practice address, subject to inspection by the Board. This requirement does not apply to out-of-state practitioners who only prescribe into Idaho. ()

d. Exemption from Separate Practitioner Controlled Substance Registration. All pharmacists who manufacture, distribute, administer, dispense, or conduct research with any controlled substance in or into Idaho are exempt from obtaining a separate controlled substance registration, subject to compliance with all requirements of Title 37, Chapter 27, Idaho Code. This exemption does not apply to pharmacists who prescribe controlled substances in Idaho. ()

08. Drug Outlet Licensure and Registration: General Requirements. A license or a certificate of registration is required for drug outlets prior to doing business in or into Idaho. A license or certificate of registration will be issued by the Board to drug outlets pursuant to, and in the general classifications defined by, Section 54-1729, Idaho Code. ()

a. New Drug Outlet Inspections. Following the issuance of a new license or registration, each drug outlet will be inspected to confirm that the facility is compliant with applicable law. A change of ownership of a currently registered pharmacy will not require an onsite inspection of a new pharmacy registration unless a change of location occurs. ()

b. License and Registration Transferability. Drug outlet licenses and registrations are location and owner specific and are nontransferable as to person or place. ()

c. Nonresident Drug Outlet. The Board may license or register a drug outlet licensed or registered under the laws of another state if the other state's standards are comparable to those in Idaho and acceptable to the Board, evidenced by an inspection report. ()

d. Change of Location. At least ten (10) days prior to the event, the registrant must notify the Board of a drug outlet's change of location through the completion of an application for a new license or registration. When a licensee or registrant has made a timely and complete application for a new license or registration, the existing license does not expire until the application has been finally determined by the Board, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the Board order. This does not preclude the Board from taking immediate action to protect the public interest. ()

e. Change of Ownership. The registrant must notify the Board of any change to the operating legal entity's majority ownership of a drug outlet within thirty (30) days of the event. ()

f. Permanent Closing. A registrant must notify the Board and the general public of the pharmacy's permanent closing at least ten (10) days prior to closing. The notice must include the proposed date of closure, and the new location of the prescription files. The notice to the board is to include the location where the closing inventory record of controlled substances is retained. ()

g. Exemption from Separate Controlled Substance Registration. All drug outlets doing business in or into Idaho who hold a valid license or registration from the Board are exempt from obtaining a separate controlled substance registration, but are subject to compliance with all requirements under Title 37, Chapter 27, Idaho Code. ()

09. Wholesaler Licensure and Registration. ()

a. Wholesaler Licensure. The following information must be provided under oath by each applicant for wholesaler licensure as part of the initial licensing procedure and for each renewal on a Board form: ()

i. Any felony conviction or any conviction of the applicant relating to wholesale or retail prescription drug distribution or distribution of controlled substances. ()

ii. Any discipline of the applicant by a regulatory agency in any state for violating any law relating to wholesale or retail prescription drug distribution or distribution of controlled substances. ()

b. Accreditation. The Board will recognize a wholesaler's accreditation by National Association of Boards of Pharmacy for purposes of reciprocity and satisfying the new drug outlet inspection requirements of these rules. ()

c. Wholesaler Registration. Except when licensed pursuant to title 54, chapter 17, Idaho Code, and these rules, a wholesaler that engages in wholesale distribution of Durable Medical Equipment supplies, prescription medical devices, or products that contain pseudoephedrine in or into Idaho must be registered by the Board. ()

10. Manufacturer Registration. Manufacturers that ship, mail, or deliver dispensed prescription drugs or devices to an Idaho resident must also register with the Board as a nonresident drug outlet. Those manufacturers that only engage in the wholesale distribution of their own product are exempt from wholesale licensure. ()

101. -- 199. (RESERVED)

200. PRACTICE STANDARDS.

01. Scope of Practice. Subject to Idaho Code § 54-1705, pharmacists may perform pharmaceutical care services, which include a broad range of services for patients performed independently or in collaboration with other health care professionals. ()

02. Waivers or Variances. In the event of an emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, the division administrator may waive any requirement of these rules for the duration of the emergency. ()

03. Drug Outlets: Minimum Facility Standards. A resident drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements: ()

a. Security and Privacy. A drug outlet must be constructed and equipped with adequate security to protect its equipment, records and supply of drugs, devices and other restricted sale items from unauthorized access, acquisition or use. All protected health information must be stored and maintained in accordance with HIPAA. ()

b. Controlled Substance Storage. Drug outlets must store controlled substances in accordance with federal law. ()

c. Authorized Access to the Restricted Drug Storage Area. Access to the area where prescription drugs are prepared, compounded, distributed, dispensed, or stored must be limited to authorized personnel. ()

d. Staffing. A drug outlet must be staffed sufficiently to allow for appropriate supervision, to otherwise operate safely and, if applicable, to remain open during the hours posted as open to the public for business. ()

e. Electronic Recordkeeping System. A drug outlet that dispenses more than twenty (20) prescriptions per day must use an electronic recordkeeping system to establish and store patient medication records and prescription drug order, refill, transfer information, and other information necessary to provide safe and appropriate patient care. The electronic recordkeeping system must have audit trail functionality that documents for each prescription drug order the identity of each individual involved at each step of its processing, filling, and dispensing or, alternatively, the identity of the pharmacist or prescriber responsible for the accuracy of these processes. ()

04. Drug Outlets that Dispense Prescription Drugs: Minimum Prescription Filling Requirements. Unless exempted by these rules, each drug outlet that dispenses prescription drugs to patients in Idaho must meet the following minimum requirements either at the drug outlet or through offsite pharmacy services: ()

a. Valid Prescription Drug Order. Prescription drugs may only be dispensed pursuant to a valid prescription drug order as set forth below in Rules 200.08 and 200.09. ()

- b.** Prospective Drug Review. Prospective drug review must be provided. ()
- c.** Labeling. Each drug must bear a complete and accurate label as set forth in these rules. ()
- d.** Verification of Dispensing Accuracy. Verification of dispensing accuracy must be performed to compare the drug stock selected to the drug prescribed. If not performed by a pharmacist or prescriber, either an electronic verification system or verification by two (2) support persons must be used that confirms the drug stock selected to fill the prescription is the same as indicated on the prescription label. ()
- e.** Patient Counseling. Counseling must be provided. ()
- 05. Drug Outlets that Dispense Drugs to Patients without an Onsite Pharmacist or Prescriber.** A drug outlet that dispenses drugs to patients in Idaho that does not have a pharmacist or prescriber onsite to perform or supervise pharmacy operations must comply with the following requirements: ()

 - a.** Security and Access. Maintain adequate video surveillance of the facility and retain a high quality recording for a minimum of thirty (30) days. ()
 - b.** Technology. The video or audio communication system used to counsel and interact with each patient or patient’s caregiver, must be clear, secure, and HIPAA-compliant. ()
 - c.** Technical Limitation Closure. The drug outlet must be, or remain, closed to the public if any component of the surveillance or video and audio communication system is malfunctioning, until system corrections or repairs are completed. ()
 - d.** Exemptions. ()

 - i.** A self-service ADS that operates as a drug outlet is exempt from the video surveillance requirement of this rule. In addition, if counseling is provided by an onsite prescriber or pharmacist, a self-service ADS is exempt from the video and audio communication system requirements of this rule. ()
 - ii.** Veterinarians are exempt from this rule. ()
- 06. Drugs Stored Outside of a Drug Outlet for Retrieval by a Licensed Health Professional.** Drugs may be stored in an alternative designated area outside the drug outlet, including, but not limited to, in an emergency cabinet, in an emergency kit, or as emergency outpatient drug delivery from an emergency room at a registered institutional facility, provided the following conditions are met: ()

 - a.** Supervising Drug Outlet. Drugs stored in such a manner must remain under the control of, and be routinely monitored by, the supervising drug outlet. ()
 - b.** Secure Storage. The area is appropriately equipped to ensure security and protection from diversion or tampering. ()
 - c.** Controlled Substances. Controlled substances may only be stored in an alternative designated area as permitted by, and in accordance with, federal law. ()
 - d.** Stocking and Replenishing. Stocking or replenishing drugs in an alternative designated area may be performed by a pharmacist or prescriber, or by appropriate support personnel using either an electronic verification system or two (2) persons. ()
- 07. Pharmacist Prescribing: General Requirements.** In accordance with Section 54-1704, Idaho Code, a pharmacist may independently prescribe provided the following general requirements are met by the pharmacist: ()

 - a.** Education. Only prescribe drugs or devices for conditions for which the pharmacist is educationally

prepared and for which competence has been achieved and maintained. ()

b. Patient-Prescriber Relationship. Only issue a prescription for a legitimate medical purpose arising from a patient-prescriber relationship as defined in Section 54-1733, Idaho Code. ()

c. Patient Assessment. Obtain adequate information about the patient's health status to make appropriate decisions based on the applicable standard of care and the best available evidence. ()

d. Collaboration with Other Health Care Professionals. Recognize the limits of the pharmacist's own knowledge and experience and consult with and refer to other health care professionals as appropriate. ()

e. Documentation. Maintain documentation adequate to justify the care provided including, but not limited to, the information collected as part of the patient assessment, the prescription record, provider notification, and the follow-up care plan. ()

f. Prescribing Exemption. The general requirements set forth in this section do not apply to the prescribing of devices and nonprescription drugs, prescribing under a collaborative pharmacy practice agreement, direct administration of a medication, or prescribing emergency drugs pursuant to Section 54-1735, Idaho Code. ()

08. Prescription Drug Order: Validity. Prior to filling or dispensing a prescription drug order, a pharmacist must verify its validity. ()

a. Invalid Prescription Drug Orders. A prescription drug order is invalid if not issued by a licensed prescriber for a legitimate medical purpose, and within the course and scope of the prescriber's professional practice and prescriptive authority. ()

b. Antedating or Postdating. A prescription drug order is invalid if antedated or postdated. ()

c. Tampering. A prescription drug order is invalid if, at the time of presentation, it shows evidence of alteration by any person other than the person who wrote it. ()

d. Prescriber Self-Use. A prescription drug order written for a controlled substance is invalid if written for the prescriber's own use. ()

e. Digital Image Prescriptions. A digital image of a prescription drug order is invalid if it is for a controlled substance or if the patient intends to pay cash for the drug in whole. ()

09. Prescription Drug Order: Minimum Requirements. A prescription drug order must comply with applicable requirements of federal law and, except as differentiation is permitted for an institutional drug order, include at least the following: ()

a. Patient's Name. The patient's or authorized entity's name and: ()

i. If for a controlled substance, the patient's full name and address; and ()

ii. If for an animal, the species. ()

b. Date. The date issued. ()

c. Drug Information. The drug name, strength, and quantity. ()

d. Directions. The directions for use. ()

e. Prescriber Information. The name and, if for a controlled substance, the address and DEA registration number of the prescriber. ()

f. Signature. A signature sufficient to evidence a valid prescription of either the prescriber or, if a renewal of a previous prescription, the prescriber's agent, when authorized by the prescriber. ()

g. General Exemption. A prescriber may omit drug information and directions and make an indication for the pharmacist to finalize the patient's drug therapy plan. ()

10. Filling Prescription Drug Orders: Practice Limitations. ()

a. Drug Product Selection. Drug product selection is allowed only between therapeutic equivalent drugs as published in the FDA's Orange Book or Green Book. If a prescriber orders by any means that a brand name drug must be dispensed, then no drug product selection is permitted. ()

b. Partial Filling. A prescription drug order may be partially filled within the limits of federal law. The total quantity dispensed in partial fillings must not exceed the total quantity prescribed. ()

c. Refill Authorization. A prescription drug order may be refilled when permitted by state and federal law and as specifically authorized by the prescriber. A pharmacist may also refill a prescription to ensure continuity of care. ()

11. Filling Prescription Drug Orders: Adaptation. A pharmacist may adapt drugs as specified in this rule. ()

a. Change Quantity. A pharmacist may change the quantity of medication prescribed if: ()

i. The prescribed quantity or package size is not commercially available; ()

ii. The change in quantity is related to a change in dosage form, strength, or therapeutic interchange; ()

iii. The change is intended to dispense up to the total amount authorized by the prescriber including refills; or ()

iv. The change extends a maintenance drug for the limited quantity necessary to coordinate a patient's refills in a medication synchronization program. ()

b. Change Dosage Form. A pharmacist may change the dosage form of the prescription if it is in the best interest of patient care, so long as the prescriber's directions are also modified to equate to an equivalent amount of drug dispensed as prescribed. ()

c. Complete Missing Information. A pharmacist may complete missing information on a prescription if there is evidence to support the change. ()

d. Documentation. The adaption must be documented in the patient's record. ()

12. Filling Prescription Drug Orders: Drug Product Substitution. Drug product substitutions in which a pharmacist dispenses a drug product other than that prescribed are allowed only as follows: ()

a. Hospital. Pursuant to a formulary or drug list prepared by the pharmacy and therapeutics committee of a hospital; ()

b. Institutional Facility. At the direction of the quality assessment and assurance committee of an institutional facility; ()

c. Biosimilars. A pharmacist may substitute an interchangeable biosimilar product for a prescribed biological product if: ()

i. The biosimilar has been determined by the FDA to be interchangeable as published in the FDA's

Purple Book: ()

ii. The name of the drug and the manufacturer or the NDC number is documented in the patient medical record. ()

d. Therapeutic Interchange. A pharmacist may substitute a drug with another drug in the same therapeutic class, provided the substitution lowers the cost to the patient or occurs during a drug shortage. ()

13. Filling Prescription Drug Orders: Transfers. A prescription drug order may be transferred within the limits of federal law. Drug outlets using a common electronic file are exempt from transfer limits. ()

14. Labeling Standards. All prescription drugs must be in an appropriate container and bear information that identifies the drug product, any additional components as appropriate, and the individual responsible for its final preparation. ()

a. Standard Prescription Drug. A prescription drug for outpatient dispensing must be labeled in accordance with federal law. ()

b. Parenteral Admixture. If one (1) or more drugs are added to a preparation of sterile products intended for administration by injection, the admixture's container must include the date and time of the addition or the beyond use date. ()

c. Prepackaged Product. The containers of prepackaged drugs must include an expiration date that is the lesser of the manufacturer's original expiration date, one (1) year from the date the drug is prepackaged, or a shorter period if warranted. ()

d. Repackaged Drug. If a previously dispensed drug is repackaged, it must contain the prescription number and contact information for the original dispensing pharmacy, as well as a statement that indicates that the drug has been repackaged, and the contact information of the repackaging pharmacy. ()

e. Distributed Compounded Drug Product. Compounded and sterile prepackaged drug product distributed in the absence of a patient specific prescription must be labeled as follows: ()

i. If from a pharmacy, the statement: "not for further dispensing or distribution." ()

ii. If from an outsourcing facility, the statements: "office use only" and "not for resale." ()

15. Prescription Delivery: Restrictions. ()

a. Acceptable Delivery. A drug outlet that dispenses drugs to patients in Idaho may deliver filled prescriptions in accordance with federal law, as long as appropriate measures are taken to ensure product integrity and safety. ()

b. Pick-up or Return by Authorized Personnel. Filled prescriptions may be picked up for or returned from delivery by authorized personnel from a secured delivery area. ()

16. Destruction or Return of Drugs or Devices: Restrictions. A drug outlet registered with the DEA as a collector may collect controlled and non-controlled drugs for destruction in accordance with applicable federal law. Otherwise a dispensed drug or prescription device may only be accepted for return as follows: ()

a. Potential Harm. When the pharmacist determines that harm could result if the drug is not returned. ()

b. Did Not Reach Patient. Non-controlled drugs that have been maintained in the custody and control of the institutional facility, dispensing pharmacy, or their related clinical facilities may be returned if product integrity can be assured. Controlled substances may only be returned from a hospital daily delivery system under which a pharmacy dispenses no more than a seventy-two (72) hour supply for a drug order. ()

c. Donation. Those that qualify for return under the provisions of the Idaho Legend Drug Donation Act as specified in Section 54-1762, Idaho Code. ()

17. Recordkeeping: Maintenance and Inventory Requirements. ()

a. Records Maintenance and Retention Requirement. Unless an alternative standard is stated for a specified record type, form, or format, records required to evidence compliance with statutes or rules enforced by the Board must be maintained and retained in a readily retrievable form and location for at least three (3) years from the date of the transaction. ()

b. Prescription Retention. A prescription drug order must be retained in a readily retrievable manner by each drug outlet and maintained in accordance with federal law. ()

c. Inventory Records. Each drug outlet must maintain a current, complete and accurate record of each controlled substance manufactured, imported, received, ordered, sold, delivered, exported, dispensed or otherwise disposed of by the registrant. Drug outlets must maintain inventories and records in accordance with federal law. A biennial inventory must be conducted at each registered location no later than seven (7) days after the date of the most recent inventory in a form and manner that satisfies the inventory requirements of federal law. Drugs stored outside a drug outlet in accordance with these rules must be regularly inventoried and inspected to ensure that they are properly stored, secured, and accounted for. Additional inventories are necessary when required by federal law. ()

d. Rebuttal Presumption of Violation. Evidence of an amount of a controlled substance that differs from the amount reflected on a record or inventory required by state or federal law creates a rebuttable presumption that the registrant has failed to keep records or maintain inventories in conformance with the recordkeeping and inventory requirements of state and federal law. ()

e. Drug Distributor Records. Wholesalers and other entities engaged in wholesale drug distribution must maintain inventories and records or transactions pertaining to the receipt and distribution or other disposition of drugs in accordance with federal law that include at least: ()

i. The source of the drugs, including the name and principal address of the seller or transferor, and the address of the location from which the drugs were shipped; ()

ii. The identity and quantity of the drugs received and distributed or disposed of; ()

iii. The dates of receipt and distribution or other disposition of the drugs; and ()

iv. Controlled substance distribution invoices, in the form required by federal law. ()

f. Central Records Storage. Records may be retained at a central location in compliance with federal law. ()

g. Electronic Records Storage. Records may be electronically stored and maintained if they remain legible and are in a readily retrievable format, and if federal law does not require them to be kept in a hard copy format. ()

18. Reporting Requirements. ()

a. Theft or Loss of Controlled Substances. A registrant must report to the Board on the same day reported to the DEA a theft or loss of a controlled substance that includes the information required by federal law. ()

b. Criminal Convictions and Disciplinary Decisions. Licensees must report to the Board all felony convictions and any other criminal convictions involving any legend drug(s) within thirty (30) days of judgment. Licensees must also report to the Board all disciplinary decisions of any other licensing authority, or the surrender of a license in lieu of discipline, within thirty (30) days of the disciplinary order or the surrender. ()

c. Adverse Event Reports. Outsourcing facilities must submit to the Board a copy of all adverse event reports submitted to the secretary of Health and Human Services in accordance with 21 CFR § 310.305. ()

d. Individual and Outlet Information Changes. Changes in employment or changes to information provided on or with the initial or renewal application must be reported to the Board within ten (10) days of the change. ()

e. Drug Distributor Monthly Reports. An authorized distributor must report to the Board specified data on controlled substances distributed in a form and manner prescribed by the Board. ()

201. -- 299. (RESERVED)

300. DISCIPLINE.

01. Unprofessional Conduct. The following acts or practices by any licensee or registrant are declared to be specifically, but not by way of limitation, unprofessional conduct and conduct contrary to the public interest. ()

a. Unethical Conduct. Conduct in the practice of pharmacy or in the operation of a pharmacy that may reduce the public confidence in the ability and integrity of the profession of pharmacy or endangers the public health, safety, and welfare. A violation of this section includes committing fraud, misrepresentation, negligence, concealment, or being involved in dishonest dealings, price fixing, or breaching the public trust with respect to the practice of pharmacy. ()

b. Lack of Fitness. A lack of fitness for professional practice due to incompetency, personal habits, drug or alcohol dependence, physical or mental illness, or for any other cause that endangers public health, safety, or welfare. ()

c. On-Duty Intoxication or Impairment. Intoxication, impairment, or consumption of alcohol or drugs while on duty, including break periods after which the individual is expected to return to work, or prior to reporting to work. ()

d. Diversion of Drug Products and Devices. Supplying or diverting drugs, biologicals, and other medicines, substances, or devices legally sold in pharmacies that allows the circumvention of laws pertaining to the legal sale of these articles. ()

e. Unlawful Possession or Use of Drugs. Possessing or using a controlled substance without a lawful prescription drug order. A failed drug test creates a rebuttable presumption of a violation of this rule. ()

f. Self-prescribing of Controlled Substances. Prescribing any drug legally classified as a controlled substance to himself or herself, or to a spouse, child, or stepchild. ()

g. Prescription Drug Order Noncompliance. Failing to follow the instructions of the person writing, making, or ordering a prescription as to its refills, contents, or labeling except as provided in these rules. ()

h. Failure to Confer. Failure to confer with the prescriber when necessary or appropriate. ()

i. Excessive Provision of Controlled Substances. Providing an excessive amount of controlled substances. Evidentiary factors of a clearly excessive amount include, but are not limited to, the amount of controlled substances furnished and previous ordering patterns (including size and frequency of orders). ()

j. Failure to Counsel or Offer Counseling. Failing to counsel or offer counseling, unless specifically exempted or refused. ()

k. Substandard, Misbranded, Adulterated, or Expired Products. Manufacturing, compounding, delivering, distributing, dispensing, or permitting to be manufactured, compounded, delivered, distributed or

dispensed substandard, misbranded, or adulterated drugs or preparations or those made using secret formulas. Failing to remove expired drugs from stock. ()

l. Prescriber Incentives. Allowing a commission or rebate to be paid, or personally paying a commission or rebate, to a person writing, making, or otherwise ordering a prescription. ()

m. Exclusive Arrangements. Participation in a plan or agreement that compromises the quality or extent of professional services or limits access to provider facilities at the expense of public health or welfare. ()

n. Failure to Report. Failing to report to the Board any violation of statutes or rules pertaining to the practice of pharmacy or any act that endangers the health, safety, or welfare of patients or the public. ()

o. Failure to Follow Board Order. Failure to follow an order of the Board. ()

p. Use of False Information. Knowingly using false information in connection with the prescribing, delivering, administering, or dispensing of a controlled substance or other drug product. ()

q. Standard of Care. Acts or omissions within the practice of pharmacy which fail to meet the standard provided by other qualified licensees or registrants in the same or similar setting. ()

r. Unnecessary Services or Products. Directly promoting or inducing for the provisions of health care services or products that are unnecessary or not medically indicated. ()

s. Controlled Substance Non-Compliance. Violating provisions of the federal Controlled Substances Act or Title 37, Chapter 27, Idaho Code. ()

02. Board Inspections and Investigations. ()

a. Records Subject to Board Inspection. Records created, maintained, or retained by Board licensees or registrants in compliance with statutes or rules enforced by the Board must be made available for inspection upon request by Board inspectors or authorized agents. It is unlawful to refuse to permit or to obstruct a Board inspection. ()

b. Inspections. Prior to the commencement of business, as applicable, and thereafter at regular intervals, registrants and licensees must permit the Board or its compliance officers to enter and inspect the premises and to audit the records of each drug outlet for compliance with laws enforced by or under the Board's jurisdiction. ()

c. Inspection Deficiencies. Deficiencies noted must be promptly remedied, and if requested, the Board office notified of corrective measures. One (1) follow-up inspection may be performed by the Board at no cost. For additional follow-up inspections, the drug outlet will be charged actual travel and personnel costs incurred in the inspection to be paid within ninety (90) days of inspection. ()

d. Inspection Reports. Inspection reports must be reviewed with the Board inspector and signed by an agent of the drug outlet upon completion of the exit interview. ()

e. Investigations. Licensees or registrants must fully cooperate with Board investigations conducted to confirm compliance with laws enforced by the Board, including audits of continuing education, to gather information pertinent to a complaint received by the Board or to enforce disciplinary actions. ()

301. -- 399. (RESERVED)

400. FEES.
Nonrefundable fees are as follows: ()

01. Licenses and Registrations – Professionals.

License/Registration	Initial Fee	Annual Renewal Fee
Pharmacist License	<u>Not more than \$140</u>	<u>Not more than \$130</u>
Nonresident PIC Registration	<u>Not more than \$290</u>	<u>Not more than \$290</u>
Pharmacist Intern	<u>Not more than \$50</u>	<u>Not more than \$50</u>
Technician	<u>Not more than \$35</u>	<u>Not more than \$35</u>
Practitioner Controlled Substance Registration	<u>Not more than \$60</u>	<u>Not more than \$60</u>

()

02. Certificates of Registration and Licensure – Facilities.

License/Registration	Initial Fee	Annual Renewal Fee
Drug Outlet (unless otherwise listed)	<u>Not more than \$100</u>	<u>Not more than \$100</u>
Wholesale License	<u>Not more than \$180</u>	<u>Not more than \$180</u>
Wholesale Registration	<u>Not more than \$150</u>	<u>Not more than \$150</u>
Central Drug Outlet (Nonresident)	<u>Not more than \$500</u>	<u>Not more than \$250</u>
Mail Service Pharmacy	<u>Not more than \$500</u>	<u>Not more than \$250</u>
Durable Medical Equipment Outlet	<u>Not more than \$50</u>	<u>Not more than \$50</u>
Outsourcing Facility (Nonresident)	<u>Not more than \$500</u>	<u>Not more than \$250</u>
Manufacturer	<u>Not more than \$150</u>	<u>Not more than \$150</u>
Veterinary Drug Outlet	<u>Not more than \$35</u>	<u>Not more than \$35</u>

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03. Administrative Services.

Category	Fee
Experiential hours certification	<u>Not more than \$25</u>

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04. Fee Exemption for Controlled Substance Registrations. Persons exempt pursuant to federal law from fee requirements applicable to DEA registrations are also exempt from fees applicable to Idaho practitioner controlled substance registrations.

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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.37.01 – RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 24-3701-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, and Section 54-2097, 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 pending rule is being adopted under [Executive Order 2020-01, Zero Based Regulation](#). Text amended since these rules were published as proposed is as follows:

Decreases Broker and Salesperson Initial License and Renewal fees from \$160 to \$135 to comply with the legislative intent language in SB1442 from the 2024 Legislative Session directing the division to take action on boards that have a cash balances exceeding 125% of the five-year rolling average of expenditures to help reduce fund balances.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 4, 2024 Idaho Administrative Bulletin, [Vol. 24-9, pages 520-541](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking:

As authorized in Section 54-2020, Idaho Code, the fee(s) in this rulemaking are established in Rule 400. Fees were not increased in 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:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

DOCKET NO. 24-3701-2401 - ADOPTION OF PENDING RULE

Substantive changes have been made in the pending rule.
Italicized red text that is *double underscored* indicates amendments to the proposed text as adopted in the pending rule.

The text of the proposed rule was published in the Idaho Administrative Bulletin,
Volume 24-9, September 4, 2024, pages 498 through 507.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2025 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE FOR DOCKET NO. 24-3701-2401

(Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.)

24.37.01 – RULES OF THE IDAHO REAL ESTATE COMMISSION

~~**APPLICATION, LICENSURE, AND TERMINATION OF LICENSES**~~
~~**Rules 100 through 199**~~

~~**400**~~**400. FEES.**

License and other fees:

	Initial License	Renewal	Late Fee	Other
Broker	\$ 460 <u>135</u>	\$ 460 <u>135</u>	\$25	
Salesperson	\$ 460 <u>135</u>	\$ 460 <u>135</u>	\$25	
Business Entity	\$50	\$50	\$25	
Branch Office	\$50	\$50	\$25	
Cooperative License	\$100			
Education or License History				\$10
License Certificate				\$15

~~(3-28-23)~~ ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.40 – SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

DOCKET 24-3940-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67- 9406, 67-9409, and 67-9413, Idaho Code, as well as Title 39, Chapter 86, Idaho Code and 39-8605, Idaho Code.

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

24.39.40 -- Safety Rules for Elevators, Escalators, and Moving Walks
Monday, November 18, 2024 2:00 p.m. (MT)
Division of Occupational and Professional Licenses EagleRock Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714 Virtual Meeting Link Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Elevator Safety Program is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

N/A. This rulemaking does not increase fees.

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 as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-3940-2401. Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2024, Idaho Administrative Bulletin, [Vol. 24-7, p.263-264](#).

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:

The rulemaking updates the following materials cited that are incorporated by reference:

ANSI/ASME A17.1 Safety Code for Elevators and Escalators;

ANSI/ASME 17.4 Guide for Emergency Personnel;

ANSI/ASME A17.5 Elevator and Escalator Electrical Equipment;

ANSI/ASME A 17.8 Standard for Wind Tower Turbine Elevators;

ANSI/ASME A18.1 Safety Standards for Platform Lifts and Chairlifts; and

ASMI Standard for the Qualification of Elevator Inspectors.

These incorporation by references were updated to more current versions to align with new standards. An Incorporation by Reference Synopsis to see significant changes has been completed by the Division.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

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 November 27, 2024.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3940-2401
(ZBR Chapter Rewrite)

24.39.40 – SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

000. LEGAL AUTHORITY.

This chapter is adopted by the administrator of the Division of Occupational Professional Licenses ~~in accordance with Section 39-8605~~ pursuant to Sections 39-8605, 67-2604, 67-2614, 67-9409, and 67-9406, Idaho Code. (3-28-23)()

001. SCOPE.

These rules govern the ~~design, construction, installation, operation, inspection, testing, maintenance, alteration, or repair of elevators, escalators, moving walks, platform lifts, material lifts, and dumbwaiters~~ operation, installation, alteration, maintenance, and repair of conveyances. (3-28-23)()

002. ADOPTION AND INCORPORATION BY REFERENCE.

01. Documents. The following codes, amendments, and updates are hereby adopted and incorporated by reference into these rules for all conveyances subject to this chapter. (3-28-23)

a. ANSI/ASME A17.1 2016~~22~~, Safety Code for Elevators and Escalators with the following exceptions: (3-28-23)()

~~i. Compliance with section 2.8.3.3.2 requires that the means for disconnecting the main power, as required by this section, to be within sight of controller for all conveyances with an elevator machine room or control room.~~ (3-28-23)

ii. Compliance with section 8.11.2.1.5(c) Car and Counterweight Buffer testing must be conducted at slow speed in accordance with Item 5.9.2.1(ab) in ANSI/ASME A17.2 2014~~20~~. (3-28-23)()

iii. Compliance with Section 2.2.2.5, which requires a sump pump or drain in the elevator pit, is optional. If a sump pump or drain is installed, it must meet the requirements of this section. A sump with a cover must be provided in each elevator pit. (3-28-23)

~~iii. Compliance with Section 2.27 regarding visual and text communication is operational; compliance with auto communication requirements is mandatory.~~ ()

b. ANSI/ASME A17.3 2015 Safety Code for Existing Elevators and Escalators. (3-28-23)

c. ANSI/ASME A17.4 1999~~2015~~ Guide for Emergency Personnel. (3-28-23)()

d. ANSI/ASME A17.5 2014~~9~~ Elevator and Escalator Electrical Equipment. (3-28-23)()

e. ANSI/ASME A17.6 2010 Standard for Elevator Suspension, and Governor Systems. (3-28-23)

f. ANSI/ASME A17.7 2012 Performance-based Safety Code for Elevators and Escalators. (3-28-23)

g. ANSI/ASME A17.8 2016~~21~~ Standard for Wind Tower Turbine Elevators. (3-28-23)()

h. ICC/ANSI A117.1 2009 Accessible and Usable Buildings and Facilities. (3-28-23)

i. ANSI/ASME A18.1 2014~~20~~ Safety Standards for Platform Lifts and Chairlifts. (3-28-23)()

j. ASME QE-1 2013~~18~~ Standard for the Qualification of Elevator Inspectors. (3-28-23)()

02. Copies. Copies of the codes, amendments, and updates listed in ~~Subsection 004.01~~ of these rules are available for review at the ~~Division of Building Safety~~ Division of Occupational and Professional Licenses offices. (3-28-23)()

003. -- 010~~099~~. (RESERVED)

~~011~~100. INSPECTION REQUIREMENTS.

For an inspection may to take place: (3-28-23)

~~01. Access. All machine rooms and spaces must be free of dirt and debris and have any obstacles to access removed. (3-28-23)~~

021. Technician on Site. An elevator technician and fire alarm technician must be present on site to restore elevator and fire alarm systems. (3-28-23)

032. Installation. The elevator installation must be complete and safe for inspection. Equipment, components, or systems installed on the conveyance must function in accordance with design and code requirements. If equipment, components, or systems are installed that are not required by the currently adopted code, they must function properly or be removed. (3-28-23)

043. Inspection Fees. Inspection fees for elevators are assessed and collected according to the schedule listed in Section 39-8616, Idaho Code, except that reinspection fees for all types of conveyances is one hundred dollars (\$100) for the first hour of inspection, or portion thereof, and one hundred dollars (\$100) for each hour of inspection thereafter. (3-28-23)

~~101. -- 199. (RESERVED)~~

~~012~~200. APPROVAL OF NEW OR ALTERNATIVE TECHNOLOGY PRACTICE STANDARDS.

