

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 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 October 5, 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 November 4, 2020; and

WHEREAS, as of December 3, 2020, there have been over 14 million confirmed cases of COVID-19 and approximately 274,000 deaths in the United States and 106,455 confirmed or probable cases of COVID-19 and 1,014 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 thirty-five (35) Idaho counties have had an average percent positivity of greater than 10 percent, which is double the White House recommendation, in the last month; and

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

WHEREAS, cases in Idaho have risen sharply in the past several weeks and are rising in most counties in the state. 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 surge of COVID-19 cases and may not be able

WHEREAS, the recent surge 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, 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, 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, and November 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.



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 4th day of December in the year of our Lord two thousand and twenty.

Brad Little GOVERNOR

Lawerence Denney SECRETARY OF STATE

Appendix to Proclamation Signed by Governor Little on December 4, 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	16.02.19, 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
į.ē	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
10.03.03, Wedicald Basic Flatt Benefits	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
	16.03.09.854.06.c., Copies of Required
L6.03.09, Medicaid Basic Plan Benefits	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
	16.03.09.855.12.k.iv.(2), Skills Building
16.03.09, Medicaid Basic Plan Benefits	Community Based Rehabilitation Specialist
16 02 00 Medicaid Basic Plan Bonofits	16.03.09.855.12.k.iv.(3), Skills Building
16.03.09, Medicaid Basic Plan Benefits	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
	16.03.10.319.01.c, Termination of Participant
16.03.10, Medicaid Enhanced Benefits	Enrollment
16 02 10 Medicaid Enhanced Popolits	16.03.10.319.03.b-c, Termination of
16.03.10, Medicaid Enhanced Benefits	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
	16.03.10.512.03, Determination of
16.03.10, Medicaid Enhanced Benefits	Developmental Disability
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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 Limitation
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
·	16.03.18.200, Premiums for Participation
16.03.18, Medicaid Cost Sharing	Under the State Children's Health Insurance
46 02 40 Mark 110 110 110 110 110 110 110 110 110 11	Program (SCHIP)
16.03.18, Medicaid Cost Sharing	16.03.18.200.03, Failure to Pay Premium 16.03.18.205.06, Waiver of Premium
16.03.18, Medicaid Cost Sharing	16.03.18.205.06, Walver of Premium 16.03.18.215, Premiums for Participation in
16.03.18, Medicaid Cost Sharing	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 Requirement
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

16.03.19, Certified Family	16.03.19.140.07, Variance to Two Resident 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 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	Requirements
Agencies	16.03.21.420, Volunteer Workers
16.03.21, Developmental Disabilities	
Agencies	16.03.21.500.03, Center-Based Services
16.03.21, Developmental Disabilities	
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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	16.03.22.151, Waiving the Requirements for
Facilities	Group Activities
16.03.22, Residential Care or Assisted Living Facilities	16.03.22.410, Requirement for Fire Drills
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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
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16.04.17, Residential Habilitation Agencies	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
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16.05.06, Criminal History and Background Checks	16.05.06.150.03, No Extension of Time Frame
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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
46.06.04.01.11.1.1.0.1.0.1	16.06.01.50.09., Notification of Right to
16.06.01, Child and Family Services	Participate and Annual
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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, Child and Family Services	16.06.01.405.05(b), Contact with Child 16.06.01.405.05(c), Contact with Child
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16.06.01, Child and Family Services	16.06.01.405.05(b), Contact with Child 16.06.01.405.05(c), Contact with Child 16.06.01.405.05 (d), Contact with Child 16.06.01.860, Procedures Following Adoptive Placements 16.06.01.020(c), Information, Referral and Screening 16.06.01.553., Assigning Reports for Safety Assessment 16.06.01.554.01, Response Priorities 16.06.01.447., Medication Examination upon
16.06.01, Child and Family Services	16.06.01.405.05(b), Contact with Child 16.06.01.405.05(c), Contact with Child 16.06.01.405.05 (d), Contact with Child 16.06.01.860, Procedures Following Adoptive Placements 16.06.01.020(c), Information, Referral and Screening 16.06.01.553., Assigning Reports for Safety Assessment 16.06.01.554.01, Response Priorities 16.06.01.447., Medication Examination upon Entering Alternative Care
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16.06.01, Child and Family Services	16.06.01.405.05(b), Contact with Child 16.06.01.405.05(c), Contact with Child 16.06.01.405.05 (d), Contact with Child 16.06.01.860, Procedures Following Adoptive Placements 16.06.01.020(c), Information, Referral and Screening 16.06.01.553., Assigning Reports for Safety Assessment 16.06.01.554.01, Response Priorities 16.06.01.447., Medication Examination upon Entering Alternative Care

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	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
		16.06.02.730.01-03, Sleeping Rooms
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	16.06.02, Child Care Licensing	16.06.02.731, Beds
Human Resources, Division of	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.067.01, Procedure
	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.067.02, Effective Date
	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.068, Violations
	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.122.01, Hours Limitation
	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.240.01, Sick Leave Eligibility
	15.04.01, Rules of the Division of Human	15.04.01.240.06, Donated Leave
	Resources and Idaho Personnel Commission 15.04.01, Rules of the Division of Human	15.04.01.250.08 (a - c), Leave During Facility
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Idaho Potato Commission	29.01.01, Rules of the Idaho Potato Commission	29.01.01.102.10.b, Box Type Containers
	29.01.01, Rules of the Idaho Potato Commission	29.01.01 Appendix B, in the far-right column outlining size and placement of signage
Idaho State Police	11.05.01, Rules Governing Alcohol Beverage	11.05.01.011.03, Authority to Stagger the
	Control	Renewal of Licenses to Sell Alcohol
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	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
	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
	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
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