

Executive Department State of Idaho

The Office of the Governor **Proclamation**

State Capital Boise

WHEREAS, the health and safety of all Idahoans is the greatest priority of our state and its leaders; and

WHEREAS, the Centers for Disease Control and Prevention has labeled the 2019 novel coronavirus (COVID-19) a pandemic that poses a serious public health threat; and

WHEREAS, the Secretary of Health and Human Services declared a public health emergency for the entire United States to aid the nation in responding to COVID-19; and

WHEREAS, Idaho is committed to being prepared and protecting Idahoans from COVID-19; and

WHEREAS, on March 13, 2020, when the first case of COVID-19 was confirmed in Idaho, I issued a proclamation declaring a state of emergency in the State of Idaho pursuant to Chapter 10, Title 46, Idaho Code, due to the occurrence and imminent threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, President Trump issued a proclamation on March 13, 2020, declaring a national emergency due to the outbreak of COVID-19 in the United States and in order to implement additional measures to successfully contain and combat the virus in the United States; and

WHEREAS, I issued a proclamation on March 25, 2020, declaring a state of extreme emergency in the State of Idaho pursuant to Chapter 6, Title 46, Idaho Code, due to incidences of community spread, increasing occurrence, and the threat to public health and safety arising from the effects of COVID-19; and

WHEREAS, on April 9, 2020, President Trump declared that a major disaster exists in the State of Idaho, which allows for additional federal assistance to aid in recovery efforts related to COVID-19; and

WHEREAS, on April 30, 2020, the Board of Examiners approved, pursuant to Section 67-3516(2), non-cognizable spending authority for the Governor's Office in fund 0345 for the \$1.25 billion for the time period of March 1, 2020 through December 30, 2020; and

WHEREAS, on August 7, 2020, I declared an emergency in the state of Idaho due to the ongoing occurrence and imminent threat to public health and safety arising from the effects of COVID-19. I extended the emergency declaration on September 4, 2020; and

WHEREAS, as of October 4, 2020, there are nearly 7.5 million confirmed cases of COVID-19 and approximately 210,000 deaths in the United States and 43,964 confirmed or probable cases of COVID-19 and 482 deaths in Idaho due to COVID-19; and

WHEREAS, COVID-19 clusters with substantial community spread have developed across the United States, including in Idaho and neighboring states. In Idaho, cases of COVID-19 have been reported in all forty-four (44) counties and community spread of COVID-19 has been confirmed in forty-three (43) counties. One (1) Idaho county had the highest per-capita number of cases in the country at one point in time; and

WHEREAS, rapid community spread in one rural Idaho county was so severe it caused the local hospital to have to significantly reduce operations to protect its healthcare workers and caused patients to have to travel or be transported into other counties to be treated for

COVID-19 or other illnesses and injuries. Idaho's rural communities are particularly at risk because of limited health care capacity; and

WHEREAS, COVID-19 outbreaks have occurred in several long-term care facilities in Idaho and resulted in several deaths; and

WHEREAS, the Idaho Department of Health and Welfare, other state agencies, and the local public health districts are expending resources to treat and track cases of COVID-19, supporting healthcare system response, and addressing resource shortages through the use of supplies and equipment from the Strategic National Stockpile (SNS) throughout the State of Idaho to reduce transmission and illness severity. The costs associated with facilitating the COVID-19 preparedness and response effort are expected to increase commensurate with the severity of the outbreak; and

WHEREAS, the Idaho Office of Emergency Management Emergency Operations Center is coordinating resources across state government to support the Idaho Department of Health and Welfare and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Idaho Department of Health and Welfare; and

WHEREAS, there continues to be a risk to life and the continued operation of public infrastructure as a result of cases of COVID-19 throughout the State of Idaho, and the declaration of an emergency pursuant to Section 46-1008, Idaho Code, is necessary to receive and distribute emergency funds from the federal government and the State; and