~~01. Approval of New or Alternative Technology. ()~~

~~01a. Administrator Approval Required.~~ If, due to construction or technological impediments, an elevator or conveyance cannot comply with applicable code requirements, approval of new or alternative construction or technology may be requested ~~from the administrator.~~ Approval must be obtained before commencement of construction. (3-28-23)()

~~02. Submission Deadline.~~ Details of the proposed construction or technology, including design, material specifications and calculations, and such other information as may be requested, must be submitted to the administrator at least thirty (30) days in advance of the anticipated construction start date. (3-28-23)

~~a.~~ The manufacturer of the new product or system must provide the administrator division of occupational and professional licenses with an Accredited Elevator/Escalator Certification Organization (AECO) approval and certification in accordance with ANSI/ASME A17.7 Performance-based Safety Code for Elevators and Escalators or engineering and test data demonstrating that the proposed technology is safe for the intended purpose. (3-28-23)()

~~b.~~ The owner of the new product or system must provide the administrator with a document in which the owner acknowledges that the proposed technology is not governed by the applicable safety code and assures the administrator that, at such time as the code is revised to include the product or system, the owner will modify the product or system to bring it into compliance. The owner must assure the administrator that if the product or system cannot be modified or altered to bring it into compliance with the applicable code it will be removed and replaced with code-compliant equipment. (3-28-23)

~~e.~~ The manufacturer of the new product or system must provide training to Division personnel on the proposed technology and any related products or systems at no cost to the Division. (3-28-23)

~~03. Engineer Approval.~~ The information provided in compliance with the foregoing requirements must be approved by an Accredited Elevator/Escalator Certification Organization (AECO) or a registered professional engineer experienced in elevator or conveyance design prior to submission to the administrator. (3-28-23)

~~013~~201. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.60 – RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

DOCKET 24-3960-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Sections 67-2604, 67-9404, 67-9405, 67-9406, 67-9409, and 67-9413, Idaho Code, as well as Title 39, Chapter 80, Idaho Code, and Section 39-8007, Idaho Code.

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

24.39.60 – Rules Governing Uniform School Building Safety
Monday, November 18, 2024 3:00 p.m. (MT)
Division of Occupational and Professional Licenses EagleRock Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714 Virtual Meeting Link Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Uniform School Building Safety Program is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

N/A. This rulemaking does not impose or increase fees.

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 as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-3940-2401. Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2024, Idaho Administrative Bulletin, [Vol. 24-7, p.265-266](#).

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:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

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 November 27, 2024.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3960-2401
(ZBR Chapter Rewrite)

24.39.60 – RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Section 39-8007, Idaho Code. (3-31-22)

001. SCOPE.

The rules prescribe the Idaho Uniform School Building Safety Code and provide for enforcement and administration of the Idaho Uniform School Building Safety Act. (3-31-22)

002. INCORPORATION BY REFERENCE.

01. Uniform Codes. The ~~following~~ uniform codes ~~are hereby incorporated by reference into these rules as, and insofar as, the most recent editions have been~~ adopted by the appropriate governing authority for the state of Idaho pursuant to applicable Idaho Code: (3-31-22)()

- a. ~~International~~ Idaho Building Code, ~~as in IDAPA 24.39.30~~; (3-31-22)()

- b. International Mechanical Code; (3-31-22)
- c. International Fuel Gas Code; (3-31-22)
- d. Safety Code for Elevators and Escalators (ASME/ANSI A17.1), as adopted in IDAPA 24.39.40; ~~(3-31-22)~~()
- e. International Energy Conservation Code; (3-31-22)
- f. Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1); (3-31-22)
- g. Idaho Fire Code (IFC); (3-31-22)
- h. National Electrical Code (NEC), as adopted in IDAPA 24.39.10; ~~(3-31-22)~~()
- i. Idaho State Plumbing Code (UPC), as adopted in IDAPA 24.39.20; ~~(3-31-22)~~()
- j. Pacific NW AWWA Manual for Backflow Prevention and Cross Connection Control; and (3-31-22)
- k. Idaho Safety and Occupational Health Standards. (3-31-22)

02. Idaho Uniform School Building Safety Code. The codes set forth in Subsection 002.01 of this rule, together with the definitions contained therein ~~and the written interpretations thereof, insofar as they are applicable to school facilities;~~ constitute the Idaho Uniform School Building Safety Code. ~~(3-31-22)~~()

~~003. — 009.~~ **(RESERVED)**

~~010~~**03. DEFINITIONS.**

- 01. Act.** The Idaho Uniform School Building Safety Act. (3-31-22)
- 02. Building Code.** The Building Code specified in Paragraph 002.01.a. of these rules. (3-31-22)
- 03. Code.** The Idaho Uniform School Building Safety Code. (3-31-22)
- 04. School Building or Building.** Any school building, including its structures and appurtenances necessary for the operation of the school building, and subject to the provisions of the Act. (3-31-22)

~~011~~**04. -- 049**~~299.~~ **(RESERVED)**

~~050~~**300. VIOLATION OF CODE.**

- 01. Imminent Safety Hazard.** Code violations that constitute an imminent safety hazard, include, but are not limited to, whenever the following are observed: (3-31-22)
 - a. Any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic; (3-31-22)
 - b. The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic; (3-31-22)
 - c. The stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half (1-1/2) times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location; (3-31-22)
 - d. Any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to

such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location; (3-31-22)

e. Any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property; (3-31-22)

f. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings; (3-31-22)

g. Any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction; (3-31-22)

h. The building or structure, or any portion thereof, because of: (3-31-22)

i. Dilapidation, deterioration or decay; (3-31-22)

ii. Faulty construction; (3-31-22)

iii. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (3-31-22)

iv. The deterioration, decay or inadequacy of its foundation; or (3-31-22)

v. Any other cause, is likely to partially or completely collapse; (3-31-22)

i. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings; (3-31-22)

j. Any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty percent (50%), or in any supporting part, member or portion less than sixty-six percent (66%) of the: (3-31-22)

i. Strength; (3-31-22)

ii. Fire-resisting qualities or characteristics; or (3-31-22)

iii. Weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location; (3-31-22)

k. Any building or structure, because of obsolescence; dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections or heating apparatus; or other cause, is determined by the state fire marshal to be a fire hazard; (3-31-22)

l. A building or structure, because of inadequate maintenance; dilapidation; decay; damage; faulty construction or arrangement; inadequate light, air or sanitation facilities; or otherwise, is determined to be unsanitary, unfit for human occupancy or habitation, or in such a condition that is likely to cause accidents, sickness, or disease; (3-31-22)

m. Any building or structure, because of dilapidated condition; deterioration; damage; inadequate exits; lack of sufficient fire-resistive construction; faulty electric wiring, gas connections, or heating apparatus; or

other cause, is determined by the state fire marshal to be a fire or life safety hazard; and (3-31-22)

n. There is, within the building, the presence of vapors, fumes, smoke, dusts, chemicals, or materials in any form (natural or man made) in quantities that have been established by national health organizations to be a threat to the health or safety of the building occupants. This does not include materials stored, used, and processed in accordance with nationally recognized safety standards for the materials in question. (3-31-22)

~~051~~301. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.80 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING

DOCKET 24-3980-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, Sections 67-9404, 67-9405, 67- 9406, 67-9409, and 67-9413, Idaho Code, as well as 67-2605(5), Idaho Code.

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

24.39.80 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING
Friday, November 15, 2024 4:30 p.m. (MT) / 3:30 p.m (PT)
Idaho Department of Labor 600 N Thornton St. Post Falls, ID 83854 Virtual Meeting Link Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/.

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

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Logging Safety Program is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

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

N/A. This rulemaking does not impose or increase fees.

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 as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-3940-2401. Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2024, Idaho Administrative Bulletin, [Vol. 24-7, p.267-268](#).

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:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

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 November 27, 2024.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3980-2401
(ZBR Chapter Rewrite)

24.39.80 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING

~~**SUBCHAPTER A – GENERAL PROVISIONS**~~
~~**(Rules 000 – 050)**~~

000. LEGAL AUTHORITY.

The rules are promulgated pursuant to Section 67-2601A, Idaho Code. (3-31-22)

001. SCOPE.

The rules are applicable to the logging industry in the state of Idaho. (3-31-22)

~~**002. — 006. (RESERVED)**~~

~~**007. DEFINITIONS A THROUGH C.**~~

Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined. (3-31-22)

~~**01. A-Frame.** A structure made of the independent columns (of wood or steel) fastened together at the top and separated a reasonable width at the bottom to stabilize the unit from tipping sideways. (3-31-22)~~

021. Arch. A piece of equipment attached to the rear of a vehicle, used for raising one end of logs to

- facilitate skidding. (3-31-22)
- ~~032.~~ **Back Cut.** The final falling cut. (3-31-22)
- ~~043.~~ **Barber Chair.** Slab portion of tree remaining on the stump above the back cut due to improper falling. (3-31-22)
- ~~054.~~ **Bell.** The component that slides on the cable and connects to the knob or button. When a worker chokes a log or stump, the bell secures the knob or button. (3-31-22)
- ~~065.~~ **Bight.** The loop of a line, ~~the ends being “gast” elsewhere,~~ or the angle formed by a line running through a block. (3-31-22)()
- ~~076.~~ **Binder.** ~~Chain, cable, or steel strap used for binding loads of logs~~ A device to tighten chain when securing a load for transport. (3-31-22)()
- ~~08.~~ **Brow Log.** ~~A log placed parallel to any roadway at a landing or dump to protect vehicles while loading or unloading.~~ (3-31-22)
- ~~097.~~ **Bunk.** The cross support for logs on a logging car or truck. (3-31-22)
- ~~108.~~ **Cable-Assisted Logging Systems.** Logging systems, including, but not limited to, winch-assisted, cable-assisted, tethered, and traction-assisted systems that enable ground-based timber harvesting machines, including, but not limited to, feller bunchers, harvesters, loaders and shovels, to be operated on slopes. (3-31-22)
- ~~1109.~~ **Carriage Logging.** A type of high lead logging using gravity, haul back, or remote control carriages to yard logs. ~~(Bullet carriage is one type).~~ (3-31-22)()
- ~~1210.~~ **Chaser.** The member of the yarding crew who unhooks the logs at the landing or fights hang-ups on skid road. (3-31-22)
- ~~13.~~ **Chock (Bunk Block Cheese Block).** ~~A wedge that prevents logs from rolling off the bunks.~~ (3-31-22)
- ~~1411.~~ **Choker.** A wire rope with special attachments put around the log near the end for hauling or lifting. (3-31-22)
- ~~1512.~~ **Cold Shut.** A link for joining two (2) chains, the link being closed cold with a hammer, not a weld. (3-31-22)
- ~~1613.~~ **Competent Person.** An individual who is capable of identifying existing and predictable hazards in the work site surroundings or working conditions that are unsanitary, hazardous or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate such. (3-31-22)
- ~~1714.~~ **Cutter.** A term used to designate faller or buckler. (3-31-22)
- ~~008.~~ **DEFINITIONS D THROUGH I.**
~~Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined.~~ (3-31-22)
- ~~0115.~~ **Equipment.** The term, as used, means and include all machines, machinery, tools, devices, safeguard, and protective facilities used in connection with logging operations, regardless of ownership. (3-31-22)
- ~~0216.~~ **Grapple.** A device attached to a hoisting line or boom for mechanically handling logs. (3-31-22)()
- ~~0317.~~ **Guarded.** Guarded means covered, shielded, or railed so as to remove the possibility of dangerous

contact or approach by employees or objects. It further means construction of guards to ensure protection from flying objects where applicable. (3-31-22)

~~0418.~~ **Guy Lines.** The lines used to stay or support spar trees, booms, etc. (3-31-22)

~~0519.~~ **Haul Back.** A small wire line traveling between the power skidder and a pulley set near the logs. Used to return the main cable with tongs, chokers, or hooks to the next log. (3-31-22)

~~0620.~~ **Hazard.** Hazard, as used in these standards, means any condition or circumstance that may cause accident or injury to an employee. (3-31-22)

~~0721.~~ **Hook Tender, Hooker.** The worker who supervises the method of moving the logs from the woods to the place of loading. (3-31-22)

~~08.~~ **It is Recommended, or Should.** When these terms are used they indicate provisions that are not mandatory. (3-31-22)

~~009. DEFINITIONS J THROUGH R.~~
~~Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined.~~ (3-31-22)

~~0122.~~ **Jammer.** A machine used for ~~handling~~ skidding logs. (3-31-22)()

~~0223.~~ **Knob.** A metal ferrule arranged to be attached to the end of a line, used in place of a spliced eye. (3-31-22)

~~0324.~~ **Landing.** Any place where logs are placed, after being yarded, awaiting loading or unloading. (3-31-22)

~~0425.~~ **Leaners.** A live or dead leaning tree. (3-31-22)

~~0526.~~ **Loading Boom.** Any structure projecting from a pivot point to guide a log when lifted. (3-31-22)

~~0627.~~ **Log or Logs.** When the word log or logs is used, it includes poles, piling, pulpwood, skids, etc. (3-31-22)

~~0728.~~ **Operation (Show Woods Layout).** Any place where logging is being done. (3-31-22)

~~0829.~~ **Mainline.** A cable which pulls logs or trees to loading. (3-31-22)

~~09.~~ **Pike, Pole.** A long pole whose end is shod with a sharp pointed steel spike, point, or hook. (3-31-22)

~~10.~~ **Portable Spar or Tower.** An engineered structure designed to be used in a manner similar to which a wooden spar tree would be used. (3-31-22)

~~1130.~~ **Qualified Person.** An individual who, by possession of a recognized degree, certificate or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work, or the project. (3-31-22)

~~1231.~~ **Reach.** An adjustable beam between a trailer and a motorized logging vehicle. (3-31-22)

~~1332.~~ **Running Line.** Any line that moves. (3-31-22)

~~010. DEFINITIONS S THROUGH Z.~~
~~Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined.~~ (3-31-22)

- ~~0133.~~ **Safety Factor.** This term as used is the ratio of the ultimate breaking strength of a member or piece of material to the actual working stress or to the maximum permissible (safe load) stress. For example: When a safety factor of six (6) is required, the structure, lines, hoists, or other equipment referred to shall be such as to provide a strength sufficient to support a load equal to six (6) times the total weight or stress to be imposed on it. (3-31-22)
- ~~0234.~~ **Shall, Will.** Is compulsory or mandatory. (3-31-22)
- ~~03.~~ **Skids.** Any group of timbers spaced a short distance apart on which the logs are placed. (3-31-22)
- ~~0435.~~ **Skidding.** Movement of logs on the ground. (3-31-22)
- ~~0536.~~ **Skyline.** The supporting line on various types of logging systems on which carriage, block, or bullet travels. (3-31-22)
- ~~0637.~~ **Snags.** Any dead standing trees. (3-31-22)
- ~~0738.~~ **Strap.** Any short piece of line with an eye or “D” in each end. (3-31-22)
- ~~0839.~~ **Strip.** A definite location of timber allocated to a cutting crew. (3-31-22)
- ~~0940.~~ **Substantial.** Means constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand normal wear, shock and usage. (3-31-22)
- ~~1041.~~ **Tongs.** A hooking device used to lift or skid logs. (3-31-22)
- ~~1142.~~ **Undercut.** A notch cut in the tree to guide and control the tree in falling. (3-31-22)
- ~~1243.~~ **Yarding.** Movement of logs or trees from the place they are felled (bucked) to a central loading or shipping point. (3-31-22)

011. INTERPRETATION AND APPLICATION OF THESE RULES.

- 01. Scope.** These rules are part of the state of Idaho industrial accident prevention program and have the full force and effect of law. (3-31-22)
- 02. Jurisdiction.** In accordance with the laws of the state of Idaho, every employer and every employee working in the state of Idaho shall comply with the rules contained herein. (3-31-22)
- 03. Enforcement.** The enforcement of all rules of this chapter and the right of inspection and examination, at any time, shall rest with the Division. (3-31-22)
- 04. Issues Not Covered.** Where specific standards in these rules fail to provide a rule or standard applicable to the operation in question, and other state of Idaho codes or standards are applicable, those codes or standards shall apply. (3-31-22)
- ~~05. Interpretations.~~ Should any controversy develop as to the intent or application of any standard or rule as set forth in these rules, or the interpretation of any standard or rule set forth in these rules, such controversy shall be called to the direct attention of the Division, which shall render a decision as the applicability of such rule or standard. Any appeal from this decision shall be directed to the Administrator. (3-31-22)
- 065. Additional Standards.** It is recognized that a definite, positive safety standard cannot anticipate all contingencies. The Division, after due notice and opportunity to be heard, may require additional standards and practices to insure adequate safety at any place of any employment, and, on its own motion or upon application of any employer, employee, group, or organization, may modify any provision of this rule. (3-31-22)
- ~~076.~~ **Exceptions.** In exceptional cases where the rigid application or compliance with a requirement can

only be accomplished to the detriment and serious disadvantage of an operation, method, or process, exception to the requirement will be considered upon written application to the Division. After thorough investigation, the Division may grant an exception if human life and physical well-being will not be endangered by such exception. (3-31-22)

087. Existing Buildings, Structures, and Equipment. Nothing contained in this rule for logging safety shall prevent the use of existing buildings, structures, and equipment during their lifetime when maintained in good safe condition, and properly safeguarded, or require conformance with the applicable safety standards required by Idaho Safety Codes effective prior to the effective date of this rule, provided that replacements and alterations shall conform with all provisions of these rules. (3-31-22)

012. EMPLOYER'S RESPONSIBILITY.

01. General Requirements. (3-31-22)

a. Every employer subject to these rules shall maintain places of employment that are safe according to the standards as set forth herein. (3-31-22)

b. Every employer shall adopt and use practices, means, methods, operations and processes that are adequate to render such employment and place of employment safe. (3-31-22)

i. Employers shall place highly visible "LOGGING AHEAD" or similar-type warning signs at the entrances of active logging jobs. Employers shall also place "TRUCKS AHEAD," "TRUCKS ENTERING," "TREE FALLING," and "CABLES OVERHEAD," whenever applicable (3-31-22)

ii. Every employer shall furnish to its crew a Company Emergency Rescue Plan. (3-31-22)

c. Every employer should insure that Safety Data Sheets (SDS) are reasonably accessible for every hazardous material. (3-31-22)

d. Every employer shall post and maintain in a conspicuous place or places in and about his place or places of business a written notice stating the fact that he has complied with the worker's compensation law as to securing the payment of compensation to his employees and their dependents in accordance with the provisions of Idaho law. Such notice shall contain the name and address of the surety, as applicable, with which the employer has secured payment of compensation. Such notice shall also be readily available on the site where logging operations are occurring, and available for inspection by Division officials upon request. (3-31-22)

e. Every employer shall do all other things as required by these rules to protect the life and safety of employees. (3-31-22)

f. No employer shall require any employee to go or be in any place of employment that does not meet the minimum safety requirement of these rules, except for the purpose of meeting such requirements. (3-31-22)

g. No employer shall fail or neglect: (3-31-22)

i. To make available and use safety devices and safeguards as are indicated. (3-31-22)

ii. To adopt and use methods and processes adequate to render the employment and place of employment safe. (3-31-22)

iii. ~~To do all other things as required by these rules to protect the life and safety of employees.~~ (3-31-22)

h. No employer, owner or lessee of any real property shall construct or cause to be constructed any place of employment that does not meet the minimum safety requirements of these rules. (3-31-22)

i. No person, employer, employee, other than an authorized person, shall do any of the following: (3-31-22)

i. Remove, displace, damage, destroy or carry off any safeguard, first aid material, notice or warning, furnished for use in any employment or place of employment, or interfere in any way with the use thereof by any other person. (3-31-22)

ii. Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment or place of employment. (3-31-22)

iii. No person shall fail or neglect to do all other things as required by these rules to protect the life and safety of employees. (3-31-22)

iv. The use of intoxicants or drugs while on duty is prohibited. Persons reporting for duty while under the influence of or impaired by liquor or other legal or illegal drugs or substances shall not work until completely recovered. (3-31-22)

j. A procedure for checking the welfare of all workers during working hours shall be instituted and all workmen so advised. The employer shall assume responsibility of work assignments so that no worker shall be required to work in a position or location so isolated or hazardous that he is not within visual or audible signal contact with another person who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these activities are carried on there shall be a minimum crew of two (2) persons who shall work as a team, and shall be in visual or audible signal contact with one another. This does not apply to operators of motorized equipment, watchmen, or certain other jobs which, by their nature are singular workmen assignments. There shall be some method of checking-in crew members at the end of the shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of movable equipment. (3-31-22)

k. Every employer shall keep a record of all cases of injuries his employees receive at their work. This record shall be kept in such manner as to enable representatives of the Division to determine by examining the record, the injury rate of the employee force for the period covered by the report. (3-31-22)

l. Every employer shall investigate every accident resulting in a disabling injury that his employees suffer in connection with their employment. Employers shall promptly take any required action to correct the situation. Employees shall assist in the investigation by giving any information and facts they have concerning the accident. (3-31-22)

02. Management Responsibility. (3-31-22)

a. Management shall take an active and interested part in the development and guidance of the operation's safety program, including fire safety. (3-31-22)

b. Management shall apply a basic workable safety plan on the same priority as it does to any other work facet of the operation where elimination of all injuries is to be achieved in all phases of the operation. It is the duty of management to assume full and definite responsibility. To attain these safety objectives, management shall have the full cooperation of employers and the Division. (3-31-22)

c. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish such devices and safeguards and shall adopt and use such practices, means, methods, operation and processes as are adequate to render such employment and places of employment safe to protect the life and safety of employees. The employer shall make available necessary personal protective safety equipment. (3-31-22)

d. Regular safety inspection by a qualified person of all places of employment, rigging, logging, machinery, rolling stock, bridges, and other equipment shall be made as often as the character of the equipment requires. Defective equipment or unsafe conditions found shall be replaced, repaired or remedied promptly. (3-31-22)()

~~e. All places of employment shall be inspected by a qualified person or persons as often as the type of operation or the character of the equipment requires. Defective equipment or unsafe conditions found by these~~

~~inspections shall be replaced or repaired or remedied promptly.~~ (3-31-22)

013. EMPLOYEE'S RESPONSIBILITY.

01. General Requirements. (3-31-22)

a. Employees shall not indulge in activities that create or constitutes a hazard while on the employer's property or at any time when being transported from or to work in facilities furnished by the employer. (3-31-22)

b. Employees who are assigned to, or engaged in the operation of any machinery or equipment, shall ensure that all guards, hoods, safety devices, etc., that are provided by the employer are in proper place and properly adjusted. (3-31-22)

02. Employee Accidents. Each employee shall make it his individual responsibility to keep himself, his coworkers, and his machine or equipment free from accidents to the best of his ability. (3-31-22)

~~**03. Study Requirements.** So that each worker may be better qualified to cooperate with his fellow workmen in preventing accidents, he shall study and observe these and any other safety standards governing his work.~~ (3-31-22)

043. Employee Responsibilities. Additional responsibilities of an employee insofar as industrial safety is concerned shall be as follows: (3-31-22)

a. Report immediately, preferably in writing, to his foreman or safety coordinator for the logging operation, all known unsafe conditions and practices. (3-31-22)

b. Ascertain from the foreman where medical help may be obtained if it is needed. (3-31-22)

~~**e.** Prompt reporting of every accident regardless of severity to the foreman, first aid attendant, or person in charge. Such reports are required and are necessary in order that there may be a record of his injuries.~~ (3-31-22)

~~**dc.**~~ The employee shall at all times apply the principles of accident prevention in his daily work and shall use proper safety devices and protective equipment. No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of himself and fellow employees, and by observing safe practice rules shall set a good example for his fellow workmen. (3-31-22)

~~**ed.**~~ The employee shall not report to the job impaired by intoxicants or legal or illegal drugs and shall not use intoxicants or such drugs while on the job. The employer shall prohibit any employee from working on or being in the vicinity of any job while under the influence of or impaired by intoxicants or drugs. Employers shall be responsible for the actions of any employee known to be in an intoxicated or impaired condition while on the job. (3-31-22)

~~**fe.**~~ The employee shall wear, use and properly care for personal protective safety equipment issued to him. (3-31-22)

~~**gf.**~~ Workers exposed to head hazards shall wear approved head protection. (3-31-22)

~~**hg.**~~ Proper eye protection shall be worn while performing work where a known eye hazard exists. (3-31-22)

~~**i.** The employee should consider the benefits of accident prevention to himself and to his job.~~ (3-31-22)

- ~~j.~~ ~~The employee should make an effort to understand his job.~~ (3-31-22)
- ~~kh.~~ The employee should anticipate every way in which a person might be injured on the job, and conduct the work to avoid accidents. (3-31-22)
- ~~li.~~ The employee should be on the alert constantly for any unsafe condition or practice. (3-31-22)
- ~~m.~~ ~~The employee shall learn first aid.~~ (3-31-22)
- ~~n.~~ ~~The employee should keep physically fit, and obtain sufficient rest.~~ (3-31-22)
- ~~oj.~~ The employee should be certain that all instructions received are understood completely before starting the work. (3-31-22)
- ~~pk.~~ The employee should actively participate in safety programs. (3-31-22)
- ~~ql.~~ The employee should study the safety educational material posted on the bulletin boards and distributed by the employer or safety committee. (3-31-22)
- ~~r.~~ ~~The employee should advise inexperienced fellow employees of safe ways to perform their work and warn them of dangers to be guarded against.~~ (3-31-22)
- ~~sm.~~ It is the employer's responsibility to ensure compliance with the foregoing provisions. (3-31-22)

014. -- 050. (RESERVED)

~~**SUBCHAPTER B — HEALTH, SAFETY, AND SANITATION**~~
~~**(Rules 051 through 100)**~~

051. FIRST AID.

- 01. Transportation.** (3-31-22)
 - a.** Suitable means of transportation shall be established and maintained at the site of all operations to be used in the event any employee is seriously injured. (3-31-22)
 - b.** Each crew bus, or similar vehicle, shall be equipped with at least one (1) first aid kit with the required contents as indicated in Subsection 051.06 of this rule. (3-31-22)
- 02. Communication.** (3-31-22)
 - a.** Every employer shall arrange suitable telephone or radio communication at the nearest reasonable point, and shall establish an emergency action plan to be taken in the event of serious injury to any employee. (3-31-22)
 - b.** Instructions covering the emergency action plan shall be made available to all work crews. (3-31-22)
 - c.** When practicable, a poster shall be displayed on, or near the cover of each first aid cabinet or phone. The poster shall display the phone numbers of applicable emergency services. The use of the Idaho State EMS Communication Center is recommended. The number is 1-800-632-8000 or 208-846-7610. (3-31-22)
 - d.** Every employer shall obtain their specific job location (longitude and latitude preferred) and furnish such to crew for emergency evacuation. (3-31-22)
- 03. Attendance for Seriously Injured.** (3-31-22)

a. Seriously injured employees shall, at all times, be attended by the most qualified available person to care for the injured employees. (3-31-22)

b. Seriously injured employees shall be carefully handled and removed to a hospital, or given medical attention as soon as possible. (3-31-22)

c. Caution shall be used in removing a helpless or unconscious person from the scene of an accident to prevent further injury. (3-31-22)

04. First Aid Training. Any person performing work associated with a logging operation shall be required to complete an approved course in first-aid and have a current card. (3-31-22)

05. Stretcher or Spine Board. A spine board (designed for or adaptable to the work location and terrain) and two blankets maintained in sanitary and serviceable condition shall be available where such conditions require the use of such to provide for the proper transportation and first aid to an injured workman. (3-31-22)

06. First Aid Kits. (3-31-22)

a. The employer shall provide first aid kits that are readily available and supplied as required at each work site where trees are being felled, at each active landing, and in each employee transport vehicle. (3-31-22)

b. The following list sets forth the ~~minimally acceptable number and type of first-aid supplies for~~ required ~~elements for~~ first-aid kits. The contents of the first-aid kits shall be adequate for small work sites, consisting of approximately two (2) to three (3) employees. When larger operations or multiple operations are being conducted at the same location, additional first-aid kits shall be provided at the work site or additional quantities of supplies shall be included in the first-aid kits:

TABLE 051.06 – REQUIRED FIRST-AID KIT CONTENTS	
1.	Gauze pads (at least 4 x 4 inches)
2.	Two (2) large gauze pads (at least 8 x 10 inches)
3.	Box adhesive bandages (band-aids)
4.	One (1) package gauze roller bandage (at least two (2) inches wide)
5.	Two (2) triangular bandages
6.	Wound cleaning agent such as sealed moistened towelettes
7.	Scissors
8.	At least one (1) blanket
9.	Tweezers
10.	Adhesive tape

TABLE 051.06 – REQUIRED FIRST-AID KIT CONTENTS	
11.	Latex gloves
12.	Resuscitation equipment such as resuscitation bag, airway, or pocket mask
13.	Two (2) elastic wraps
14.	Splint
15.	Directions for requesting emergency assistance

(3-31-22)()

c. Special kits, or the equivalent, shall be provided and approved for special hazards peculiar to any given work location. (3-31-22)

d. First aid kits shall be in sanitary containers. Such containers shall be designed and constructed so as to be impervious to conditions of weather, dust, dirt, or other foreign matter. (3-31-22)

052. SAFETY EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT.

01. General Requirements. (3-31-22)

a. Special protective equipment or apparel required for safe employment, other than clothing or equipment customarily supplied by employees, shall be furnished by the employer where necessary for the safety of employees. (3-31-22)

b. Employees are required to utilize all prescribed safety equipment and special protective equipment or apparel, and they shall exercise due care in maintaining it in safe, efficient and sanitary conditions. (3-31-22)

c. Employers are required to provide, at no cost to employees, appropriate eye, face, head, hand, and leg protection. (3-31-22)

d. Defective safety equipment shall not be used. Where the need for their use is indicated, protective covering, ointments, gloves or other effective protection shall be provided for and used by persons exposed to materials that are irritating to the skin. (3-31-22)

02. Inspection, Maintenance and Sanitizing. (3-31-22)

a. Each employer shall maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers. (3-31-22)

b. Airline equipment shall have a necessary regulator and shall be inspected before each use. (3-31-22)

c. Workers shall check their equipment at the beginning of each shift. (3-31-22)

03. Eye Protection. (3-31-22)

a. Where workers are subject to eye hazards (~~flying particles, dusts, hazardous liquids, gases, mists or~~

~~vapors, or injurious light rays~~) they shall be furnished with and shall wear eye protection suitable for the hazards involved. Such eye protection shall conform to the American National Standard Institute standards for Head, Eyes and Respiratory protection. (3-31-22)()

~~b. Face shields may be used in lieu of other forms of eye protection where the nature of the operation is such that they will furnish equivalent protection.~~ (3-31-22)

~~eb.~~ Clean water in ample quantities shall be immediately available where materials are handled that are caustic or corrosive to the eyes. (3-31-22)

04. Foot and Leg Protection. (3-31-22)

a. Employees shall wear footwear suitable for the work conditions. (3-31-22)

~~b. Employees shall wear sharp caulk-soled boots or other footwear which will afford maximum protection from slipping.~~ (3-31-22)

~~eb.~~ Special types or designs of shoes such as sharp caulk-soled boots, or foot guards, shall be required to be worn where conditions exist that make their use necessary for the safety of the workers. (3-31-22)()

~~ec.~~ Leggings or high boots of leather, rubber or other suitable material shall be worn by climbers, persons exposed to hot substances, or caustic solutions, etc., or where poisonous snakes may be encountered. (3-31-22)

~~ed.~~ Each employee who operates a chain saw shall wear leg protection, which meets the requirements of ASTM F 1897 and covers the full length of the thigh to the top of the boot on each leg, except when working as a climber. (3-31-22)

05. Hand Protection. (3-31-22)

a. Hand protection suitable for the required usage shall be worn wherever the nature of the work requires extra protection for the hands. (3-31-22)

b. Gloves shall not be worn where their use would create a hazard. (3-31-22)

06. Head Protection. (3-31-22)

a. Persons required to work where falling or flying objects, overhead structures, exposed electrical conductors, equipment or material create a hazard shall wear approved safety hard hats or caps at all times while exposed to such hazards. (3-31-22)

b. Employees working in locations which present a catching or fire hazard to hair shall wear caps or other head protection that completely covers the hair. (3-31-22)

~~**07. Life Jackets, Vests and Life Rings.**~~

~~Where personal buoyancy equipment is provided, it shall be of a design and shall be worn in a manner that will maintain the wearer's face above water. It shall be capable of floating a sixteen (16) pound weight for three (3) hours in fresh water. Such equipment shall not be dependent upon manual or mechanical manipulation or chemical action to secure the buoyant effect.~~ (3-31-22)

~~a. Employees shall be provided with, and shall wear, approved buoyant protective equipment at all times while working on or over water, as follows:~~ (3-31-22)

~~i. On floating pontoons, rafts and floating stages.~~ (3-31-22)

~~ii. On open decks of floating plants (such as dredges, pile drivers, cranes, pond saws, and similar types of equipment) which are not equipped with bulwarks, guardrails or life lines.~~ (3-31-22)

~~iii. During the construction, alteration or repair of structures extending over or adjacent to water, except when guardrails, safety nets, or safety belts and life lines are provided and used. (3-31-22)~~

~~iv. Working alone at night where there are potential drowning hazards regardless of other safeguards provided. (3-31-22)~~

~~v. On floating logs, boom sticks or unguarded walkways. (3-31-22)~~

~~b. Life rings with sufficient line attached to meet conditions shall be located at convenient points along exposed sides of work areas adjacent to water. Such rings, if used at night where a person might be beyond illuminated areas, shall be provided with a means of rendering them visible.~~

~~NOTE: Consult U.S. Coast Guard requirements for operations in navigable waters. (3-31-22)~~

087. Life Lines -- Safety Belts. (3-31-22)

a. Each life line and safety belt shall be of sufficient strength to support, without breaking, a weight of ~~two five~~ thousand ~~five four~~ hundred (2,500~~5,400~~) pounds. (3-31-22)()

b. All life lines and safety belts shall be periodically inspected by the supervisor in charge. Employees shall inspect their belts and lines daily. Any defective belts or life lines shall be discarded or repaired before use. (3-31-22)

c. Life lines shall be safely secured to strong stable supports and maintained with minimum slack. (3-31-22)

098. Work Clothing. (3-31-22)

a. Clothing shall be worn which is appropriate to work performed and conditions encountered. (3-31-22)

b. Loose sleeves, cuffs or other loose or ragged clothing shall not be worn near moving machinery. (3-31-22)

c. Clothing saturated or impregnated with flammable liquids, corrosive substances, irritants or oxidizing agents shall be removed immediately and not worn again until properly cleaned. (3-31-22)

d. When it is necessary for workers to wear aprons or similar clothing near moving machines or hazardous materials, such clothing shall be so arranged that it can be instantly removed. (3-31-22)

e. Clothing with exposed metal buttons, metal visors or other conductive materials shall not be worn around exposed electrical conductors. (3-31-22)

109. Respiratory Equipment. (3-31-22)

a. When filter or cartridge-type respirators are required to be used regularly, each employee shall have one such respirator for his own exclusive use. (3-31-22)

b. Employers and employees shall familiarize themselves with the use, sanitary care and limitations of such respiratory equipment as they may have occasion to use. (3-31-22)

c. Whenever practical, harmful dusts, fumes, mists, vapors and gases shall be suppressed by water, oil or other means which will minimize harmful exposure and permit employees to work without the use of respiratory equipment. (3-31-22)

d. Whenever compressed air from an oil-lubricated compressor is used to supply respiratory equipment, a filter shall be inserted in the supply line to remove any oil, sediment or condensation that it may contain.

