

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, as of June 10, 2020, there are more than 2 million confirmed cases of COVID-19 and approximately 115,000 deaths in the United States and 3,260 confirmed or probable cases of COVID-19 and 85 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 thirty-five (35) counties and community spread of COVID-19 has been confirmed in twenty-four (24) counties in all parts of the state. 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, 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, 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 Extreme Emergency Declaration dated March 25, 2020, is rescinded.
- 3. That the Proclamations dated March 13, 18, 23, 25, 27, April 1, 2, 22, 23, and May 12, 2020, are superseded by this Proclamation.
- 4. That implementation of the plans and procedures of the State of Idaho Emergency Operations Plan are to continue.
- 5. 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.
- 6. That, related to the Idaho Open Meetings Act, Chapter 2, Title 74, Idaho Code:

- a. The requirements of the following portion of section 74-203(5), Idaho Code, are suspended until 11:59 p.m. on June 26, 2020:
 - provided, however, that at least one (1) member of the governing body, or the director of the public agency, or the chief administrative officer of the public agency shall be physically present at the location designated in the meeting notice, as required under Section 74-204, Idaho Code, to ensure that the public may attend such meeting in person.
- b. The suspension of this regulation is necessary for public agencies and their governing bodies to continue to conduct the public's business and ensure the continuity of services to the people of Idaho in a manner that ensures the health and safety government personnel and members of the public, while also ensuring the public's business is not conducted in secret.
- c. The suspension of Section 74-203(5), Idaho Code, applies to the requirements:
 - 1. of having at least one member of the governing body or director physically present at the designated location; and
 - 2. of allowing the public to attend a meeting in person.
- d. All other requirements of the Open Meeting Act remain intact and are not impacted by this action. Public agencies must continue to comply with all other requirements of the Open Meeting Act, including but not limited to requirements for providing notice, publishing the agenda, and allowing public attendance using telecommunication devices.
- e. The Open Meetings Act permits a public agency to adopt reasonable policies to ensure the orderly conduct of a public meeting. As long as a public meeting is available via a telecommunication device, it is reasonable to put in place social distancing rules that are designed to keep members of the governing body, staff, and the public safe during this pandemic and ensure the orderly conduct of the meeting.
- f. Governing bodies are encouraged to begin providing an in-person venue for public meetings sooner than June 26, 2020 where safe and feasible.
- 7. 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.
- 8. That, related to state income tax deadlines:
 - a. The state income tax filing deadline for all Idaho taxpayers set in Section 63-3032, Idaho Code, is hereby suspended until June 15, 2020.
 - b. The state income tax payment deadline for all Idaho Taxpayers set in Section 63-3034, Idaho Code, is suspended without penalties and interest, regardless of the amount owed, until June 15, 2020.
 - c. The deadline to apply for the Property Tax Reduction, Property Tax Deferral, and 100% Service-connected Disabled Veteran Benefit programs set out in Section 63-706, Idaho Code, is suspended until June 15, 2020.

