



Tracking #: A170-2016-3
Status: DFM Analyst: Recommended 02/15/16
 Gov's Office: Recommended 02/19/16
 DFM Admin: Recommended 02/22/16

Administrative Rules Request Form

Agency Name: Education, Department of	Submitted on: 02/12/2016
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Person Authorizing Rule: Pete Koehler Phone: 208-332-6814	Email: pkoehler@sde.idaho.gov
Statutory Authority for the rule making (Idaho Code, Federal Statute or Regulation): Sections 33-105, Idaho Code	
Title, Chapter, and Possible Docket (IDAPA) Number: IDAPA 08.02.02.004.03	
This rule is: <input checked="" type="checkbox"/> Proposed <input type="checkbox"/> Temporary <input type="checkbox"/> Proposed/Temporary	Effective Date:
Agency has determined according to Idaho Code 67-5220(1): <input checked="" type="checkbox"/> This rule is to be negotiated Agency certifies that the rule : <input type="checkbox"/> has been <input checked="" type="checkbox"/> will be negotiated with interested persons as outlined in Idaho Code 67-5220(3). <input type="checkbox"/> Negotiation of this rule is not feasible <input type="checkbox"/> Rule is temporary; or <input type="checkbox"/> Lack of identifiable representatives of affected interests; or <input type="checkbox"/> Rule is simple in nature; or <input type="checkbox"/> Affected interests are not likely to reach consensus; or <input type="checkbox"/> Other.	
Please explain:	
Provide a fiscal impact statement for all programs affected. Be sure to reflect both positive and negative impacts and to include all fund sources including both the General Fund and dedicated funds: None.	
Provide a short explanation of the need for this rule: This rule would update the Operating Procedures for Idaho Public Driver Education Programs to remove the specific requirement to have a Federal Motor Carrier Department of Transportation (DOT) physical. It would instead allow medical physicals performed by a certified medical professional.	
Provide a short summary of the changes this rule makes: Section 3.5 of the Idaho Public Driver Education Program states public driver education and training instructors shall have a medical examination that meets the Federal Motor Carriers Safety Regulations (49 CFR 391.41-391.49). In March of 2014, the Federal Motor Carriers Safety Regulations began requiring only specifically trained medical providers to perform these physicals thereby raising the cost to the individual significantly. DOT physicals are not covered as part of the medical benefit provided by insurance. Allowing medical examinations through an annual physical provided by a certified medical professional would satisfy the need for the protection of the public's safety and would be covered by medical insurance.	
Provide a list of those persons or interested group(s) affected by the rule:	
DFM Analyst: David Hahn Recommendation: <input checked="" type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/> Pending Date: 02/15/2016	
Comments: This rule change will be a cost savings to those needing a DOT physical.	
Fiscal Impact Comments: There is no fiscal impact to state or local funds. This will be a cost savings to driver's education instructors.	

Special Assistant: Marilyn Whitney

Recommendation: Recommended Not Recommended

Date: 02/19/2016

Comments:

This rule leaves the requirement in place for drivers' education instructors have a physical but would remove the requirement that the physicals be done by DOT physicians. This change will result in a cost savings for educators as the physicals may now be covered by insurance.

DFM Administrator Action:

02/22/2016

- Authorized to Advance to Rulemaking Process, DFM to review draft rule prior to publication
- Approved Not Approved