

Dear Senators HEIDER, Nuxoll, Schmidt, and
Representatives WOOD, Packer, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of
the Bureau of Occupational Licenses:

IDAPA 24.03.01 - Rules of the State Board of Chiropractic Physicians - Proposed Rule (Docket
No. 24-0301-1501);

IDAPA 24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy
Assistants - Proposed Rule (Docket No. 24-0601-1501);

IDAPA 24.12.01 - Rules of the Idaho State Board of Psychologist Examiners (Fee Rule) - Proposed
Rule (Docket No. 24-1201-1501);

IDAPA 24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors and Marriage and
Family Therapists - Proposed Rule (Docket No. 24-1501-1501);

IDAPA 24.17.01 - Rules of the State Board of Acupuncture - Proposed Rule (Docket No.
24-1701-1501);

IDAPA 24.24.01 - Rules of the Genetic Counselors Licensing Board (New Chapter - Fee Rule) -
Proposed Rule (Docket No. 24-2401-1501).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/05/2015. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/07/2015.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Legislative Research Analyst - Elizabeth Bowen

DATE: October 19, 2015

SUBJECT: Bureau of Occupational Licenses

IDAPA 24.03.01 - Rules of the State Board of Chiropractic Physicians - Proposed Rule (Docket No. 24-0301-1501)

IDAPA 24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants - Proposed Rule (Docket No. 24-0601-1501)

IDAPA 24.12.01 - Rules of the Idaho State Board of Psychologist Examiners (Fee Rule) - Proposed Rule (Docket No. 24-1201-1501)

IDAPA 24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists - Proposed Rule (Docket No. 24-1501-1501)

IDAPA 24.17.01 - Rules of the State Board of Acupuncture - Proposed Rule (Docket No. 24-1701-1501)

IDAPA 24.24.01 - Rules of the Genetic Counselors Licensing Board (New Chapter - Fee Rule) - Proposed Rule (Docket No. 24-2401-1501)

The Bureau of Occupational Licenses, on behalf of several professional boards, submits notice of proposed rulemaking at IDAPA 24.03.01, 24.06.01, 24.12.01, 24.15.01, 24.17.01 and 24.24.01.

24.03.01

This proposed rule provides clarification of the scope of practice for chiropractic physicians in relation to clinical nutrition. Negotiated rulemaking was not conducted due to the nature of the rule change. There is no anticipated impact on the state general fund. The Bureau states that this rulemaking is authorized pursuant to Section 54-707, Idaho Code.

24.06.01

This proposed rule for occupational therapists and occupational therapy assistants deletes references to professional development units to be consistent with House Bill 24, passed in the 2015 session. The rule also clarifies requirements for continuing education and decreases the number of supervised clinical hours required for deep thermal and electrotherapeutic modalities and wound care. Negotiated rulemaking was not conducted due to the nature of the rule change; however, the rule changes were discussed in noticed, open meetings. The Bureau states that this rulemaking is authorized pursuant to Section 56-3717, Idaho Code.

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

24.12.01

This rule for the Board of Psychologists Examiners incorporates by reference a code of conduct adopted by its national association. It also reduces various fees and updates the license reinstatement fee to conform to Section 67-2614, Idaho Code. Finally, the rule clarifies provisions relating to continuing education. Negotiated rulemaking was not conducted, but the changes were discussed in noticed, open meetings of the Board. The rule will reduce the Board's dedicated funds, but there is no anticipated impact on the state general fund. The Bureau states that this rulemaking is authorized pursuant to Section 54-2305, Idaho Code.

24.15.01

This proposed rule for the Board of Professional Counselors and Marriage and Family Therapists adopts the updated code of ethics from the American Association for Marriage and Family Therapy. The rule also amends registration requirements for counselor supervisors, clarifies requirements for clinical professional counselors, and creates a registration renewal process. Negotiated rulemaking was not conducted, but the changes were discussed during noticed, open meetings of the Board. There is no anticipated impact on the state general fund. The Bureau states that this rulemaking is authorized pursuant to Section 54-3404, Idaho Code.

24.17.01

This proposed rule for the Board of Acupuncture clarifies continuing education requirements. Negotiated rulemaking was not conducted, but the changes were discussed during noticed, open meetings of the Board. There is no anticipated impact on the state general fund. The Bureau states that this rulemaking is authorized pursuant to Section 54-4705, Idaho Code.

24.24.01

This rule implements the provisions of Chapter 56, Title 54, Idaho Code, relating to licensure of genetic counselors. Senate Bill 1080, enacted during the 2015 session, created the Genetic Counselors Licensing Board. This rule sets out the operations of the board, creates an application process, imposes fees and requirements for licensure, and provides for professional discipline, among other provisions. Negotiated rulemaking was not conducted; however, this rule was discussed during noticed, open meetings of the Board. The Bureau states that this rulemaking is authorized pursuant to Section 54-5607, Idaho Code.

cc: Bureau of Occupational Licenses
Tana Cory

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.03.01 - RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS
DOCKET NO. 24-0301-1501
NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-707, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Rule 20 is being amended to remove the words “in all their forms” and to make sure everyone understands that clinical nutritional methods cannot exceed the scope of practice set forth in 54-704(2), Idaho Code.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the revisions to this rule are simple in nature. This proposal was discussed during noticed, open meetings of the Board with interested parties in attendance.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 577-2584.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 4th Day of September, 2015.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P.O. Box 83720
Boise, ID 83720-0063
208 334-3233 ph
(208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0301-1501
(Only Those Sections With Amendments Are Shown.)

020. SCOPE OF PRACTICE (RULE 20).

Clinical nutritional methods as referenced in Section 54-704, Idaho Code, include, but are not limited to, the clinical use, administration, recommendation, compounding, prescribing, selling, and distributing vitamins, minerals, botanical medicine, herbals, homeopathic, phytonutrients, antioxidants, enzymes and glandular extracts, and durable and non-durable medical goods and devices ~~in all their forms.~~ Nothing herein shall allow any deviation from Section 54-704(2), Idaho Code. ~~(4-2-08)()~~

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.06.01 - RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-3717, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Due to the passage of House Bill 24 in the 2015 session, which deleted Professional Development Units (PDU's), the rules need to be amended to delete references to PDU's. The rule changes clarify the time when continuing education is required for renewal of licenses. The rule changes also decrease the number of supervised clinical hours required for deep thermal and electrotherapeutic modalities and wound care from 160 to 40 hours.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the passage of House Bill 24. Revisions to this rule bring the rule into compliance with the statute regarding continuing education. There is also a reduction in the required number of supervised clinical training hours for deep thermal and electrotherapeutic modalities and wound care. These rules were discussed in a noticed, open meeting of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 577-2584.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 4th Day of September, 2015.