WHEREAS, the Governor may suspend the provisions of any regulations that would in any way prevent, hinder, or delay necessary action in coping with the emergency, pursuant to Section 46-1008(5)(a), Idaho Code; and

WHEREAS, the Governor is authorized to utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency, pursuant to Section 46-1008(5)(b), Idaho Code; and

WHEREAS, the Governor is authorized to transfer the functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services, pursuant to Section 46-1008(5)(c), Idaho Code.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution of the United States, the Constitution of the State of Idaho, and by Section 46-1008 of the Idaho Code do hereby find and therefore proclaim and declare:

- 1. That a state of emergency described in Section 46-1008, Idaho Code, exists in the State of Idaho.
 - a. The nature of the emergency is the occurrence and imminent threat to public health and safety arising from the effects of COVID-19.
 - b. The area threatened by the emergency includes the State of Idaho.
 - c. The area subject to this proclamation shall include the State of Idaho.
- 2. That the Proclamations dated March 13, 18, 23, 25, 27, April 1, 2, 22, 23, May 12, June 11, July 10, August 7, and September 4, 2020, are superseded by this Proclamation.
- 3. That implementation of the plans and procedures of the State of Idaho Emergency Operations Plan are to continue.
- 4. That this declaration of emergency is necessary to protect life and property of Idahoans and ensure the state of Idaho continues to have the state and federal resources and funding needed to protect the citizens of Idaho from the dangers and rapid spread of COVID-19.

- 5. That the appended list of regulations are hereby suspended for the duration of the declared state of emergency, including extensions, in order to ensure these regulations do not in any way prevent, hinder, or delay necessary action in coping with the emergency. Each agency responsible for administering a regulation or regulations suspended by this Proclamation shall immediately post to its website in a place easy for the affected public to find a list identifying and stating the text of each rule that has been suspended. If an agency deems suspension of a certain regulation is no longer needed to respond to the emergency, the agency should immediately notify the Governor's Office and resume compliance with the applicable regulation.
- 6. That the Program to Procure and Distribute Personal Protective Equipment to Idaho Businesses and Nonprofits established by Executive Order 2020-09 continue pursuant to the terms of that Executive Order and this Proclamation.
- 7. That the actions related to the Idaho Department of Labor taken in Executive Order 2020-11 continue pursuant to the terms of that Executive Order and this Proclamation.
- 8. That the state of public health emergency herein described shall continue for a period of thirty days unless terminated, modified or extended.
- 9. That state agencies and departments are directed to continue to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to, protect Idaho citizens from, and recover from COVID-19.
- 10. That this proclamation serves pursuant to Section 46-1008, Idaho Code, as authorization for the resources of state government to continue to assist in efforts to deal with the public health emergency of COVID-19 in Idaho.
- 11. That this proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and be promptly filed with the Idaho office of emergency management, the office of the secretary of state and the office of the recorder of each county.
- 12. That this proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the State of Idaho, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

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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 5th day of October in the year of our Lord two thousand and twenty.

Brad Little GOVERNOR

Lawrence Denney SECRETARY OF STATE

Appendix to Proclamation Signed by Governor Little on October 5, 2020

Regarding Temporary Suspension of Certain State Regulations

Market		
THE	Chapter	Section(s)
16 - Juvenile Proceedings	24 - Children's Mental Health Services	16-2405
	3 - Alcoholism and Intoxication	
39 - Health and Safety	Treatment Act	39-309
	31 - Alcoholism and Intoxication	
39 - Health and Safety	Treatment Act	39-3137
54 - Professions, Vocations,	18 - Physicians and Physician	
and Businesses	Assistants	54-1807A
54 - Professions, Vocations,	18 - Physicians and Physician	
and Businesses	Assistants	54-1808
54 - Professions, Vocations,		
and Businesses	43 - Respiratory Care Practice Act	54-4306
		The portions of 54-5703(4) and 54-5712 that
		require out-of-state providers have an Idaho
		license. Out-of-state providers must be
		licensed and in good standing in their state of
54 - Protessions, Vocations,		residence, practice in good faith, and exercise
and Businesses	57 - Idaho Telehealth Access Act	reasonable care.
54 - Professions, Vocations,		The portion of 54-5705(1) that states "section
and Businesses	57 - Idaho Telehealth Access Act	802(54)(A)."
54 - Professions, Vocations,		
and Businesses	57 - Idaho Telehealth Access Act	54-5705
56 - Public Assistance and		
Welfare	2 - Public Assistance Law	56-256
56 - Public Assistance and		
Welfare	2 - Public Assistance Law	56-257(2)
66 -State Charitable		
Institutions	3 - Hospitalization of Mentally III	66-329(4)
67 - State Government and		67-5302(22), 67-5302(35), 67-5333(d) and
State Affairs	53 - Personnel System	67-5334(2)(g)