- d. The suspension of these deadlines is necessary to cope with the declared emergency and ensure the people of Idaho can safely and timely complete and pay their taxes.
- e. The Idaho State Tax Commission shall take all steps necessary to carry out this Proclamation and provide information to Idaho taxpayers about the deadlines suspended by this Proclamation and related procedures.
- 9. That, related to the Idaho Rebound Cash Grants established by Executive Order 2020-08 and Executive Order 2020-08-A:
 - a. The Governor directs the Director of the Department of Commerce to oversee the continuation of the Idaho Rebound Cash Grants pursuant to Section 67-4703, Idaho Code.
 - b. The Idaho State Tax Commission shall administer and distribute the funds in account 0345 for the Idaho Rebound grant program pursuant to Sections 46-1008(5)(c), 67-4703 and 67-3516(2), Idaho Code. In the instance in which more applications are received than resources are available, the Tax Commission shall use a lottery system to select award recipients.
 - c. Executive Order 2020-08 and Executive Order 2020-08-A remain in effect, and are incorporated herein, to the extent consistent with this Proclamation.
- 10. That the state of public health emergency herein described shall continue for a period of thirty days unless terminated, modified or extended.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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 11th day of June 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 June 11, 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,		
and Businesses	17 - Pharmacists	Portions of 54-1704(5)
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,	29 - Speech and Hearing Services	
and Businesses	Practice Act	54-2916A(3) and 54-2916A(5)
54 - Professions, Vocations,		
and Businesses	43 - Respiratory Care Practice Act	54-4306
54 - Professions, Vocations,		
and Businesses	57 - Idaho Telehealth Access Act	Portions of 54-5703(3), 54-5712, and 54-5707
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
î	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 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 16.03.09.854.04, One Hundred Twenty Day
16.03.09, Medicaid Basic Plan Benefits	Review
16 02 00 Modicaid Basis Plan Bonefits	16.03.09.854.06.c., Copies of Required
16.03.09, Medicaid Basic Plan Benefits	Referrals and Recommendations
16.03.09, Medicaid Basic Plan Benefits	16.03.09.855.01.a., Intervention and
	Paraprofessional 16.03.09.855.12.k.ii., 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.iii., Skills Building
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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 03 00 Madierid Besis Blee Bosefits	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
16.03.10, Medicaid Enhanced Benefits	16.03.10.319.03.b-c, Termination of
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16.03.10, Medicaid Enhanced Benefits	Developmental Disability
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·	Developmental Disability
16.03.10, Medicaid Enhanced Benefits 16.03.10, Medicaid Enhanced Benefits	16.03.10.513.12.a, Plan of Service 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.; Group Respite Center
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
	16.03.10.651.01.e, Coverage Requirements
16.03.10, Medicaid Enhanced Benefits	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
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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 16.03.18.320, Medicaid Outpatient Services
16.03.18, Medicaid Cost Sharing	Subject to Copayments
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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
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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
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16.03.21, Developmental Disabilities	16.03.21.400.03.a-b, General Staffing
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16.03.21, Developmental Disabilities Agencies	16.03.21.511.04.a, Medication Standards
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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	16.03.22.550.17, Access by Advocates and
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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	16.03.22.415, Regular Inspections of Fire
Facilities	Equipment and Heating Systems
16.03.23, Uniform Assessments for State- Funded Clients	011.05, Reassessments
46.04.47. Residential Helification Association	16.04.17.103, Renewal and Expiration of
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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 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)
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16.06.01, Child and Family Services	16.06.01.860, Procedures Following Adoptive Placements
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16.06.01, Child and Family Services	Screening 16.06.01.553., Assigning Reports for Safety
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16.06.01, Child and Family Services 16.06.01, Child and Family Services	16.06.01.554.01, Response Priorities 16.06.01.447., Medication Examination upon
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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
16.06.02, Child Care Licensing	16.06.02.552, Employee and Volunteer Training

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	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
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	15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission	15.04.01.067.02, Effective Date
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	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
daho State Police	11.05.01, Rules Governing Alcohol Beverage	11.05.01.011.03, Authority to Stagger the
	Control 11.05.01, Rules Governing Alcohol Beverage Control	Renewal of Licenses to Sell Alcohol 11.05.01.012.05, Product Replacement and Credit
	11.13.01, The Motor Carrier Rules	11.13.01.019, Carrier Safety Requirements
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	22.01.01, Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine	22.01.01.162, 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
	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
	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
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	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
	22.01.03, Rules for the Licensure of Physician Assistants	22.01.03.036, Graduate Physician Assistant
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	22.01.05, General Provisions of the Board of Medicine	22.01.05.101, License or Permit Expiration an Renewal

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	22.01.05, General Provisions of the Board of	22.01.05.102, Licensure by Endorsement
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	22.01.05, General Provisions of the Board of Medicine	22.01.05.103, Provisional Licensure
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(Respiratory	Therapists and Permitting of	22.01.11.031, General Provisions for Licensure
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