Tana Cory
Bureau Chief
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P.O. Box 83720
Boise, ID 83720-0063
208 334-3233 ph
(208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0601-1501
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

The "PDU Activities Chart" on pages 14-17 of the document titled National Board for Certification in Occupational Therapy (NBCOT), Inc. Certification Renewal Handbook, 2012, as published by the NBCOT, Inc. and copyrighted to NBCOT, Inc. in 2012, which is referenced in Subsection 025.01.b. of these rules. All documents incorporated by reference are available at the Board's office and through the Board's website There are no documents incorporated by reference into this rule. ~~(4-4-13)()~~

(BREAK IN CONTINUITY OF SECTIONS)

012. DEEP THERMAL AND ELECTROTHERAPEUTIC MODALITIES, AND WOUND CARE.

01. Qualifications. Except as provided in Subsection 012.02 of these rules, a person may not utilize occupational therapy techniques involving deep thermal, electrotherapeutic modalities or perform wound care management unless the person is licensed by the Board as an occupational therapist and certified by the Hand Therapy Commission. In lieu of being certified by the Hand Therapy Commission, the person must have obtained education and training as described in Paragraphs 012.01.a. through 012.01.c. of this rule. (4-7-11)

a. If the person utilizes techniques involving deep thermal, electrotherapeutic modalities, the person must have successfully completed three (3) continuing education units in the application of deep thermal and electrotherapeutic modalities, along with ~~one hundred sixty (160)~~ forty (40) hours of supervised, on-the-job or clinical internship or affiliation training pertaining to such modalities. ~~(4-7-11)()~~

b. If the person manages wound care, the person must have successfully completed one and one-half (1.5) continuing education units in wound care management, along with ~~one hundred sixty (160)~~ forty (40) hours of supervised, on-the-job or clinical internship or affiliation training pertaining to wound care management. ~~(4-7-11)()~~

c. If the person utilizes both deep thermal, electrotherapeutic modalities and manages wound care, the person's forty (40) hours of supervised, on-the-job or clinical internship or affiliation training for each may have overlapped, so that the one hundred sixty (160) hours for each were be obtained concurrently through the same forty (40) hours of supervised, on-the-job or clinical internship or affiliation, provided that such internship or training includes both the use of deep thermal, electrotherapeutic modalities and the management of wound care. ~~(4-7-11)()~~

02. Obtaining Education and Supervised Training. A student occupational therapist, graduate occupational therapist, and an occupational therapist may utilize deep thermal, electrotherapeutic modalities or manage wound care while working towards obtaining the education and supervised training described in Section 012 of these rules. The supervisor must provide at least direct supervision to the student occupational therapist, and at least routine supervision to the graduate occupational therapist or occupational therapist. An occupational therapy assistant may apply deep thermal and electrotherapeutic modalities under routine supervision if the occupational therapy assistant has obtained an advanced level of skill as described in Subsection 011.01 of these rules and the education and training described in Subsection 012.01 of these rules. Otherwise, the occupational therapy assistant must work under direct supervision while applying such modalities. (4-7-11)

03. Supervised Training by Qualified Individual. The supervised training described in Section 012 of these rules must be provided by an occupational therapist who is qualified as specified in this Subsection 012.01, or by another type of licensed health care practitioner whose education, training, and scope of practice enable the practitioner to competently supervise the person as to the modalities utilized and wound care management provided.

(4-7-11)

(BREAK IN CONTINUITY OF SECTIONS)

022. LICENSE EXPIRATION AND RENEWAL.

01. Expiration Date. An individual's license expires on the individual's birth day date. The individual must annually renew the license before the individual's birth day date in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. ~~(3-29-10)~~()

02. Reinstatement. A license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. Reinstatement of a license from inactive to active status is governed by Section 030. (4-7-11)

03. Application for Renewal. In order to renew a license, a licensee must submit a timely, completed, Board-approved renewal application form and pay the required renewal fees. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

025. CONTINUING EDUCATION.

In order to protect public health and safety and promote the public welfare, the Board has adopted the following continuing education requirement ~~consisting of both continuing education units (CEUs) and professional development units (PDUs) of all licensees:~~ ~~(3-29-10)~~()

01. Requirement. ~~Every two (2) years, a licensee must complete at least two (2) CEUs approved by the Board, along with at least ten (10) Board-approved professional development units (PDUs). The licensee's initial two (2) year period shall begin on the date on which this Board issues the licensee a license and end on the date on which the licensee submits the licensee's second renewal application. Thereafter, the two (2) year period shall begin to run from the date of each renewal application in which the licensee was required to verify the completion of continuing education~~ Until January 1, 2018, each licensee shall successfully complete, in the two (2) years preceding renewal of the license, a minimum of two (2) Board-approved continuing education units (CEUs). ~~(4-4-13)~~()

a. Effective January 1, 2018 each licensee shall successfully complete, in the two (2) years prior to the license expiration date, a minimum of two (2) Board-approved CEUs. ()

b. A CEU is a measurement of the licensee's participation in a Board-approved continuing education activity. One (1) CEU requires ten (10) contact hours of participation in a Board-approved continuing education program, excluding meals and breaks. One (1) contact hour equals one (1) clock hour for purpose of obtaining CEUs. (3-29-10)

~~**b.** A PDU is a measurement of the licensee's participation in a professional development activity. One (1) contact hour of participation in Board-approved professional development activity equals one (1) PDU, one (1) academic credit equals ten (10) PDUs, and one (1) CEU equals ten (10) PDUs. If a licensee counts a CEU towards fulfilling the PDU requirement in a given two-year period, the CEU unit will not count towards fulfilling the CEU requirement. Accepted PDU activities and their associated PDU values are set forth in the PDU Activities Chart at pages 14-17 of the NBCOT Certification Renewal Handbook, as incorporated by reference in Section 004 of these rules.~~ (3-29-10)

c. The Board shall waive the continuing education requirement for the first two (2) license renewals after initial licensure. ()

02. Verification. The licensee must verify to the Board, as part of the annual license renewal process, that the licensee is in compliance with the continuing education requirement. (3-29-10)

03. Courses and Activities. At least one (1) CEU ~~and five (5) PDUs~~ must directly relate to the delivery of occupational therapy services. The remaining ~~PDUs and~~ CEUs must be germane to the practice of occupational therapy and relate to other areas of a licensee's practice. A licensee may take online or home study courses, as long as a course completion certificate is provided. (3-29-10)()

a. CEUs ~~and PDUs~~ acceptable to the Board include, but are not limited to, programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Idaho Occupational Therapy Association (IOTA); post-professional coursework completed through any approved or accredited educational institution that is not part of a course of study leading to an academic degree; or otherwise meet all of the following criteria: (3-29-10)()

- i. The program or activity contributes directly to professional knowledge, skill, and ability; (3-29-10)
- ii. The program or activity relates directly to the practice of occupational therapy; and (3-29-10)
- iii. The program or activity must be objectively measurable in terms of the hours involved. (3-29-10)

b. Partial credit will not be given for CEUs ~~and PDUs~~. (3-29-10)()

c. The delivery of occupational therapy services may include: models, theories or frameworks that relate to client/patient care in preventing or minimizing impairment, enabling function within the person/environment or community context. (3-29-10)

d. Other activities may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to one's practice (3-29-10)

04. Carry Over and Duplication. CEUs ~~and PDUs~~ cannot be carried over to the next reporting period. The same course taken more than once during a reporting cycle will only be counted once. (3-29-10)()