Such filter shall be maintained in efficient working condition. (3-31-22)

e. When self-contained respiratory equipment is used in hazardous locations, a standby unit shall be maintained for rescue purposes. (3-31-22)

~~10.~~ **Hearing Protection.** Where workers are subject to hazardous noise levels, they shall be furnished with and shall wear hearing protection suitable for the level of hazard involved. (3-31-22)

~~11.~~ **Additional Information and Requirements.** Additional information and requirements for the use of safety equipment and personal protective equipment may be found in the Safety and Health Standards established in IDAPA 07.09.01, "Safety and Health Rules for Places of Public Employment." (3-31-22)

053. FIRE PREVENTION, PROTECTION AND SUPPRESSION.

01. General Requirements. (3-31-22)

a. Additional Standards pertinent to the storage, distribution, and use of liquefied petroleum gases and other flammables or combustibles may be obtained by reference to regulations of the Idaho State Fire Marshal and the National Fire Protective Association pamphlets. (3-31-22)

b. Firefighting equipment, suitable for the hazards involved, shall be provided for the protection of workmen. Such equipment shall be readily accessible, and shall be plainly labeled as to its character and method of operation. Locations of such equipment shall be conspicuously posted. (3-31-22)

c. All equipment and apparatus for fire protection and firefighting shall be regularly inspected and be maintained in good and serviceable condition at all times. A record of the date of the latest inspection shall be kept with each portable fire extinguisher. This includes all automatic sprinkler systems and hose lines. (3-31-22)

d. Fire extinguishers, whether portable or automatic, shall comply with appropriate current standards as published by the National Fire Protection Association. Portable fire extinguishers shall also be subject to an annual maintenance inspection by ~~the Division~~ a qualified person. They must also be visually inspected by the employer each month, and such inspections documented. (3-31-22) ()

e. Electrical lights, apparatus, and wiring used in locations where flammable or explosive gases, vapors, mists, or dusts are present shall be of the type accepted by the adopted Electrical Code for the State of Idaho. (3-31-22)

f. Smoking while refueling equipment is prohibited. (3-31-22)

g. All fuel storage tanks, service tanks, etc., shall be bonded for ground for fueling purposes. (3-31-22)

h. When lights are used in enclosed rooms, vaults, manholes, tanks or other containers which may contain flammable or explosive vapors, mists, gases, or dusts, such lights shall be of the approved vapor proof types. (3-31-22)

i. No torch, flame, arc, spark, or other source of ignition shall be applied to any tank or container that has contained or does contain flammable or explosive vapors or materials until such container has been made to be inert or otherwise purged of flammable or explosive vapors or materials, except that "hot tapping" on tanks may be done provided that: (3-31-22)

i. There shall be at least four (4) feet of liquid above the point of the "hot tap"; and (3-31-22)

ii. The work shall be carried out under the direction of a supervisor experienced in this type of work.

NOTE: A test for flammability or explosiveness of the interior of such vessels shall be made using a device which will determine the concentration of flammable vapors for this purpose. Unless the percentage of flammable vapors is found to be less than twenty percent (20%) of its lower explosive limit, no source of ignition shall be

permitted. (3-31-22)

j. Frequent testing for determining the concentration of flammable and explosive vapors shall be made, and if the concentration is found to exceed twenty percent (20%) of its lower explosive limit, sources of ignition shall be extinguished or removed immediately. Fire extinguishing equipment adequate to cope with possible hazards shall be maintained close at hand. (3-31-22)

k. Smoking, the use of open flames, tools which are not approved for such areas, and other sources of ignition are prohibited in locations where flammable or explosive gases, vapors, mists, or dusts are present. Warning signs shall be conspicuously posted in such areas. (3-31-22)

l. Where salamanders and other fuel-burning heating devices are used, they shall be provided with adequate means for preventing the emission of sparks or other sources of ignition. Such devices shall be insulated or placed a sufficient distance from combustible structures and materials to prevent causing fires. Adequate ventilation shall be provided. (3-31-22)

m. When welding or cutting is done special precautionary measures shall be exercised before, during and after the job is finished to eliminate any possibility of immediate or delayed fires. (3-31-22)

02. Flammable Liquids. (3-31-22)

a. For the purpose of this section, "Flammable Liquids" shall mean any liquid having a flash point below one hundred forty (140) degrees Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred (100) degrees Fahrenheit. (3-31-22)

b. All flammable liquids shall be stored in approved containers suitable for their particular contents, and such approved containers shall be stored in areas removed from any direct source of ignition. (3-31-22)

c. Flammable liquids shall be kept in approved covered containers when not in actual use. (3-31-22)

d. The name of the flammable liquid contained therein shall be placed on all stock containers, and whenever such liquids are taken from the stock containers and put into other approved containers for use, it shall be the responsibility of the employer to ensure that these containers (except small containers of flammable liquids which are scheduled for immediate use and disposal) also bear the name of the flammable liquid contained therein. (3-31-22)

e. Flammable liquids shall not be used indoors to clean or wash floors, walls, any part of a building structure, furniture, equipment, machines or machine parts, unless sufficient ventilation is provided to bring and maintain the concentration of explosive vapors in the atmosphere below twenty percent (20%) of its lower explosive limit.

NOTE: The use of flammable liquids may create toxic contaminants in the atmosphere above permissible threshold limit values. (3-31-22)

03. Transferring Flammable Liquids and Powdered Materials. In transferring flammable liquids or finely divided flammable or explosive materials from one metal container to another, the containers shall be in firm contact with each other or be continuously bonded throughout the transfer so as to prevent the accumulation of static charges. Where portable tanks, mixers, or processing vessels are used for flammable liquids or flammable or explosive compounds, they shall be bonded and grounded while being filled or emptied. (3-31-22)

04. Transportation of Flammable Liquids. (3-31-22)

a. When transporting gasoline or other flammable liquids, approved containers shall be used. (3-31-22)

b. If tank truck service is not available or used, gasoline and other flammable liquids shall be transported in approved containers. Bungs shall be tight and containers shall be secured to prevent movement. (3-31-22)

c. It may be permissible to transport gasoline or other flammable liquids on passenger vehicles if in approved, closed safety containers of not more than six and one-half (6 1/2) gallon capacity, provided such containers are carried in a suitable and safe location outside the passenger compartment. (3-31-22)

054. -- 100. (RESERVED)

~~**SUBCHAPTER C — GARAGES, MACHINE SHOPS, AND RELATED WORK AREAS**~~
~~**(Rules 101 — 150)**~~

101. GARAGES AND MACHINE SHOPS AND RELATED AREAS.

01. General Requirements. (3-31-22)

a. Machine shops and other structures where workers are employed shall be constructed, ventilated, lighted and maintained in a safe working condition. (3-31-22)

b. Engines, pulleys, belts, gears, sprockets, collars and other moving parts of machinery shall be properly guarded. (3-31-22)

c. Grinding wheels shall have proper and adequate eye guards or hoods. Face shields shall be worn by employees while grinding. (3-31-22)

d. Machines shall be in good repair and good housekeeping shall be maintained. (3-31-22)

e. Proper goggles or hoods shall be made available and used in grinding and cutting, acetylene welding, electric arc and other types of welding. (3-31-22)

f. Tools shall be kept in good condition and care shall be taken in the handling and storing of all tools and materials so as to minimize chances for injury. (3-31-22)

g. An approved screen shall be provided, and used, to protect other workers from welding flashes. (3-31-22)

102. -- 150. (RESERVED)

~~**SUBCHAPTER D — SIGNALS AND SIGNAL SYSTEMS**~~
~~**(Rules 151 — 200)**~~

151. GENERAL REQUIREMENTS.

01. Rigging. (3-31-22)

a. Rigging shall be moved by established signals and procedures only. (3-31-22)

b. Signals shall be thoroughly understood by the crew. (3-31-22)

02. Daily Test Required. Each electric or radio signal system shall be tested daily before operations begin. (3-31-22)

03. Personnel in Clear Before Moving Logs or Turns. (3-31-22)

a. Operators of yarding equipment shall not move logs or turns until all personnel are in the clear and a signal has been given. (3-31-22)

b. Operators of yarding equipment shall be alert to signals at all times. (3-31-22)

152. SIGNALING.

- 01. One Worker to Give Signals.** (3-31-22)
- a.** The Worker sending drag shall be the only one to give signals. (3-31-22)
- b.** Any person is authorized to give a stop signal when a worker is in danger or other emergency conditions are apparent. (3-31-22)
- 02. Signal Must Be Clear and Distinct.** (3-31-22)
- a.** Machine operators shall not move any line unless the signal received is clear and distinct. (3-31-22)
- b.** If in doubt the operator shall repeat the signal as understood and wait for confirmation. (3-31-22)
- 03. Hand Signal Use Restricted.** (3-31-22)
- a.** Hand signals are permitted only when in plain sight of the operator. (3-31-22)
- b.** Hand signals may be used at any time as an emergency stop signal. (3-31-22)
- 04. Persons in Clear Before Signal Given.** All persons shall be in the clear before a signal is given to move logs or turns. (3-31-22)
- 05. Throwing Material Prohibited.** Throwing of any type of material as a signal is prohibited. (3-31-22)
- 06. Audible Signaling to Be Installed and Used.** A whistle, horn or other audible signaling device, clearly audible to all persons in the affected area, shall be installed and used on all machines operating as yarders. (3-31-22)
- 07. Audible Signaling Device at the Machine to Be Activated.** When radio or other means of signal transmission is used, an audible signal must be activated at the machine. (3-31-22)

153. ELECTRIC SIGNAL SYSTEMS.

- 01. Weatherproof Wire and Attachments to Be Used.** Where an electrical signal system is used, all wire and attachments shall be of the weather proof type. (3-31-22)
- 02. Electric Signal Systems to Be Properly Installed and Adjusted.** Electric signal systems shall be properly installed and adjusted as necessary. They shall be protected against accidental signaling, and shall be maintained in good operating condition at all times. (3-31-22)
- 03. All Connections to Be Weatherproof.** All connections in insulated signal wire shall be weatherproof. (3-31-22)

154. RADIO SIGNALING SYSTEMS.

- 01. Use of Conventional Space Transmission of Radio Signals.** When conventional space transmission of radio signals is used under and in accordance with an authorization granted by the Federal Communications Commissions to initiate any whistle, horn, bell or other audible signaling device, or such transmission of radio signals is used to activate or control any equipment, the following specific rules contained in this section will apply.

NOTE: This rule shall apply only to devices operating on radio frequencies authorized pursuant to the rules and regulations of the Federal Communications Commission. (3-31-22)

- 02. Description on Outside of Case.** (3-31-22)
- a.** Each radio transmitter and receiver shall have its tone frequency(s) in hertz (CPS), the manufacturer's serial number, and the assigned radio frequency clearly and permanently indicated on the outside of the case. (3-31-22)
- b.** When the duration of a tone frequency performs a function, the pulse-tone duration shall also be permanently indicated on the outside of the case. (3-31-22)
- c.** On the FCC restricted frequencies one hundred fifty-four point fifty-seven (154.57) MHZ and one hundred fifty-four point sixty (154.60) MHZ, a maximum of two (2) watts of power will be allowed. (3-31-22)
- 03. Activating Pulse-Tone Limitations.** The activating pulse-tone of any multi-tone transmitter shall be of not more than forty (40) milliseconds duration. (3-31-22)
- 04. Adjustment, Repair or Alteration.** All adjustments, repairs or alterations of radio-signaling devices shall be done only by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator's license, either radio-telephone or radio-telegraph, issued by the Federal Communications Commission. (3-31-22)
- 05. Testing of Tone-Signal Controlled Devices.** (3-31-22)
- a.** Tone-signal controlled devices shall be tested each day before work begins. If any part of the equipment fails to function properly, the system shall not be used until the source of trouble is detected and corrected. (3-31-22)
- b.** Audible signals used for test purposes shall not include signals used for movement of lines or material.
NOTE: Equipment or machines controlled by radio-signaling devices shall be designed and built to "fail safe" or stop, in case of failure of the radio-signaling device. (3-31-22)
- 06. Interference, Overlap, Fade-Out or Blackout.** When interference, overlap, fade-out or blackout of radio signals is encountered, the use of the tone-signal controlled device shall be immediately discontinued. The use of such tone-signal controlled device shall not be resumed until the source of trouble has been detected and corrected. (3-31-22)
- 07. Number of Transmitters Required.** (3-31-22)
- a.** Two (2) radio transmitters shall be in the vicinity of the rigging crew at all times when transmitters are being used by persons who are around the live rigging. (3-31-22)
- b.** Only one (1) radio transmitter shall be required, if in possession of a signalman who has no other duties and remains in an area where he is not subjected to hazards created by moving logs or rigging. (3-31-22)
- 08. Voice Communication.** (3-31-22)
- a.** Voice Communication shall be used for explanation purposes only. (3-31-22)
- b.** Actual activation of equipment shall be done by audible horn, bell or whistle and not by voice. (3-31-22)
- c.** The signal must be audible throughout the entire yarding and machine area. (3-31-22)
- 155. -- 200. (RESERVED)**

~~SUBCHAPTER E - TRUCK ROAD STANDARDS~~
~~(Rules 201 - 250)~~

201. TRUCK ROAD STANDARDS.

01. Building Roads. (3-31-22)

a. When building roads, all construction shall be carried on in accordance with good logging engineering practices and shall be constructed and maintained in a manner to insure reasonably safe operation. (3-31-22)

b. The due consideration shall be given to the following factors: (3-31-22)

i. The type of material used for roadbed and surfacing. (3-31-22)

ii. The type of hauling equipment which will travel road. (3-31-22)

iii. The size of loads to be hauled. (3-31-22)

iv. The pitch and length of grades. (3-31-22)

v. The degree of curvature and visibility on turns. (3-31-22)

vi. The volume of traffic. (3-31-22)

c. Truck roads shall not be too steep for safe operation of logging, or work trucks which operate over them, ~~and should not exceed twenty percent (20%) grade unless an auxiliary means of truck lowering is provided.~~ (3-31-22)()

d. Sufficient turnouts shall be provided and a safe side clearance maintained along all truck roads. (3-31-22)

e. Brush and other materials that obstruct the view at intersections or on sharp curves shall be eliminated and all possible precautions taken. (3-31-22)

f. Culverts and bridge structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. Such structures shall be maintained in good condition and shall be inspected annually by a qualified individual. (3-31-22)

g. Dangerous trees, snags and brush, which may create a hazard shall be cleared a safe distance on both sides of the right-of-way. (3-31-22)

02. Main Truck Roads. (3-31-22)

a. Main truck roads shall be of sufficient width and evenness to insure the safe operation of equipment. (3-31-22)

b. Truck roads with blind curves where visibility is less than three hundred (300) feet shall be of sufficient width for two (2) trucks to pass, controlled by some type of signal system, or speed shall be limited to fifteen (15) miles per hour. (3-31-22)

c. Conditions such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment shall be immediately corrected. (3-31-22)

d. Wheel guard rails on bridges shall be not less than eight (8) inches above deck and shall be substantially fastened to withstand impact of shearing wheels. Such guard rails shall extend the full length of the bridge. (3-31-22)

03. Operation of Equipment. Excavators, tractors, bulldozers, and other equipment shall be operated

in a safe and careful manner. All precautions shall be taken to insure the safety of all employees. (3-31-22)

202. -- 250. (RESERVED)

~~SUBCHAPTER F — TRANSPORTATION OF EMPLOYEES~~
~~(Rules 251 — 300)~~

251. TRANSPORTATION OF EMPLOYEES.

- 01. General Requirements.** (3-31-22)
- a.** Anchored seats and seat belts shall be provided for each person riding in any vehicle. (3-31-22)
 - b.** Vehicles used for the transportation of employees shall be constructed or accommodated for that purpose, and shall be equipped with adequate seats with back rests properly secured in place. Vehicles shall be protected on their sides and ends to prevent falling from the vehicle. (3-31-22)
 - c.** Vehicles, as described above, shall be equipped with adequate steps, stirrups, or other similar devices, so placed and arranged that the employees can safely mount or dismount the vehicle. (3-31-22)
 - d.** Vehicles designed to transport nine (9) or more passengers, shall be equipped with an emergency exit not less than six and one-half (6 1/2) feet in area, with the smaller dimension being not less than eighteen (18) inches. Such exit shall be placed at or near the back of the vehicle on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed. (3-31-22)
 - e.** Every emergency exit shall be conspicuously marked “Emergency Exit,” and be so fastened that it can be readily opened by a passenger in the case of emergency. (3-31-22)
 - f.** Emergency doors shall be not less than twenty-four (24) inches in width. (3-31-22)
 - g.** Every vehicle used for the transportation of employees shall be equipped with an Underwriters Laboratories, Inc. approved fire extinguisher, or its equivalent, with at least a four (4) BC rating. (3-31-22)
 - h.** All drivers of vehicles used for the transportation of employees shall have an appropriate operator’s license for the state of Idaho. (3-31-22)
 - i.** Drivers shall inspect vehicles before operating them. If a vehicle is found to be unsafe, it shall be reported to a proper authority and shall not be operated until it has been made safe. (3-31-22)
 - j.** Brakes, steering mechanism and lights shall be tested immediately before starting any trip. (3-31-22)
 - k.** No flammable materials, or toxic substances shall be transported in passenger compartments of vehicles while carrying personnel. (3-31-22)
 - l.** Transporting more individuals than the seating capacity of the vehicle is permitted only under emergency conditions. Should it become necessary in an emergency, all employees not having seats must ride within the vehicle. (3-31-22)
 - m.** Under no circumstances shall employees ride on fenders or running boards. (3-31-22)
 - n.** An employee must never ride in, or on, any vehicle with his legs hanging over the end or sides. (3-31-22)
 - o.** If tools are transported at the same time that employees are being transported, the tools shall be enclosed in boxes or racks and properly secured to the vehicle. (3-31-22)

p. No one shall board, or leave, moving equipment except in the case of an emergency ~~(except trainmen or others whose duties require such).~~ (3-31-22)()

q. Equipment shall be operated in a safe manner and in compliance with traffic regulations. Safe speeds shall be maintained at all times. (3-31-22)

r. No explosives shall be transported on, or in, vehicles used primarily for carrying personnel while such vehicles are being used for carrying personnel. (3-31-22)

s. The driver shall do everything reasonably possible to keep vehicles under control at all times, and shall not operate vehicles at excessive speeds. The driver shall take into consideration the condition of the roadway, weather factors, curves, grades and grade crossings, the mechanical condition of the vehicle and equipment and other pertinent items. The driver shall clear rocks from between dual tires before driving on multi-lane roads. A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, brakes, boosters, brake hoses and connections, reaches and couplings. Any defects found shall be corrected before the equipment is used. (3-31-22)

252. -- 300. (RESERVED)

~~SUBCHAPTER C — FALLING AND BUCKING~~
~~(Rules 301 — 350)~~

301. FALLING AND BUCKING.

01. General Requirements. (3-31-22)

a. There shall be an established method of checking-in workers from the woods. Each supervisor shall be responsible for their crew being accounted for at the end of each shift. (3-31-22)

b. Cutters not in sight of another employee shall have radio communications with crew members on that job site. (3-31-22)

c. Common sense and good judgment must govern the safety of cutters as effected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction, or when vision is impaired by weather conditions or darkness. (3-31-22)

~~**d.** All cutters shall have a current first aid certification. Employers shall provide an opportunity for cutters to take a standard first aid course. (3-31-22)~~

ed. Tools of cutters such as axes, sledges, wedges, saws, etc., must be maintained in safe condition. Battered sledges, and wedges shall not be used. When power saws are used, wedges shall be made of soft material, such as wood or plastic. (3-31-22)

fe. Cutters shall not be placed on hillsides immediately below each other or below other operations where there is possible danger. (3-31-22)

gf. Trees shall not be felled if a falling tree endangers any worker, line, or any unit in operation. A two (2) tree length distance shall be maintained between cutters working on the same unit unless they work directly together and only one (1) cutter is sawing at a time. (3-31-22)()

hg. Before starting to fall or buck any tree or snag, the cutter must survey the area for possible hazards and proceed according to safe practices. Snags, which are unsafe to cut, shall be blown down with explosives, or felled by other methods. (3-31-22)

ih. Dangerous or hazardous snags shall be felled prior to or in the course of cutting a strip. No danger tree shall be felled by one (1) cutter where and when the assistance of a fellow employee is necessary to minimize the danger or hazards involved. In the case that any danger tree or snag cannot be safely felled and must remain standing

or unattended, such tree or snag shall be clearly identified and suitably marked, including all surrounding impact area, and the employee's supervisor shall be notified as soon as possible. (3-31-22)

ji. In falling timber, adjacent brush and snow shall be cleared away from and around the tree to be felled to provide sufficient room to use saws and axes and provide an adequate escape path. (3-31-22)

kj. Cutters shall not fall into another strip; leaners on the line shall be traded. Trees shall be felled into the open whenever conditions permit. (3-31-22)

lk. Undercuts and side cuts shall be large enough to safely guide the trees and eliminate the possibility of splitting and barber chairing. Particular care shall be taken to hold enough wood to prevent the tree from prematurely slipping or twisting from the stump. Undercuts shall be cleaned out to the full depth of the saw cut. Especially large undercuts are necessary in heavy leaners. When required to safely fell a tree, mechanical or other means shall be employed to accomplish this objective. Pre-cutting of trees for the purpose of ~~production logging~~ domino falling is prohibited.

NOTE: Trees with no perceptible lean having an undercut to a depth of one quarter (1/4) of the diameter of the tree with an undercut height equal to one fifth (1/5) of the diameter of the tree will be assumed to be in reasonable compliance with this rule. (3-31-22)()

ml. Back-cuts shall be above the level of the upper horizontal cut of the undercut. (3-31-22)

nm. While wedging, fallers shall watch for limbs or other material which might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited. (3-31-22)

on. When falling or bucking a tree is completed the power saw motor should be stopped. The power saw motor shall be stopped while the operator is traveling to the next tree. (3-31-22)

po. Cutters shall not work on the downhill side of the log being bucked unless absolutely unavoidable and only when the log is blocked or otherwise secured to prevent rolling when cut is completed. (3-31-22)

qp. Cutters must give timely warning to all persons within range of any log which may have a tendency to roll or slide after being cut off. (3-31-22)

rq. Logs shall be completely bucked-through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible cutters shall warn rigging crew of locations where such unfinished cuts remain. (3-31-22)

sr. A competent person properly experienced in this type of work shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless under the direction of experienced workers. (3-31-22)

ts. Power saws shall be kept in good repair at all times. All exhaust parts on power chain saws shall be constructed and maintained so the operator is exposed to a minimum amount of fumes and noise. (3-31-22)

ut. Combustion engine driven power saws shall be equipped with an automatic throttle which will return the motor to idling speed upon release of the throttle. (3-31-22)

vu. Power saw motors shall be stopped while being fueled. (3-31-22)

~~**w.** All personnel shall wear approved head protection, proper clothing and footwear. (3-31-22)~~

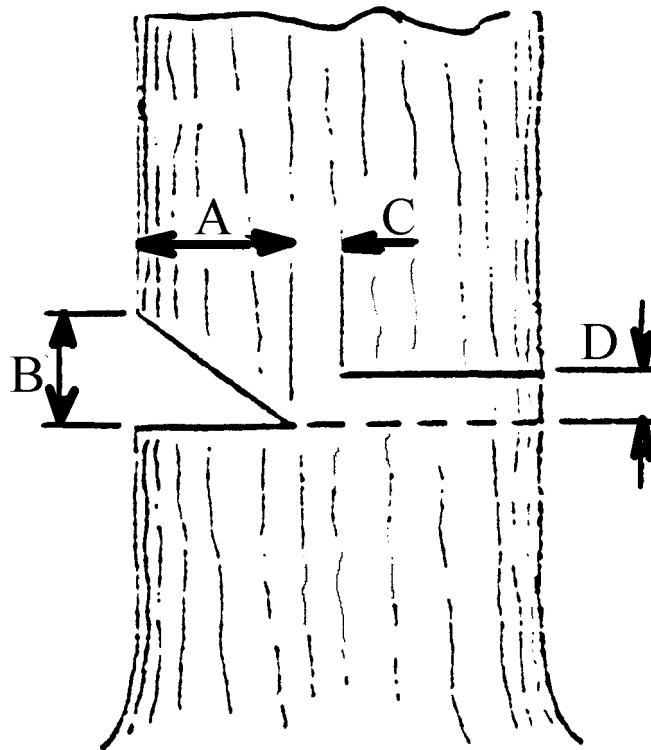
***v.** Each employee who operates a chain saw shall wear leg protection, which meets the requirements of ASTM F 1897 and covers the full length of the thigh to the top of the boot on each leg, except when working as a climber. (3-31-22)

302. ILLUSTRATION OF UNDERCUTS.

01. Illustration of Undercuts.

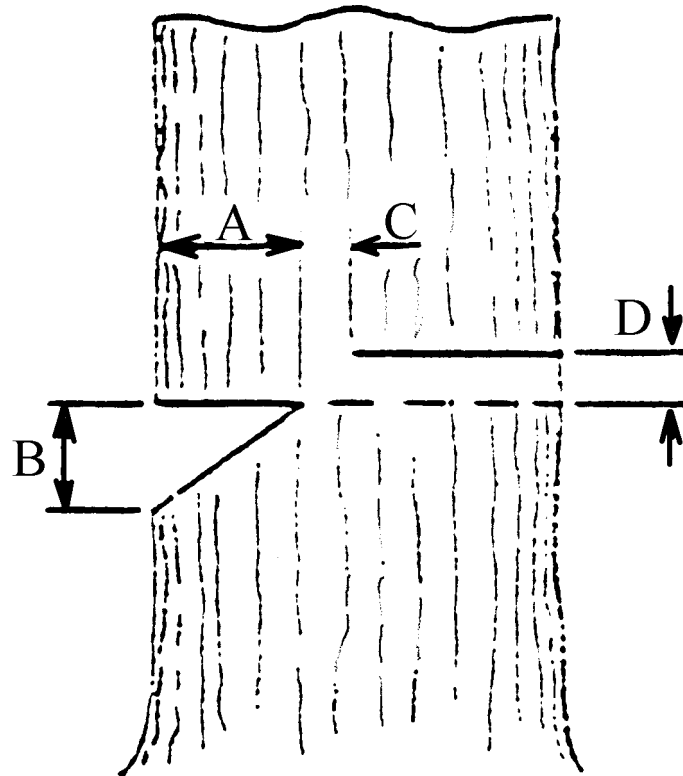
(3-31-22)

FIGURE 302.01.a. – CONVENTIONAL UNDERCUT



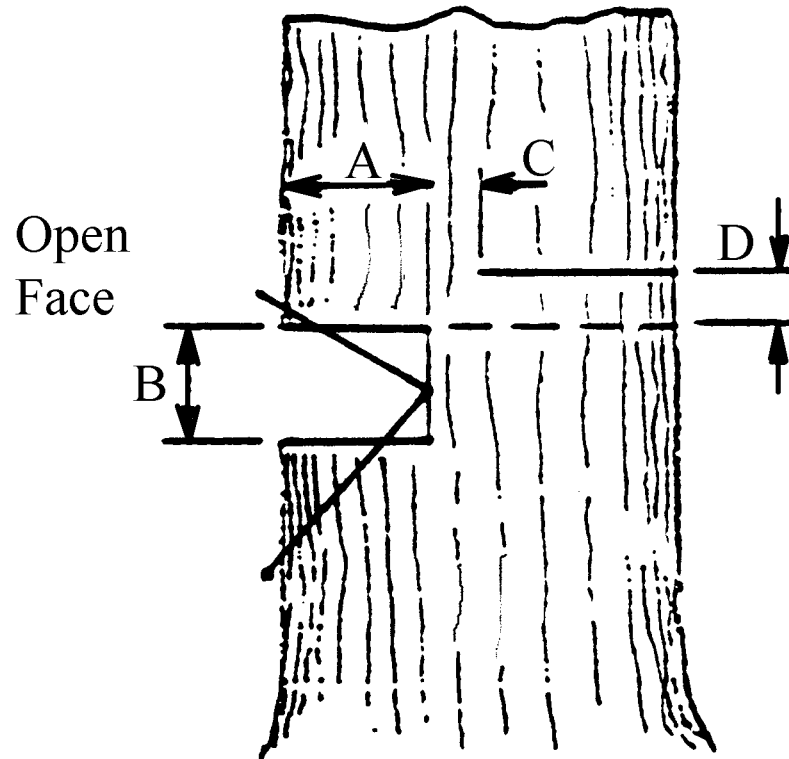
a. Conventional Undercut. May be made with parallel saw cut and a diagonal cut. Backcut (D) shall be above undercut. (3-31-22)

FIGURE 302.01.b. – HUMBOLT UNDERCUT



b. Humbolt Undercut. ~~A cut in which both cuts made with the saw leaves a square end log~~ (See Figure 302.01.b.). The cut is the same as a conventional cut (See Figure 302.01.a.) except that waste is on the stump. Backcut (D) shall be above undercut. (3-31-22)()

FIGURE 302.01.c. – OPEN FACE UNDERCUT



c. Open Face Undercut. A cut in which two (2) angle cuts are made with the saw (See Figure 302.01.c.) -- It is used when it is necessary that the face does not close until the tree is near the ground. (3-31-22)

303. MECHANICAL DELIMBERS AND FELLER BUNCHERS.

01. General Requirements. (3-31-22)

a. Before start-up or moving equipment, check the surrounding area for fellow employees or equipment. (3-31-22)

b. If any protective device is missing, it is to be replaced as soon as possible. If it affects a safe operation, the machine is to be shut down. (3-31-22)

c. When a machine is working, extreme caution shall be used when approaching. The operator shall be notified by radio or visual contact. (3-31-22)

d. All raised equipment shall be lowered to the ground or to a safe position and the park brake set before leaving the machine. (3-31-22)

304. -- 350. (RESERVED)

~~**SUBCHAPTER H — RIGGING, LINES, BLOCKS, AND SHACKLES**~~
~~**(Rules 351 — 400)**~~

351. RIGGING.

01. General. The determining factor in rigging-up shall be the amount of rated stump pull which a machine can deliver on each line. (3-31-22)

02. Equipment Classification. (3-31-22)

a. Equipment shall be classed according to the manufacturer's rating. (3-31-22)

b. Where lower gear ratios or other devices are installed to increase the power of equipment, the size of the rigging shall be increased proportionately so that it will safely withstand the increased strains to conform to Subsection 010.04 of these rules. (3-31-22)

03. Safe Loading. Rigging, and all parts thereof, shall be of a design and application to safely withstand all expected or potential loading to which it will be subjected. (3-31-22)

04. Allowable Loading or Stress. (3-31-22)

a. In no case shall the allowable loading or stress ~~be imposed on~~ be over one half (1/2) of the rated breaking strength of any parts of the rigging. ~~(3-31-22)~~ ()

b. This shall not be construed as applying to chokers. (3-31-22)

05. Chokers. Chokers shall be at least one eighth (1/8) inch smaller than the mainline. (3-31-22)

06. Placing, Condition, and Operation of Rigging. The placing, condition and operation of rigging shall be such as to ensure safety to those who will be working in the vicinity. (3-31-22)

07. Arrangement and Operation. Rigging shall be arranged and operated so that rigging or loads will not pound, rub, or saw against lines, straps, blocks, or other equipment. (3-31-22)

08. Line Hazards. (3-31-22)

a. Running lines and changed settings shall be made in a way to avoid bight of line hazards. (3-31-22)

b. Signals to operator shall be made before moving lines. (3-31-22)

~~**09. Reefing.** Reefing or similar practices to increase line pull shall be prohibited. (3-31-22)~~

~~**109. Inspection of Rigging.** (3-31-22)~~

a. A thorough inspection, by the operator or qualified person, of all blocks, straps, guylines, and other rigging shall be made before the rigging is placed in position for use and subsequently repeated every thirty (30) days for as long as the rigging is in position for use. Each rigging inspection shall be documented and kept onsite for review. (3-31-22)

b. This inspection shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, lubrication, condition of straps and guylines. (3-31-22)

c. The repairs or replacements necessary for safe operation shall be made before rigging is used. (3-31-22)

352. GUYLINES.

01. General Requirements. (3-31-22)

- a. Guylines shall be of plow steel or equivalent, and in good condition. (3-31-22)
 - b. Guylines shall be provided in sufficient number, condition and location to develop stability and strength equivalent to the breaking strength of any component part of the rigging or equipment. (3-31-22)
 - c. Guylines shall be fastened by means of shackles or hooks and slides. The use of loops or molles for attaching guylines is prohibited. The use of wedge buttons on guylines is prohibited. (3-31-22)
 - d. The “U” part of a shackle shall be around the guyline and the pin passed through the eye of the guyline. Pins shall be secured with molles, cotter-keys, or the equivalent. (3-31-22)
 - e. Guylines shall be kept tightened while equipment or rigging they support is in use. (3-31-22)
- 02. Anchoring Guylines.** (3-31-22)
- a. Stumps used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. They shall be tied back if necessary. See Figures 352.02.a. and 352.02.b.