Agency	IDAPA Chapter Number and Title:	Specific Rule(s) or Rule Subpart(s) to Suspend:
Corrections, Dept. of	06.02.01, Rules Governing the Supervision of Offenders on Probation or Parole	06.02.01, Appendix 1, Idaho Response Matrix
	06.02.01, Rules Governing the Supervision of Offenders on Probation or Parole	06.02.01.012.04, Assessment of Potential to Re-Offend
	11.11.01, Rules of the Idaho Peace Officer Standards & Training (POST) Council	11.11.01.051.01 Mandatory Certification
Dentistry, Board of	19.01.01, Rules of the Idaho State Board of Dentistry	19.01.01.021.04, Provisional Licensure
Health & Welfare, Department of	16.02.19, Idaho Food Code	16.02.19.840.01, Establishing Inspection Interval
	16.03.04 Rules and Minimum Standards for Hospitals	Any section that is more restrictive than CMS guidelines, in accordance with Senate Bill 1354 (2020)
	16.03.07 Home Health Agencies	16.03.07.022.02(d), (e), and (f), Director
	16.03.07 Home Health Agencies	16.03.07.024.04, Skilled Nursing Services
	16.03.07 Home Health Agencies	16.03.07.030.04, .05, .06, and .07, Plan of Care
	16.03.07 Home Health Agencies	16.03.031.02, Clinical Records
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.586.01, Early Intervention Services
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.210.07, Conditions for Payment
	16.03.09. Medicaid Basic Plan Benefits	16.03.09.412.03, Outpatient Hospital Services:
		Coverage and Limitations
	16.03.09 Medicaid Basic Dlan Benefits	16.03.09.563.01, Healthy Connections:
	יייכיניין, יייכעונעות טמאר ו ומון טבוונון	Procedural Requirements
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.573.05.a.i, Habilitative Skill Building
	16.03.09 Medicaid Basic Plan Benefits	16.03.09.573.05.e.iv, Assessment and Clinical
		Treatment Plan (ACTP)
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.753. 05, Durable Medical Equipment
	16.03.09, Medicaid Basic Plan Benefits	16.03.09.586.01. Physical Recommendation