05. Documentation. A licensee need not submit documentation of CEUs ~~and PDUs~~ when the licensee renews a license. However, a licensee must maintain documentation verifying that the licensee has completed the continuing education requirement for a period of four (4) years. A licensee must submit the verification documentation to the Board if the licensee is audited by the Board. A percentage of occupational therapists and certified occupational therapy assistants will be audited every year. Documentation for all activities must include licensee's name, date of activity or when course was completed, provider name, course title, description of course/activity, and number of CEUs. (3-29-10)()

~~**a.** Documentation for all activities must include licensee's name, date of activity or when course was completed, provider name, course title, description of course/activity, and number of PDUs and CEUs. (3-29-10)~~

~~**b.** Records showing participation in each professional development activity must be maintained by the licensee. Acceptable documentation for specific activities includes: (3-29-10)~~

~~**i.a.** Continuing education course work. The required documentation for this activity is a certificate or documentation of attendance. (3-29-10)~~

~~**i.b.** In-service training. The required documentation for this activity is a certificate or documentation of attendance. (3-29-10)~~

~~**i.c.** Professional conference or workshop. The required documentation for this activity is a certificate or documentation of attendance. (3-29-10)~~

~~**i.d.** Course work offered by an accredited college or university, provided that the course work is taken after the licensee has obtained a degree in occupational therapy, and the course work provides skills and knowledge beyond entry-level skills or knowledge. The required documentation for this activity is a transcript. (3-29-10)~~

- ¶e.** Publications. The required documentation for this activity is a copy of the publication. (3-29-10)
- ¶f.** Presentations. The required documentation for this activity is a copy of the presentation or program listing. Any particular presentation may be reported only once per reporting period. (3-29-10)
- ¶g.** Interactive online courses. The required documentation for this activity is a certificate or documentation of completion. (3-29-10)
- ¶h.** Development of instructional materials incorporating alternative media such as video, audio and/or software programs to advance professional skills of others. The required documentation for this activity is a program description. The media/software materials must be available if requested during audit process. (3-29-10)
- ¶i.** Professional manuscript review. The required documentation for this activity is a letter from publishing organization verifying review of manuscript. A maximum of ten (10) hours is allowed per reporting period for this category. (3-29-10)
- ¶j.** Guest lecturer for occupational therapy related academic course work (academia not primary role). The required documentation for this activity is a letter or other documentation from instructor. (3-29-10)
- ¶k.** Serving on a professional board, committee, disciplinary panel, or association. The required documentation for this activity is a letter or other documentation from the organization. A maximum of ten (10) hours is allowed per reporting period for this category. (3-29-10)
- ¶l.** Self study of cassette, tape, video tape, or other multimedia device, or book. The required documentation for this activity is a two (2) page synopsis of each item written by the licensee. A maximum of ten (10) hours is allowed per reporting period for this category. (3-29-10)
- ¶m.** Level II fieldwork direct supervision of an occupational therapy student or occupational therapy assistant student by site designated supervisor(s). The required documentation for this activity is a name of student(s), letter of verification from school, and dates of fieldwork. A maximum of ten (10) hours per supervisor is allowed per reporting period for this category. (3-29-10)

06. Exemptions. A licensee may request an exemption from the continuing education requirement for a particular two-year (2) period under the following circumstances. The licensee must provide any information requested by the Board to assist in substantiating the licensee's need for a claimed exemption: (3-29-10)

- a.** During the continuing education period the licensee was residing in another country for one (1) year or longer, reasonably preventing completion of the continuing competency requirements; (3-29-10)
- b.** The licensee was absent from Idaho because of military service for a period of one (1) year or longer during the continuing education period, preventing completion of the continuing competency requirements; or (3-29-10)
- c.** The licensee should be exempt from the continuing ~~competency~~ education requirements for reasons of health or other good cause. ~~(3-29-10)~~()

030. INACTIVE STATUS.

01. Request for Inactive Status. Occupational Therapists and Occupational Therapy Assistants requesting an inactive status during the renewal of their active license must submit a written request and pay the established fee. (4-7-11)

02. Inactive License Status. (4-7-11)

- a.** Licensees may not practice in Idaho while on inactive status. (4-7-11)
- b.** All continuing education requirements will be waived for any year or portion thereof that a licensee

maintains an inactive license and is not actively practicing or supervising in Idaho, subject to Subsection 030.03 of these rules. (4-7-11)

- c. Inactive license renewal notices and licenses will be marked “Inactive.” (4-7-11)

03. Reinstatement to Full Licensure from Inactive Status. An inactive licensee may reinstate to active status by submitting a completed, Board-approved application and paying the appropriate fee. The licensee’s application must demonstrate, to the Board’s satisfaction, that during the two (2) years immediately preceding the application, the licensee completed at least two (2) CEUs ~~recommended by the Idaho Occupational Therapy Association and approved by~~ **acceptable to** the Board, ~~along with at least ten (10) Board-approved professional development units (PDUs), as specified in Section 025 of these rules.~~ (4-7-11)()

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS

DOCKET NO. 24-1201-1501 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2305, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho State Board of Psychologist Examiners is updating the incorporation by reference and is adopting the amendments to the Ethical Principle of Psychologists and Code of Conduct adopted by its national association. The Board is also decreasing fees. The reinstatement fee is being changed to establish that reinstatement is in accordance with Section 67-2614, Idaho Code, in response to the passage of House Bill 117 in 2015. The endorsement qualification is being changed to allow five years of experience to be within the last seven years which provides more flexibility in meeting this qualification. Finally, the continuing education required for reinstatement of an expired license is being clarified.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Rule 150 is being amended to decrease the annual renewal fee from \$300 to \$250; the annual renewal fee for inactive license from \$150 to \$125; original application for licensure by exam from \$200 to \$150; original application for licensure by endorsement from \$300 to \$250; and to change the reinstatement fee from \$25 to be in accordance with Section 67-2614, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board by approximately \$19,825.00.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed revision to the rules are simple in nature and the proposed fees confer a benefit to the licensees and applicants. This proposal was discussed during noticed, open meetings of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Idaho State Board of Psychologist Examiners is adopting the amendments to the Ethical Principle of Psychologists and Code of Conduct adopted by its national association.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 577-2584.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 4th Day of September, 2015.

Tana Cory
Bureau Chief
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THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1201-1501
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled "Ethical Principles of Psychologists and Code of Conduct," published by the American Psychological Association and dated June 1, 2003 with the 2010 amendments effective June 1, 2010, as referenced in Section 350, is herein incorporated by reference and is available from the Board's office and on the Board web site.

~~(3-20-04)~~()

(BREAK IN CONTINUITY OF SECTIONS)

150. FEES (RULE 150).

01. Annual Renewal Fee. Annual renewal fee -- ~~three~~ two hundred fifty dollars (~~\$300~~ 250).

~~(3-19-07)~~()

02. Annual Renewal Fee for Inactive License. Annual renewal fee - one hundred ~~fifty~~ twenty-five dollars (~~\$150~~ 125).

~~(3-29-10)~~()

03. Original Application Fee For Licensure by Exam. Application fee - ~~two~~ one hundred fifty dollars (~~\$200~~ 150).

~~(3-29-10)~~()

04. Original Application Fee For Licensure by Endorsement/Senior Psychologist. Original application fee for licensure by endorsement/senior psychologist fee - ~~three~~ two hundred fifty dollars (~~\$300~~ 250).