FIGURE 352.02.a.

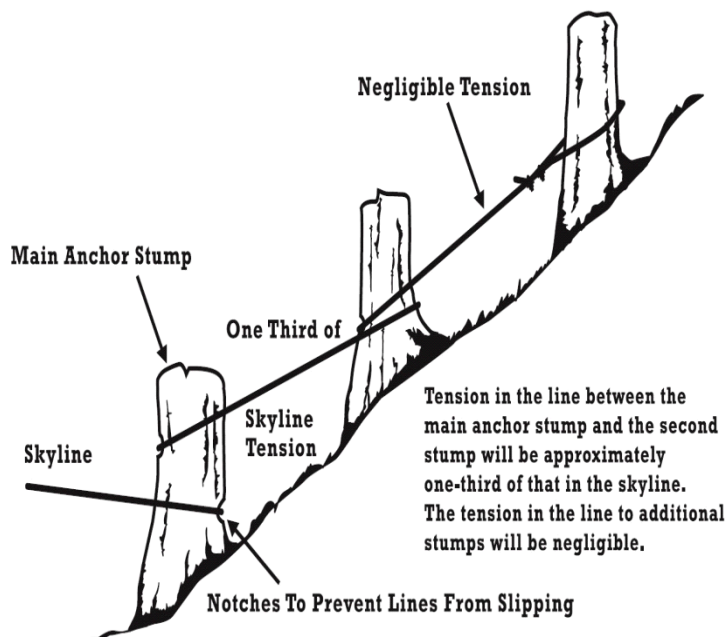
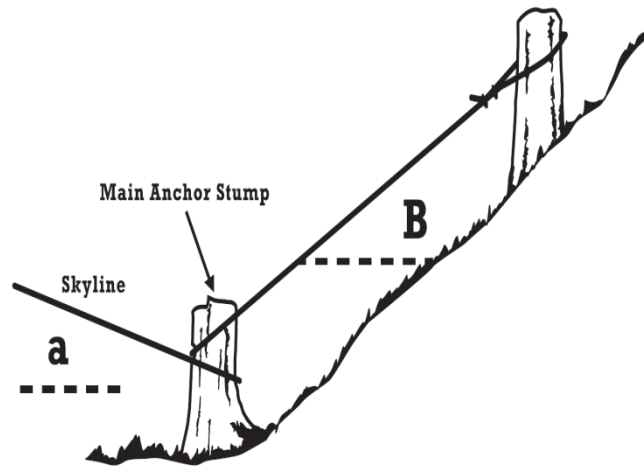


FIGURE 352.02.b.



Profile of a common two-stump anchor.

(3-31-22)

b. Properly installed deadman anchors are permitted. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used. (3-31-22)

c. Stumps, trees and guyline anchors shall be inspected from time to time while an operation is in progress and hazardous conditions immediately corrected. (3-31-22)

d. Standing trees which will reach landing or work areas shall not be used for guyline anchors. (3-31-22)

e. Any guyline anchor tree that can reach the landing or work area shall be felled before using as an anchor. (3-31-22)

03. Effectiveness of Guys. (3-31-22)

a. Guys making an angle with the horizontal greater than sixty (60) degrees will be considered less than fifty percent (50%) effective. For the effectiveness of other angles see Table 352.03.a.

Table 352.03.a.

Effectiveness of Angles	
Degree	Effectiveness
60 to 45	50% to 75%
45 to 30	75% to 85%

Table 352.03.a.

Effectiveness of Angles	
Degree	Effectiveness
30 to 10	85% to 95%

(3-31-22)()

b. For the effectiveness of guys according to the number of guys and their spacing, see Table 352.03.b.

Table 352.03.b.

Effectiveness of Guys		
No. of Guys Equally	Guys Most Effective When Pull Is:	Guys Will Support Strain Equal To The Following:
3	Opposite 1 guy	100% of strength of 1 guy
4	Halfway between 2 guys	140% of strength of 1 guy
5	Opposite 1 guy or halfway between 2 guys	160% of strength of 1 guy
6	Opposite 1 guy or halfway between 2 guys	200% of strength of 1 guy
7	Opposite 1 guy or halfway between 2 guys	225% of strength of 1 guy
8	Halfway between 2 guys	260% of strength of 1 guy
9	Opposite 1 guy or halfway between 2 guys	290% of strength of 1 guy
10	Opposite 1 guy or halfway between 2 guys	325% of strength of 1 guy

(3-31-22)()

~~**04. Minimum Guyline Requirements.** A minimum of four (4) top guys are required on any portable spar tree used for yarding, swinging, loading or cold decking.~~ (3-31-22)

353. LINES, SHACKLES AND BLOCKS.

01. General Requirements. (3-31-22)

a. All lines, shackles, blocks, etc., should be maintained in good condition and shall be of sufficient size, diameter and material to withstand one and one half (1 1/2) times the maximum stress imposed. (3-31-22)

b. Wire rope or other rigging equipment which shows a fifteen percent (15%) reduction in strength shall be replaced. (3-31-22)

02. Splices. (3-31-22)

a. Two (2) lines may be connected by a long splice, or by shackles of patent links of the next size larger than the line where practical. (3-31-22)

b. A safe margin of line must be used for making long splices. See Table 353.02.b.

Table 353.02.b.

<u>Long Splices</u>		
Rope Diameter	Unraveled	Total Length
3/8"	8'	16'
5/8"	13'	20'
3/4"	15'	30'
7/8"	18'	36'
1"	20'	40'

(3-31-22)()

03. Wire Rope Clips or Clamps. (3-31-22)

a. Clips should be spaced at least six (6) rope diameters apart to achieve maximum holding power. See Table 353.03.a.

Table 353.03.a.

<u>Wire Rope Clip Spacing</u>		
Diameter of Rope	Number of Clips	Required Space Between Clips
1-1/2-inch	8	10 inches
1-3/8-inch	7	9 inches
1-1/4-inch	6	8 inches
1-1/8-inch	5	7 inches

Table 353.03.a.

Wire Rope Clip Spacing		
Diameter of Rope	Number of Clips	Required Space Between Clips
1- inch	5	6 inches
7/8-inch	5	5-1/4 inches
3/4-inch	5	5-1/2 inches
3/8 to 5/8-inch	4	3 inches

(3-31-22)()

b. Clips should always be attached with the base or saddle of the clip against the longer or “live” end of the rope. See Figure 353.03.b. This is the only approved method.

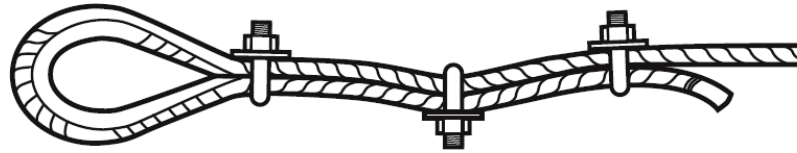
FIGURE 353.03.b.



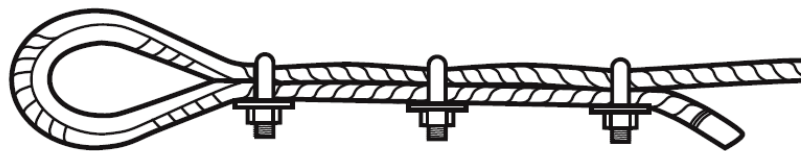
(3-31-22)

c. Do not reverse the clips or stagger them. See Figure 353.03.c. Otherwise the “U” bolt will cut into the live rope when the load is applied.

FIGURE 353.03.c.



Wrong



Wrong

(3-31-22)

d. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied a clip fastening has only about ninety percent (90%) of the strength of the rope and far less than that when rigged improperly. (3-31-22)

e. U-bolt wire rope clamps must not be used to form eyes on running lines, skylines, machine guylines, or straps. (3-31-22)

04. Blocks. All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging. (3-31-22)

05. Pins. All pins in blocks shall be properly secured by keys of the largest size the pin hole will accommodate (3-31-22)

06. Shackles. (3-31-22)

a. Spread in jaws of shackles shall not exceed by more than one (1) inch the size of yoke or swivel of the block to which it is connected. (3-31-22)

b. All shackles must be made of forged steel or material of equivalent strength and one (1) size larger than the line it connects. (3-31-22)

07. Cable Cutting. Cable cutters, soft hammers, or a cutting torch shall be available and used for cutting cables. Eye protection must be used when cutting cable. (3-31-22)

08. Damaged or Worn Wire Rope. Worn or damaged wire rope creating a safety hazard shall be taken out of service or properly repaired before further use. (3-31-22)

354. -- 400. (RESERVED)

~~**SUBCHAPTER I — CANOPY AND CANOPY CONSTRUCTION FOR LOGGING EQUIPMENT**~~
~~**(Rules 401 — 450)**~~

401. GENERAL REQUIREMENTS.

01. Driver Protection Guard. (3-31-22)

a. A substantial metal guard for the protection of the driver shall be installed on every piece of equipment, where exposed to overhead hazards. (3-31-22)

b. This guard shall be strongly constructed to afford adequate protection for the driver against overhead hazards. (3-31-22)

c. This guard shall be of sufficient width and height so that it will not impair the movements of the driver or prevent his immediate escape from the equipment in emergencies. (3-31-22)

d. This guard shall be of open construction to allow the driver all the visibility possible. (3-31-22)

02. Canopy Framework. (3-31-22)

a. The canopy framework shall ~~consist of at least two (2) arches, either transverse or longitudinal~~ be consistent with the Society of Automotive Engineers SAE J1040 April 1988 "Performance Criteria for Rollover Protective Structures (ROPS) for Construction, Earthmoving, Forestry, and Mining Machines." (3-31-22)()

~~**b.** If transverse, one (1) arch shall be installed at the rear of the equipment and the other at the center of the equipment. They shall be joined together by three (3) longitudinal braces, one (1) at the top and one (1) at each side of the arches. (3-31-22)~~

~~**c.** There shall be a shear or deflecting guard extending from the leading edge of the forward arch to the front part of the frame of the tractor or similar equipment. (3-31-22)~~

~~**d.** If longitudinal arches are used, they shall be extended from the rear of the tractor or equipment to the front frame of the tractor or equipment and each arch shall have an intermediate support located approximately at the dash so that ingress or egress will not be impeded. (3-31-22)~~

~~**e.** Regardless of the type of construction used, the fabrication and method of connecting to the tractor or equipment shall be of such design as to develop a strength equivalent to that of the upright members. (3-31-22)~~

~~**03. Canopy Structure.** The canopy structural framework shall be fabricated of pipe of the following size, or materials of equivalent strength, depending upon the gross weight of the tractor or similar equipment as equipped. Under twenty eight thousand (28,000) lbs., two (2) inch double extra strong pipe (XXS); twenty eight thousand (28,000) to fifty eight thousand (58,000) lbs., three (3) inch double extra strong pipe (XXS); over fifty eight thousand (58,000) lbs., four (4) inch double extra strong pipe (XXS). (3-31-22)~~

~~**04. Gusset Plates or Braces.** Gusset plates or braces shall be installed on the canopy framework so that the framework will withstand a horizontal pressure equal to twenty five percent (25%) of the gross weight of the tractor or similar equipment, as equipped, when such pressure is applied to any vertical member at a point not more than six (6) inches below the roof of the canopy. (3-31-22)~~

~~**05. Clearance Above the Deck.** The clearance above the deck of the tractor or similar equipment at points of egress shall be not less than fifty two (52) inches and the clearance above the driver's seat shall be of such height as will allow sufficient clearance above the driver's head. (3-31-22)~~

~~**06. Overhead Covering.** The overhead covering on the canopy structure shall be of not less than three-sixteenth (3/16) inch steel plate except that the forward eighteen (18) inches may be made of one quarter (1/4) inch woven wire having not more than one (1) inch mesh. (3-31-22)~~

~~**07. Rear Covering. (3-31-22)**~~

~~a. The opening in the rear of the structure shall be covered with one quarter (1/4) inch woven wire having not less than one and one half (1 1/2) inch or more than two (2) inch wire mesh. This covering shall be affixed to the structural members so that ample clearance will be provided between the screen and the back of the operator. (3-31-22)~~

~~b. Structural members shall present smooth, rounded edges and the covering shall be free from projections which would tend to puncture or tear flesh or clothing. (3-31-22)~~

~~08. Pin Connections. (3-31-22)~~

~~a. Pin connections are recommended for joints in the structural frame and especially at connections to the tractor frame or similar equipment frame. (3-31-22)~~

~~b. Gusset plates shall be installed at each place where individual pieces of pipe are joined. (3-31-22)~~

~~09. Sideguards. When practical, sideguards shall be installed to protect the operator from hazards. (3-31-22)~~

402. TRACTORS AND SIMILAR LOGGING EQUIPMENT.

01. Operating Condition. (3-31-22)

a. The general operating condition of a tractor or equipment shall be sufficient to ensure the safety of the driver and other workmen. (3-31-22)

b. An operating manual shall be readily available in either print or electronic format for each piece of machinery. (3-31-22)

02. Guards. All guards shall be kept in place and in good repair at all times when the tractor or similar equipment is used. (3-31-22)

03. Repairs or Adjustments. Repairs or adjustments to clutches, frictions, or other parts of equipment which may cause hazardous movement of equipment shall not be done while engines are running. (3-31-22)

04. Blades or Similar Equipment. (3-31-22)

a. Blades or similar equipment shall be blocked or otherwise securely supported when making repairs or performing other work around such equipment when they are elevated from the ground. (3-31-22)

b. Equipment under repair or adjustment should be tagged out. (3-31-22)

05. Brakes and Steering. (3-31-22)

a. All equipment shall be equipped with a braking system capable of stopping and holding the maximum load on all grades at all times. (3-31-22)

b. Any defect found in the braking system or steering devices of any equipment used in skidding or yarding operations shall not be used until repaired or replaced. (3-31-22)

06. Starting of Equipment. Equipment shall be started (cranked) only by the operator or other experienced persons when they are sitting in the operators seat. (3-31-22)()

07. Seatbelts. (3-31-22)

a. Seatbelts shall be installed on all tractors and mobile equipment having roll-over protection or in accordance with a design by a professional engineer which offers equivalent employee protection. (3-31-22)

b. Seatbelts shall be used when operating any machine equipped with Roll Over Protection Structure (ROPS), Falling Object Protection Structure (FOPS), or overhead guards. (3-31-22)

~~**08. Pin Connections.**~~ (3-31-22)

~~**a.** Pin connections are recommended for joints in the structural frame and especially at connections to the tractor frame or similar equipment frame.~~ (3-31-22)

~~**b.** Gusset plates shall be installed at each place where individual pieces of pipe are joined.~~ (3-31-22)

~~**09g.** Sideguards.~~ When practical, sideguards shall be installed to protect the operator from hazards. (3-31-22)

403. -- 450. (RESERVED)

~~**SUBCHAPTER J — SKIDDING AND YARDING**~~
~~**(Rules 451 — 500)**~~

451. SKIDDING AND YARDING.

01. General Requirements. (3-31-22)

a. All personnel shall wear approved head protection and proper clothing at all times in skidding and yarding. (3-31-22)

b. Getting on or off moving equipment is strictly prohibited. (3-31-22)

c. Equipment operators shall move rigging only upon the signal of an authorized person. (3-31-22)

d. Workers shall at all times watch for and protect themselves and their fellow workers from side-winders, rolling logs, up ending logs, snags, and other hazards caused by the movement of equipment, logs and/or lines. (3-31-22)

e. Chokers should be placed near, but not closer than two (2) feet, from the ends of logs if possible. (3-31-22)

f. Choker holes shall be dug from the uphill side of a log if there is any danger of its rolling. (3-31-22)

g. Knots shall not be used to connect separate lengths of chain or cable. (3-31-22)

h. Chaser (hooker) shall not unhook logs (trees) until rigging has stopped and the equipment operator is aware of his location. (3-31-22)

i. Riding on drag or logs or any part of equipment used in skidding and yarding except in the area of the driver's seat is prohibited. (3-31-22)

j. A tool handle, stick, iron bar, or similar object shall be used in guiding lines onto drums. Guiding lines with hands is prohibited. (3-31-22)

k. Make sure all personnel are in the clear before skidding turn, drag, log, or tree into landing. (3-31-22)

l. All personnel shall keep out of the bight of line and clear of running lines. (3-31-22)

m. Logs shall not be swung over personnel. (3-31-22)

- n. Knot bumping should be done before a log is loaded. (3-31-22)

452. CABLE YARDING.

01. **Safety A.** Personnel shall not ride hooks, lines, rigging, or logs suspended in the air or being moved. (3-31-22)

02. **Safety B.** Personnel shall not hold on to haywire, running lines, drop lines, or chokers as an assist when walking uphill. (3-31-22)

03. **Safety C.** Personnel shall not work in the bight of lines under tension. (3-31-22)

04. **Safety D.** Personnel shall be “in the clear” before any signal to move any lines is given. (3-31-22)

05. **Safety E.** All swing yarders shall have the outer swing radius marked with hi-vis tape or cones while skidding is in progress. No tools or supplies may be kept inside that radius ~~outside~~ below the counterweight level of the machine unless in a locked box. No employee may get inside that radius without first notifying the operator. (3-31-22)()

453. (RESERVED)

454. WIRE ROPE.

01. **General Characteristics.** Wire rope comes in many grades and dimensions, and every rope has its own characteristics with regard to strength and resistance to crushing and fatigue. A larger rope will outlast a smaller rope of the same materials and construction, used in the same conditions, because wear occurs over a larger surface. Similarly, a stronger rope will outlast a weaker rope, because it performs at a lower percentage of its breaking strength, with reduced stress. (3-31-22)

02. **Wire Rope Terms.** Common grades of wire rope include extra improved plow steel (EIPS) and swaged Powerflex, among others. The following terms are commonly used for wire rope: (3-31-22)

a. **Abrasion Resistance.** Ability of outer wires to resist wear. Abrasion resistance is greater with larger wires. (3-31-22)

b. **Core.** The foundation of a wire rope which is made of materials that will provide support for the strands under normal bending and loading conditions. A fiber core (FC) can be natural or synthetic. If the core is steel, it can be a wire strand core (WSC) or an independent wire rope core (IWRC). (3-31-22)

c. **Crushing Resistance.** Ability of the rope to resist being deformed. A rope with an independent wire core is more resistant to crushing than one with a fiber core. (3-31-22)

d. **Die-form Line.** Made from strands that are first compacted by drawing them through a drawing die to reduce their diameter. The finished rope is then swaged or further compressed. (3-31-22)

e. **Fatigue Resistance.** Ability of the rope to withstand repeated bending without failure (the ease of bending a rope in an arc is called its “bendability”). Fatigue resistance is greater with more wires. (3-31-22)

f. **Strength.** Referred to as breaking strength, usually measured as a force in pounds or tons. The breaking strength is not the same as the load limit, which is calculated as a fraction of the breaking strength to ensure safety. (3-31-22)

g. **Swaged Line.** Manufactured by running a nominal-sized line through a drawing die to flatten the outer crown and thus reduce the rope diameter. This compacted rope allows for increased drum capacity and increased line strength. (3-31-22)

03. **Typical Wire Rope Specifications.** The table below lists a few examples of wire-rope breaking

strengths.

Table 454.03

Typical Wire Rope Specifications						
6x26 Improved Plow Steel			6x26 Swaged		Swaged Compact-Strand	
Diameter (inches)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)
1/2	0.46	11.5	0.6	15.2	0.63	18.6
9/16	0.59	14.5	0.75	19	0.78	23.7
5/8	0.72	17.9	0.93	23.6	1.01	28.5
11/16			1.10	28.8	1.18	35.3
3/4	1.04	25.6	1.37	34.6	1.41	42.2
13/16			1.56	39.6	1.63	49.3
7/8	1.42	34.6	1.83	46.5	1.91	56.0
15/16			1.95	53.3	2.20	66.1
1	1.85	44.9	2.42	60.6	2.53	73.7
1-1/8	2.34	56.5	2.93	75.1	2.97	92.9
1-1/4	2.89	69.3	3.52	92.8	3.83	112.1
1-3/8	3.5	83.5	4.28	108.2	4.62	128.6

Source: Cable Yarding Systems Handbook. 2006. Worksafe BC. Table lists typical breaking strengths. See manufacturer's specifications for specific lines. (3-31-22)

04. Synthetic Rope. High-tensile strength synthetic lines are considerably lighter than standard wire rope; however, some lines are dimensionally as strong as standard wire rope. Accordingly, high-tensile strength synthetic lines are permitted to be used in appropriate logging applications, including as substitutes for brush straps, tree straps, tail and intermediate support guylines, guyline extensions, skyline extensions, and haywire. Manufacturers' standards and recommendations for determining usable life or criteria for retirement of such lines shall be followed. Personnel shall examine the lines for broken or abraded strands, discoloration, inconsistent diameter, glossy or glazed areas caused by compression and heat, and other inconsistencies. Rope life is affected by load history, bending, abrasion, and chemical exposure. Most petroleum products do not affect synthetic ropes. (3-31-22)

05. Inspection and Care. (3-31-22)

a. Wire rope shall be inspected daily by a qualified individual and repaired or taken out of service when there is evidence of any of the following conditions: (3-31-22)

i. Twelve and five tenths percent (12.5%) of the wires are broken within a distance of one (1) lay. (3-31-22)

ii. Evidence of chafing, sawing, crushing, kinking, crystallization, bird-caging, corrosion, heat damage, or other damage that has weakened the rope structure. (3-31-22)

b. Qualified personnel shall closely inspect those points subject to the most wear, including the knob ends of lines, eye splices, and those sections of line that most often run through blocks or carriages. If there is doubt about the integrity of the line, it is far safer to replace a suspect line, or cut out and resplice a defective area, than risk a failure during operation. Evaluation of the load-bearing yarder lines shall be stringent. A qualified person shall also inspect all other lines used on site and remove any that are unsafe. (3-31-22)

06. Additional Precautions. The following precautions shall also be observed: (3-31-22)

a. Ensure the working load limit for any line is adequate for the intended use. (3-31-22)

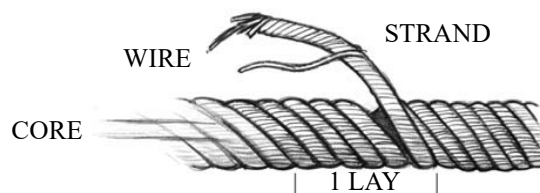
b. The manufacturer's specifications with regard to assigned breaking strength shall be followed. Such specifications as determined by engineering test results should factor the grade of the wire, number of strands, number of wires per strand, filler wire construction, lay pattern of the wires, and the diameter of the line. (3-31-22)

07. Safety Factor. Operators shall follow the manufacturer's specifications in determining load limits. The working load limit is a fraction of a line's breaking strength – a factor of three (3), or one-third (1/3) the breaking strength, is commonly used as a safety factor for running and standing lines, when workers are not exposed to breaking lines or loads passing overhead. A safety factor of three (3) is commonly used to determine the working load limit for a standing or running line. A standard six (6) x twenty-six (26) IWRC wire rope with a diameter of one (1) inch has a breaking strength of approximately forty-five (45) tons – divide by three (3) – equals fifteen (15) tons working load limit. (3-31-22)

08. Wire Labeling. (3-31-22)

a. The elements of a typical wire rope are labeled, for example, six (6) x twenty-five (25) FW PRF RL EIPS IWRC. The label indicates a six (6)-strand rope with twenty-five (25) wires per strand (six (6) x twenty-five (25)), filler-wire construction (FW), strands pre-formed in a helical pattern (PRF), laid in a right-hand lay pattern (RL), using an extra-improved plow steel (EIPS) grade of wire, and strands laid around an independent wire rope core (IWRC). [See figure 013.08-A for proper labeling of wire rope.](#) (3-31-22)

FIGURE 454.08.a.



(3-31-22)

b. Out of Service Standard Example. A six (6) x twenty-five (25) IWRC wire rope = six (6) strands in one (1) lay with twenty-five (25) wires per strand = one hundred fifty (150) wires. The rope must be taken out of service when twelve and five tenths percent (12.5%), or one-eighth (1/8), of the wires are broken within the distance of one (1) lay = one hundred fifty (150) divided by eight (8) = eighteen and seventy-five one hundredths (18.75), or

nineteen (19) broken wires.

(3-31-22)

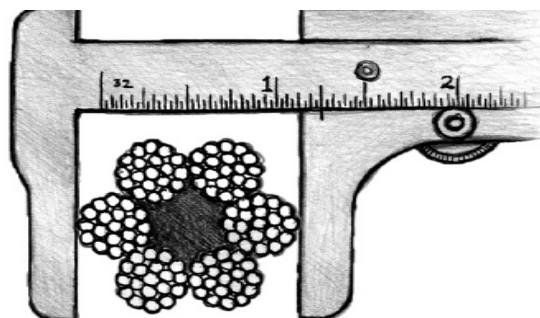
09. Wire Line Life. ~~Table 454.09 provides the allowable life of a line in million board feet in accordance with line size and use.~~ Figure 454.09.a. illustrates both the correct and incorrect manner in which to measure line size (diameter).

TABLE 454.09			
LINE LIFE BY WOOD HAULED			
System	Use	Line Size (inches)	Line Life (million board feet)
Standing Skyline	Skyline	1-3/4	20-25
		1-1/2	15-25
		1-3/8	8-15
	Mainline	1 to 1-1/8	15-20
		1	10-15
		Haulback	3/4 to 7/8
Live Skyline	Skyline	1-1/2	10-20
		1-3/8	8-15
		1	6-10
	Mainline	1	10-15
		3/4	8-12
		5/8	8
	Haulback	3/4 to 7/8	8-12
		1/2	6-10
	Dropline	7/16	5-8

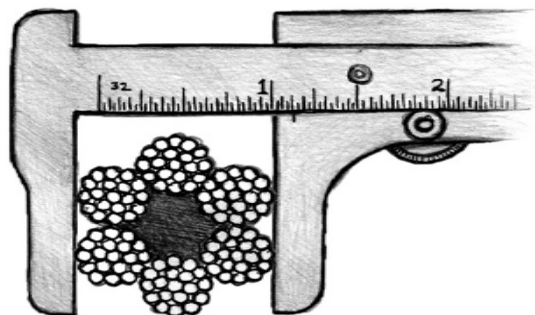
TABLE 454.09 LINE LIFE BY WOOD HAULED			
System	Use	Line Size (inches)	Line Life (million board feet)
High Lead	Mainline	1-3/8	8-15
		1-1/8	6-12

Source: Willamette Logging Specialist's Reference by Keith L McGonagill, 1976. Portland, OR: Willamette National Forest. Calculations of line life refer to EIPS 6x21 wire rope for the skyline, and EIPS 6x26 for other lines. Figures will be different for other classes of wire rope. (3-31-22)

FIGURE 454.09.a.



Correct way to measure line diameter



Incorrect way to measure line diameter

(3-31-22)()

10. Dynamic Loads. Operators shall consider high dynamic loads when calculating safe working limits of wire ropes. Wire ropes are often subjected to high dynamic loads, which greatly multiply the force on a line and may exceed the safe working limit. Even a split second of time over the limit can lead to premature failure of a line. Typical dynamic loads occur when a turn hits a stump, a turn comes down off of the back hillside to full suspension, or when excessive force is applied to pulling a turnout of its bed. A high dynamic load or a sudden shock load that exceeds the working limit may not result in immediate failure, but rope strands may stretch and weaken, and may fail at a later time. (3-31-22)

11. Other Common Wire Rope Considerations. (3-31-22)

a. Wire Rope Stretching and Line Diameter. A stretched wire rope has a reduced diameter. Operators shall check for stretched lines by measuring the diameter, particularly on older lines and any line used in stressful situations. (3-31-22)

b. Older Wire Rope. Standing lines and guylines are often kept in service for multiple years (four (4) to five (5), and as long as ten (10) years in some instances) without exhibiting any obvious signs of excessive wear other than rust. Operators shall check date stamps of wire rope and evaluate line life. Operators shall also inspect the core of older lines periodically for a fractured or dry core, which could indicate other deficiencies such as broken wires, excessive wear, or line deformation. (3-31-22)

c. Hard Use. The life of a wire rope is also affected by hard use. ~~Line life can be measured by the volume of wood hauled (see Table 459.09).~~ Line life is reduced when a line exceeds its elastic limits, is heavily shocked, or rubbed against rocks or other lines. As a line wears, the safe working load limit shall be lower and the payload adjusted appropriately. (3-31-22)()

d. Wire Rope endurance and elastic limits. Working within the endurance and elastic limits of lines can help preserve line life. The following principles shall be observed when evaluating the integrity and safe use of wire rope: (3-31-22)

i. The “endurance limit” for all lines is fifty percent (50%) of the breaking strength. If wire rope tensioning regularly exceeds the endurance limit, the life of the line is reduced through fatigue. (3-31-22)

ii. The “elastic limit” for all lines is sixty to sixty-five percent (60-65%) of the breaking strength. When a wire rope is loaded to its normal safe working limit, the line stretches, but then returns to its original size when the load is released. If a load increases past the elastic limit through prolonged exertion or repeated stress, the line will stretch and stay stretched, resulting in a permanent reduction in the breaking strength. (3-31-22)

e. Lubrication and Abrasion. Wire rope is lubricated in the factory to reduce internal friction and corrosion, and prolong the life of the rope. Heat from friction causes the internal lubricant to deteriorate. Friction occurs when the rope stretches under load, particularly in places where it bends around sheaves or other objects. An improperly lubricated line can pick up particles of dirt and sand that will increase abrasion. Accordingly, operators shall: (3-31-22)

i. Check for and ensure the proper lubrication of all lines and wire rope, following the manufacturer’s instructions. Commercial wire rope lubricants are available. (3-31-22)

ii. Carefully inspect lines for faults in areas where dust and sand may collect. (3-31-22)

iii. Store all wire rope and lines off the ground. (3-31-22)

12. Line Connections. (3-31-22)

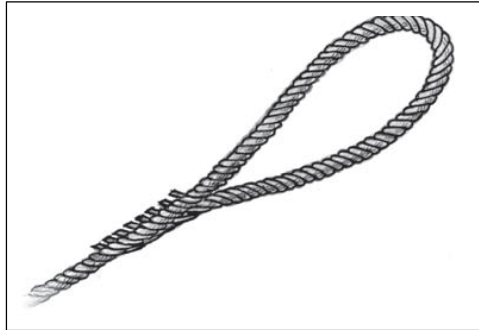
a. Inspection. Operators shall regularly inspect shackles, hooks, splices, and other connecting equipment for damage and wear, as well as ensure the connectors are the correct type and size for the line and intended use. (3-31-22)

b. Wire Splicing. Splices are used to form an eye at the end of a line, extend the length of a line, or repair a broken or damaged line. The splicing of wire rope requires special skill and shall only be performed under the supervision of a competent person with using the proper tools. Reference materials are available with detailed instructions for numerous types of splices. Individuals splicing wire shall always wear appropriate eye protection while splicing or assisting with a splicing procedure. (3-31-22)

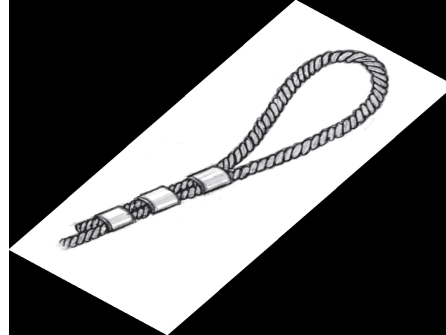
c. The logger’s eye splice and three (3)-pressed eye are the most common methods to form an eye for use as a skyline terminal. See Figure 454.12.c. The spliced eye is approximately eighty percent (80%) efficient. A

three (3)-pressed eye can reach ninety percent (90%) line strength. The pressed eye is typically performed at the rigging shop. Spliced eyes may be placed in the field, but may require additional time to install. (3-31-22)

FIGURE 454.12.c.