TO:03:09, Miculcald Basic Fiall Berleitts	Based Rehabilitation Services (CBRS)
16.03.09, Medicaid Basic Plan Benefits	16.03.09.853.03, Reimbursable Services
16.03.09, Medicaid Basic Plan Benefits	16.03.09.854.01, Individualized Education
16.03.09, Medicaid Basic Plan Benefits	16.03.09.854.02, Evaluation and Assessments
16.03.09, Medicaid Basic Plan Benefits	16.03.09.854.04, One Hundred Twenty Day Review
16.03.09, Medicaid Basic Plan Benefits	16.03.09.854.06.c., Copies of Required Referrals and Recommendations
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.01.a., Intervention and Paraprofessional
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.ii., Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iii., Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(1), Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(2), Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(3), Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.12.k.iv.(4), Skills Building Community Based Rehabilitation Specialist
16.03.09, Medicaid Basic Plan Benefits	16.03.10.305.03, Provider Exclusion
16.03.10, Medicaid Enhanced Benefits	16.03.10.319. HCBS, Termination of Participant Enrollment
16.03.10, Medicaid Enhanced Benefits	16.03.10.319.01.c, Termination of Participant Enrollment
16.03.10, Medicaid Enhanced Benefits	16.03.10.319.03.b-c, Termination of Participant Enrollment
16.03.10, Medicaid Enhanced Benefits	16.03.10.323.01.d. PARTICIPANT ELIGIBILITY DETERMINATION
16.03.10, Medicaid Enhanced Benefits	16.03.10.509.02, Determination of Developmental Disability
16.03.10, Medicaid Enhanced Benefits	16.03.10.512.03, Determination of Developmental Disability
16.03.10, Medicaid Enhanced Benefits	16.03.10.512.04, Determination of Developmental Disability
16.03.10, Medicaid Enhanced Benefits	16.03.10.513.12.a, Plan of Service
16.03.10, Medicaid Enhanced Benefits	16.03.10.513.12.d, Plan of Service
16.03.10, Medicaid Enhanced Benefits	16.03.10.523.01.g.ii Coverage and Limitations
16.03.10, Medicaid Enhanced Benefits	16.03.10.523.02.c, Community Based Support
16.03.10, Medicaid Enhanced Benefits	16.03.10.523.03.b, Family Education
16.03.10, Medicaid Enhanced Benefits	16.03.10.651.01.e, Coverage Requirements and Limitations
16.03.10, Medicaid Enhanced Benefits	16.03.10.702.02.d, Adult DD Waiver Eligibility
16.03.14, Rules for Minimum Standards of Hospitals	16.03.14.150.02(b), Licensing Provisions
16.03.18, Medicaid Cost Sharing	16.03.18.200, Premiums for Participation Under the State Children's Health Insurance Program (SCHID)
16.03.18, Medicaid Cost Sharing	16.03.18.200.03. Failure to Pay Premium
16.03.18, Medicaid Cost Sharing	16.03.18.205.06, Waiver of Premium
16.03.18, Medicaid Cost Sharing	16.03.18.215, Premiums for Participation in Medicaid Enhanced Plan
16.03.18, Medicaid Cost Sharing	16.03.10.250, Delinquent Premium Payments
16.03.18, Medicaid Cost Sharing	16.03.18.320, Medicaid Outpatient Services Subject to Consyments
16.03.19, Certified Family	16.03.19.100.06.b, Certification Requirements
	16.03.19.110.01, Issuance of Certificate
15.03.19, Certified Family	16.03.19.110.01.a, Issuance of Certificate
15.03.19 (Printed Family	