~~(3-29-10)~~()

05. Service Extender Application Fee. Application fee - one hundred dollars (\$100). (3-19-07)

06. Service Extender Annual Renewal Fee. Annual renewal fee - one hundred dollars (\$100).

(3-19-07)

07. Examination and Reexamination Fee. Examination and reexamination fees are those charged by the national examining entity plus a processing fee of twenty-five dollars (\$25). (5-3-03)

08. Examination and Reexamination in Addition to Application Fee. The examination or reexamination fee are in addition to the application fee and must accompany the application. (3-19-07)

09. Reinstatement Fee. ~~Any license cancelled for failure to renew may be reinstated upon payment of twenty-five dollars (\$25), together with the renewal fee for each year thereafter up to the time of r~~ Reinstatement fee is as provided in Section 67-2614, Idaho Code. ~~(3-29-10)~~()

10. **Fees are Non-Refundable.** All fees are non-refundable. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

250. ENDORSEMENT (RULE 250).

01. Eligibility for Endorsement. An applicant who is in possession of a valid statutory license or statutory certificate from another state or Canada may apply for licensing under the endorsement section of this law. (3-15-02)

02. Requirements for Endorsement. An applicant under the endorsement section shall have: (3-15-02)

- a. A valid psychology license or certificate issued by the regulatory entity of another jurisdiction; and (3-15-02)
- b. A current certificate of professional qualification in Psychology as defined in these rules; or (3-15-02)
- c. A registration with the National Register of Health Service Providers in Psychology; or (3-29-10)
- d. A certification by American Board of Professional Psychology; or (3-29-10)
- e. Graduated from an accredited college or university with a doctoral degree in psychology and two (2) years of supervised experience acceptable to the Board, one (1) year of which may include a pre-doctoral practicum or internship and one (1) year of which must be post-doctoral; or (3-29-10)
- f. Graduated from an accredited college or university with a doctoral degree in a field related to psychology, provided experience and training are acceptable to the Board; and (3-29-10)
- g. A record of practicing Psychology at the independent level for the five (5) years of the last seven (7) years immediately prior to application; and ~~(3-29-10)~~ ()
- h. A history of no disciplinary action in any jurisdiction. (3-15-02)

(BREAK IN CONTINUITY OF SECTIONS)

401. CONTINUING EDUCATION REQUIREMENTS FOR RELICENSURE IN PSYCHOLOGY (RULE 401).

01. Number of Hours Required. All licensed psychologists, in order to renew their license, must have accumulated twenty (20) hours per year of continuing education credits. At the time of renewal of the psychologists' licenses, they will certify that they are aware of the requirements for continuing education and that they have met those requirements for the preceding year. At the time of reinstatement of a psychologist's license, they shall provide proof that they have met the requirements for continuing education for the preceding year. A minimum of four (4) hours credit in ethics, standards of care, and/or review of laws pertaining to the practice of psychology is required every three (3) years. Areas covered may include practice, consultation, research, teaching, and/or supervision. These units may be used as part of the continuing education credit required. ~~(5-8-09)~~ ()

02. Professional Level of Continuing Education -- Time Period Records Kept - Audit. This continuing education experience must be at an appropriate level for professional training in psychology. The licensees have responsibility for demonstrating the relevance and adequacy of the educational experience they select. The licensees are also responsible for keeping an accurate record of their own personal continuing education hours

for a period of five (5) years. A random audit may be conducted to insure compliance. (7-1-93)

03. Newly Licensed Individuals. Newly licensed individuals will be considered to have satisfied the continuing education requirements for the remainder of the year in which their license is granted. (7-1-93)

04. Certificates of Satisfactory Attendance and Completion. Certificates of satisfactory attendance and completion, cancelled checks, participant lists, transcripts from universities, letters of certification on instructor's letterhead, and other reasonably convincing proof of the submitted activities may serve as documentation when persons audited are required to submit proof of continuing education. (7-1-93)

05. Licensees Who Do Not Fulfill the Continuing Education Requirements. Licensees who do not fulfill the continuing education requirements may be subject to disciplinary action. (7-1-93)

06. Carryover of Continuing Education Hours. Continuing education courses not claimed for CE credit in the current renewal year, may be credited for the next renewal year. A maximum of twenty (20) hours may be carried forward from the immediately preceding year. (5-3-03)

07. Special Exemption. The Board has the authority to make exceptions for reasons of individual hardship including health, when certified by a medical doctor, or other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. Request for special exemption must be made prior to licensure renewal. (3-29-10)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: BUREAU OF OCCUPATIONAL LICENSES

Agency Contact: Tana Cory Phone: 208 334-3233

Date: September 10, 2015

IDAPA, Chapter and Title Number and Chapter Name:

24.12.01 – Rules of the Idaho State Board of Psychologist Examiners

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: 24-1201-1501

STATEMENT OF ECONOMIC IMPACT:

This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board by approximately \$19,825.00.

Rule 150 is being amended to decrease the annual renewal fee from \$300 to \$250; the annual renewal fee for inactive license from \$150 to \$125; original application for licensure by exam from \$200 to \$150; original application for licensure by endorsement from \$300 to \$250; and to change the reinstatement fee from \$25 to be in accordance with Section 67-2614, Idaho Code.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.15.01 - RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

DOCKET NO. 24-1501-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-3404, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The American Association for Marriage and Family Therapy (AAMFT) Code of Ethics was updated January 1, 2015 and the Board has adopted the updated code. The counselor supervisor registration requirements are being amended to limit approvals to five years and to create a renewal process. The clinical professional counselor requirements are being clarified, the marriage and family therapists supervisor requirements are being amended to align with the requirements for a counselor supervisor and to create a renewal process.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The AAMFT Code of Ethics was updated January 1, 2015 and the Board has adopted the updated code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 577-2584.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 4th Day of September, 2015.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P.O. Box 83720
Boise, ID 83720-0063
208 334-3233 ph
(208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1501-1501
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE (RULE 4).