THE LOGGER'S EYE SPLICE



THREE-PRESSED EYE
(3-31-22)

- d.** When Flemish (Farmers, Rolled) eye splices are used on load-bearing lines, the strand ends must be secured by: (3-31-22)
 - i. Hand tucking each strand three (3) times; or (3-31-22)
 - ii. Applying a compression (pressed-eye) fitting. (3-31-22)
- e.** Guyline Care. Guylines are a vital link in holding up a tower. Guyline extensions shall not be excessively moved around by dragging on the ground, or left on the ground for long periods of time as they will deteriorate faster. (3-31-22)
- f.** Guyline extensions must be connected by: (3-31-22)
 - i. A bell shackle using a safety pin to connect spliced eyes or pressed eyes; or (3-31-22)
 - ii. Poured nubbins (buttons) and a double-ended hook. (3-31-22)
- g.** Line Deformity. A line may deform where it loops around a shackle or pin, producing weakness that may result in line failure. A thimble in the loop protects the line. Thimbles may be used on standing lines, but not on running lines. Examples of the appearance of deformed lines and the use of thimbles in shackles are illustrated in Figure 454.12.g. (3-31-22)

FIGURE 454.12.g.



DEFORMED EYE

EYE WITH THIMBLE

(3-31-22)

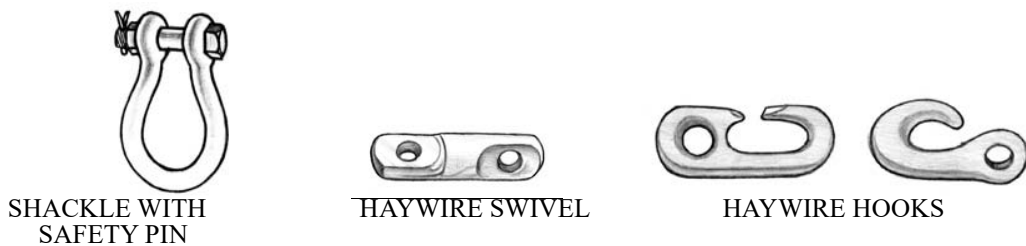
13. Shackles and Hooks.

(3-31-22)

a. Hooks. Hooks shall be inspected to ensure that they have not sprung open. Ensure that shackles are positioned correctly to bear the load. Haywire swivels shall be inspected frequently, due to their susceptibility to wear rapidly. (3-31-22)

b. Shackle Safety. Proper bells or shackles shall be used to connect the guylines to the stumps, and the guyline lead blocks to the ring at the top of the tower. Connections shall have at least one and a half (1-1/2) times the strength of the guyline. The pins of the shackles must be secured to protect against dislodgement, and a nut and cotter key, or a nut and molly may be used for that purpose. The use of loops or mollies to attach guylines is prohibited. Examples of the appearance of some shackle equipment is illustrated in Figure 454.13.b.

FIGURE 454.13.b.



SHACKLE WITH
SAFETY PIN

HAYWIRE SWIVEL

HAYWIRE HOOKS

(3-31-22)

c. The following practices shall be observed in order to ensure the safe use of shackles: (3-31-22)

i. A shackle must have a rated breaking strength greater than the rated breaking strength of the lines attached to it, and the manufacturer's rated strengths to determine oversized requirements shall be used. Accepted industry standards shall be utilized and adhered to when determining the correct shackle size based on the type and nature of the logging operation being performed. Examples of the appearance of some shackle equipment for the purposes of proper selection is illustrated in Figure 454.13.c.i (3-31-22)

ii. Shackles with pins, and securing nuts with mollies or a cotter key shall be used on standing or overhead rigging. (3-31-22)

iii. Screw shackle pins shall not be used in any standing or overhead rigging. (3-31-22)

iv. Screw shackle pins, where allowed to be used, shall be tightened securely. (3-31-22)

v. Shackle pin mollies shall be rolled sufficiently and fit the pin hole fully. Mollies shall be tucked a minimum of three (3) times. (3-31-22)

vi. The shackle shall always be placed with the pin nearest to the yarder, so that in the event the shackle fails the least amount of hardware may be thrown at the yarder. (3-31-22)

vii. Replace shackles that are bent, broken, or show excess wear on the inner surfaces. Examples of the appearance of some damaged or non-conforming shackles are illustrated in Figure 454.13.c.vii. (3-31-22)

FIGURE 454.13.c.vii.



REPLACE SHACKLES THAT ARE BENT, BROKEN, OR SHOW EXCESS WEAR ON THE INNER SURFACES.

- viii. Sleeve shackles or choker bells must be used when choked lines are permitted. (3-31-22)

FIGURE 454.13.c.i.



SLEEVE WITH
KNOCKOUT PIN



BELL WITH
KNOCKOUT PIN



SLEEVE WITH
SAFETY PIN



FLUSH PIN
STRAIGHT SIDE

(3-31-22)

- 14. Knobs, Ferrules, and Eyes.** (3-31-22)

a. Poured nubbins and a double-end hook are acceptable connectors in place of shackles in some instances. The use of quick nubbins (wedge buttons) as guylines and skyline end fittings is prohibited unless attaching guylines to guyline drums. Operators shall follow the manufacturer's recommendations when attaching sockets and similar end fastenings. (3-31-22)

b. Poured nubbins achieve ninety-nine percent (99%) of line strength and may be used. Quick nubbins only achieve a maximum of sixty-five percent (65%) under ideal conditions, and accordingly operators shall consider whether they are appropriate for safe use in any given application. Pressed ferrule are not certifiable for strength, and shall not be used. Examples of the appearance of some knob, ferrule, and nubbin equipment are illustrated in Figure

454.14. (3-31-22)

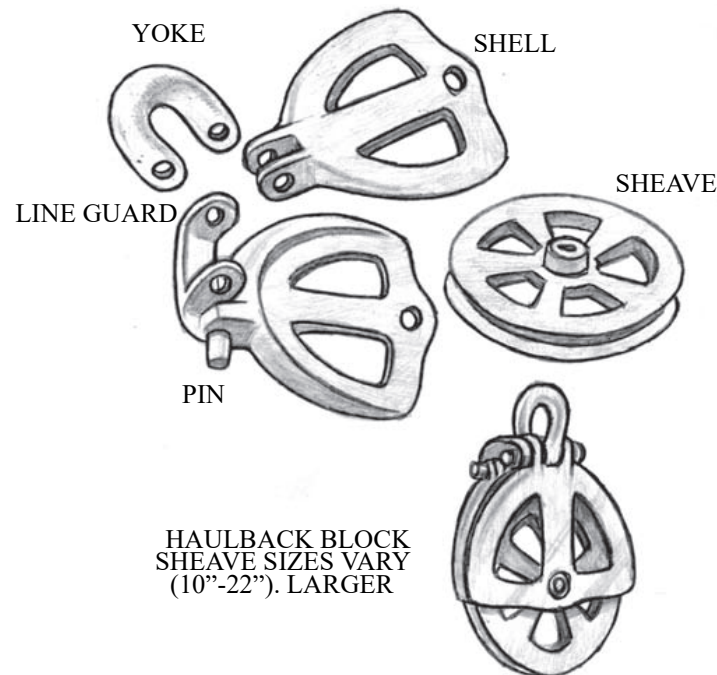
c. Operators shall inspect knobs, ferrules, and eyes at cable ends for loose or broken wires, and corroded, damaged, or improperly applied end connections. Poured nubbins shall be date stamped.

FIGURE 454.14



15. **Brush Blocks.** Brush blocks shall be thoroughly inspected for cracks, wear, or deterioration. Operators shall closely examine the areas subject to the most wear, including bearings, sheave, frame, yoke, and pins. Defective parts shall be replaced immediately. Blocks shall be greased every time before each use.

FIGURE 454.15



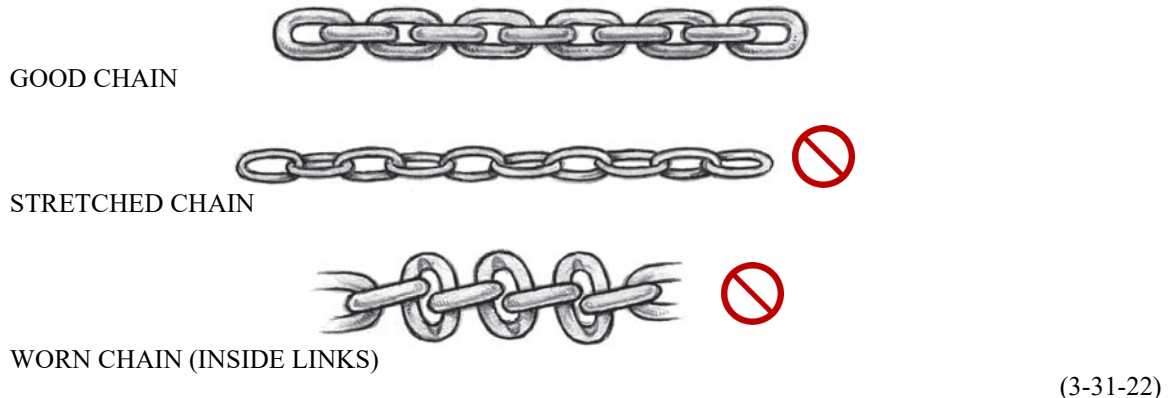
(3-31-22)

16. **Chains and Straps.** Chains or straps shall always be sized and used correctly for the intended purpose. Determining which size to use may depend on various factors. Oversized trailer lift straps, for example, shall have a breaking strength equal to five (5) times the load to be lifted. Towing chains shall have a tensile strength equivalent to the gross weight of the towed vehicle. The manufacturer's specifications or other appropriate reference materials shall always be consulted to ensure the right chain or strap is used for a task. (3-31-22)

a. Operators shall periodically inspect chains for damaged, worn, or stretched links. Chains with more

than ten percent (10%) wear at the bearing surface shall be replaced. Operators shall periodically inspect straps, and examine them for broken wires or wear. Examples of the appearance of damaged and safe chains are illustrated in Figure 454.16.a.

FIGURE 454.16.a.



455. TREE CLIMBING.

Loggers are often required to climb considerable heights to top trees or hang rigging on lift trees. All workers who may be exposed to fall hazards shall be specifically trained and equipped with fall protection. (3-31-22)

01. Rescue Plan. Before rigging any tree, the employer must develop rescue procedures, which includes identifying appropriate equipment, personnel, and training to perform a rescue in case a climber is injured or incapacitated in the tree. A second set of climbing gear and a person with climbing experience shall be readily available. Equipment and procedures that will support an injured climber's chest and pelvis in an upright position during a rescue shall be used. When an injured climber is wearing only a climbing belt, provisions must be made to prevent the climber from slipping through it; this may include using a rope to create an upper-body support system. Consideration should be made to replacing climbing belts with a climbing harness. (3-31-22)

02. Before Leaving the Ground. Employers shall check climbing equipment and immediately remove defective equipment from service. Personnel shall ensure that hardware and safety equipment is securely fastened before placing weight on the lanyard or life-support rope. All climbing knots shall be tied, dressed, and set prior to ascending. All personnel shall follow the recommendations of the manufacturer of the cordage with respect to the use of splices. (3-31-22)

03. Climbing Equipment. (3-31-22)

a. A climbing harness provides both pelvic and upper-body support, and may be a one (1)-piece, full-body harness, or any two (2)-piece design that meets industry standards. (3-31-22)

b. Climbing and life-support lines shall be conspicuous and easily identifiable. (3-31-22)

c. All lines and webbing used for life support shall have a minimum breaking strength of five thousand four hundred (5,400) pounds and may only be used for climbing. (3-31-22)

d. When a cutting tool is used in a tree, the climbing rope (lanyard) shall be a high-quality steel safety chain of three-sixteenths (3/16) inch size or larger, or a wire-core rope. (3-31-22)

e. A life-support rope evidencing excessive wear or damage or that has been subjected to a shock load shall be removed from climbing service. (3-31-22)

04. Climbing Operations. (3-31-22)

a. Ensure climbers are appropriately well-trained in climbing and in the use of all equipment to carry out assigned tasks. (3-31-22)

b. While climbing operations are underway, co-workers and others on the ground shall stay clear of potential falling objects. If co-workers must work directly below a climber, the climber shall stop any activity in which objects could be dropped or dislodged until the area below is cleared. Climbers shall provide warning whenever any material may be likely to fall or is dropped deliberately. Unsecured equipment, rigging, or material shall not be left in the tree. (3-31-22)

c. Yarding activity must cease within reach of a tree or guylines of a tree where a climber is working. Machinery may operate in reach of the climber to hoist rigging into the tree. In such circumstance the following shall apply: (3-31-22)

i. A spotter shall be utilized and yarding operations shall be performed with extra caution; (3-31-22)

ii. The machine operator and the spotter shall give the task their undivided attention; (3-31-22)

iii. Equipment that is nearby and which may be noisy, such as power saws, tractors, or logging machines shall be shut down if the noise interferes with signal communications with the climber; and (3-31-22)

iv. Lines attached to a tree in which a climber is working shall not be moved except on a signal from the climber. (3-31-22)

d. Tree climbers shall use a three (3)-point climbing system whereby three (3) points of contact must be firmly in place on a secure surface before moving to another point. Along with hands and feet, other points on the body, such as a hooked knee, can be considered a point of contact if it can support the full body weight. Additionally, the places of support must be secure, and climbers should use care to void unsound branches or stubs as a contact point. A lanyard around the tree secured to the safety harness or climbing belt on both ends constitute two (2) points of contact. (3-31-22)

e. Climbing without being secured to the tree is prohibited, except in conifers, when in the judgment of a qualified climber, the density of branches growing from the stem make attaching the lanyard more hazardous than simply climbing the tree. In such instances, the climber shall evaluate the tree farther up, and use attachments when it is safe to do so. (3-31-22)

05. Topping Trees. Only an experienced climber with experience felling trees shall top a tree. Cutters shall not cut when wind or other conditions make doing so hazardous. Standard safe felling procedures shall apply, with the additional following requirements: (3-31-22)

~~**a.** A chainsaw with a bar short enough to make both the face cut and backcut easily from one side shall be used. (3-31-22)~~

ba. Cutters shall determine the felling direction and ensure there are no obstructions. Consideration shall be given to the fact that an impact could cause violent movement in the tree being topped where the climber is perched. (3-31-22)

eb. A safety chain shall be wrapped around the tree just below the cut to prevent the tree from splitting or slabbing down inside the climbing rope. (3-31-22)

~~**ec.** The cutter shall ensure he is comfortable, and avoid any awkward cutting position. (3-31-22)~~

ed. Exact cuts should be made. There is no escape route for the climber to get away from the stem to avoid kickback or a splintered hinge. When making horizontal side cuts, extra care shall be used to stay on the line of the backcut to avoid wood breaking away with the saw as the top falls. (3-31-22)

456. -- 500. (RESERVED)

~~SUBCHAPTER K — ROAD TRANSPORTATION~~
~~(Rules 501 — 550)~~

501. LOG TRUCK TRANSPORTATION.

01. General. The following requirements are supplemental to any Idaho law governing automobiles, trucks, tractors, trailers, and any combination of these units. If there are any discrepancies in the codes between this section and any federal or Idaho motor vehicle regulations pursuant to title 49, Idaho Code, applicable in the state of Idaho, such federal or other governmental regulations will govern. (3-31-22)

02. Stopping and Holding Devices for Log Trucks. (3-31-22)

a. Motor logging trucks and trailers must be equipped with brakes or other control methods which will safely stop and hold the maximum load on the maximum grade. Air or vacuum brake lines shall be of the type intended for such use and shall have fittings which will not be interchangeable with water or other lines. (3-31-22)

b. Brake Test - A brake test shall be made before and immediately after moving a vehicle. Any defects shall be eliminated before proceeding. (3-31-22)

03. Lighting Equipment Required. (3-31-22)

a. Motor vehicles used on roads not under the control of the Idaho Transportation Board, counties or cities, shall have equipment necessary for safe operation, such as head, tail, and stop lights. (3-31-22)

b. Such lights shall be used during ~~clearance~~ periods of reduced visibility. ~~(3-31-22)~~()

04. Safe Operating Requirements. (3-31-22)

a. The driver shall do everything reasonably possible to keep his truck under control at all times and shall not operate in excess of a speed at which he can stop the truck in one-half (1/2) the distance between him and the range of unobstructed vision. (3-31-22)

b. The driver shall take into consideration the condition of the roadway, weather factors, curves, grades and grade crossings, the mechanical condition of his equipment, and other relevant factors. (3-31-22)

c. The driver shall clear rocks from between dual tires before driving on multi-lane roads. (3-31-22)

d. A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, brakes, boosters, brake hoses and connections, reaches, and couplings. Any defects found shall be corrected before equipment is used. (3-31-22)

05. Stakes, Bunks, or Chock Blocks. All stakes and bunks, installed on log trucks and trailers, together with the means provided for securing and locking the stakes in a hauling position, shall be designed and constructed of materials of such size and dimensions that will withstand a pressure of fifteen thousand (15,000) pounds applied outward against the tops of the stakes, and, or extensions when used, without yield or permanent set resulting in the stakes, bunks or the means provided for securing and locking the stakes.

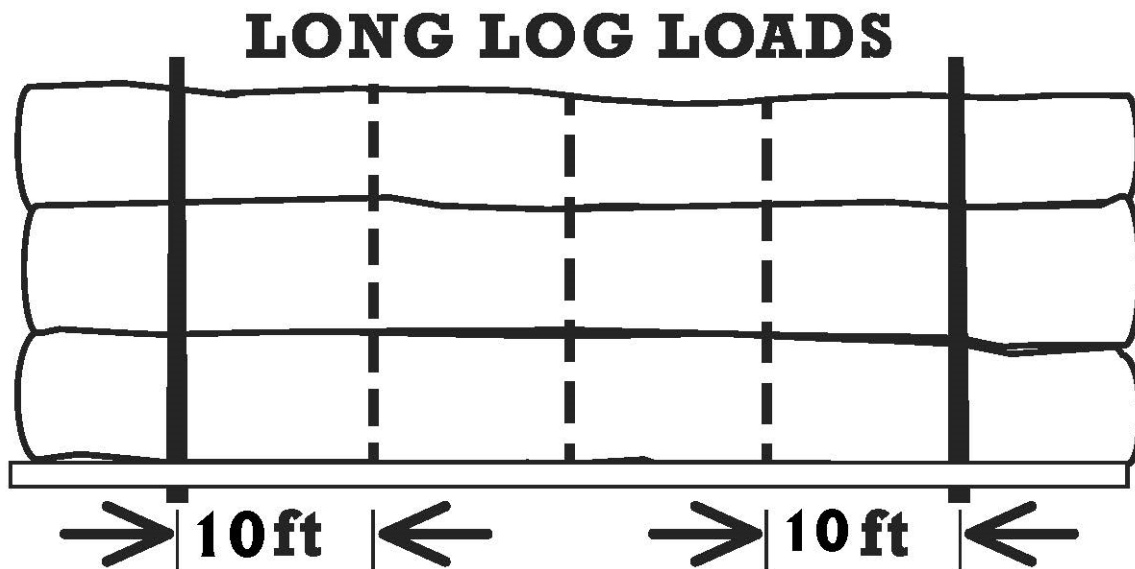
NOTE: Test Procedure - A test pressure of fifteen thousand (15,000) pounds is applied to the top of one (1) stake, using the top of the stake opposite as a base for applying pressure. Bunk is not to be secured to floor or other base except in a manner similar to that used to mount it to truck or trailer. Stakes must return to normal upright position at end of test and stakes and all component parts examined and checked with original specifications. If no yield results in any part, the design and construction may be considered as meeting code requirements. (3-31-22)

06. Stake Extensions. ~~(3-31-22)~~

a. Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. (3-31-22)

- ~~b.~~ Truck drivers shall report missing or broken stake extensions to the proper authority. (3-31-22)
- ~~07.~~ **Stake and Chock Tripping Mechanisms.** Stakes and chocks that trip shall be constructed in such a manner that the tripping mechanism, which releases the stake or chocks, is activated at the opposite side of the load from the stake being tripped. (3-31-22)
- ~~08.~~ **Linkage for Stakes or Chocks.** (3-31-22)
 - ~~a.~~ The linkage used to support the stakes or chock must be of adequate size and strength to withstand the maximum imposed impact load. (3-31-22)
 - ~~b.~~ “Molly Hogans” or cold shuts are prohibited in chains or cable used for linkage. (3-31-22)
- ~~09.~~ **Notify Engineer When Around Truck.** (3-31-22)
 - a. Persons shall not walk along side of or be underneath any truck being loaded. (3-31-22)
 - b. Prior to performing any duties, such as releasing bunk locks, placing or removing compensating pin, scaling logs, reading scale, chopping limbs or making connections, persons shall notify the loading engineer of their intentions and be acknowledged. (3-31-22)
- ~~10.~~ **Number of Wrappers Required.** (3-31-22)
 - a. Each unit used for hauling logs longer than twenty six (26) feet, shall have the load secured by a minimum of three (3) wrappers. Wrappers shall be placed in positions that effectively secure the load. One (1) wrapper shall be placed within ten (10) feet of each bunk. See Figure 501.~~10.~~a.

FIGURE 501.~~10.~~a.

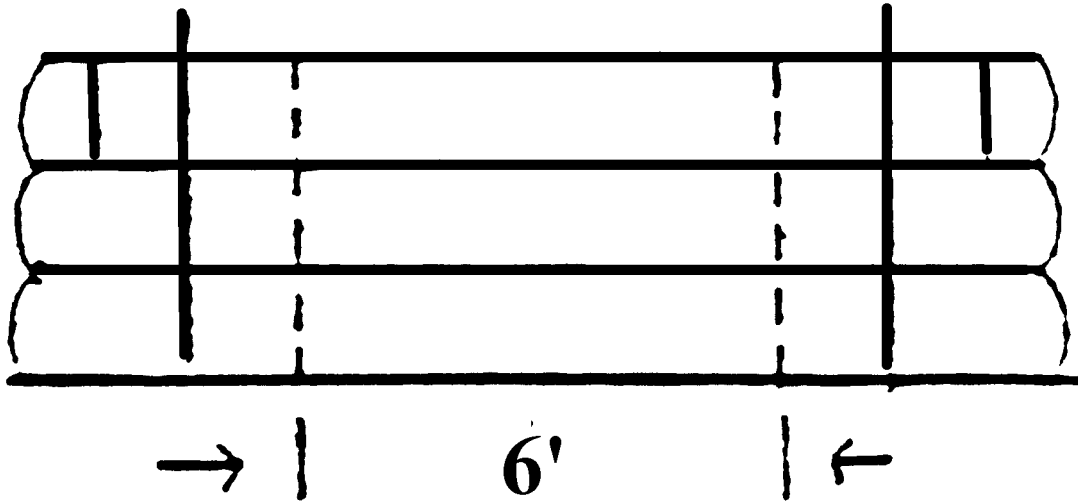


(3-31-22)()

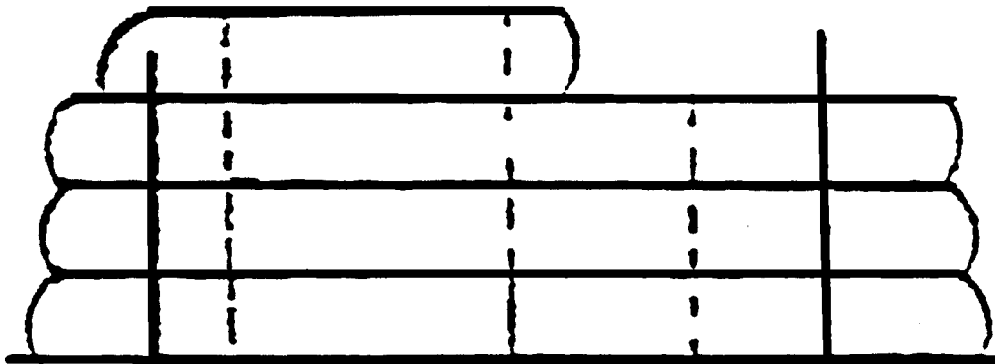
- b. All exposed outside logs shall be secured by a minimum of two rappers. See Figure 501.~~10.~~b.

FIGURE 501.408.b.

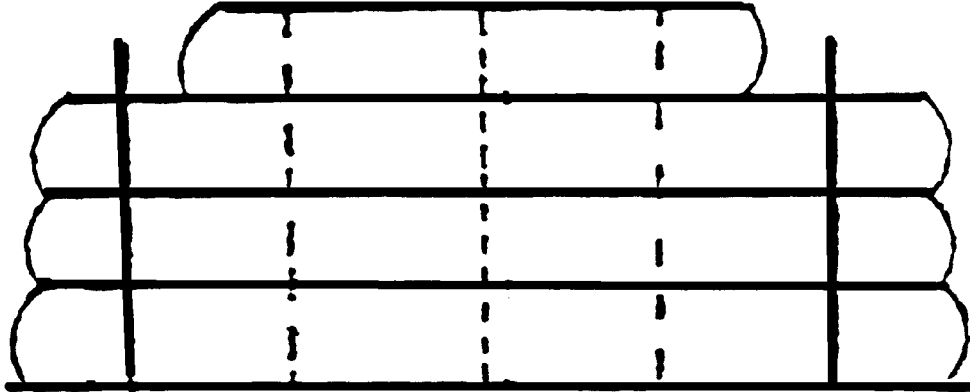
SHORT LOG LOADS



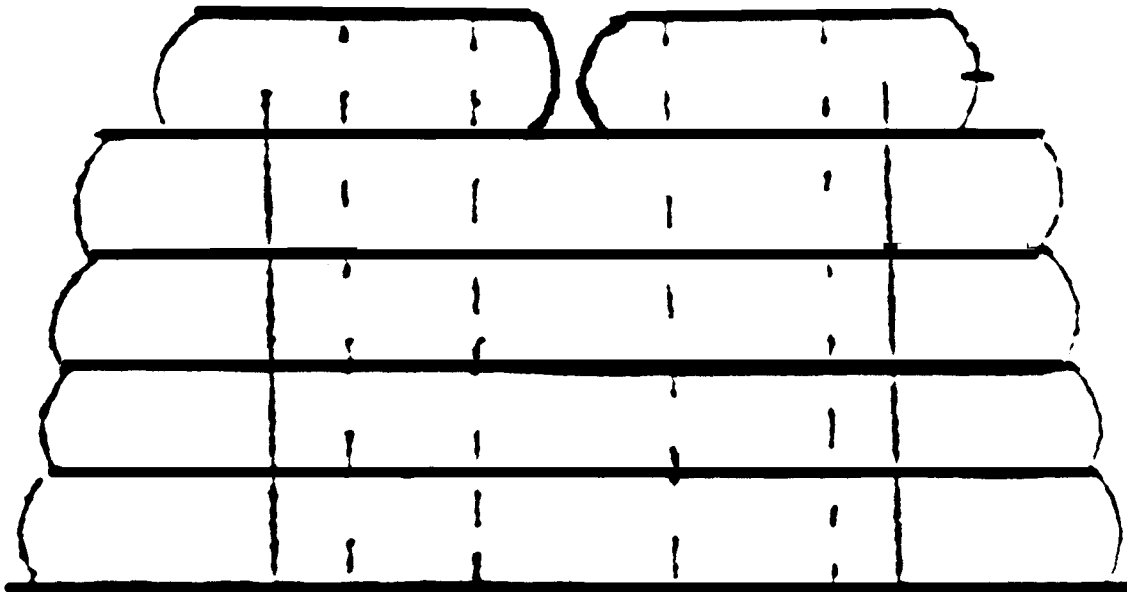
LONG LOG LOAD WITH SHORT LOGS IN REAR OR IN FRONT



LONG LOG LOAD WITH SHORT LOGS IN CENTER



LONG LOG LOAD WITH SHORT LOGS BUTTED



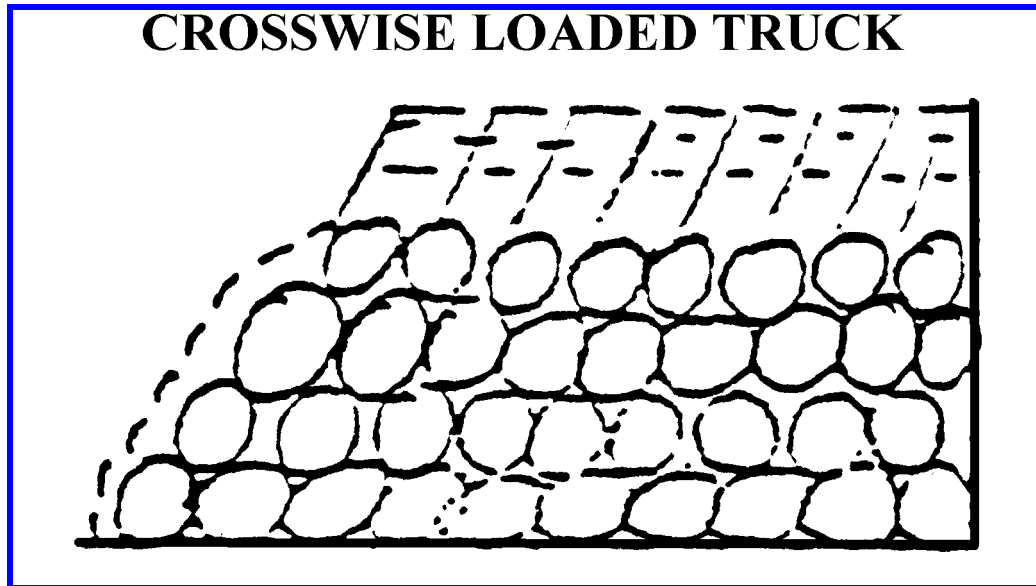
(3-31-22)()

~~11. Requirements for Crosswise Loaded Trucks.~~

(3-31-22)

~~a. When loads of short logs are loaded crosswise, the logs shall be properly contained by use of stake or chock blocks and shall be secured by a minimum of two (2) wrappers. (See Figure 501.11.a.)~~

FIGURE 501.11.a.