	Limit
16.03.19, Certified Family	03.19.174.01, Activities and Community Integration
16.03.19, Certified Family	16.03.19.174.03, Activities and Community
16.03.19, Certified Family	16 03 19 200 06 and Besident Birbhr
Certified	16.03.19.200.08. Resident Rights
16.03.21, Developmental Disabilities	16.03.21.125, Renewal and Expiration of
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16.03.21, Developmental Disabilities Agencies	16.03.21.400.03.a-b, General Staffing Requirements
16.03.21, Developmental Disabilities Agencies	16.03.21.410.01-03, General Training Requirements
16.03.21, Developmental Disabilities	16.03.21.420. Volunteer Workers
Agencies 16.03.21, Developmental Disabilities	16.03.21.500.03, Center-Based Services
16.03.21, Developmental Disabilities Agencies	16.03.21.511.04.a, Medication Standards
16.03.22, Residential Care or Assisted Living	16.03.22.550.07, Requirements for Access and
16.03.22, Residential Care or Assisted Living	16.03.22.550.14, Participation in Resident and
16.03.22, Residential Care or Assisted Living Facilities	16.03.22.550.17, Access by Advocates and
16.03.22, Residential Care or Assisted Living Facilities	16.03.22.151, Waiving the Requirements for
16.03.22, Residential Care or Assisted Living	16.03.22.410, Requirement for Fire Drills
16.03.22, Residential Care or Assisted Living Facilities	16.03.22.415, Regular Inspections of Fire
16.03.23, Uniform Assessments for State- Funded Clients	011.05, Reassessments
16.04.17, Residential Habilitation Agencies	16.04.17.103, Renewal and Expiration of
16.04.17, Residential Habilitation Agencies	16.04.17.201.03.g, Agency Administrator
16.04.17, Residential Habilitation Agencies	16.04.17.203.05, Direct Service Staff
16.04.17, Residential Habilitation Agencies	16.04.17.302.04.a, Medication Standards
16.04.17, Residential Habilitation Agencies	16.04.17.404.04, Agency Reporting and Communication
16.05.06, Criminal History and Background Checks	16.05.06.150.03, No Extension of Time Frame
16.06.01, Child and Family Services	16.06.01.50.06. Visitation for Child's Parent(s) or Legal Guardian(s)
16.06.01, Child and Family Services	16.06.01.50.07, Notification of Change in Visitation
16.06.01, Child and Family Services	16.06.01.50.09., Notification of Right to Participate and Appeal
16.06.01, Child and Family Services	16.06.01.405.05(b), Contact with Child
16.06.01, Child and Family Services	16.06.01.405.05(c), Contact with Child
	16.06.01.860. Procedures Following Adoptive
16.06.01, Child and Family Services	Placements
16.06.01, Child and Family Services	16.Ub.U.I.UZU(c), Information, Referral and Screening
16.06.01, Child and Family Services	16.06.01.553., Assigning Reports for Safety Assessment
16.06.01, Child and Family Services	16.06.01.554.01, Response Priorities
16.06.01, Child and Family Services	16.06.01.447., Medication Examination upon Entering Alternative Care
	16.06.02.102, Disposition of Applications
	16.06.02.104, Mandatory Visitation
16 Of O2 Child Care Licensing	VII 2017 1/2017 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1

16.06.02, Child Care Licensing		0
sources, mmission, e Police Board of Bo	d Care Licensing	16.06.02.710.01-06, Staff Ratios
sources, mmission, e Police Board of Bo	d Care Licensing	16.06.02.718, Fire Safety Requirements
sources, mmission, e Police Board of Bo	d Care Licensing	16.06.02.721, Public Health District Inspection
sources, ito on maission, e Police Board of Board of Board of	d Care Licensing	16.06.02.729, Bathroom Facilities
sources, mmission, e Police Board of Board of	d Care Licensing	16.06.02.730.01-03, Sleeping Rooms
mmission, e Board of	Rules of the Division of Human	15.Ub.UZ.731, Beds
Board of Boa	Resources and Idaho Personnel Commission	15.04.01.067.01, Procedure
mmission, e Board of	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.067.02, Effective Date
mmission, e Board of	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.068, Violations
mmission, e Board of Board of a b	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.122.01, Hours Limitation
Board of Boa	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.240.01, Sick Leave Eligibility
Board of Board of	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.240.06, Donated Leave
Board of Boa	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.250.08 (a - c), Leave During Facility Closure or Inaccessibility
Board of Board of	s of the Idaho Potato	29.01.01.102.10.b, Box Type Containers
Board of Board of	s of the Idaho Potato	29.01.01 Appendix B, in the far-right column outlining size and placement of signage
Board of Board of	11.05.01, Rules Governing Alcohol Beverage Control	11.05.01.011.03, Authority to Stagger the Renewal of Licenses to Sell Alcohol
Board of Board of	11.05.01, Rules Governing Alcohol Beverage Control	012.05, Product R
Board of Board of	Motor Carrier Rules	11.13.01.019, Carrier Safety Requirements
Board of	Rules of Governing Operations of State Lottery	52.01.03.100.16(c), Claim Period
Board of	52.01.03, Rules of Governing Operations of the Idaho State Lottery	52.01.03.202.20(a), Official End of Game
Board of	52.01.03, Rules of Governing Operations of the Idaho State Lottery	52.01.03.204.06(c), Payment of Prizes
Board of	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.050, Qualifications for Licensure
Board of	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.079, Continuing Medical Education (CME) Requires
Board of	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.162, Duties of Supervising Physician
Board of	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.163, Duties of Supervising Physicians of Interns and Residents
Board of	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.201, Registration of Supervising Physician
Board of	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.243, Resident and Intern Registration
	Rules for the Licensure of Assistants	22.01.03.028, Scope of Practice
22.01.03, Rules for the Li Physician Assistants	s for the Licensure of tants	22.01.03.030, (03) Supervising Physician, (04) Delegation of Services Agreement, and (05) Change of Supervising Physician
	s for the Licensure of tants	22.01.03.036, Graduate Physician Assistant
22.01.03, Rules for the Licensure of Physician Assistants	s for the Licensure of tants	22.01.03.042, Prescription Writing
Medicine, Board of 22.01.05, General Provisi Medicine	22.01.05, General Provisions of the Board of Medicine	22.01.05.100, General Qualifications for