01. ACA Code of Ethics. “ACA Code of Ethics,” as published by the American Counseling Association (ACA), effective 2014, is herein incorporated by reference and is available from the Board’s office and on the Board web site. (4-11-15)

02. AAMFT Code of Ethics. The document titled “AAMFT Code of Ethics,” as published by the American Association for Marriage and Family Therapy (AAMFT), effective ~~July~~ January 1, 201~~2~~5 and referenced in Subsections 239, 350, ~~and 450-01~~, and 525 is herein incorporated by reference and is available from the Board’s office and on the Board web site. (~~4-4-13~~)()

03. Guidelines. The document titled “Approved Supervision Designation Handbook” that provides supervision guidelines for supervisors, as published by the American Association for Marriage and Family Therapy (AAMFT), dated October 2007 referenced in Subsection 239.03.a. of these rules, is herein incorporated by reference and is available from the Board’s office and on the Board web site at <http://www.ibol.idaho.gov>. (4-4-13)

(BREAK IN CONTINUITY OF SECTIONS)

200. COUNSELOR SUPERVISOR REQUIREMENTS (RULE 200).

Effective July 1, 2004, Idaho licensed counselors shall be registered with the Board in order to provide supervision for those individuals pursuing licensure in Idaho as a counselor. (3-29-12)

01. Requirements for Registration. (4-2-03)

a. Document at least two (2) years experience as a licensed counselor. (3-30-07)

b. Document at least one thousand five hundred (1,500) hours of direct client contact as a counselor. (4-2-03)

c. Document fifteen (15) contact hours of education in supervisor training as approved by the Board. (4-2-03)

d. Have not been the subject of any disciplinary action for five (5) years prior to application for registration. (4-2-03)

02. Registration. A supervisor applicant shall submit to the Bureau a completed application form as approved by the Board. (4-2-03)

a. Upon receipt of a completed application verifying compliance with the requirements for registration as a supervisor, the applicant shall be registered as a supervisor. The applicant shall include a copy of the informed consent form used to ensure clients are aware of the roles of the supervisor and supervisee, (3-29-12)

b. A supervisor’s registration shall be valid only so long as the individual supervisor’s counselor license remains current and in good standing. is not disciplined, and is renewed as provided in these rules. (~~4-2-03~~)()

03. Supervision. (4-2-03)

a. A Registered Counselor Supervisor shall provide supervision in conformance with the guidelines for supervisors set forth in the ACA Code of Ethics. (3-29-12)

b. Unless the primary work role of an individual is as a clinical supervisor a Registered Counselor Supervisor shall not provide supervision to more than six (6) supervisees concurrently. (3-29-12)

c. Supervision shall be provided in a face-to-face setting. Face-to-face setting may include a secure live electronic face-to-face connection between the supervisor and supervisee. ()

04. Renewal. Subject to the conditions in Paragraph 200.04.c. of this rule, a supervisor's registration is valid for a term of five (5) years. To renew a supervisor registration, the registered supervisor must submit to the Board a complete application for registration renewal prior to the expiration of the current registration on forms approved by the Board and meet the following requirements: ()

a. Hold an active Idaho counselor license which has not been subject to discipline and is current and in good standing; and ()

b. Document six (6) hours of continuing education in advanced supervisor training as approved by the Board and completed within the previous five (5) years. ()

c. For supervisors registered prior to the effective date of Subsection 200.04 of this rule, the following renewal requirements and conditions apply: ()

i. A registered supervisor who has been registered for at least five (5) years prior to July 1, 2016 must submit a complete application for registration renewal and meet the renewal requirements by July 1, 2018. ()

ii. A registered supervisor who has been registered for less than five (5) years prior to July 1, 2016 must submit a complete application for registration renewal and meet the renewal requirements by July 1, 2020. ()

201. -- 224. (RESERVED)

225. CLINICAL PROFESSIONAL COUNSELOR LICENSURE (RULE 225).

Licensure as a "clinical professional counselor" shall be restricted to persons who have successfully passed the required examination and have met the following requirements: (3-29-12)

01. License. Hold a valid licensed professional counselor license that is current and in good standing; and (3-29-12)()

02. Experience. Document two thousand (2,000) hours of direct client contact experience under supervision accumulated in no less than a two (2) year period after licensure in any state. (3-29-12)

a. All applicants for Clinical Professional Counselor license must provide verification of meeting at least one thousand (1,000) hours of supervised experience under the supervision of a licensed Clinical Professional Counselor registered as a supervisor with the Board. The remainder of the supervision may be provided by licensed Psychiatrists, Licensed Psychologists, Licensed Clinical Social Workers registered as supervisors with the Board of Social Work Examiners, or Marriage and Family Therapists registered as supervisors with the Board. If the applicant's supervision was provided in another state, it must have been provided by a counseling professional licensed by that state, provided the requirements for license and supervision are substantially equivalent to the requirements of Title 54, Chapter 34, Idaho Code. (3-29-12)()

b. One (1) hour of clinical supervision for every thirty (30) hours of direct client contact is required. Individual supervision is defined as one (1) hour of face-to-face, one-on-one (1:1) or one-to-two (1:2) supervision to every thirty (30) hours of direct client contact. Supervision shall be provided in a face-to-face setting. Face-to-face setting may include a secure live electronic face-to-face connection between the supervisor and supervisee. (3-29-12)()

- c. No more than one-half (1/2) of group supervision shall be allowed. (3-30-07)
- 03. **Examination.** Successful passage of the required written examination. (3-29-12)
- 04. **Recommendation of the Supervisor(s).** The Board shall consider the recommendation of the supervisor(s) when determining the acceptability of the applicant's supervised experience. (3-29-12)

(BREAK IN CONTINUITY OF SECTIONS)

239. MARRIAGE AND FAMILY THERAPIST SUPERVISOR REQUIREMENTS (RULE 239).

Effective July 1, 2004, licensed marriage and family therapists in Idaho shall be registered with the board to provide supervision for those individuals pursuing licensure in the state of Idaho as a marriage and family therapist.(3-20-04)

- 01. **Requirements for Registration.** (3-20-04)
 - a. Possess two (2) years experience as a licensed marriage and family therapist and document at least two thousand (2,000) hours of direct client contact with couples and families. (3-20-04)
 - b. Document fifteen (15) contact hours of education in supervisor training as approved by the Board. (3-20-04)
 - c. Have not been subject to discipline for five (5) years prior to registration. (3-20-04)
- 02. **Registration.** A marriage and family therapist shall fully complete the application form as established by the board and submit the designated fee as adopted by board rule. (3-20-04)

a. Upon receipt of a completed application verifying compliance with the requirements for registration as a supervisor, the applicant shall be registered as a supervisor. The applicant shall include a copy of the informed consent form used to ensure clients are aware of the roles of the supervisor and supervisee. ()

b. A supervisor's registration shall be valid only so long as the supervisor's marriage and family therapist license remains current and in good standing, is not disciplined, and is renewed as provided in these rules. ()

- 03. **Supervision.** (3-20-04)
 - a. A registered marriage and family therapist supervisor shall provide supervision in conformance with the guidelines for supervisors adopted by the American Association for Marriage and Family Therapists and the guidelines set forth in the AAMFT Code of Ethics. (3-20-04)()
 - b. Unless the primary work role of an individual is as a clinical supervisor a registered marriage and family therapist shall not supervise more than six (6) supervisees, either in one-to-one or group supervision, at any time regardless of the modality (individual, dyad, or group) of supervision. (3-29-12)

c. Supervision shall be provided in a face-to-face setting. Face-to-face setting may include a face-to-face setting provided by a secure live electronic connection between the supervisor and supervisee. (3-29-12)()

04. Renewal. Subject to the conditions in Paragraph 239.04.c. of this rule, a supervisor's registration is valid for a term of five (5) years. To renew a supervisor registration, the registered supervisor must submit to the Board a complete application for registration renewal prior to the expiration of the current registration on forms approved by the Board and meet the following requirements: ()

a. Hold an active Idaho marriage and family therapist license which has not been subject to discipline and is current and in good standing; and ()

b. Document six (6) hours of continuing education in advanced supervisor training as approved by the Board and completed within the previous five (5) years. ()

c. For supervisors registered prior to the effective date of Subsection 239.04 of this rule, the following renewal requirements and conditions apply: ()

i. A registered supervisor who has been registered for at least five (5) years prior to July 1, 2016 must submit a complete application for registration renewal and meet the renewal requirements by July 1, 2018. ()

ii. A registered supervisor who has been registered for less than five (5) years prior to July 1, 2016 must submit a complete application for registration renewal and meet the renewal requirements by July 1, 2020. ()

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.17.01 - RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-1501

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-4705, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule is being amended to clarify the continuing education needed to reinstate an expired license and the Board is adding continuing education credit, with limitations, for licensees who teach Board-approved courses.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is being amended to clarify the continuing education needed to reinstate an expired license and the Board is adding continuing education credit for teaching. The proposed changes to these rules were discussed during, noticed, open meetings of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: NA

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 577-2584.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 4th Day of September, 2015.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P.O. Box 83720
Boise, ID 83720-0063
(208) 334-3233 ph
(208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1701-1501
(Only Those Sections With Amendments Are Shown.)