(3-31-22)

~~b.~~ Binders shall be securely fastened to the vehicle. (3-31-22)

~~4209.~~ **Construction of Wrappers and Binders.** (3-31-22)

- a. Cables shall have a spliced eye or swaged fittings. (3-31-22)
- b. “Molly Hogans” or cold shuts are prohibited to make splices or connections. (3-31-22)
- c. Each wrapper shall have a minimum breaking strength of not less than fifteen thousand (15,000) pounds. (3-31-22)
- d. Binders must be stamped with a working load limit of four thousand (4,000) pounds or greater. (3-31-22)

~~4310.~~ **Binder Placement Requirements.** (3-31-22)

- a. Binders shall be placed in a manner whereby they will be released on the side opposite the brow log, or on the side where the unloading equipment operator can see the binders. (3-31-22)
- b. Truck drivers shall be required to stop vehicles, dismount, check and tighten loose load binders, either just before or immediately after leaving a private road to enter the first public road they encounter. (3-31-22)

~~4411.~~ **Precautions When Placing or Removing Binders and Wrappers.** (3-31-22)

- a. Binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of truck where binders are being released. (3-31-22)
- b. At least one (1) wrapper shall remain secured while relocating or tightening other binders. (3-31-22)

152. Binders and Wrappers to Be Placed Before Leaving Landing Area. Binders and wrappers shall be placed and tightened around the completed load ~~before shifting the load for proper balance~~. Each load must have all required wrappers placed and secured at the loader before the truck is moved. If it is unsafe to do so, the truck may be moved to the nearest safe place in sight of the loader. (3-31-22)()

163. Adequate Reaches Required. (3-31-22)

a. Log trailers must be connected to tractors by reaches of a size and strength to withstand all imposed stresses. (3-31-22)

b. Spliced reaches shall not be used. (3-31-22)

c. Documented reach inspections shall be performed annually. (3-31-22)

174. Proper Lay of Logs in Stakes or Bunks. (3-31-22)

a. The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. (3-31-22)

b. Logs shall be well saddled without crowding so that there will be no excessive strain on the wrappers or stakes. (3-31-22)

c. No more than one half (1/2) of the diameter of any log shall extend above the stakes ~~unless properly and securely saddled~~. (3-31-22)()

d. Bunk logs shall extend not less than twelve (12) inches beyond the bunk, with the exception of non-oscillating bunks. (3-31-22)

185. Traffic Travel on Right Side of Road Except Where Posted. All trucks shall keep to the right side of the road, except where road is plainly and adequately posted for left side traveling. (3-31-22)

196. Towing of Trucks. When trucks must be towed on any road, the person guiding the vehicle being towed shall, by prearranged signals, govern the speed of travel. (3-31-22)

2017. Scaling and Branding. When at the dump or reload and where logs are scaled or branded on the truck, the logs shall be scaled or branded before the wrappers are released. (3-31-22)

218. Metal Parts Between Bunk and Cab to Be Covered. Suitable material shall be used on treading surfaces between the bunk and cab to prevent persons from slipping on the metal parts. (3-31-22)

2219. Bunks to Be Kept in Good Condition and Repair. (3-31-22)

a. Log bunks or any part of bunk assembly bent enough to cause bunks to bind shall be straightened. (3-31-22)

b. Bunks shall be sufficiently sharp to prevent logs from slipping. (3-31-22)

230. Following Other Vehicles. (3-31-22)

a. A vehicle not intending to pass shall not follow another vehicle closer than one hundred fifty (150) feet. (3-31-22)

b. Passing shall be done only when it can be done safely. The passing vehicle shall consider all factors which may be essential, such as condition of the roadway, width of the road, and distance of clear visibility ahead. (3-31-22)

241. Reaches to Be Clamped When Towing Unloaded Trailer. A positive means, in addition to the clamp, shall be installed on the reach of log truck trailers when the trailers are being towed without a load. (3-31-22)

252. Inserting of Compensating Pin. (3-31-22)

a. Persons shall never enter the area below suspended logs or trailers. (3-31-22)

b. At dumps where the load must remain suspended above the bunks until the truck is moved away and when the trailer is the type with a compensating pin in the reach, a device shall be installed that will allow the trailer to be towed away from the danger area. (3-31-22)

263. Safety Chains. (3-31-22)

a. All trailers shall be secured with a safety chain, or chains, which connect the frame of the truck assembly to the trailer unit. (3-31-22)

b. The chains shall be capable of holding the trailer in line in case of failure of the hitch assembly. (3-31-22)

502. ~~STEERED TRAILERS.~~(RESERVED)

~~01. Steered Trailers. Steered trailers not controlled from the truck cab shall be designed, constructed, and operated in accordance with this section. (3-31-22)~~

~~a. Secure seat. A secure seat with substantial foot rests shall be provided for the steerer at the rear of the bunk. Any arrangement that permits the steerer to ride in front of the bunk is prohibited. (3-31-22)~~

~~b. Unobstructed exit. The seat for the steerer shall be so arranged that the steerer has an unobstructed exit from both sides and the rear. (3-31-22)~~

~~c. Bunk support. The bunk support shall be so constructed that the steerer has a clear view ahead at all times. (3-31-22)~~

~~d. Adequate means of communication. Adequate means of communication shall be provided between the steerer and the truck driver. (3-31-22)~~

~~e. Eye protection and respirator. Eye protection and respirator shall be provided for the steerer. (3-31-22)~~

~~f. Fenders and splash plates. The trailer shall be equipped with fenders or splash plates to protect the steerer from mud and dust so far as possible. (3-31-22)~~

~~g. Lights. If used during a period of reduced visibility on roads not under the control of the Idaho Transportation Board, counties or cities, the trailer shall be equipped with head, tail and stop lights. (3-31-22)~~

503. COMMON CARRIERS.

01. Responsibility. It shall be the responsibility of the common carrier, and particularly the operator of the common carrier, upon entering the premises of any sawmill, woodworking or allied industry, to exercise all possible caution and to use all necessary safety devices and precautions to their fullest extent. (3-31-22)

02. Audible and Visual Warning Devices. (3-31-22)

a. All common carriers equipped with audible and visual warning devices shall activate such warning devices before entering a danger zone, and they shall remain activated as long as the carrier is moving in that zone. (3-31-22)

- b. A danger zone shall be defined as an area where men or vehicles are working or normally work. (3-31-22)

~~03. **Train Operations.** When a train is operating on a plant railway system, the safety rules shall apply as outlined by the Association of American Railroads governing train, engine and transportation of employees. (3-31-22)~~

504. SELF-LOADING LOG TRUCKS.

01. Self-Loading Log Trucks. Self-loading log trucks manufactured after January 1, 1981, shall be equipped with: (3-31-22)

- a. A load check valve ~~(velocity fuse)~~ or similar device installed on the main boom. ~~(3-31-22)~~ ()

b. A seat that is offset from the point of attachment of the boom. The seat and boom structure shall rotate concurrently. (3-31-22)

02. Operator. The operator of a self-loading log truck shall not: (3-31-22)

- a. Heel the log over his head; or (3-31-22)

b. Heel the log on the operator side of the boom of the seat if offset from the point of attachment of the boom. (3-31-22)

03. Safe and Adequate Access. A safe and adequate means of access to and from the loading work station on self-loading log trucks shall be provided. (3-31-22)

~~04. **Overhead Hazards.** A self-loading log truck shall not load itself or another truck when the loading process is under or within a guyline circle or similar overhead hazard. (3-31-22)~~

~~054. **Trailers Secured.** Self-loading truck trailers shall be secured to the truck when the trailer is being hauled on the truck. (3-31-22)~~

505. -- 550. (RESERVED)

~~**SUBCHAPTER L LOG DUMPS, LANDING, LOG HANDLING EQUIPMENT, LOADING AND UNLOADING BOOMS, AND TRAILER LOADING HOISTS**
(Rules 551—600)~~

551. SPECIFIC REQUIREMENTS.

01. Log Dumps, Landings, Log Handling Equipment, Loading, and Unloading. (3-31-22)

a. Only authorized persons shall operate log handling equipment. Machine operators shall be capable and experienced personnel. No persons other than the operator may be in the operator's compartment while machinery is operating, except for purposes of operating instructions. Unnecessary talking to the operator of log handling equipment while the machine is in operation is prohibited. (3-31-22)

b. Machine operators shall make necessary inspection of machines each day before starting work. All repairs or adjustments shall be made before any strain or load is placed upon the equipment. (3-31-22)

c. Substantial barriers or bulkheads protecting the operator shall be provided for all log handling machines where the design, location, or use of such machines exposes the operator to material or loads being handled. Such barriers or bulkheads shall be of adequate area and capable of withstanding impact of materials handled. (3-31-22)

- d. A safe and adequate means of access to, and egress from, the operator's station shall be provided.

Necessary ladders, steps, step plates, foot plates, running boards, walkways, grab irons, handrails, etc., shall be provided and maintained. (3-31-22)

e. All moving parts shall be guarded in an approved manner to afford complete protection to the operator and other workers. (3-31-22)

f. Throttles and all power controls shall be maintained in good operating condition. (3-31-22)

g. Landings shall be prepared and arranged to provide maximum safety for all employees and shall provide ample space for the safe movement of equipment and storage and handling of logs. (3-31-22)

h. Adequate means shall be used to prevent logs from rolling into the road or against trucks. Workers shall be sure that logs are securely landed before approaching them. While unhooking chokers, workers shall choose the safest approach. This is usually from the upper side of the log. (3-31-22)

i. Logs shall not be landed at loading areas until all workers, tractors, trucks, or equipment are in the clear. All persons shall stay in the clear of running lines, moving rigging, and loads until rigging or loads have stopped. (3-31-22)

~~**j.** The loading machine shall be set so that the operator shall have an unobstructed view of the loading area, or a signalman shall be properly placed and his signal shall be followed. Signaling the operator shall be done by standard hand signals, whistles, or other positive means of communication. (3-31-22)~~

~~**k.** Machines, sleds, or bases shall be of sufficient strength to safely withstand moving, and machines shall be securely anchored to their bases. (3-31-22)~~

l. Mufflers shall be installed on all internal combustion engines of log handling equipment and located or guarded in such a manner as to prevent accidental contact with the muffler or exhaust pipes and afford protection from fumes. (3-31-22)

~~**m.** Brakes shall be installed on all machine drums and maintained in effective working condition. (3-31-22)~~

~~**n.** Brake levers shall be provided with a ratchet or other equally effective means for securely holding the drum. (3-31-22)~~

~~**o.** Brake bands shall have a safety factor of five (5) times the stress to be imposed and they shall be of a design which will render them impervious to exposure. Operators shall test brakes before lifting any load at the start of each shift. (3-31-22)~~

~~**p.** In no case shall stresses in excess of the manufacturer's recommendation be permitted. Equipment not carrying a manufacturer's recommendation shall not exceed stresses of more than one half of the yield strength of the material used. Conversion of cranes, shovels, etc., into yarders shall be in conformity with these rules. Necessary guylines or outriggers shall be provided and used to effectively prevent mast, A frames, etc., from tipping or overturning. (3-31-22)~~

~~**q.** The manufacturer's recommendations for line sizes, if in compliance with these rules, shall be followed and such line sizes shall not exceed the rated capacity of the machine using it. (3-31-22)~~

~~**r.** Fork lifts or arms, tongs, clams or grapples shall be lowered to their lowest position and all equipment brakes set before the operator leaves the machine. (3-31-22)~~

~~**s.** Log unloaders shall not be moved about the premises for distances greater than absolutely necessary with the lift extended or with the loads higher than necessary for clear vision. (3-31-22)~~

~~**t.** All log handling machines which have lift arms that create a shear point with the driver's cab or position shall be provided sheer guards that will eliminate the operator's exposure to such hazard. Grapple arms or~~

other positive means of keeping logs on the forks shall be required on fork lift-type loading machines. (3-31-22)

~~mm.~~ All workers shall be in the clear and in view of the machine operator before a lift is made. (3-31-22)

~~nn.~~ All mobile log handling machines shall be equipped with rearview mirrors, a horn or other audible warning device, and lights front and rear so as to illuminate the entire length of the load being lifted or carried. An automatic warning device that will activate when the vehicle is moved is preferable in areas where other workers are employed. (3-31-22)

~~oo.~~ Logs or loads shall not be swung over occupied equipment or workers and no person shall ride the load or rigging. (3-31-22)

~~pp.~~ While logs are being loaded, no person shall remain on the chain deck or behind the truck cab protector where they could be pinned between the end of a log and cab, tank, or cab protector. Cab protectors shall be cleaned of all loose gear before trucks are moved from the landing. (3-31-22)

~~qq.~~ An unimpaired clearance of not less than three (3) feet shall be maintained from swinging or moving parts of machines, where such swinging or moving parts create a hazard to personnel. If this clearance cannot be maintained, suitable barricades or safeguards shall be installed to isolate the hazardous area. (3-31-22)

~~rr.~~ ~~A frames, towers, masts, etc., shall be designed and constructed to provide adequate structural strength and height for positive control of materials or loads lifted. When in use, they shall be guyed or braced to provide stability and prevent tipping. Their bases shall be secured against possible displacement.~~ (3-31-22)

~~ss.~~ All log handling equipment shall be equipped with brakes capable of holding and controlling the vehicle with capacity load. (3-31-22)

~~tt.~~ ~~A limit stop which will prevent the lift arms from over traveling shall be installed on all electric powered log unloaders.~~ (3-31-22)

~~uu.~~ Gas powered vehicles shall not be refueled while motor is running nor in the vicinity of smoking or open flames. (3-31-22)

~~vv.~~ All log handling equipment shall be equipped with approved fire extinguisher of at least five (5) B.C. rating easily accessible to operator. (3-31-22)

~~ww.~~ Methods of unloading logs shall be properly arranged and used in a manner to provide protection to all employees. (3-31-22)

~~xx.~~ ~~After cars or trucks are spotted at such dump or landing, no person will be permitted to pass between a brow log and a truck or rail car.~~ (3-31-22)

~~yy.~~ ~~Where there is danger of tongs or hooks pulling out of the logs, straps shall be used.~~ (3-31-22)

~~zz.~~ All equipment should be so positioned, equipped, or protected so that no part shall be capable of coming within ten (10) feet of any power line. (3-31-22)

~~aaa.~~ Bunk logs shall extend not less than twelve (12) inches beyond the bunks, with the exception of non-oscillating bunks. (3-31-22)

~~bbb.~~ The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. Logs shall be well saddled without crowding so that there will be no excessive strain on the binders, bunk chains, or stakes. No more than one half (1/2) of the diameter of any log shall extend above the stakes unless properly and securely saddled. (3-31-22)()

~~ky.~~ Binders shall be ~~se~~ placed so that they will not be fouled by the unloading machine and that they may be released from the side on which the unloader operates. Proper protection shall be provided for workers while removing wrappers. (3-31-22)()

~~hz.~~ Truck drivers shall be in the clear and in view of the log unloader operator before forks are moved into the load or against it, before a lift is made. All persons are prohibited from standing under, or near, the ends of logs being lifted or moved. (3-31-22)

~~maa.~~ Loads or logs shall not be moved or shifted while binders are being applied or adjusted.
NOTE: For logs in transit see Section 501 of these rules "Log Truck Transportation." (3-31-22)

~~bb.~~ All log dumps, trailer loading areas, and landings shall be kept reasonably free from bark and other debris. (3-31-22)

~~cc.~~ Logs in storage decks shall be ~~se~~ arranged so as to prevent logs from rolling off the face of the deck. (3-31-22)()

~~ppdd.~~ All log load wrappers shall be arranged so that they must be released in view of the unloader operator or signal person. When binders are released by remote control devices and when the person releasing the binders is in a safe location, and when in view of the unloading operators, or signal person, the binders may be released from either side. After the unloading machine is in position to hold the load, the binders shall be removed and the person removing them shall be in a safe location in view of the operator. The operator will be given a signal by the person releasing the binders before the machine or load is moved. (3-31-22)

02. Trailer Loading Hoist/Sawmill Log Dump. (3-31-22)

a. The hoist shall be designed and constructed in accordance with the National Electrical Code, so as to provide safe loading or unloading of the trailer. (3-31-22)

b. The hoist shall be equipped with a limiting device to maintain safe take-up limits of line on the hoisting drum. (3-31-22)

c. Regular service and inspection of the hoist and hoisting equipment shall be made to assure reliable serviceability of the facility. (3-31-22)

552. -- 600. (RESERVED)

SUBCHAPTER M — HELICOPTER LOGGING
(Rules 601 — 650)

601. GENERAL REQUIREMENTS.
Safety requirements are as follows: (3-31-22)

01. Briefings. Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the daily plan of operation for the pilot and ground personnel. (3-31-22)

02. Personal Protective Equipment. Personal protective equipment for employees receiving the load shall, as a minimum, consist of complete eye protection and hard hats secured by chinstraps. (3-31-22)

03. Loose-Fitting Clothing. Loose-fitting clothing likely to flap in the downwash, and perhaps be snagged on the hoist line, shall not be worn. (3-31-22)

04. Reduced Visibility. When visibility is reduced by dust or other conditions, ground personnel shall keep clear of main and stabilizing rotors. (3-31-22)

05. Unauthorized Personnel. No unauthorized person shall be allowed to approach within fifty (50) feet of the helicopter when the rotor blades are turning. (3-31-22)

06. Approaching or Leaving Helicopter. All employees approaching or leaving a helicopter with blades rotating shall remain in full view of the pilot and remain in a crouched position. (3-31-22)

07. Areas to Avoid in Helicopter. Employees shall avoid the area from the cockpit or cabin rearward unless authorized to be there by the helicopter operator. (3-31-22)

08. Approach and Departure Zones. Helicopter approach and departure zones shall be designated and no equipment or personnel will occupy these areas during helicopter arrival or departure. (3-31-22)

09. External Loads. Helicopters with an external load shall not pass over areas where fallers are working. (3-31-22)

10. Open Fires. Open fires shall not be permitted in an area that could result in such fires being spread by rotor downwash. (3-31-22)

11. Compliance with FAA Regulations. Helicopter operations shall comply with any applicable regulation of the Federal Aviation Administration. (3-31-22)

~~**12. Protective Precautions.** Every practical precaution shall be taken to provide for the protection of employees from flying objects in the rotor downwash. (3-31-22)~~

602. SPECIFIC REQUIREMENTS.

01. Signal Systems. (3-31-22)

a. Signal systems between air crew and ground personnel shall be understood and checked before hoisting the load. This applies to either radio or hand signal systems. (3-31-22)

b. There shall be constant reliable communication between the pilot and a designated signalman during the period of loading and unloading. (3-31-22)

c. The helicopter shall be equipped with a siren to warn workers of hazardous situations. (3-31-22)

02. Loading Logs. (3-31-22)

a. It shall be the responsibility of the firm, supervisor, or person who is in charge of the actual loading operation to comply with the provisions of these rules applicable to log loading. (3-31-22)

b. The helicopter operator shall be responsible for the size, weight and manner in which loads are attached to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made. (3-31-22)

c. When employees are required to perform work under hovering aircraft, a safe means of access shall be provided for employees to reach the hoist line hook and engage or disengage cargo slings. (3-31-22)

d. Employees shall not work under hovering aircraft except while hooking or unhooking loads. (3-31-22)

e. The weight of an external load shall not exceed the manufacturer's rating. (3-31-22)

f. The hook-up crew shall not work on slopes below felled and bucked timber when an unsafe situation exists. Culls left, which have a potential of rolling, should be moved to a safe position. (3-31-22)

03. Loading and Landing Areas. (3-31-22)

a. The minimum dimensions of a drop zone shall be determined by the length of the logs being

hauled. All zones shall be at least one and one-half (1 1/2) times as long, and as wide as the length of the average log being harvested. (3-31-22)

b. Landing or loading machinery shall be a reasonable distance away from where logs are to be landed. (3-31-22)

c. Landing crew shall be in the clear before logs are landed. (3-31-22)

d. The approach to the landing shall be clear and long enough to prevent tree tops from being pulled onto the landing. (3-31-22)

e. Separate areas shall be designated for landing logs and fueling helicopters. (3-31-22)

f. Sufficient ground personnel shall be provided for safe helicopter loading and unloading operations. (3-31-22)

g. A clear area shall be maintained in all helicopter loading and unloading areas. (3-31-22)

h. Emergency landing areas for injured workers shall be located within a reasonable distance from all working areas. (3-31-22)

04. Hooks and Chokers. (3-31-22)

a. The electrical activating device of all electrically operated cargo hooks shall be designed and installed to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. (3-31-22)

b. Logs will be laid on the ground and the helicopter completely free of the chokers before workers approach the logs. (3-31-22)

c. One (1) end of all the logs in the turn shall be touching the ground and at an angle no greater than forty-five degrees (45°) before the chokers are released. (3-31-22)

d. If the load must be lightened, the hook shall be placed on the ground on the uphill side of the turn before the hooker approaches to release the excess logs. (3-31-22)

603. -- 650. (RESERVED)

~~**SUBCHAPTER N — RECOMMENDED SAFETY PROGRAM**~~
~~**(Rules 651 — 700)**~~

651. INTRODUCTION.

01. Scope. (3-31-22)

a. These rules are part of the accident prevention program of the state of Idaho. This program is dedicated to the safety and well-being of all workers in Idaho's logging industry. It has been established according to the processes prescribed by law. (3-31-22)

b. These rules contain the primary safety rules for the logging industry. However, other Idaho Safety Standards promulgated and adopted by the Industrial Commission shall be applicable to this industry where not inconsistent with the provisions herein, or where any particular activity which is being carried on is not specifically covered or regulated herein. (3-31-22)

02. Enforcement. The enforcement of these rules is the responsibility of the Division of ~~Building Occupational and Professional Licenses Logging Safety Program~~. These rules will not serve their purpose if their requirements are considered anything but a minimum for safe operation. So much variation exists in the logging

industry that each operation should be judged, not by its compliance to the letter of this Standard, but according to a higher standard -- that of absolute safety under all conditions. (3-31-22)()

~~03. **Accident Prevention.** Accident prevention is often a problem of organization and education. It does not succeed solely on detailed safety codes but consists largely of the desire to institute a common sense safety program and determination to carry out the program effectively. Effective accident prevention embodies the following five (5) principles: management leadership; employee cooperation; effective organization; thorough training; and good supervision. (3-31-22)~~

652. FIRE AND SAFETY POLICY.

01. Elements. The basic elements or management responsibility for fire and safety policy are enumerated in this section. (3-31-22)

02. Management Leadership. The establishment of the safety policy should be made clear to all levels of supervision, purchasing, engineering, industrial and construction, and communicated to all employees that top management has approved the operation's safety program. (3-31-22)()

03. Planning. The program should be based on the following: accounting record of safety cost, accident recording system, accident investigation recommendations, operation inspection recommended corrections, employee suggestions, and job analysis to determine the work hazards. The hazard appraisal can be summarized as follows: mechanical and physical hazards; environmental hazards; and work procedure and practices. (3-31-22)

04. Management Discharge of Duty. (3-31-22)

a. If management is to discharge its duty in proper directing of the fire and safety program, it must organized a definite planned program of continuous supervision and leadership by all facets of the management organization. The very fact that safety must be woven into all operations and activities should not require extra managerial time beyond the ordinary to operate a business successfully, i.e., if the entire management team will assume their safety responsibility. (3-31-22)

b. The first task of management is to determine the operational hazards. Once these are ascertained and appraised, suitable corrective action can be initiated. If the working unit is operating, the following specific activities should be carried out to find the hazards. These are: job inspection; job analysis; accident investigation (near accident, non-disabling injuries) to determine necessary remedial action to prevent reoccurrence of the accident. (3-31-22)

05. Hazard Appraisal. The partial list of terms covered by appraisals are summarized briefly as follows: mechanical and physical hazards; adequacy of mechanical guarding of machines and equipment; preventing the use of inferior manufactured and unsafe supplies, equipment, chain, cables, sheaves, tires, power saws, tractor canopy guards, approved head protection, fire extinguishers, solvents, mill saws, etc.; and physical exhaustion such as may be caused by excessive work hours by truck drivers and mill maintenance employees. (3-31-22)

06. Environmental Hazards Inherent to the Operation. (3-31-22)

a. Personal protection devices (approved head protection, ear plugs, knee pads, proper eye protection, respirators, etc.) (3-31-22)

b. Storage and use of flammable liquids and gases (gasoline, diesel, acetone, acetylene, acids, etc.) (3-31-22)

c. All employees should be familiar with proper work signals (falling, blasting, high lead signals, loading, mill signals, operation fire signal, etc.) (3-31-22)

d. Noise and fatigue hazards that are inherent to the industry (planers, cutoff saws, jack hammers, etc.). (3-31-22)

- 07. Work Procedures and Practices.** (3-31-22)
- a.** Hazards directly related to work practices should be carefully observed and evaluated. (3-31-22)
- b.** Work practices that should be investigated include, but are not necessarily limited to: use, care and maintenance of hand and portable power tools; degree of supervision given the worker; the extent of job training provided; the safety indoctrination and training of new or transferred employees; the proper use of fire extinguishers; the use of personal protective devices (approved head protection, shoes, etc.); and the repair and maintenance of equipment with respect to machines, mechanical handling equipment, log loaders, yarding equipment, tractors, fork lifts, overhead cranes, headrigs, etc.; (3-31-22)
- 08. Reporting of Injuries.** (3-31-22)
- a.** The employer shall instruct all employees to report all job injuries to the supervisor at the time injuries occur. The employer shall check specifications for new machines, processes and equipment for compliance with existing safety standards, laws and safety requirements, and shall have such equipment fully inspected before it is placed in use. (3-31-22)
- ~~**b.** The employer is required to report all industrial injuries to their surety (work comp carrier) within ten (10) days. (3-31-22)~~
- ~~**eb.** The employer is responsible for reporting all in-patient hospitalization, amputation, or the loss of an eye for any employee to the Occupational Safety and Health Administration (OSHA) and the Division of Building Safety Occupational and Professional Licenses Logging Safety Program within twenty-four (24) hours. (3-31-22)()~~
- 09. Fatalities.** All work fatalities should be immediately reported to the County Sheriff or Coroner, the Division of ~~Building Safety~~ Occupational and Professional Licenses Logging Safety Program, and OSHA in accordance with the Code of Federal Regulations, 29 CFR 1904.39. (3-31-22)()
- 10. Management of Personnel.** (3-31-22)
- a.** The recruiting and placing of a new worker on the job is a major responsibility of the management organization. Every effort should be made to match the qualifications of the worker with the demands of the job. (3-31-22)
- b.** The furnishing of first aid services, treatment of injuries, and inspection of working conditions is the employer's responsibility. (3-31-22)
- 11. Assignment of Responsibilities.** (3-31-22)
- a.** Supervisors, ~~purchasing agents, engineering personnel, safety directors, personnel directors,~~ and employees have responsibilities to ensure conformance with the organization's fire and safety objectives in every operation. (3-31-22)()
- b.** Management must accept the normal obligation for preventing accidents. ~~In many operations it is a practice to delegate the actual administration of the safety program to a person who can devote full time to it. In smaller operations, safety administration may be a collateral duty carried on in conjunction with some other duties. The safety director should function in a staff capacity. Because the safety director operates in a consultant capacity, ultimate responsibility for accident prevention rests with the workers' supervisor, the foreman and line production organization. There is no doubt that the foreman is the key person in every safety program. Safety is not something separate and apart from production. If the job is done right, it is done safely.~~ (3-31-22)()
- c.** Safety is an integral and important part of production, just as is quality and quantity, or meeting production schedules. (3-31-22)
- ~~**d.** All these duties are foreman or project superintendent duties, and the most important part of the~~

~~line production organization. This obligation cannot be delegated. As the person in charge of production, the foreman is responsible for the safety of his people. This fact must be made clear and should be included in the statement of policy.~~ (3-31-22)

~~**12. Safety Director (Part Time or Full Time):**~~ (3-31-22)

~~**a.** Makes periodic inspections of the operations and suggests corrective measures to eliminate hazards.~~ (3-31-22)

~~**b.** Should assist in investigation of all types of accidents to determine the cause, so as to prevent like accidents in the future.~~ (3-31-22)

~~**c.** Aids foremen in developing safe work procedures and practices and assists foremen in training their workers.~~ (3-31-22)

~~**d.** Keeps accident records and makes periodic reports to the proper official on the progress being made. Reports and records; report of accidents; accident investigation report; performance report (injury frequency and severity); accident cost report; safety committee reports; report on degree of corrective action taken on different recommendations.~~ (3-31-22)

~~**e.** Conducts or initiates safety training courses including first aid and fire fighting, where appropriate, and any other course inherent to the job (truck driver courses, power saw courses, welding, grinder usage, fork lift truck operator, etc.).~~ (3-31-22)

~~**f.** Establishes safety committee.~~ (3-31-22)

~~**g.** Ensures that recommendations are promptly and properly implemented.~~ (3-31-22)

~~**h.** Checks specifications for new machines, processes and equipment for compliance with existing safety standards, laws and safety requirements, and shall have such equipment fully inspected before it is placed in use.~~ (3-31-22)

~~**i.** He shall assist the safety committee in developing agendas for their meetings.~~ (3-31-22)

~~**13. Foreman Responsibilities.** It is widely accepted that the foreman is the key man in attaining proper work habits in any operation. It is the obligation of management to give the most careful attention to the selection, education, and training of foremen and train them in the proper way to train employees in correct and safe work methods to attain the best production in the safest way.~~ (3-31-22)

~~**142. First Aid Training.** It shall be the responsibility of management to ~~arrange to have~~ **ensure** all **supervisors and** employees ~~take a full course in first aid training. It is required that supervisory personnel shall take an approved first aid course, and~~ have a current first-aid card. (3-31-22)()~~

~~**153. Injury Record and Reporting System.**~~ (3-31-22)

~~**a.** If an employer had ten (10) or fewer employees at all times during the last calendar year, it does not need to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs the employer in writing that it must keep records under OSHA regulations. However, as required by such regulations, all employers covered by the OSH Act must report to OSHA and the Division of ~~Building Safety~~ **Occupational and Professional Licenses** Logging Safety Program any workplace incident that results in a fatality or the hospitalization, the amputation of a limb, or the loss of an eye for any employee.~~ (3-31-22)()

~~**b.** For those employers subject to the injury and illness recording requirements under OSHA, the employer shall establish in its main Idaho office an injury record and reporting system which is consistent with reporting, record, and statistical requirements of the Occupational Safety and Health Administration (OSHA).~~ (3-31-22)

c. Injury frequency rates shall be calculated annually commencing the first of January each year. These rates shall be kept on file in the office of the employer for at least four (4) years after the date of entry thereof, and shall be made available to the Division of Building Safety, upon request. (3-31-22)()

~~d. The injury frequency rate shall be the number of lost time injuries to all employees per one million (1,000,000) man hours of exposure. The frequency rate is computed by multiplying the number of lost time injuries by one million (1,000,000) (the standard of measurement) and dividing the product by the total number of man hours worked during the period. The formula is expressed as follows: Frequency equals the number of lost time injuries times one million (1,000,000) total man hours of exposure. (3-31-22)~~

~~ed. A lost time injury shall be the term applied to any injury, arising out of, and in the course of employment which makes it impossible for the injured person to return to an established regular job at the beginning of the next regular shift following the shift during which the injury occurred, or some future shift. (3-31-22)~~

~~fe. Man hours of exposure shall be the total number of man hours actually worked by all personnel in the industrial unit during the period for which the rate is being computed. (3-31-22)~~

~~164. Training and Education. (3-31-22)~~

~~a. Training and education includes: (3-31-22)~~

~~i. Establishment of effective job training methods and safety education. (3-31-22)~~

~~ii. First aid courses, proper work signals and job hazard warnings. (3-31-22)~~

~~iii. Pamphlets, bulletin boards, safety meetings, posters, etc. (3-31-22)~~

~~b. The employer shall establish an adequate job training and safety education program. The relationship of safety to job quality and modern quantity production methods should be clearly understood. Good work production is governed by careful planning and accurate control of all phases of the operation. Accidents are the result of inadequate planning of faulty operation. (3-31-22)~~

~~c. Safety must be made an essential and integral part of every operation and integrated into the activity if the most successful quantity production is to be attained. The soundness of this statement has been proven many times by comparing the accident cost with the day by day curve of production. (3-31-22)()~~

~~d. It is the responsibility of management to train employees in all phases of the work they are assigned. The worker training should begin at the time of employment with a careful presentation of the general safety information the employee must have to work on and in logging and lumbering or woods working operations. When the worker is placed on the job, the worker must be given detailed training on proper work methods for accomplishment of the job. The correct way is the safe way. Telling is not training. (3-31-22)()~~

~~e. People learn to do things primarily through action. The employee's job training should be given using the five (5) step job training method: (3-31-22)~~

~~i. Tell the employee; (3-31-22)~~

~~ii. Show the employee; (3-31-22)~~

~~iii. Have the employee do it; (3-31-22)~~

~~iv. Correct until the employee does it right; and (3-31-22)~~

~~v. Supervise to see that the employee keeps doing it right. (3-31-22)~~

~~fe. Education and promotion are a supplemental means of reducing injuries. This device employs any number of methods to accomplish results. A good program may use but will not overemphasize emotional appeal to~~

~~the workers using such devices as scholarships, stamps, posters, safety meetings, contests, and awards.~~ It is management's responsibility to integrate education and training program and balance its effectiveness to employee training. Unsafe acts or unsafe work practices are the result of failure to train workers in safe work procedures. In establishing or operating a safe and quality work program, an appraisal of unsafe work procedures and poor quality of work is called for, and job training methods initiated to correct these practices. (3-31-22)()

175. Employer, ~~and~~ Employee, ~~and~~ Labor Representative Cooperation. (3-31-22)

~~a.~~ The workers have a responsibility to obey the units safety rules, smoking rules, report unsafe conditions, to serve on the different safety committees, perform their work in a safe way, and to help fellow workers by showing them how to do their job safely. (3-31-22)()

~~b.~~ ~~Many safety programs fail because the worker has not been made to feel that it is their program, or that they can contribute as well as benefit from the program. It often fails because it lacks employee participation and interest. The fact that employees are given the opportunity to participate and to contribute to the program not only opens a reservoir of valuable information on practical experience in accident prevention, it also gives the employee a feeling of being a part of the organization.~~ (3-31-22)

~~c.~~ ~~The committee on safety should be made up of personnel selected from management and workers. Management members are supervisors and worker members may be selected by the union or by the employees.~~ (3-31-22)

~~d.~~ ~~The labor unions should help develop a safe behavior among the workers.~~ (3-31-22)

186. Maintenance of Safe Working Conditions. (3-31-22)

a. The employer shall provide a safe and healthy work area in which to work, including purchasing of safe equipment and tools and provide proper maintenance of such equipment. (3-31-22)

b. Since a safe and healthy place to work is the very foundation of the safety program, the mechanical, physical, and environmental conditions should be given first consideration. (3-31-22)

~~c.~~ ~~For almost every accident there are typically two (2) contributing causes—an unsafe condition and an unsafe act. A safe and healthy place to work will diminish or eliminate the first cause, the unsafe condition; but unless the unsafe act is corrected, accidents will continue to occur. Unsafe acts may stem from a number of factors, such as improper selection of the worker for the job, lack of job training, physical or mental limitations or inadequate supervision. When a safety program is first established or a new project with a new crew is started, this may necessitate a thorough periodic survey of the entire operation to determine hazards.~~ (3-31-22)

197. Remedial Measures of Corrective Action. (3-31-22)

a. The employees shall support and correct the findings of job analysis, inspections, accident investigations, employee suggestions, etc. (3-31-22)

b. The assumption of responsibility for fire and accident prevention by management carries with it the continuing responsibility to assess the progress being made on the program, and where progress is unsatisfactory to take necessary steps to bring about improvement. Inspection alone is primarily a means of finding and eliminating fire and physical hazards, particularly in connection with enforcement. All educational ~~and promotional~~ activities should be integrated with inspection activities, and should be based on the specific needs of the establishment or operation. Inspection and educational ~~and promotional~~ programs are sometimes looked upon as entirely unrelated activities rather than a single integrated program. (3-31-22)()

c. None of the foregoing activities are of value unless followed by effective corrective action. The responsible executive within top management must establish specific procedures to effect proper and complete corrective action in each area for problems that occur. In well-managed organizations the areas of responsibility are clearly defined. ~~The activities are well coordinated, supervision is adequate and proactive, employees' safety behavior is excellent, and policies are well defined to permit smooth organization. This is not difficult; the corrective~~

~~measures are applied as part of the day-to-day operating procedure.~~

~~(3-31-22)()~~

~~**20. Safety Order By the Administrator.** In accordance with the provisions of section 67-2601A (3), Idaho Code, the administrator may issue a safety order requiring an owner, operator or other party responsible for ensuring safe logging operations to immediately stop work or close any work site, or portion thereof where an inspection has revealed evidence of a condition that poses an immediate threat of bodily harm or loss of life to any person. The process governing the issuance of a safety order is contained herein this section.~~ (3-31-22)