	General Provisions of the Board	22.01.05.101, License or Permit Expiration and Renewal
		22.01.05.102, Licensure by Endorsement
	22.01.05, General Provisions of the Board of Medicine	22.01.05.103, Provisional Licensure
	22.01.05, General Provisions of the Board of Medicine	22.01.05.152, Notice of Complaints
	22.01.05, General Provisions of the Board of Medicine	22.01.05.202, Idaho License Required
Medicine, Board of (Respiratory	22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of	22.01.11.031, General Provisions for Licensure
Inerapists and Dormitting of		
Permitting of Polysomnographers)	22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of	22.01.11.032, Continuing Education
	Polysomnographers	0
	22.01.11, Rules for Licensure of Respiratory	
	Therapists and Permitting of Polysomnographers	22.01.11.033, Supervision of Respiratory Care
Nursing, Board of	23.01.01, Rules of the Idaho Board of	23.01.01.040.03. Temporary License by
		Examination
	23.01.01, Rules of the Idaho Board of	23.01.01.063.01-03, License Reinstatement of
	23.01.01, Rules of the Idaho Board of	23.01.01.063.04, Reinstatement of Emeritus
		License to Current Status
	23.01.01, Rules of the Idaho Board of Nursing	23.01.01.076.04-05, Nurse Apprentice
	23.01.01, Rules of the Idaho Board of	23.01.01.241.03, Licensure by Equivalency and
	-	Endorsement
	23.01.01, Rules of the Idaho Board of Nursing	23.01.01.901.02, Temporary License Fee
	23.01.01, Rules of the Idaho Board of Nursing	23.01.01.901.06, Temporary License Fee
	23.01.01, Rules of the Idaho Board of	23.01.01.241.03, Licensure by Equivalency and
Division of	Single	Endorsement
Occupational and	24.12.01, Rules of the State Board of	450.01.c.; 45003.h.; and 450.03.i.; Guidelines
Professional Licenses	Psychologist Examiners	For Use of Service Extenders to Licensed Psychologists
Pharmacy, Board of	27.01.01, Board of Pharmacy	27 01 01 402 03 Befill Authorization
Professional	10.01.01, Rules of the Idaho Board of	
Engineers and Land Surveyors	Licensure of Professional Engineers and Professional Land Survevors	10.01.01, Subchapter C Rules of Continuing Professional Development
Sexual Offender	57.01.01, Rules of the Sexual Offender	57.01.01.331.02. Removal from Rocter
Management board	Management Board	
,	57.01.01, Rules of the Sexual Offender Management Board	57.01.01.332.04, Continuing Education Extension Fee
	57.01.01, Rules of the Sexual Offender Management Board	57.01.01.332, Cortication Period of 2 Years
Tax Commission	35.01.09, Idaho Beer and Wine Taxes Administrative Rules	35.01.09.013.02, Subsections a., b., and c., Destruction Request Method