301. RENEWAL OR REINSTATEMENT OF LICENSE (RULE 301).

01. Expiration Date. All Acupuncture licenses and certificates expire and must be renewed annually on forms approved by the Board together with the required fee in accordance with Section 67-2614, Idaho Code. As part of a complete renewal application, the licensee will certify by signed affidavit completion of the required continuing education pursuant to Sections 305 through 307 of these rules. Licenses and certificates not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. (4-4-13)

02. Reinstatement. Any license or certificate cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code, with the exception that the reinstatement fee shall be two hundred fifty dollars (\$250) and the applicant shall submit proof of having met the ~~required~~ continuing education ~~for each year the license or certificate was cancelled.~~ required of licensees by Section 305 through 307 of these rules as follows: (5-3-03)()

a. For licenses or certificates expired for one (1) year or less, one (1) year of continuing education: ()

b. For licenses or certificates expired for more than one (1) year, two (2) years of continuing education. ()

(BREAK IN CONTINUITY OF SECTIONS)

305. CONTINUING EDUCATION REQUIREMENTS (RULE 305).

In order to further protect the public health and to facilitate the administration of the Acupuncture Act, the Board has adopted the following requirements: (4-4-13)

01. Requirement. All practitioners, for renewal of their license or certificate, shall be required to complete a minimum of fifteen (15) hours of continuing education within the preceding twelve (12) months. Beginning July 1, 2014, a minimum of ten (10) hours of continuing education must be from Category I topics, and a maximum of five (5) hours of continuing education may be from Category II topics, as set forth in Sections 306 and 307 of these rules. (4-4-13)

02. Verification of Attendance. It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any hours attended by the applicant. This verification shall be maintained by the licensee for no less than seven (7) years and provided to the Board upon the request of the Board or its agent. (5-3-03)

03. Distance Learning and Independent Study. The Board may approve a course of study for continuing education credit that does not include the actual physical attendance of the applicant in a face-to-face setting with the course instructor. Distance Learning or Independent Study courses shall be eligible for continuing education credits if approved by NCCAOM or upon approval of the Board. (4-6-05)

04. Special Exemption. The Board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. (4-6-05)

05. Carryover. A continuing education course taken in a renewal year, but not claimed for continuing

education credit in that year, may only be claimed for credit in the following renewal year. (4-4-13)

06. Credit for Teaching. Licensees may earn continuing education credit by teaching Board-approved courses. A licensee will earn one (1) credit hour for every two (2) hours of teaching. Credit for teaching will not exceed five (5) hours of the total continuing education hours required for a renewal period and will be credited to the category of the topic taught. ()

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.24.01 - RULES OF THE GENETIC COUNSELORS LICENSING BOARD

DOCKET NO. 24-2401-1501 (NEW CHAPTER - FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5607, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 21, 2015.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed rulemaking is necessary to implement the newly enacted provisions of Title 54, Chapter 56, Idaho Code. The proposed rules provide contact information for the Board, definitions, and address changes. These rules set out the operations of the board; application process; fees, requirements for original licensure; requirements for existing genetic counselors; approved examinations; suitability for licensure; requirements for licensure by endorsement; requirements for provisional licensure; renewal of a license; continuing education, unprofessional conduct; unethical conduct; and discipline.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The proposed rules establish the following fees: application fee of \$500; original license fee of \$500; annual renewal fee of \$500; provisional license fee of \$500; endorsement fee of \$500; and duplicate license fee of \$10.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

The proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the Genetic Counselors Licensing board to administer the act. Since all self-governing boards are expected to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2015 legislature passed Senate Bill 1080 which created the Genetic Counselors Licensing Board. The proposed rules are necessary in order to implement the provisions of Title 54, Chapter 56, Idaho Code. The proposed rules were discussed during noticed, open meetings of the Board.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Board is adopting the National Society of Genetic Counselors Code of Ethics adopted January 1992 and revised December 2004 and January 2006.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at (208) 577-2584.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2015.

DATED this 4th Day of September, 2015.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P.O. Box 83720
Boise, ID 83720-0063
(208) 334-3233 ph / (208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-2401-1501

IDAPA 24
TITLE 24
CHAPTER 01

24.24.01 - RULES OF THE GENETIC COUNSELORS LICENSING BOARD

000. LEGAL AUTHORITY.

These rules are hereby prescribed and established pursuant to the authority vested in the Genetic Counselors Licensing Board by the provisions of Title 54, Chapter 56, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The rules will be cited as IDAPA 24.24.01, "Rules of the Genetic Counselors Licensing Board." ()

02. Scope. These rules implement the purposes and intent of Chapter 56, Title 54, Idaho Code, to regulate the profession of genetic counseling in the interest of the public health, safety, and welfare. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Board may have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. ()

003. ADMINISTRATIVE APPEAL.

Administrative appeals will be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ()

004. INCORPORATION BY REFERENCE.

The document titled "National Society of Genetic Counselors Code of Ethics," adopted January 1992 and revised December 2004 and January 2006, is incorporated by reference into this rule and is available at the Board's office and on the Board's web site. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Street Address. The office of the Genetic Counselors Licensing Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. ()

02. Office Hours. The office is open between the hours of 8:00 a.m. and 5:00 p.m. Mountain Time each day except Saturdays, Sundays and holidays. ()

03. Mailing Address. The mailing address of the Board is PO Box 83720, Boise, Idaho 83720-0063. ()

04. Telephone Number. The telephone number of the Board is (208) 334-3233. ()

05. Email Address. The Board's email address is gen@ibol.idaho.gov. ()

06. Facsimile. The Board's fax number is (208) 334-3945. ()

07. Electronic Address. The Board's official website can be found at <http://www.ibol.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein and the records associated with the Board are subject to the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. ()

007. OPEN MEETINGS.

This Board operates pursuant to the Idaho Open Meetings Law, Title 74, Chapter 2, Sections 40 through 47 inclusive, Idaho Code. ()

008. -- 009. (RESERVED)

