

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, 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 December 4, 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; and

WHEREAS, as of December 30, 2020, there have been nearly 20 million confirmed cases of COVID-19 and approximately 343,000 deaths in the United States and 139,854 confirmed or probable cases of COVID-19 and 1,340 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 all Idaho counties. One (1) Idaho county had the highest per-capita number of cases in the country at one point in time; and currently twenty-nine (29) Idaho counties have an average percent positivity of greater than 10 percent, which is double the White House recommendation; and

WHEREAS, rapid community spread has caused some local hospital to significantly reduce operations to protect its health care workers and caused patients 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 staff; and

WHEREAS, Idaho's case rate and positivity rate remain high. As a result, hospitals across the state of Idaho, including the Veterans Affairs Medical Center, are at or nearing capacity. Due to the increase in COVID-19 patients, hospitals have had to divert patients to other hospitals within the state and, in some instances, to neighboring states. Hospitals in surrounding states are also experiencing a high rate of COVID-19 cases and may not be able to receive Idaho patients; and

WHEREAS, the high rate of COVID-19 cases in Idaho has put a significant strain on health care workers, resulting in staffing shortages across the State. Shortages have resulted from staff members testing positive for the virus or coming into close contact with someone who has COVID-19. Without health care works and support staff, hospitals are not able to utilize their capacity; 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 health care 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, Idaho is committed to being prepared and protecting Idahoans from COVID-19. 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, continues to exist 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, including but not limited to, the limited health care capacity currently available within the State.
  - 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, September 4, October 5, November 4, and December 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 is 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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two thousand and twenty.

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 31<sup>st</sup> day of December in the year of our Lord

LAWERENCE DENNEY SECRETARY OF STATE

## Appendix to Proclamation Signed by Governor Little on December 31, 2020

## Regarding Temporary Suspension of Certain State Regulations

Title	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 - Professions, 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	16.02.10 Idaho Reportable Diseases	16.02.10.065.08.a., Execution of Order for Isolation
	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 Plan Benefits	16.03.09.563.01, Healthy Connections: 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 and Supplies: Procedural Requirements
16.03.09, Medicaid Basic Plan Benefits	16.03.09.586.01, Physical Recommendation
16.03.09, Medicaid Basic Plan Benefits	16.03.09.852.01.a, Skills Building/Community 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 Program (IEP) and Other Service Plans
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	
	16.03.10.512.04, Determination of	
16.03.10, Medicaid Enhanced Benefits	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.f, Group Respite Center	
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	16.03.14.150.02(b), Licensing Provisions	
Hospitals		
	16.03.18.200, Premiums for Participation	
16.03.18, Medicaid Cost Sharing	Under the State Children's Health Insurance	
	Program (SCHIP)	
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 Copayments	
16.03.19, Certified Family	16.03.19.100.06.b, Certification Requirements	
16.03.19, Certified Family	16.03.19.110.01, Issuance of Certificate	
16.03.19, Certified Family	16.03.19.110.01.a, Issuance of Certificate	
16.03.19, Certified Family	16.03.19.111.01, Renewal of Certificate	
16.03.19, Certified Family	16.03.19.116.02.a, Required Ongoing Training	
16.03.10 Cortified Family	16.03.19.140.07, Variance to Two Resident	
16.03.19, Certified Family	Limit	
16.03.19, Certified Family	03.19.174.01, Activities and Community	
16.03.19, Certified Family	Integration	
16.03.10 Cortified Family	16.03.19.174.03, Activities and Community	
16.03.19, Certified Family	Integration	
16.03.19, Certified Family	16.03.19.200.06.a-d, Resident Rights	
16.03.19, Certified Family	16.03.19.200.08, Resident Rights	
16.03.21, Developmental Disabilities	16.03.21.125, Renewal and Expiration of	
Agencies	Certificate	
16.03.21, Developmental Disabilities	16.03.21.400.03.a-b, General Staffing	
Agencies	Requirements	
16.03.21, Developmental Disabilities	16.03.21.410.01-03, General Training	
Agencies	Requirements	
16.03.21, Developmental Disabilities	16.03.21.420, Volunteer Workers	
Agencies	10.03.21.420, Volunteel Workers	

16.03.21, Developmental Disabilities Agencies	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 Facilities	16.03.22.550.07, Requirements for Access and Visitation
16.03.22, Residential Care or Assisted Living Facilities	16.03.22.550.14, Participation in Resident and Family Groups
16.03.22, Residential Care or Assisted Living Facilities	16.03.22.550.17, Access by Advocates and Representatives
16.03.22, Residential Care or Assisted Living Facilities	16.03.22.151, Waiving the Requirements for Group Activities
16.03.22, Residential Care or Assisted Living Facilities	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 Equipment and Heating Systems
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 Certificate
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	16.04.17.204.01-02, 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
10.04.17, Residential Habilitation Agencies	Communication
16.05.06, Criminal History and Background Checks	16.05.06.150.04, 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, Child and Family Services	16.06.01.405.05 (d), Contact with Child
16.06.01, Child and Family Services	16.06.01.860, Procedures Following Adoptive Placements
16.06.01, Child and Family Services	16.06.01.020(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	16.06.01.554.03, Response Priorities
16.06.01, Child and Family Services	16.06.01.447., Medication Examination upon Entering Alternative Care
16.06.02, Child Care Licensing	16.06.02.102, Disposition of Applications
16.06.02, Child Care Licensing	16.06.02.104, Mandatory Visitation
16.06.02, Child Care Licensing	16.06.02.107, Suspension for Circumstances Beyond Control of Foster Parent or Operator