~~**a.** Upon receiving information evidencing an unsafe condition or unsafe practices at any logging workplace or place of employment, the administrator shall inspect or cause to be inspected such place of employment unless such information was obtained by previous inspection of the Division. If upon such inspection the administrator determines that an unsafe condition or unsafe practice exists which may pose an immediate threat of bodily harm or loss of life, the administrator may issue a safety order requiring the employer to immediately stop work or close any work site, or portion thereof. Any safety order issued by the administrator shall specifically identify the unsafe condition or practice, as well as the safety risks associated therewith. Written notice of such order shall immediately be provided by the administrator to the owner or operator of the business, or any other appropriate party responsible for abating the unsafe condition or practice.~~ (3-31-22)

~~**b.** Upon receiving such notice from the administrator, such owner, operator or responsible party shall immediately comply with such, and may notify the administrator in writing of their objection to the notice and request to contest such at a hearing. The owner, operator or responsible party shall provide the administrator with information, documentation, or other evidence supporting their objection.~~ (3-31-22)

~~**c.** Upon receipt and review of such information from the owner, operator, or responsible party, the administrator may reconsider the matter and issue appropriate findings to the owner, operator, or party responsible for abating the unsafe condition or practice, including rescission of the order.~~ (3-31-22)

~~**d.** If after review it is the determination of the administrator to keep the safety order in place, he shall so notify the owner, operator or responsible party and designate a time and place for hearing, and may assign the matter for hearing by a hearing officer. The hearing shall be afforded at such time not to exceed five (5) business days from the date the administrator received the notice of objection unless additional time is requested by the owner, operator, or responsible party. The hearing proceedings shall be governed by the provisions of Title 67, Chapter 52, Idaho Code. The hearing officer shall issue an order in accordance with Section 67-5243, Idaho Code. The hearing may be held at such location or by such means as the administrator determines most convenient for the parties.~~ (3-31-22)

~~**e.** The safety order shall remain in effect, and shall not be rescinded until the administrator has determined that the safety threat has been corrected or removed from the workplace. Upon verification by the administrator that the safety threat has been corrected or otherwise removed from the worksite, the administrator shall immediately notify the owner, operator or responsible party of the rescission of the safety order. Any party aggrieved by the final order of the administrator shall be entitled to judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code.~~ (3-31-22)

~~**f.** Any person who knowingly fails or refuses to comply with the provisions of a safety order issued by the administrator shall be guilty of a misdemeanor, and the administrator may seek criminal prosecution of any such violations.~~ (3-31-22)

653. -- 700. (RESERVED)

~~**SUBCHAPTER O — CABLE-ASSISTED LOGGING SYSTEMS**
(Rules 701 — 999)~~

701. MACHINE SAFETY REQUIREMENTS.

01. Harvesting Machines. Harvesting machines for cable-assisted logging operations shall comply with each of the following: (3-31-22)

- ~~a.~~ ~~Meet the protective structure requirements set forth in IDAPA 07.08.10.010;~~ (3-31-22)
- ~~b.a.~~ Be equipped with a certified roll-over protective structure (ROPS); and (3-31-22)
- ~~b.b.~~ Be equipped with at least a four (4)-point restraint system approved by the machine's manufacturer or a qualified person. (3-31-22)

02. System Approval. The cable-assisted logging system shall be designed and constructed for cable-assisted logging applications by the original equipment manufacturer, or approved for cable-assisted logging applications in writing by the original equipment manufacturer or a registered professional engineer. (3-31-22)

03. Operation of System. The cable-assisted logging system shall be operated, inspected and maintained in accordance with the manufacturer's recommendations, specifications and limitations, or if no manufacturer's recommendations exist, then by the recommendations of a registered professional engineer. Cable-assisted logging systems not in safe operating condition shall be removed from service until repaired by a qualified person. (3-31-22)

702. TETHERED LINE SAFETY REQUIREMENTS.

01. Inspection of Tethered Lines. Tether lines shall be new wire rope and have a rated breaking load according to the cable-assisted logging system manufacturer's recommendations and specifications. At a minimum, a competent person shall inspect the entire length of each tether line and drum connection prior to the startup of each cable-assisted logging operation, ~~and thereafter on a monthly basis.~~ A competent person shall also inspect the first fifty (50) feet of each tether line daily prior to use. These inspections shall be documented in writing. Tether lines must not be spliced and shall be replaced if there is evidence of chafing, sawing, crushing, kinking, crystallization, bird-caging, significant corrosion, heat damage, other damage that has weakened the tether line. (3-31-22)()

02. Line Tension. The tether line tension and machine travel shall be synchronized or automatically held constant to ensure tether line tension is continuously provided and does not exceed thirty-three percent (33%) of the rope's rated breaking load. The operator shall have an immediate and self-reliant or automated method to identify tether line tension, winch rotation and speed, amount of line on and off the drum, and anchor movement. (3-31-22)

03. Tether Line Components. All tether line assembly components shall be rated with a greater safe working load than the wire rope. Tether line attachment points and hitches shall be engineered and certified to maintain a safety factor equal to or greater than the recommendations and specifications of the cable-assisted logging system manufacturer. Inspections of tether line assembly components (except drum connection as specified in Subsection 011.01 of these rules), hitches, winches, machines, and anchors shall be performed daily by a competent person prior to use. (3-31-22)

703. OPERATION AND SAFETY REQUIREMENTS.

01. General. Cable-assisted logging systems shall be operated, inspected and maintained in accordance with the manufacturer's recommendations and specifications. Inspections shall be documented in writing. (3-31-22)

02. Planning. All cable-assisted logging operations shall be planned by the operator and a competent person who has the knowledge, training or experience to identify existing and predictable hazards in the work site surroundings or working conditions, which could be hazardous to employees, and has been authorized by the employer or employer representative to eliminate the hazard or take corrective action therefrom. Items to consider during site-specific planning must include, but are not limited to, the following: (3-31-22)

- a. Experience of the operator; (3-31-22)
- b. Limitations of the equipment; (3-31-22)
- c. Soil and terrain conditions; (3-31-22)

- d. Environmental conditions; (3-31-22)
 - e. Poor visibility and lighting conditions; (3-31-22)
 - f. Weather conditions; (3-31-22)
 - g. Direction of travel; (3-31-22)
 - h. Requirements for turning the machine on slopes; (3-31-22)
 - i. Load sizes; (3-31-22)
 - j. Method and adequacy of anchorage; and (3-31-22)
 - k. Any other condition that may adversely affect operations. (3-31-22)
- 03. Operator Qualifications.** Cable-assisted logging operators shall have documented training or adequate experience to safely operate the equipment on slopes. (3-31-22)
- ~~**04. Operating Plans.** A cable assisted logging system operator shall have a written operating plan on site detailing the following: (3-31-22)~~
- ~~a. Tether line replacement criteria; (3-31-22)~~
 - ~~b. Cable size, type and breaking strength, and method of assurance that tensions do not exceed one-third (1/3) of breaking strength to maintain a 3:1 safety factor or greater; (3-31-22)~~
 - ~~c. Inspection and maintenance to be performed on tether lines, end connectors, machines and winches; (3-31-22)~~
 - ~~d. How the operator will use tension limiting controls to maintain desired tension; (3-31-22)~~
 - ~~e. How the winch cable tension and machine travel are synchronized; (3-31-22)~~
 - ~~f. How the operator will monitor machine slope, anchor movement, winch tension, amount of line on and off drum, and winch function; (3-31-22)~~
 - ~~g. How the tether line attachment points to the harvesting machine are engineered to withstand potential loads; (3-31-22)~~
 - ~~h. All harvesting machine modifications that allow it to operate on steep slopes, including operator harness or restraint system; (3-31-22)~~
 - ~~i. How pre operations planning and daily assessments will identify hazards for soil and terrain conditions; (3-31-22)~~
 - ~~j. How the operator will determine if soil and terrain conditions are unsafe during operations; (3-31-22)~~
 - ~~k. How operators will report new hazards identified during operations; (3-31-22)~~
 - ~~l. Operating guidance given to the operator; and (3-31-22)~~
 - ~~m. How emergencies are handled by the system, including line failure, machine failure, winch failure, anchor failure, winch machine movement or anchor movement, and whether there is an emergency stop for the operator or at the anchor. (3-31-22)~~

~~05. **Unsafe Conditions.** The employer shall establish and use procedures for operators to report unsafe conditions to a supervisor or qualified person. Such conditions must be corrected prior to resuming cable assisted logging operations. Procedures shall also include steps to take in the event of equipment breakdown and for upset conditions. (3-31-22)~~

064. Warning Signs. Effective signage shall be affixed to all remotely operated equipment warning employees and others that lines and machines may start, stop, or move without warning. All employees working in close proximity of cable-assisted logging operations must receive training that enables them to recognize the potential hazards involved and to maintain safe distances. (3-31-22)

704. -- 999. (RESERVED)

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.39.90 – RULES GOVERNING THE DAMAGE PREVENTION BOARD

DOCKET NO. 24-3990-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2025 Idaho State Legislature and must be approved by concurrent resolution of the Legislature to go into effect, in accordance with Section 67-5224(2)(c), Idaho Code. Should the pending rule be approved, it will become final and effective on July 1 following the First Regular Session of the Sixty-eighth Idaho Legislature, unless the concurrent resolution states a different effective date.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 67-9404, 67-9405, 67- 9406, 67-9409, and 67-9413, Idaho Code, as well as Title 55, Chapter 22, Idaho Code, and 55-2203, 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:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho Damage Prevention Board is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. 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 August 7, 2024, Idaho Administrative Bulletin, [Vol. 24-8, pages 175-182](#).

FEE SUMMARY: Pursuant to Section 67-5224(2)(d), Idaho Code, a pending fee rule shall not become final and effective unless affirmatively approved by concurrent resolution of the Legislature. The following is a description of the fee or charge imposed or increased in this rulemaking: N/A.

The proposed amendments to the rules do not impose any new or increased fees.

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 not anticipated to have any negative fiscal impact on the state General Fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the pending rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

DATED this 4th day of October, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

IDAPA 38 – DEPARTMENT OF ADMINISTRATION

38.05.01 – RULES OF THE DIVISION OF PURCHASING

DOCKET NO. 38-0501-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – 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 67-9204, 67-9205, 67-9206, 67-9215, 67-9219, 67-9226, Idaho Code.

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

38.05.01 -- Rules of the Division of Purchasing
Monday, November 18, 2024 1:00 p.m. (MST)
In Person: Joe R. Williams Building First Floor, West Conference Room 700 W. State Street Boise, Idaho 83702
Join by Microsoft Teams: Join the meeting now

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 rulemaking removes, as agreed to with the legislature, all references and processes related to the invitation to negotiate. The Department is, pursuant to the Governor’s zero-based regulation initiative, also utilizing this rulemaking to perform another comprehensive review of the purchasing rules to make several updates to the rule chapter, simplify and streamline the rules, and ensure alignment between the rule chapter and the governing statutes.

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

There are no fees associated with 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 as a result of this rulemaking:

There is no fiscal impact anticipated from this rulemaking.

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 in the October 2, 2024, Idaho Administrative Bulletin, [Vol. 24-10, page 409](#).

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: There are no materials incorporated into this rule by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Kim Rau (208) 332-1824.

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 November 27, 2024.

DATED this 16th day of October, 2024.

Steve Bailey, Director
Department of Administration
650 W. State Street
Room 100
Boise, Idaho 83720
steven.bailey@adm.idaho.gov
(208) 332-1824

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 38-0501-2401
(ZBR Chapter Rewrite)

38.05.01 – RULES OF THE DIVISION OF PURCHASING

SUBCHAPTER A – GENERAL PROVISIONS

000. LEGAL AUTHORITY.

~~The following rules are promulgated in accordance with~~ Section 67-9205(11), Idaho Code, ~~by the administrator of the division of purchasing.~~ (4-6-23)()

001. SCOPE.

These rules govern any other state agency acquiring property under these rules or through delegated authority. ~~These rules also govern the contested case hearing process.~~ (4-6-23)()

~~**002. CONSTRUCTION.**~~

~~“Include,” “Includes,” and “Including” are terms of enlargement and not of limitation or exclusive enumeration. Unless otherwise specified in a rule, lists and examples are illustrative and not exhaustive.~~ (4-6-23)

~~**003.**~~ -- **010. (RESERVED)**

011. DEFINITIONS.

~~Unless defined otherwise in these rules, t~~The definitions set forth in Section 67-9203, Idaho Code, apply to this chapter. In addition, the following apply: (4-6-23)()

01. Alternate. Property or services that are not at least a functional equal in features, performance or use of the brand, model or specification designated as the standard. (4-6-23)

02. Brand Name or Equal Specification. A specification that uses a brand name to describe the standard of quality, performance or other characteristics being solicited and that invites the submission of equivalent property. (4-6-23)

03. Brand Name Specification. A specification calling for property by manufacturers' names or catalogue numbers. (4-6-23)

04. Buyer. An employee of the division of purchasing designated as a buyer, contract-administrator, purchasing agent, contracting officer, or similar designation by the administrator, including, where appropriate, the administrator and other management personnel. The term also includes authorized employee(s) of a purchasing authority. (4-6-23)

~~**05. Competitive Negotiation.** Procedure by which the buyer negotiates with one (1) or more responsive offerors in accordance with the provisions of an invitation to negotiate. (4-6-23)~~

06.5. Consultant Services. Work, rendered by either individuals or firms who possess specialized knowledge, experience, and expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis or advice in formulating or implementing programs or services or improvements in programs or services, including such areas as management, personnel, finance, accounting and planning. The consultant's services, opinions or recommendations will be performed according to the consultant's methods without being subject to the control of the agency except as to the result of the work. (4-6-23)

~~**07.6. Contract Administration.** Actions taken related to changes to contracts, including amendments, renewals, and extensions; receipt, review and retaining of the contract and contract-related documents; and exercise of remedies. (4-6-23)~~

08.7. Contract Management. Actions taken to ensure that both the agency and contractor comply with the requirements of the contract. Includes regular monitoring of the contractor's performance, evaluation of deliverables, invoice review, payment approval, progress tracking, regular status meetings, and management of state-owned property and other resources used in contract performance management. (4-6-23)

09.8. Division. The division of purchasing of the department of administration as established by Section 67-9204, Idaho Code. (4-6-23)

~~**10.9. Document.** When used in these rules, may include electronic documents. (4-6-23)~~

~~**11.0. E-procurement.** Use of the division's electronic procurement system. (4-6-23)~~

12.1. Equal. Property that meets or exceeds the quality, performance and use of the brand, model or specifications in the informal or formal solicitation. (4-6-23)

~~**13.2. Formal Sealed Procedure.** Procedure by which the buyer solicits sealed bids or competitive sealed proposals by means of a formal solicitation. (4-6-23)~~

~~**14.3. Formal Solicitation.** An invitation to bid, or request for proposal, ~~or invitation to negotiate.~~ (4-6-23)()~~

15.4. Informal Solicitation. Procedure by which the buyer solicits informal competitive quotes by means of a request for quote. (4-6-23)

16.5. Invitation to Bid or ITB. All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids. (4-6-23)

~~**17. Invitation to Negotiate or ITN.** All documents, whether attached or incorporated by reference, utilized for soliciting proposals for a competitive negotiation. (4-6-23)~~

~~186.~~ **Offeror.** A vendor who has submitted a response to a request for proposals ~~or invitation to negotiate~~ for property to be acquired by the state. (4-6-23)()

~~197.~~ **Professional Services.** Work rendered by a contractor whose occupation is the rendering of such services and who has a professional knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, including but not limited to accounting and auditing, legal, medical, nursing, education, actuarial, veterinarian, information technology and research. The knowledge is founded upon extensive and specialized intellectual training that enables a particular service to be rendered. The word “professional” implies professed attainments in special knowledge as distinguished from mere skills. (4-6-23)

~~2018.~~ **Proposal.** A written response including pricing information to a request for proposals that describes the solution or means of providing the property requested and which proposal is considered an offer to perform a contract in full response to the request for proposals. (4-6-23)

~~219.~~ **Purchase.** The act of acquiring or procuring property for state use or the result of an acquisition. (4-6-23)

~~220.~~ **Purchase Order.** Notification to the contractor to provide the stated property under the terms and conditions set forth in the purchase order. It may include the form of the state’s acceptance of a vendor’s quote, proposal or bid. See also definition of contract. (4-6-23)

~~231.~~ **Purchasing Authority.** The division or an agency exercising authority based on a delegation of authority by the administrator to an individual or an agency; or as otherwise provided under these rules to engage in the conduct of purchasing. (4-6-23)

~~242.~~ **Quote.** An offer to supply property in response to a request for quote and generally used for informal solicitation procedures. (4-6-23)

~~253.~~ **Request for Proposals or RFP.** Includes all documents, whether attached or incorporated by reference, utilized for soliciting ~~competitive~~ proposals as a component of the formal sealed procedure and is generally utilized in the acquisition of services or other complex purchases. (4-6-23)()

~~264.~~ **Request for Quote.** The document, form or method generally used for purchases solicited in accordance with informal solicitation procedures. (4-6-23)

~~275.~~ **Requisition.** A standard state or agency specific form that serves as a purchasing request and that requests that the purchasing authority acquire the property. (4-6-23)

~~286.~~ **Sealed.** A bid or proposal physically or electronically sealed and submitted in accordance with requirements of a formal solicitation. (4-6-23)

~~297.~~ **Sealed Procedure Limit.** That dollar amount, as established by these rules, above which the formal sealed procedure will be used. The amount may be lowered by the administrator to maintain full disclosure or competitive purchasing or otherwise achieve overall state efficiency and economy. (4-6-23)

~~3028.~~ **Small Purchase.** An acquisition that costs less than the sealed procedure limit. (4-6-23)

~~3129.~~ **Signature.** A manual signature or an electronic signature, as defined in Section 28-50-102, Idaho Code, of an individual authorized to bind a person or entity. (4-6-23)

~~32.~~ **State.** ~~The state of Idaho including each agency unless the context implies other states of the United States.~~ (4-6-23)

~~330.~~ **Telecommunications.** All present and future forms of hardware, software or services used or required for transmitting voice, data, video or images. (4-6-23)

31. Tie Responses. Tie responses are low responsive bids, proposals or quotes from responsible vendors that are identical in price or score. (4-6-23)

34. Total Cost. The acquisition cost of property, including all components, options, and add-ons available under the contract, related services, and, in the case of ongoing services, the cost of the full term of the contract, including all authorized renewals. Unless a different total term is provided in the contract, the term used for purposes of total cost is five (5) years. (4-6-23)

~~35. Written.~~ When used in these rules, may include an electronic writing and communication. (4-6-23)

SUBCHAPTER B — RULES GOVERNING PURCHASING

012. PRESERVATION OF RECORDS.

Records of a purchasing authority, which are created or held pursuant to these rules, may be kept in such format as prescribed by the purchasing authority responsible for record retention; and otherwise in accordance with record preservation and retention policies established by the agency designated by the legislature for such purpose. (4-6-23)

013. -- 020. (RESERVED)

021. DELEGATION OF AUTHORITY OF ADMINISTRATOR.

~~The division's purchases on behalf of another agency are as the agent for such agency. The division administers the acquisition of all property for agencies except those specifically exempted from the state procurement act, title 67, chapter 92, Idaho Code. The administrator may delegate in writing such authority to division employees, an agency or employees of an agency. Such delegations~~ Delegations made pursuant to 67-9206, Idaho Code, remain in effect unless modified or until revoked in writing. All delegations must be given in writing prior to the acquisition of the property. Designees shall make purchases according to these purchasing rules, the policies developed by the division, and the conditions established by the administrator in the delegation. Delegations are subject to periodic reporting and review as directed by the administrator. (4-6-23)()

01. Manner of Submission. Request for delegated purchasing authority must be submitted in writing, on a form ~~and in a manner~~ established by the administrator. The request must generally demonstrate that agency personnel have the knowledge and experience to administer solicitations and contracts in compliance with the State Procurement Act, these rules, and policies of the division of purchasing, and must specifically address any qualification criteria established by the administrator. (4-6-23)()

02. Policy. The administrator's delegated purchasing authority policy is applicable to all designees; and may place additional conditions on the agency or individual delegated authority. (4-6-23)

03. Failure to Comply. A designee's failure to comply with the policy, the conditions included in the written authorization provided by the administrator, or the instructions of the administrator regarding activities delegated pursuant to this rule may result in immediate rescission of delegated authority, increased monitoring, reduced authority level, additional training, or other action deemed appropriate by the administrator. (4-6-23)

022. -- 033. (RESERVED)

034. PUBLIC NOTICE.

Notice of informal and formal solicitations are posted electronically unless the administrator exempts the acquisition from e-procurement. Notice of sole source acquisitions are posted electronically, ~~and otherwise in accordance with Section 67-9221, Idaho Code.~~ (4-6-23)()

035. -- 040. (RESERVED)

041. ACQUISITION PROCEDURES.

~~Except as otherwise provided in statute or these rules, the acquisition of property shall be by competitive solicitation.~~ Acquisition requirements shall not be artificially divided to avoid bid statutes, rules, or policies. The procedure followed for acquisitions shall be as follows: (4-6-23)()

- 01. Small Purchases.** (4-6-23)
- a.** Acquisitions of the following property are small purchases: (4-6-23)
- i.** Services with a total cost less than twenty-five thousand dollars (\$25,000) (4-6-23)
- ii.** Software, regardless of the delivery method (e.g. on-premise, cloud, software as a service, etc.), with a total cost less than fifteen thousand dollars (\$15,000); (4-6-23)
- iii.** Property, excluding services, with a total cost less than fifteen thousand dollars (\$15,000); (4-6-23)
- iv.** A mix of property including services and other property, with a total cost less than fifteen thousand dollars (\$15,000). (4-6-23)
- b.** Small purchases do not require acquisition through competitive solicitation. Agencies must comply with the division's small purchase policy. Property available under single agency or open contracts shall be purchased under such contracts and are not a small purchase under this rule unless otherwise authorized by the administrator. (4-6-23)

- 02. Informal Purchases.** (4-6-23)
- a.** Acquisition of property with a total cost exceeding the dollar limits established in this rule for a small purchase and less than the formal sealed procedure limit are informal purchases. (4-6-23)
- b.** Informal purchases may be made using: (4-6-23)
- i.** An informal solicitation issued through e-procurement, unless exempted by the administrator; or (4-6-23)
- ii.** The formal sealed procedure, when the purchasing authority makes a written determination that using a formal solicitation is in the best interest of the state, including where selection based solely on cost is not appropriate. (4-6-23)
- c.** Agencies procuring property under this rule shall maintain a purchasing file containing: (4-6-23)
- i.** The ~~informal or formal~~ solicitation document posted and quotes received. If the acquisition was not publicly posted, the agency shall include a statement describing the justification for determining that posting was impractical or impossible, along with the administrator's authorization. (4-6-23)()
- ii.** If not using e-procurement, the agency shall document the quotes received (or its attempt to obtain quotes) from at least three (3) vendors having a significant Idaho economic presence as defined in Section 67-2349, Idaho Code. (4-6-23)

- 03. Formal Sealed Procedure.** (4-6-23)
- a.** The sealed procedure limit is one hundred fifty thousand dollars (\$150,000). (4-6-23)
- b.** Purchases of property in excess of the sealed procedure limit are made using the formal sealed procedure, unless exempted by these rules or the administrator. (4-6-23)

042. EXCEPTIONS TO COMPETITION REQUIRING WRITTEN ADMINISTRATOR APPROVAL.
The administrator may exempt the following purchases from the requirement for competitive solicitation by issuing a written determination to the purchasing authority. (4-6-23)()

- 01. Emergency Purchases.** An emergency purchase is a purchase required to address an emergency condition, which is a situation that creates a threat to public health, welfare, or safety, such as may arise from floods, epidemics, riots, equipment failure, or similar circumstances. The existence of such condition must create an

immediate and serious need for property that cannot be met through normal acquisition methods. The buyer must send a written explanation stating the emergency condition and the basis for the supplier selection, if applicable, to the administrator for review and written approval that the purchase be undertaken as an emergency purchase. Emergency purchases are limited to only that property required to address the emergency. The director or administrator may delegate authority in writing to an agency or purchasing authority to make emergency purchases and may impose conditions in the delegation. (4-6-23)

02. Sole Source Purchases. ~~Sole source purchases are authorized only if the required property is reasonably available from a single supplier. A requirement for a proprietary property does not justify a sole source purchase if there is more than one (1) potential supplier that can provide the required property. In cases of reasonable doubt, competition should be solicited.~~ The buyer must ~~send a written~~ request ~~to~~ authorization from the administrator ~~justifying to complete a sole source purchase, providing a written justification of~~ the purchase and the basis to conclude that no other supplier is reasonably available. ~~Sole source purchases require written approval of the administrator.~~ The administrator may condition any approval. (4-6-23)()

03. Rehabilitation Agency Acquisitions. Acquisitions of property that is provided by non-profit corporations and public agencies operating rehabilitation facilities serving the handicapped and disadvantaged and that is offered for sale at fair market price as determined by the administrator in accordance with these rules. The buyer must submit a written request to the administrator to purchase from a rehabilitation agency and a written approval from the administrator. The purchase must comply with the division's policy for rehabilitation agency acquisitions. (4-6-23)

04. Purchases from General Services Administration Federal Supply Contractors. Acquisitions of property may be made from General Services Administration federal supply contractors without the use of competitive bid upon written approval of the administrator. The administrator shall determine whether the price and terms and conditions of acquisition is advantageous to the state. The administrator shall commemorate the determination in a written statement that shall be incorporated in the applicable file. (4-6-23)

05. Exempt Purchases. The administrator may, by written policy, exempt property from the formal sealed procedure or the requirement for competitive solicitation ~~that property for which bidding is impractical, disadvantageous or unreasonable~~ under the following circumstances: (4-6-23)()

- a. ~~Examples include:~~ The property is required to meet a legal requirement or important business need; (4-6-23)()
 - i. ~~Special market conditions;~~ (4-6-23)
 - ii. ~~Property requiring special contracting procedures due to uniqueness;~~ (4-6-23)
 - iii. ~~Legal advertising, publication or placement of advertisements by state agency personnel directly with media sources;~~ (4-6-23)
 - iv. ~~Property for which competitive solicitation procedures are impractical;~~ (4-6-23)
 - v. ~~Used property;~~ (4-6-23)
 - vi. ~~Ongoing maintenance, upgrades, support or additional licenses for software or other information technology solutions, including a change in the manner of solution delivery; which software or solution was originally acquired in compliance with the purchasing laws in effect at the time of acquisition; or~~ (4-6-23)
 - vii. ~~Acquisition of property for direct resale.~~ (4-6-23)
- b. ~~Such policy shall describe the property exempted, the duration of the exemption, and any other requirements or circumstances appropriate to the situation.~~ Competition would be impractical or unreasonable under the circumstances, for reasons such as special market conditions or unique property requirements; (4-6-23)()
- c. The justification for the exemption is not based on inconvenience or the agency's failure to plan for

the procurement process; and ()

d. The exemption is as limited as possible to still meet the business needs. ()

06. Open Contracts. Except as provided in these rules or exempted by the administrator, property available under existing open contracts shall be purchased under such contracts in accordance with the provisions or requirements for use thereof. ()

07. Price Agreements. The administrator may authorize entering into non-mutual price agreements when the state has a need to contract with all qualified and available vendors for the purchase of certain property. Price agreements shall be limited to two (2) years in duration. ()

043. EXCEPTIONS TO COMPETITION NOT REQUIRING APPROVAL.

Unless the administrator makes a written determination to the contrary, property meeting the following criteria need not be purchased by competitive solicitation. (4-6-23)()

01. Reverse Auction. Purchases through reverse public auctions ~~as authorized by Section 67-9221, Idaho Code.~~ (4-6-23)()

02. Federal Government Acquisitions. Acquisitions from the United State of America or any agency thereof. (4-6-23)

03. Public Agency Acquisitions. Acquisitions from other public agencies as defined in Section 67-2327, Idaho Code, ~~and authorized by Section 67-2332, Idaho Code.~~ (4-6-23)()

04. Idaho Correctional Industries. Purchases of property marketed directly by Idaho Correctional Industries in accordance with Section 20-245, Idaho Code. (4-6-23)

~~05. Open Contracts. Except as provided in these rules or exempted by the administrator, property available under existing open contracts shall be purchased under such contracts in accordance with the provisions or requirements for use thereof.~~ (4-6-23)

06.5. Professional or Consultant Services. The acquisition of professional or consultant services for one-time projects costing less than the sealed procedure limit and lasting less than one (1) year in duration. (4-6-23)

~~07. Small Purchases. The acquisition of property meeting the criteria in sub-section 041.01 of these rules; provided, however, that acquisitions cannot be artificially divided to meet the small purchase criteria.~~ (4-6-23)

044. -- 050. (RESERVED)

051. CONTENT OF FORMAL SOLICITATIONS.

The following shall be included in formal solicitations: (4-6-23)

01. Submission Information. Information regarding the applicable closing date, time and location. (4-6-23)

~~02. Specifications. Specifications developed in accordance with Section 111 of these rules. For an ITN, specifications may be limited to those determined by the purchasing authority to be adequate to inform interested vendors of the desired outcome.~~ (4-6-23)

~~03. Contract Terms. Terms and conditions applicable to the contract, subject to the provisions of Section 112 of these rules.~~ (4-6-23)

~~04. Evaluation and Award Criteria. Any evaluation criteria to be used to determine property acceptability and identification of the lowest responsive and responsible offer. For an ITN, also a summary of evaluation criteria to classify proposals and determine the competitive threshold for negotiations.~~ (4-6-23)

~~05. Trade-In Property. If trade-in property is to be included, a description of the property and location where it may be inspected. (4-6-23)~~

~~06. Incorporation by Reference. A brief description of any documents incorporated by reference that specifies where such documents can be obtained. (4-6-23)~~

~~07. Pre-Proposal or Pre-Bid Conference. The date, time and location of the conference. (4-6-23)~~

~~08. Process. A description of the process for the formal solicitation. (4-6-23)~~

052. CHANGES TO FORMAL SOLICITATIONS.

A formal solicitation may be changed by the buyer through issuance of an amendment, provided the change is issued in writing prior to the ~~formal~~ solicitation closing date and is made available to all vendors receiving the original ~~formal~~ solicitation. Any material information given or provided to a prospective vendor with regard to a ~~formal~~ solicitation shall be made available in writing by the buyer to all vendors receiving the original formal solicitation. Oral interpretations of specifications or contract terms and conditions shall not be binding on the state unless confirmed in writing by the buyer prior to the closing date of the ~~closing solicitation~~. Changes to the ~~formal~~ solicitation shall be identified as such and shall require that the vendor acknowledge receipt of all amendments issued. The right is reserved to waive any informality. (4-6-23)()

053. -- 060. (RESERVED)

061. FORM OF SUBMISSION FOR FORMAL SOLICITATIONS.

~~01. Manual Submissions. Unless otherwise provided in these rules and in addition to any specific requirements set forth in the formal solicitation,:~~ ()

01. Manual Submission: ~~b~~ Bids or proposals submitted manually must be made completed and signed on the form provided, ~~which form must be properly completed and contain a signature~~ to receive consideration. All changes or erasures on manual submissions shall be initialed in ink. Unsigned or improperly submitted bids or proposals will be rejected. The purchasing authority assumes no responsibility for failure of the United States Postal Service, any private or public delivery service, or any computer or other equipment to deliver all or a portion of the bid or proposal at the time or to the location required by the formal solicitation. (4-6-23)()

~~02. Electronic Submissions. Unless otherwise provided in these rules and in addition to any specific requirements set forth in the formal solicitation, b~~ Bids or proposals submitted electronically must be submitted in accordance with and meet all applicable requirements of these rules and contain a signature. Submission of a bid or proposal through e-procurement shall constitute a signature. The purchasing authority assumes no responsibility for failure of any electronic submission process, including any computer or other equipment to deliver all or a portion of the bid or proposal at the time or to the location required by the formal solicitation. (4-6-23)()

062. -- 069. (RESERVED)

070. PRE-PROPOSAL CONFERENCE.

A pre-proposal conference for vendors must be conducted by the purchasing authority for all RFPs ~~and ITNs~~. The purchasing authority may provide an opportunity for a verbal question and answer period, however, only written questions and answers posted through e-procurement as an amendment to the formal solicitation, have force or effect in the procurement. (4-6-23)()

071. PRE-OPENING WITHDRAWAL OR AND MODIFICATION.

~~Bids or proposals submitted manually may be withdrawn or modified prior to closing of the formal solicitation only as follows:~~ (4-6-23)

01. Prior to Closing. Quotes, bids and proposals may be withdrawn or modified prior to the closing date of the solicitation, as follows: ()

a. Withdrawal. Quotes, bids and proposals submitted via eProcurement may be withdrawn via

~~eProcurement or by submitting a written withdrawal, sent on letterhead and signed by an individual with authority to bind the vendor, to the purchasing authority. Quotes, bids and proposals submitted in a manner other than eProcurement may be withdrawn by submitting a written withdrawal, sent on letterhead and signed by an individual with authority to bind the vendor, to the purchasing authority to the same location where the quote, bid or proposal was submitted. ()~~

~~**b.** Modification. Quotes, bids and proposals submitted via eProcurement may be modified by resubmitting via eProcurement or by submitting a written request detailing the modification if the solicitation allows for submission outside of eProcurement. Quotes, bids and proposals submitted in a manner other than eProcurement may be withdrawn by submitting a written withdrawal to the same location where the quote, bid or proposal was submitted. Any request for modification submitted in a manner other than eProcurement must be submitted to the purchasing authority on letterhead and must be signed by an individual with authority to bind the vendor. ()~~