010. DEFINITIONS.

01. ABGC. American Board of Genetic Counseling, Inc., its successor or equivalent. ()

02. ABMG. American Board of Medical Genetics, its successor or equivalent. ()

03. ACGC. Accreditation Council for Genetic Counseling, its successor or equivalent. ()

04. ACS. Active candidate status conferred by the American Board of Genetic Counseling to an individual who has met the requirements established by the ABGC to take the ABGC certification examination in genetic counseling. ()

05. Board. Genetic Counselors Licensing Board as created in Section 54-5606, Idaho Code. ()

06. Bureau. Idaho Bureau of Occupational Licenses as created in Section 67-2602, Idaho Code. ()

07. Certification. Voluntary process by which the ABGC, ABMG, or NSGC, nongovernmental agencies, grant recognition and use of a credential to individuals who have met predetermined and standardized criteria. ()

08. Certification Examination. Certification examination for genetic counselors administered by the ABGC, ABMG, or NSGC, certifying agencies approved by the Board. ()

09. CEU. Continuing education unit. A measurable amount of credit granted to licensees by the Board for participation in education programs with content targeted to genetic counselors and pre-approved by the National Society of Genetic Counselors (NSGC). ()

10. Code of Ethics. The National Society of Genetic Counselors Code of Ethics as approved by the Board as the code of ethics for Idaho and incorporated by reference in Section 004 of these rules. ()

11. Genetic Counseling. Performing acts of a genetic counselor as described in Section 54-5603, Idaho Code. ()

12. Genetic Counselor. An individual who is licensed under Title 54, Chapter 56 to engage in the practice of genetic counseling. ()

13. Licensed Physician. A person holding a license issued under Title 54, Chapter 18, Idaho Code. ()

14. NSGC. The National Society of Genetic Counselors, its successor or equivalent. ()

15. Person. An individual not an association of individuals or a legal entity. ()

16. PAC. Professional Activity Credit. A measurable amount of credit granted to licensees by the Board for participation in a variety of professional activities determined by the ABGC to promote genetic counselor educational development. ()

011. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES.

01. Change of Name. Whenever a change of a licensee's name of record occurs, the licensee must immediately notify the Bureau in writing of the change. Official documentation confirming the change of name must be provided to the Bureau on request. ()

02. Change of Address. Whenever a change of the licensee's address of record occurs, the licensee must immediately notify the Bureau in writing of the change. ()

03. Address for Notification Purposes. The most recent mailing address on file with the Bureau will be used for purposes of all written communication with a licensee including, but not limited to, notification of renewal and notices related to disciplinary actions. It is the responsibility of each licensee to keep the Bureau informed of a current mailing address. ()

012. -- 099. (RESERVED)

100. ORGANIZATION AND OPERATIONS OF THE BOARD.

01. Meetings. The Board must meet at least annually and at other such times and places as designated by the Chairman or upon the written request to the Chairman of a majority of members of the Board. ()

a. A majority of Board members constitute a quorum and is required for the transaction of business. A majority vote of the quorum present at a meeting will be considered the action of the Board as a whole. ()

b. The Chairman is a voting member. ()

02. Organization. At the first meeting of each fiscal year, the Board will elect from its members a Chairman, who will assume the duties of the office at the direction of the Board. ()

a. The Chairman will, when present, preside at all meetings, appoint with the consent of the Board, all committees, and will otherwise perform all duties pertaining to the office of Chairman. ()

b. The Bureau will act as an agent of the Board and will be the official keeper of all records of the Board. The Bureau will provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. ()

101. -- 199. (RESERVED)

200. APPLICATION.

01. Filing an Application. Applicants for licensure must submit a complete application, verified under oath, to the Board at its official address. The application must be on the forms approved by the Board and submitted together with the appropriate fee(s) and supporting documentation. ()

02. Supporting Documents. The applicant must provide or facilitate the provision of any supporting third party documents that may be required under the qualifications for the license being sought. ()

03. Applications Must Be Complete. Applications will not be considered complete until all required information, documents, and fees are received by the Board. ()

04. Lack of Activity. If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon a thirty (30) day written notice, unless the applicant shows good cause to the Board. ()

201. -- 249. (RESERVED)

250. FEES.

Fees are established in accord with Section 54-5613, Idaho Code as follows: ()

01. Application Fee. Application fee is five hundred dollars (\$500). ()

02. Original License Fee. Initial full license fee is five hundred dollars (\$500). ()

03. Annual Renewal Fee. Annual renewal fee is five hundred dollars (\$500). ()

04. Provisional License Fee. Provisional license fee is five hundred dollars (\$500). ()

05. License by Endorsement Fee. License by endorsement fee is five hundred dollars (\$500). ()

06. Examination Fee. The fee for those examinations administered by a third party administrator is the fee determined by the administrator and must be paid by the applicant directly to the administrator. ()

07. Duplicate License Fee. Duplicate license fee is ten dollars (\$10). ()

08. Reinstatement Fee. Reinstatement fee is as provided in Section 67-2614, Idaho Code. ()

09. Refund of Fees. All fees are non-refundable except that, if a license fee is tendered but the Board does not issue a license, the respective license fee will be returned. ()

251. -- 299. (RESERVED)

300. REQUIREMENTS FOR ORIGINAL LICENSURE.

The Board may grant an applicant a license as a genetic counselor who completes an application as set forth in Section 200, pays the applicable license fee as set forth in section 250, and meets the following requirements: ()

01. General. ()

a. An applicant must certify that he has not been found guilty, convicted, received a withheld judgment, or suspended sentence for a felony or a lesser crime conviction. If the applicant has been found guilty, convicted, received a withheld judgment, or suspended sentence for such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

b. An applicant must certify that he or his license has not been subject to any disciplinary action by a regulatory entity in another state, territory, or country including, but not limited to, having an application for licensure denied. If the applicant or his license has been subject to discipline, the applicant must submit to the Board a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

02. Education. An applicant must hold a master's degree or higher in genetics from an ABGC, ABMG, ACGC, or NSGC accredited program or master's degree or higher in a related field of study as approved by the Board. ()

03. Examination. An applicant must pass an ABGC or ABMG administered genetic counselor certification exam. ()

04. Certification. An applicant must provide proof of current certification from the ABGC or ABMG. ()

301. REQUIREMENTS FOR EXISTING GENETIC COUNSELOR LICENSURE.

Until July 1, 2016, the Board may grant a genetic counselor license to an applicant for licensure who does not qualify for licensure under Section 300 of these rules, completes an application as set forth in Section 200, pays the applicable license fee as set forth in Section 250, and who meets the following requirements: ()

01. General. Meets the requirements prescribed in Subsection 300.01 of these rules. ()

02. Education. Meets the requirements prescribed in Subsection 300.02 of these rules. ()

03. Experience. Has worked as a genetic counselor for a minimum of ten (10) years and at least five (5) hours per week on average during the five (5) years immediately prior to the date of application. ()

04. Training. Provides documentation satisfactory to the Board that he has completed at least two hundred (200) hours of formal training in genetic counseling as determined by the Board. ()

05. Endorsement. Submits three (3) letters of recommendation from persons with whom applicant has worked in an employment setting, including at least one (1) letter from a genetic counselor qualified for licensure under Chapter 56, Title 54, Idaho Code and one (1) letter from either a clinical geneticist certified by the ABMG or a medical geneticist certified by ABMG. ()

302. -- 304. (RESERVED)

305. APPROVED EXAMINATION.

Approved examinations will be the Genetic Counselor Certification Exam administered by the ABGC or ABMG. ()

01. Passing Score. A passing score will be determined by the ABGC or ABMG. ()

02. Date of Exam. The passage of the exam may have occurred prior to the effective date of these rules. ()

306. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE.