	16 06 03 Child Care Licensing	16.06.02.552, Employee and Volunteer
	16.06.02, Child Care Licensing	Training
	16.06.02, Child Care Licensing	16.06.02.710.01-06, Staff Ratios
	16.06.02, Child Care Licensing	16.06.02.718, Fire Safety Requirements
	16.06.02, Child Care Licensing	16.06.02.721, Public Health District Inspection
	16.06.02, Child Care Licensing	16.06.02.729, Bathroom Facilities
	16.06.02, Child Care Licensing	16.06.02.730.01-03, Sleeping Rooms
	16.06.02, Child Care Licensing	16.06.02.731, Beds
Human Resources,	15.04.01, Rules of the Division of Human	45 04 04 067 04 Barrellan
Division of	Resources and Idaho Personnel Commission	15.04.01.067.01, Procedure
	15.04.01, Rules of the Division of Human	45 04 04 067 02 5% at a Data
	Resources and Idaho Personnel Commission	15.04.01.067.02, Effective Date
	15.04.01, Rules of the Division of Human	15 04 04 060 Violations
	Resources and Idaho Personnel Commission	15.04.01.068, Violations
	15.04.01, Rules of the Division of Human	45.04.04.433.04.11
	Resources and Idaho Personnel Commission	15.04.01.122.01, Hours Limitation
	15.04.01, Rules of the Division of Human	45.04.04.240.04.654.1
	Resources and Idaho Personnel Commission	15.04.01.240.01, Sick Leave Eligibility
	15.04.01, Rules of the Division of Human	45.04.04.040.05.0
	Resources and Idaho Personnel Commission	15.04.01.240.06, Donated Leave
	15.04.01, Rules of the Division of Human	15.04.01.250.08 (a - c), Leave During Facility
	Resources and Idaho Personnel Commission	Closure or Inaccessibility
Idaho State Police	11.13.01, The Motor Carrier Rules	11.13.01.019, Carrier Safety Requirements
Lottery Commission,	52.01.03, Rules of Governing Operations of	53 01 03 100 16(a) Claim Barriad
Idaho State	the Idaho State Lottery	52.01.03.100.16(c), Claim Period
	52.01.03, Rules of Governing Operations of	52.01.02.202.20(a) Official End of Comp
	the Idaho State Lottery	52.01.03.202.20(a), Official End of Game
	52.01.03, Rules of Governing Operations of	52.01.03.204.06(c), Payment of Prizes
	the Idaho State Lottery	52.01.03.204.06(c), Payment of Prizes
Medicine, Board of	22.01.01, Rules of the Board of Medicine for	
	the Licensure to Practice Medicine and	22.01.01.050, Qualifications for Licensure
	Osteopathic Medicine	
	22.01.01, Rules of the Board of Medicine for	22.01.01.079, Continuing Medical Education
	the Licensure to Practice Medicine and	(CME) Requires
	Osteopathic Medicine	
	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and	22.01.01.162, Duties of Supervising Physician
	Osteopathic Medicine	22.01.01.102, Duties of Supervising Fifysicial
	22.01.01, Rules of the Board of Medicine for	
	the Licensure to Practice Medicine and	22.01.01.163, Duties of Supervising Physicians
	Osteopathic Medicine	of Interns and Residents
	22.01.01, Rules of the Board of Medicine for	22.01.01.201. Docietystics of Conservicing
	the Licensure to Practice Medicine and	22.01.01.201, Registration of Supervising Physician
	Osteopathic Medicine	rnysician
	22.01.01, Rules of the Board of Medicine for	22.01.01.243, Resident and Intern Registration
	the Licensure to Practice Medicine and	
	Osteopathic Medicine	
	22.01.03, Rules for the Licensure of	22.01.03.028, Scope of Practice
	Physician Assistants	

Medicine, Board of	22.01.03, Rules for the Licensure of Physician Assistants	22.01.03.030, (03) Supervising Physician, (04) Delegation of Services Agreement, and (05) Change of Supervising Physician
(Physician 2	22.01.03, Rules for the Licensure of Physician Assistants	22.01.03.036, Graduate Physician Assistant
	22.01.03, Rules for the Licensure of Physician Assistants	22.01.03.042, Prescription Writing
	22.01.05, General Provisions of the Board of	22.01.05.100, General Qualifications for
	Medicine	Licensure
	22.01.05, General Provisions of the Board of	22.01.05.101, License or Permit Expiration and
	Medicine	Renewal
	22.01.05, General Provisions of the Board of Medicine	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
(Respiratory	22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers	22.01.11.031, General Provisions for Licensure
Polysomnographers)	22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers	22.01.11.032, Continuing Education
1	22.01.11, Rules for Licensure of Respiratory Therapists and Permitting of Polysomnographers	22.01.11.033, Supervision of Respiratory Care
	23.01.01, Rules of the Idaho Board of Nursing	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
1	Nursing	Non-Renewed Inactive License
2	23.01.01, Rules of the Idaho Board of	23.01.01.063.04, Reinstatement of Emeritus
	Nursing	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
	Nursing	Endorsement
I	23.01.01, Rules of the Idaho Board of	
	Nursing	23.01.01.901.02, Temporary License Fee
2	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
	Nursing	Endorsement
	24.12.01, Rules of the State Board of Psychologist Examiners	450.01.c.; 45003.h.; and 450.03.i.; Guidelines for Use of Service Extenders to Licensed Psychologists
	27.01.01, Board of Pharmacy	27.01.01.402.03, Refill Authorization