~~**01.** By written communication containing a signature. (4-6-23)~~

~~**02.** In person upon presentation of satisfactory evidence establishing the individual's authority to act on behalf of the submitting vendor. (4-6-23)~~

~~**03.** Any withdrawing or modifying communication, must clearly identify the formal solicitation and should be worded so as not to reveal the amount of the original bid or proposal. (4-6-23)~~

~~**02. After Closing.** ()~~

~~**a.** Withdrawal. Vendors submitting a quote, bid or proposal are not entitled to withdraw their submission after the solicitation closing date and time. Vendors must submit a written withdrawal request to the purchasing administrator explaining why the vendor should be permitted to withdraw their quote, bid or proposal. Withdrawal of a quote, bid or proposal after the closing date of the solicitation may be grounds for the vendor being deemed non-responsible in future solicitations depending on the circumstances, including the resources expended on evaluating the submission prior to withdrawal and a history of multiple withdrawals. ()~~

~~**b.** Modification. Any modification received or requested after the time and date set for closing of the solicitation is late. No late modification will be considered. ()~~

~~**072. LATE QUOTES, BIDS, AND PROPOSALS, LATE WITHDRAWALS AND LATE MODIFICATIONS.**~~

~~Any quote, bid or proposal, withdrawal, or modification received after the time and date set for closing at the place designated in the formal solicitation is late. No late bid or proposal, late modification or late withdrawal, will not be considered. All late bids and proposals, and will be returned to the submitting vendor. Time of receipt will be determined by the official time stamp or receipt mechanism located at the designated place for receipt of responses. (4-6-23)()~~

~~**073. RECEIPT, OPENING, AND RECORDING OF BIDS AND PROPOSALS.**~~

~~Upon receipt, all bids, proposals, and modifications properly marked and identified are time stamped, but not opened. They shall be stored in a secure place until the time specified for opening. Time stamping and storage may be through electronic means. Bids and proposals shall be opened publicly at the date and time specified in the formal solicitation. Opening of proposals shall identify only the names of the offerors unless otherwise stated in the formal solicitation. Bid and proposal openings may be electronic virtual openings. When no manual bids or proposals are received, retaining the e-procurement audit record shall be opening in public view under section 67-9209, Idaho Code. (4-6-23)()~~

~~**074. MISTAKES.**~~

~~The following procedures are established relative to claims of a mistake. (4-6-23)~~

~~**01. Mistakes in Submission.** If a mistake is attributable to an error in judgment, the submission may not be corrected. Correction or withdrawal by reason of an inadvertent, nonjudgmental mistake is permissible, but at the discretion of the administrator and to the extent it is not contrary to the interest of the state or the fair treatment of other submitting vendors. (4-6-23)~~

021. Mistakes Discovered Before ~~Opening~~ Closing. Mistakes discovered by a vendor prior to ~~solicitation~~ closing may be corrected by such vendor by ~~submitting a timely modification or withdrawing the original submission and submitting a corrected submission to the purchasing authority before the closing.~~ Vendors who discover a mistake after closing, but prior to opening, may withdraw the submission by a written notification containing a signature to the purchasing authority if such notification is received by the purchasing authority prior to opening through withdrawal or modification as detailed in these rules. (4-6-23)()

032. Mistakes Discovered After ~~Opening~~ Closing But Before Award. ~~This subsection sets forth procedures to be applied in three (3) situations described below in which mistakes are discovered after opening but before award.~~ (4-6-23)()

a. Minor Informalities. Minor informalities are matters of form rather than substance evident from the bid or proposal document, or insignificant mistakes that can be waived or corrected without prejudice to other submitting vendors, that is, the effect of the mistake on price, quantity, quality, delivery or contractual conditions is not significant. The buyer may waive ~~such minor~~ informalities discovered after the closing date and time of the solicitation and before award of a contract. Examples include the failure of a submitting vendor to: (4-6-23)()

- i. Return the required number of signed submissions. (4-6-23)
- ii. Provide a signature, but only if it is clear from the submission that the submitting vendor intended to be bound by its terms. (4-6-23)
- iii. Acknowledge the receipt of an amendment, but only if: (4-6-23)
 - (1) It is clear from the submission that the submitting vendor received the amendment and intended to be bound by its terms; or (4-6-23)
 - (2) The amendment involved had a negligible effect on price, quantity, quality or delivery. (4-6-23)

b. Mistakes Where Intended Submission is Evident. If the mistake and the intended submission are clearly evident on the face of the document, the submission shall be corrected to the intended submission ~~and may not be withdrawn.~~ Examples of mistakes that may be clearly evident ~~on the face of the document~~ are typographical errors, errors in extending unit prices (unit prices will always govern in event of conflict with extension), transposition errors and arithmetical errors. (4-6-23)()

c. Mistakes Where Intended Submission is not Evident. ~~A vendor may be permitted to withdraw a low bid if:~~ (4-6-23)

~~i. A mistake is clearly evident on the face of the submission document but where the intended submission is not similarly clearly evident; or on the face of the document may not be corrected after the closing date of the solicitation.~~ (4-6-23)()

~~ii. The vendor submits timely proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.~~ (4-6-23)

d. Mistakes in Submission. If a mistake is attributable to an error in judgment, the submission may not be corrected. ()

043. Mistakes Discovered After Award. Mistakes shall not be corrected after award of the contract. (4-6-23)

054. Written Approval or Denial Required. In the event of a mistake discovered after the opening date, the administrator shall approve or deny, in writing, a request to correct or withdraw a submission. (4-6-23)

075. -- 080. (RESERVED)

081. EVALUATION AND AWARD.

01. General. ~~The contract is to be awarded to the lowest responsible and responsive bidder or offeror (or for requests for quotes, vendor submitting a quote).~~ The ~~formal or informal~~ solicitation shall set forth the requirements and criteria that will be used to ~~make~~ determine the lowest ~~responsive and~~ responsible ~~determination~~ bidder. (4-6-23)()

02. Qualification. ~~All vendors submitting responses to informal or formal solicitations issued by the state must be qualified. All vendors are qualified unless disqualified as defined by Section 67-9217, Idaho Code.~~ (4-6-23)

03. Responsibility. (4-6-23)

a. ~~Nothing herein shall prevent the buyer from establishing additional responsibility standards for a particular purchase.~~ Factors to be considered in determining ~~whether a vendor is responsible~~ responsibility include, ~~whether the vendor has:~~ (4-6-23)()

i. ~~Available the~~ Whether the vendor has appropriate financial, material, equipment, facility and personnel resources ~~and expertise~~, or the ability to obtain them, necessary to indicate capability to meet all contractual requirements; (4-6-23)()

ii. ~~A satisfactory record of integrity;~~ (4-6-23)

iii. ~~Qualified legally~~ Whether the vendor is legally qualified to contract with the purchasing authority and qualified to do business in the state of Idaho; (4-6-23)()

iv. ~~Unreasonably failed to supply any necessary information in connection with the inquiry concerning responsibility;~~ (4-6-23)

viii. ~~Requisite~~ Whether the vendor has the requisite experience; ~~or, licensing, and certification to meet the contractual obligations;~~ (4-6-23)()

vi. ~~A~~ Whether the vendor has a satisfactory prior performance record, if applicable; ~~or;~~ (4-6-23)()

v. Other criteria identified in the solicitation. ()

b. Information Pertaining to Responsibility. A submitting vendor shall supply information requested by the buyer concerning its responsibility. If such submitting vendor fails to supply the requested information, the buyer shall base the determination of responsibility upon any available information or may find the submitting vendor nonresponsible if such failure is unreasonable. (4-6-23)

c. Written Determination of Nonresponsibility Required. If a submitting vendor that otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the buyer. (4-6-23)

04. Extension of Time for Acceptance. After opening, the buyer may request submitting vendors to extend the time during which their bids or proposals may be accepted. The reasons for requesting such extension shall be documented. (4-6-23)

05. Partial Award. A buyer shall have the discretion to award on an all or nothing basis or to accept any portion of a response to a ~~formal or informal~~ solicitation, excluding other portions of a response and other offers, unless the vendor stipulates all or nothing in its submission. (4-6-23)()

06. Tie Responses. If tie responses cannot be resolved in accordance with section 67-9210(2), Idaho Code, award shall be made in any permissible manner that will resolve the tie, including awarding to the vendor with the earliest delivery date. If no permissible method will effectively resolve tie responses, award may be made by drawing lots or tossing a coin in the presence of at least one (1) witness. ()

082. ~~THE RESPONSES.~~ **(RESERVED)**

~~01. **Tie Responses — Definition.** Tie responses are low responsive bids, proposals or quotes from responsible bidders or offerors (or for requests for quotes, from vendors submitting a quote) that are identical in price or score. Responsibility is determined based upon the standards of responsibility set forth in Section 081 of these rules. (4-6-23)~~

~~02. **Award.** Award shall not be made by drawing lots, except as set forth below, or by dividing business among tie responses. In the discretion of the buyer, award shall be made in any permissible manner that will resolve tie responses. Procedures that may be used to resolve tie responses include: (4-6-23)~~

~~a. If price is considered excessive or for another reason such responses are unsatisfactory, reject all responses, resolicit and seek a more favorable contract in the open market or enter into negotiations pursuant to Section 084 of these rules; (4-6-23)~~

~~b. Award to an Idaho resident or an Idaho domiciled vendor or for Idaho produced property where other tie response(s) are from out of state or to a vendor submitting a domestic property where other tie responses are for foreign (external to Idaho) manufactured or supplied property; (4-6-23)~~

~~e. Award to the vendor with the earliest delivery date. (4-6-23)~~

~~03. **Drawing Lots.** If no permissible method will be effective in resolving tie responses and a written determination is made so stating, award may be made by drawing lots or tossing a coin in the presence of witnesses if there are only two (2) tie responses. (4-6-23)~~

083. **PROPOSAL DISCUSSION WITH INDIVIDUAL OFFERORS.**

~~01. **Use of Discussions.** Discussions may be used in any type of formal solicitation when ~~the solicitation provides for the possibility of discussions and~~ the buyer determines that clarifications or revisions are required to achieve adequate competition. (4-6-23)()~~

~~02. **Classifying Proposals.** For the purpose of conducting proposal discussions under this rule, proposals shall be initially classified as: (4-6-23)~~

~~a. Acceptable; (4-6-23)~~

~~b. Potentially acceptable if clarified or amended under this rule; or (4-6-23)~~

~~e. Unacceptable. (4-6-23)~~

~~03. **Conduct of Discussions.** (4-6-23)~~

~~a. The buyer may conduct discussions under this rule with offerors whose proposals are classified as acceptable or potentially acceptable. (4-6-23)~~

~~b.a. The buyer may clarify any portion of a bid or proposal with ~~an offeror~~ a bidder where the clarification does not materially alter the proposal. (4-6-23)()~~

~~e.b. The buyer may conduct discussions with offerors to determine potential revisions to proposals or the formal solicitation. Offerors shall be accorded faith and equal treatment with respect to any opportunity for discussions and revisions of proposals. Auction techniques (revealing one offeror's price to another) and disclosure of any information derived from competing proposals are prohibited. Any oral clarification or change of a proposal shall be reduced to writing and signed by the offeror. (4-6-23)~~

~~d.c. If the buyer determines material changes to a formal solicitation or a proposal are necessary, the buyer shall establish a common time and date for submission of best and final offers. The buyer may conduct multiple~~

rounds of best and final offers. If an offeror does not submit a notice of withdrawal or a best and final offer, the offeror's immediate previous offer is the offeror's best and final offer. (4-6-23)

084. NEGOTIATIONS.

In accordance with Section 67-9205(12), Idaho Code, the administrator may negotiate acquisitions as follows: (4-6-23)

01. Use of Negotiations. Negotiations may be used under these rules when the administrator determines in writing that negotiations may be in the best interest of the state including the following circumstances: (4-6-23)

~~a. Negotiations undertaken pursuant to an ITN, in accordance with the provisions of Section 094 of these rules. (4-6-23)~~

ba. A competitive solicitation has been unsuccessful for reasons including that all offers are unreasonable, noncompetitive, or exceed available funds and the available time and circumstances do not permit the delay required for resolicitation; (4-6-23)

eb. There has been inadequate competition; (4-6-23)

~~dc. During the evaluation process it is determined that negotiations could secure advantageous terms or a reduced cost for the state help the state achieve better outcomes; or (4-6-23)()~~

ed. During the evaluation process it is determined that all responsive offers exceed available funds and negotiations could modify the requirements of the formal solicitation to reduce the cost to available funds and avoid the extended time and expenditure of resources for a resolicitation. (4-6-23)

02. Conditions of Use. Negotiations, as permitted by Subsection 084.01.d., are subject to the following: (4-6-23)

~~a. The formal solicitation must specifically allow for the possibility of negotiation and describe, with as much specificity as possible, how negotiations may be conducted; (4-6-23)()~~

b. Submissions shall be evaluated and ranked based on the evaluation criteria in the formal solicitation; (4-6-23)()

~~e. Only those vendors whose proposals or bids are determined to be acceptable, in accordance with criteria for negotiations set forth in the formal solicitation, shall be candidates for negotiations; (4-6-23)~~

dc. Negotiations shall be conducted first with the vendor that is the apparent low responsive and responsible bidder, unless concurrent negotiations are permissible, in accordance with the terms of the solicitation; (4-6-23)

ed. If one (1) or more responsive offers does not exceed available funds, negotiations shall be against the requirements of and criteria contained in the formal solicitation and shall not materially alter those criteria or the specifications; (4-6-23)

fc. Auction techniques (revealing one vendor's price to another) and disclosure of information derived from competing proposals is prohibited; (4-6-23)

gf. Any clarifications or changes resulting from negotiations shall be documented in writing; (4-6-23)

hg. If the parties to negotiations are unable to agree, the administrator shall formally terminate negotiations and may undertake negotiations with the next ranked vendor; and (4-6-23)

ih. If negotiations as provided for in this rule fail to result in a contract, as determined by the administrator, the formal solicitation may be canceled and the administrator may negotiate in the best interest of the

state with any qualified vendor. (4-6-23)

03. Timing of Use. If conducted as part of a small purchase or under the formal sealed procedure, negotiations are the last step in the procurement process. Use of oral interviews or best and final procedures, as provided for in a formal solicitation, must precede negotiations as provided for in this rule, unless the administrator makes a written determination that it is in the state's best interest to proceed directly to negotiations ~~in lieu of first conducting oral interviews and the best and final procedures.~~ (4-6-23)()

04. Termination of Negotiations. The purchasing authority may terminate negotiations at any time, in the best interest of the state. (4-6-23)

~~085. PRICE AGREEMENTS.~~

~~The administrator may authorize and negotiate price agreements with vendors when such agreements are deemed in the best interest of the state. Price agreements shall provide for termination for any reason upon not more than thirty (30) days' written notice. Price agreements may be in the best interest of the state when:~~ (4-6-23)

~~**01. Dollar Value.** The dollar value of individual procurements of property is less than the maximum dollar value of an exempt small purchase under Section 044 of these rules and multiple individual procurements are anticipated within a state of Idaho fiscal year;~~ (4-6-23)

~~**02. Property.** The property may not be conducive to standard competitive bidding procedures;~~ (4-6-23)

~~**03. Multiple Agreements.** There exists a need to establish multiple agreements with vendors supplying property that is similar in nature or function but is represented by different manufacturers or needed in multiple locations; or~~ (4-6-23)

~~**04. Non-exclusive Agreements.** Non-exclusive agreements for periods not exceeding two (2) years are deemed necessary to establish consistent general business terms, including without limitation, price, use of catalogs, delivery or credit terms.~~ (4-6-23)

~~**086.--090. (RESERVED)**~~

~~**091. ACCEPTANCE OR REJECTION OF BIDS AND PROPOSALS.**~~

~~Prior to the issuance of a contract, the administrator shall have the right to accept or reject all or any part of a bid or proposal or any and all bids or proposals when:~~ (4-6-23)

~~**01. Best Interest.** It is in the best interests of the state of Idaho;~~ (4-6-23)

~~**02. Does Not Meet Specifications.** The submission does not meet the minimum specifications;~~ (4-6-23)

~~**03. Not Lowest Responsible Bid.** The submission is not the lowest responsible submission;~~ (4-6-23)

~~**04. Bidder Is Not Responsible.** A finding is made based upon available evidence that a submitting vendor is not responsible or otherwise capable of currently meeting specifications or assurance of ability to fulfill contract performance; or~~ (4-6-23)

~~**05. Deviations.** The item offered deviates to a major degree from the specifications, as determined by the administrator (minor deviations, as determined by the administrator, may be accepted as substantially meeting the requirements of the state of Idaho). Deviations will be considered major when such deviations appear to frustrate the competitive process or provides a submitting vendor an unfair advantage.~~ (4-6-23)

~~**085. -- 091. (RESERVED)**~~

092. CANCELLATION OF ~~INFORMAL OR FORMAL~~ SOLICITATION.

Prior to the issuance of a contract, the purchasing authority reserves the right to reject all bids, proposals or quotes or

to cancel a ~~formal or informal~~ solicitation. In the event a ~~formal or informal~~ solicitation is cancelled, all submitting vendors will be notified. Examples of reasons for cancellation are identification of inadequate or ambiguous specifications, unexpected circumstances that require revised specifications, or determination that cancellation is in the best interest of the state. (4-6-23)()

093. NOTICE OF REJECTION.

~~Bidders or offerors whose bids or proposals are rejected as non-responsive will be notified in writing of the reasons for such rejection.~~ (4-6-23)

094. COMPETITIVE NEGOTIATIONS.

~~Notwithstanding the provisions of Section 041 of these rules applicable to the formal sealed procedure, the administrator may authorize the use of competitive negotiations when it is determined that the use of negotiations may enable the state to more effectively identify and refine potential solutions, especially where the business need is complex or requires innovation.~~ (4-6-23)

01. Written Authorization. ~~A competitive negotiation may only be used when a determination has been made that another type of formal solicitation would not be in the best interest of the state. Only the division may use competitive negotiation unless the administrator provides written authorization to a purchasing authority.~~ (4-6-23)

02. Form of Solicitation. ~~Proposals under this rule shall be solicited pursuant to an ITN.~~ (4-6-23)

03. Applicability of Other Rules. ~~An ITN shall be subject to the rules applicable to a request for proposals, except as otherwise provided. Modifications under Section 072 of these rules will be allowed after closing to the extent authorized within the ITN. Section 083 of these rules, proposal discussion with individual offerors, shall not apply to an ITN, except as specifically provided in the ITN.~~ (4-6-23)

04. Cost Proposals. ~~The buyer may request cost proposals at any time during the ITN process; and may elect to request cost proposals only from those offerors determined to be in the competitive range for award ("finalists"), in accordance with the instructions contained within the ITN.~~ (4-6-23)

05. Conduct of Negotiations. ~~Negotiations shall be conducted in accordance with the procedure outlined in the ITN, which may include multiple iterations of submissions and discussions in order to classify proposals; to allow for revisions to the solicitation proposal(s), including any requirements, terms, conditions or specifications; and to determine finalists. The negotiation process ends upon submission of the best and final offer(s) from the finalists, after which time vendors shall not be allowed to make further modifications to their proposal(s).~~ (4-6-23)

0953. -- 100. (RESERVED)

101. LEASES.

01. Lease for Personal Property. A lease for personal property may be entered into provided the lease is subject to the same requirements of competition that govern the purchase of property. Leases for periods exceeding one (1) year specifically require the approval of the administrator. (4-6-23)

02. Lease Purchase Option. ~~Unless a specific exemption is granted by the administrator or unless otherwise exempt by these rules, a~~ A lease purchase option may be exercised only if the lease containing the purchase option was awarded using the competitive process. Before exercising such an option, the buyer ~~shall meet all applicable requirements of Section 67-9222, Idaho Code, including providing notice of the exercise of option as a sole source or shall~~ competitively bidding the property by soliciting bids for new or used property or obtain approval from the administrator for an exemption. (4-6-23)()

102. -- 110. (RESERVED)

111. SPECIFICATIONS -- POLICIES AND DEVELOPMENT.

01. Purpose. ~~Unless exempted by these rules or by the administrator, all informal and formal solicitations require specifications. Specifications set forth the characteristics of the property to be acquired. Specifications serve as the basis for obtaining property adequate and suitable for the using agency's needs in a cost effective manner, taking into account the costs of ownership and operation as well as initial acquisition costs. Specifications shall be drafted clearly to describe the agency's needs and to enable the vendors to determine and understand the agency's requirements. Specifications shall, as much as practical, be nonrestrictive to provide an equal basis for participation by an optimum number of vendors and to encourage competition. This information may be in the form of a description of the physical, functional or performance characteristics, a reference brand name or both. It may include a description of any required inspection, testing or preparation or delivery. Specifications may be incorporated by reference or contained in an attachment. Specifications may be left sufficiently open to allow for variations in the proposed property or manner of delivery, provided that they put vendors on notice as to what is required for vendor's quote, bid, or proposal to be considered.~~ (4-6-23)(____)

02. Use of Functional or Performance Descriptions. Specifications shall, to the extent practicable, emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the needs of the agency. To facilitate the use of such criteria, using agencies shall endeavor to include as a part of purchase requisitions their principal functional or performance needs. (4-6-23)

03. Preference for Commercially Available Property. Requirements shall be satisfied by standard commercial property whenever practicable. (4-6-23)

~~**04. Brand Name or Equal Specification.** (4-6-23)~~

~~**a.** A brand name or equal specifications may be used when the buyer determines that such a specification is in the agency's best interest. (4-6-23)~~

~~**b.** A brand name or equal specification shall seek to designate as many different brands as are practicable as "or equal" and shall state that property substantially equivalent to those designated will be considered for award. (4-6-23)~~

~~**c.** Unless the buyer authorized to finally approve specifications determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, brand name or equal specifications shall include a description of the particular design and functional or performance characteristics required. (4-6-23)~~

~~**d.** Where a brand name or equal specification is used, the document shall contain explanatory language that the use of a brand name is for the purpose of designating the standard of quality, performance, and characteristics desired and is not intended to restrict competition. (4-6-23)~~

~~**054. Brand Name Specification.** (4-6-23)~~

~~**a.** Since use of a brand name specification is restrictive, such a Brand name specification which does not allow for acceptance of alternate equivalent property may only be used when the administrator or designee makes a written determination. Such determination may be in any form, ~~such as a purchase evaluation or a statement of single manufacturer justification.~~ The written statement and must state specific reasons for use of the brand name specification. (4-6-23)(____)~~

~~**b.** Use of a brand name to identify a standard or example specification, when alternative equivalent property is acceptable, will not require approval from the administrator, if there are known alternatives that can meet the specification as equivalent property. (____)~~

~~**bc.** The administrator shall seek to identify sources from which the designated brand name property can be obtained and shall solicit such sources to achieve whatever degree of competition is practicable. If only one (1) source can supply the requirement, the acquisition shall be made under Section 67-9221, Idaho Code. (4-6-23)(____)~~

~~**06. Specification of Alternates May Be Included.** A specification may provide alternate descriptions of property where two (2) or more design, functional or performance criteria will satisfactorily meet the agency's~~

~~requirements-~~

~~(4-6-23)~~

112. CONTRACT TERMS - POLICIES AND LIMITATIONS.

01. Prohibited Terms. Purchasing authorities do not have the authority to bind the state of Idaho or an agency to the following terms. If a contract contains such a term, the term shall be void pursuant to Section 67-9213, Idaho Code. (4-6-23)

a. Terms waiving the sovereign immunity of the state of Idaho. (4-6-23)

b. Terms subjecting the state of Idaho or its agencies to the jurisdiction of the courts of other states. (4-6-23)

c. Terms limiting the time in which the state of Idaho or its agencies may bring a legal claim under the contract to a period shorter than that provided in Idaho law. (4-6-23)

d. Terms imposing a payment obligation, including a rate of interest for late payments, less favorable than the obligations set forth in Section 67-2302, Idaho Code. (4-6-23)

02. Terms Requiring Special Consideration. (4-6-23)

a. Unless specifically authorized by the Idaho legislature, terms requiring an agency or the state of Idaho indemnify a vendor shall be subject to the provisions of Section 59-1015, Idaho Code, and require an appropriation by the Idaho legislature. Indemnification terms not specifically authorized by the Idaho legislature or subject to appropriation shall be void pursuant to Section 67-9213, Idaho Code, and Section 59-1016, Idaho Code. (4-6-23)

b. Purchasing authorities shall consult with legal counsel prior to accepting terms submitting the contract to arbitration or waiving the state of Idaho's right to a jury trial. (4-6-23)

113. CONTRACT OVERSIGHT.

01. Contract Management and Contract Administration. (4-6-23)

a. Agencies which issue their own contracts pursuant to their delegated authority (or as otherwise exempt from the requirements of these rules) will be responsible for all aspects of contract management and contract administration, as those terms are defined in Section 011 of these rules. (4-6-23)

b. When the division issues a contract on behalf of an agency, in its role as the state's contracting agent, the division is responsible for contract administration and the agency is responsible for contract management. (4-6-23)

02. Contract Management. Each state agency which manages one (1) or more contracts, whether entered into directly by the agency or by the division acting as the statutory purchasing agency for the agency, will perform the following minimum contract management functions at a level consistent with the dollar value, complexity, and risk associated with each contract (4-6-23)

a. Designate a competent contract manager as the single point of contact for each agency contract; (4-6-23)

b. Document the contract manager's responsibilities and reporting requirements relative to the contract, including activities such as management of the invoice and payment process, budget tracking, and invoice review and reconciliation with contract requirements and deliverables, to ensure compliance; (4-6-23)

c. Document a communication and escalation plan, as between the contract manager, identified agency personnel and the contract administrator, designed to ensure timely and effective contract monitoring and issue resolution (the communication and escalation plan must include the division of purchasing for contracts for

which the division of purchasing is acting as the statutory purchasing agent for the agency); (4-6-23)

d. Develop and implement internal contract monitoring tools, including a reporting structure, based on the dollar value and/or potential risk associated with contract failure; and (4-6-23)

e. Close out each contract, including, documenting receipt of goods or services in compliance with contract requirements and reviewing vendor performance and lessons learned. (4-6-23)

03. Service Contracts Exceeding \$1,500,000 in Total Value. For each contract which is valued at more than one million five hundred thousand dollars (\$1,500,000) over the duration of the contract and which consists primarily of the purchases of services, the agency responsible for contract management must develop and implement contract reporting requirements that capture, at a minimum, information on compliance with financial provisions and delivery schedules; the status of any corrective action plans; as well as any liquidated damages assessed or collected under the contract during the current reporting period. Reports will be submitted to the designated agency purchasing representative as well as the division on no less than a biannual basis, with a schedule for each contract determined by the contract manager in consultation with the agency purchasing representative and the division. (4-6-23)

114. INFORMATION TECHNOLOGY RESALE.

~~**01. Purpose.** The use of resellers is common in the acquisition of information technology; however, the use of a reseller to acquire information technology attempts to separate the application of the State Procurement Act from the contract terms required by the information technology owner for use of the information technology. The requirements of this rule are in place to apply Idaho law to the contract terms required by the information technology owner, when information technology is acquired through a reseller. (4-6-23)~~

~~**02. Terms.** All license, sale, or use terms imposed by the information technology owner shall be subject to the following: (4-6-23)~~

~~**a.** Licensing, sale, or use terms required by a third party owner of information technology sold through a reseller shall be subject to these rules, specifically including Subsection 112.01 and Paragraph 112.02.a. of these rules. If a contract contains a term prohibited by Section 112 of these rules, the term shall be void pursuant to Section 67-9213, Idaho Code. (4-6-23)~~

115. -- 999. (RESERVED)

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

*The proposed rule public hearing request deadline is November 20, 2024, unless otherwise posted.
The proposed rule written comment submission deadline is November 27, 2024, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 15 – OFFICE OF THE GOVERNOR / IDAHO COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED 341 W Washington St, Boise, ID 83702

**15-0230-2401, Business Enterprise Program.* Zero-Based Regulation (ZBR) Rewrite specifies standards for facilities that provide remunerative employment opportunities for blind individuals interested in independently operating a business under the Business Enterprise Program.

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

**16-0717-2401, Substance Use Disorders Services.* (*PH) Proposed changes seek to update this, and similarly affected, rule chapter(s) to coincide with the recent go-live status of the Idaho Behavioral Health Plan and aim to reduce regulatory burden and omit outdated regulations.

**16-0733-2401, Adult Mental Health Services.* (*PH) Proposed changes seek to update this, and similarly affected, rule chapter(s) to coincide with the recent go-live status of the Idaho Behavioral Health Plan and aim to reduce regulatory burden and omit outdated regulations.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES PO Box 83720, Boise, ID 83720-0063

**24-3940-2401, Safety Rules for Elevators, Escalators, and Moving Walks.* (*PH) ZBR Rewrite governs the operation, installation, alteration, maintenance, and repair of conveyances.

**24-3960-2401, Rules Governing Uniform School Building Safety.* (*PH) ZBR Rewrite prescribes the Idaho Uniform School Building Safety Code and provides for enforcement and administration of the Idaho Uniform School Building Safety Act by identifying specific safety hazards.

**24-3980-2401, Idaho Minimum Safety Standards and Practices for Logging.* (*PH) ZBR Rewrite applies to the logging industry in the state of Idaho which includes various aspects and stages of all logging operations, safe practices, and proper logging methods and safety equipment.

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

**38-0501-2401, Rules of the Division of Purchasing.* (*PH) ZBR Rewrite governs any other state agency acquiring property under the rules or through delegated authority and removes all references and processes related to the invitation to negotiate, as agreed to with the legislature.

NOTICES OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02-0609-2405, Rules Governing Invasive Species and Noxious Weeds

Please refer to the Idaho Administrative Bulletin **November 6, 2024, Volume 24-11**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Electronic issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

Office of the Administrative Rules Coordinator, Division of Financial Management
P.O. Box 83720, Boise, ID 83720-0032
Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Division of Financial Management
Office of the Governor*

July 1, 1993 – Present

[CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES](#)

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Division of Financial Management*

April 10, 2024 – November 6, 2024

(PLR 2025) – Final Effective Date Is Pending Legislative Review in 2025

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # – denotes the number of a House Concurrent Resolution (Legislative Action)

(This Abridged Index includes all active rulemakings.)

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

02.02.12, Bonded Warehouse Rules

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- 02-0212-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

02.02.14, Rules for Weights and Measures

- 02-0214-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-10

02.03.01, Rules Governing Pesticide Management Plans for Ground Water Protection

- 02-0301-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-10
- 02-0301-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

02.03.03, Rules Governing Pesticide and Chemigation Use and Application

- 02-0303-2402 Notice of Temporary and Proposed Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

02-0303-2401 Adoption of Temporary Rule, Bulletin Vol. 24-5 (eff. 4-22-24)T [expires 7-1-24]

02.04.03, Rules Governing Animal Industry

- 02-0403-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-10
- 02-0403-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

02.04.05, Rules Governing Grade A Milk and Manufacture Grade Milk

- 02-0405-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-10

02.04.15, Rules Governing Beef Cattle Animal Feeding Operations

- 02-0415-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-10
- 02-0415-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7

02.04.19, Rules Governing Domestic Cervidae

- 02-0419-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-10
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- 02-0501-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-10
- 02-0501-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-7

02.06.02, Rules Governing Registrations and Licenses

- 02-0602-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-10

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- 02-0609-2405 Adoption of Temporary Rule, Bulletin Vol. 24-11 (eff. 10-7-24)T
- 02-0609-2404 Adoption of Temporary Rule, Bulletin Vol. 24-10 (eff. 9-26-24)T
- 02-0609-2403 Adoption of Temporary Rule, Bulletin Vol. 24-8 (eff. 6-28-24)T
- 02-0609-2402 Notice of Proposed Rulemaking, Bulletin Vol. 24-10
- 02-0609-2402 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-7
- 02-0609-2401 Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. *sine die* 2024)T

02.06.33, Organic Food Products Rules

- 02-0633-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-10

02.08.01, Sheep and Goat Rules of the Idaho Sheep and Goat Health Board

- 02-0801-2401 Notice of Proposed Rulemaking (ZBR Chapter Rewrite), Bulletin Vol. 24-10
- 02-0801-2401 Notice of Intent to Promulgate Rules – Zero-Based Regulation (ZBR) Negotiated Rulemaking, Bulletin Vol. 24-6

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04.11.01, Idaho Rules of Administrative Procedure of the Attorney General

44-0000-2400 Notice of Omnibus Rulemaking – Revocation of Final Rule – Certain provisions rendered null and void pertaining to IDAPA chapter 04.11.01 – Bulletin Vol. 24-7

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08.01.13, Rules Governing the Opportunity Scholarship Program

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08.02.01, Rules Governing Administration

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08.02.02, Rules Governing Uniformity

08-0202-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-10

08-0202-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-6

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08-0203-2402 Adoption of Temporary Rule, Bulletin Vol. 24-7 (eff. 7-1-24)T

08-0203-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-10

08-0203-2401 Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 24-6

08.02.04, Rules Governing Public Charter Schools

08-0204-2400 Notice of Revocation of Final Rule, Bulletin Vol. 24-3

08.04.01, Rules of the Idaho Digital Learning Academy

08-0401-2401 Notice of Proposed Rulemaking, Bulletin Vol. 24-10

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11-0501-2401 Adoption of Temporary Rule, Bulletin Vol. 24-4 (eff. *sine die* 2024)T [expires 7-1-24]

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**Changes chapter name from: "Rules Governing Grazing, Farming, Conservation, Noncommercial Recreation, and Communication Site Leases"*

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