An applicant who in any state, territory or country has had a license revoked or suspended or has been otherwise disciplined by a Board, a government agency, or any other disciplinary body, or has been found guilty, convicted, received a withheld judgment or suspended sentence for a felony or a lesser crime conviction must submit with his application a written statement and any supplemental information establishing his current suitability for licensure. ()

01. Consideration of Factors and Evidence. The Board will consider the following factors or evidence: ()

a. The severity or nature of the crime or discipline; ()

b. The period of time that has passed since the crime or discipline under review; ()

c. The number or pattern of crimes or discipline or other similar incidents; ()

- d.** The circumstances surrounding the crime or discipline that would help determine the risk of repetition; ()
- e.** The relationship of the crime or discipline to the practice of genetic counseling; ()
- f.** The applicant's activities since the crime or discipline under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation; and ()
- g.** Any other information regarding rehabilitation or mitigating circumstances. ()
- 02.** **Interview.** The Board may, at its discretion, grant an interview of the applicant. ()
- 03.** **Applicant Bears the Burden.** The applicant will bear the burden of establishing his current suitability for licensure. ()

307. -- 309. (RESERVED)

310. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT.

The Board may grant a license to an applicant for licensure by endorsement who completes an application as set forth in Section 200 of these rules and meets the following requirements: ()

- 01. General.** Meets the requirements prescribed in Subsection 300.01 of these rules; and ()
- 02. Holds a Current License.** The applicant must be the holder of a current active license in the profession and at the level for which a license is being sought, issued by the authorized regulatory entity of another state, territory, or jurisdiction of the United States. The state, territory, or jurisdiction must have licensing requirements substantially equivalent to or higher than those required for new applicants in Idaho. The certification of licensure must be received by the Board from the issuing agency. ()

311. REQUIREMENTS FOR PROVISIONAL LICENSE.

The Board may issue a provisional license to allow a person who has been granted ACS to engage in the practice of genetic counseling. The holder of a provisional license may only practice under the general supervision of a person fully licensed under this chapter or a physician licensed in this state. ()

- 01. Application.** An applicant must submit a completed application on a form approved by the Board together with the required fee. ()
- 02. Supervision.** While the provisional licensee is providing genetic counseling services, the licensee's supervisor need not be physically present; however, the supervisor must be readily accessible to the provisional licensee by telephone or by electronic means for consultation and assistance. ()
- 03. Expiration and Renewal.** A provisional license expires automatically upon issuance of a full initial license. It is valid for one (1) year from the date it is issued and the licensee may renew it with an application for extension signed by the licensee's supervisor, at the discretion of the Board, for one (1) year periods up to a maximum of four (4) renewals. ()

312. -- 399. (RESERVED)

400. RENEWAL AND REINSTATEMENT OF EXPIRED LICENSE.

A licensee must renew his license annually as set forth in Section 67-2614, Idaho Code, and may reinstate his license within five (5) years after expiration as provided in Section 67-2614, Idaho Code. ()

401. -- 499. (RESERVED)

500. CONTINUING EDUCATION.

All licensees must comply with the following continuing education requirements: ()

01. Requirement. Beginning with the second renewal of their license, a licensee will be required to complete a minimum of two (2) CEUs within the preceding twelve (12) months or one (1) CEU and one (1) PAC within the preceding twelve (12) months. ()

02. Documentation. Each licensee will maintain documentation verifying continuing education course attendance and curriculum, or completion of the educational activity for a period of five (5) years from the date of completion. This documentation will be subject to audit by the Board. ()

a. Documented evidence of meeting the continuing education course requirement must be in the form of a certificate or letter from the sponsoring entity that includes verification of attendance by the licensee, the title of the activity, the subject material covered, the dates and number of hours credited, and the presenter's full name and professional credentials. Documented evidence of completing a continuing education activity must be in such form as to document both completion and date of the activity. ()

b. A licensee must submit the verification documentation to the Board, if requested by the Board. If a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the licensee may be subject to disciplinary action. ()

03. Waiver. The Board may waive the requirements of this rule for reasons of individual hardship, including health or other good cause. The licensee should request the waiver in advance of renewal and must provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board. ()

04. Carryover of Continuing Education Hours. CEUs and PACs not claimed in the current renewal year may be claimed in the next renewal year. A maximum of two (2) CEUs or one (1) PAC and one (1) CEU may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year. ()

05. Exemption. A licensee is exempt from the continuing education requirements under this section for the period between the initial issuance of the original license and the first expiration date of that license. ()

501. -- 699. (RESERVED)

700. UNPROFESSIONAL CONDUCT.

01. Examples. Unprofessional conduct includes any of the following: ()

a. Failure to follow the guidelines for genetic counseling contained within the National Society of Genetic Counselors Code of Ethics as referenced in Section 004 of these rules. ()

b. Failure of a genetic counselor to provide general supervision to a provisional genetic license holder as required by Subsection 311.02 of these rules when both are parties to a supervision contract. ()

701. -- 799. (RESERVED)

800. UNETHICAL CONDUCT.

Unethical conduct is conduct that does not conform to the guidelines for genetic counseling contained within the National Society of Genetic Counselors Code of Ethics, incorporated by reference into Section 004 of these rules and approved by the Board as the Idaho Code of Ethics. ()

801. -- 899. (RESERVED)

900. DISCIPLINE.

01. Disciplinary Action. If the Board determines that grounds for discipline exist for violations of Title 54, Chapter 56, Idaho Code, violations of these rules, or both, it may impose disciplinary sanctions against the

licensee including, without limitation, any or all of the following: ()

- a. Refuse to issue, renew, or reinstate a license; ()
- b. Revoke or suspend the licensee's license; ()
- c. Condition, restrict, or limit the licensee's practice, license, or both; ()
- d. Impose an administrative fine not to exceed one thousand dollars (\$1,000) for each violation of the Board's laws and rules; and ()
- e. Order a licensee to pay the costs and fees incurred by the Board in the investigation, prosecution, or both, of the licensee for violation(s) of the Board's laws and rules. ()

901. -- 999. (RESERVED)

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: BUREAU OF OCCUPATIONAL LICENSES

Agency Contact: Tana Cory Phone: 208 334-3233

Date: September 10, 2015

IDAPA, Chapter and Title Number and Chapter Name:

24.24.01 – Rules of the Idaho Genetic Counselors License Board

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: 24-2401-1501

STATEMENT OF ECONOMIC IMPACT:

The proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the Genetic Counselors Licensing board to administer the act. Since all self-governing boards are expected to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.

The proposed rules establish the following fees: application fee of \$500; original license fee of \$500; annual renewal fee of \$500; provisional license fee of \$500; endorsement fee of \$500; and duplicate license fee of \$10.