

Dear Senators HEIDER, Souza, Jordan, and  
Representatives WOOD, Packer, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - Board of Examiners of Nursing Home Administrators:  
IDAPA 24.09.01 - Rules of the Board of Examiners of Nursing Home Administrators - Proposed Rule (Docket No. 24-0901-1802).

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 11/05/2018. 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 12/05/2018.

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 334-4854, 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 - Matt Drake

**DATE:** October 17, 2018

**SUBJECT:** Bureau of Occupational Licenses - Board of Examiners of Nursing Home Administrators

IDAPA 24.09.01 - Rules of the Board of Examiners of Nursing Home Administrators - Proposed Rule  
(Docket No. 24-0901-1802)

#### Summary and Stated Reasons for the Rule

The Bureau of Occupational Licenses submits notice of proposed rulemaking at IDAPA 24.09.01 relating to the Rules of the Board of Examiners of Nursing Home Administrators. The Bureau states that the proposed rule will allow the Board to review applications received less than seven (7) days prior to a board meeting and provide clear notice of the denial of an application for lack of activity. The Bureau states that the proposed rule will improve continuing education options by adding a carryover option and hardship waiver. In addition, the proposed rule clarifies when a temporary permit expires and removes outdated language.

#### Negotiated Rulemaking / Fiscal Impact

The Bureau states that negotiated rulemaking was not conducted because the proposed changes were discussed during noticed, open meetings of the Board. There is no anticipated fiscal impact on the state general fund.

#### Statutory Authority

The proposed rule changes appear to be within the statutory authority of the Board pursuant to section 54-1604, Idaho Code.

cc: Bureau of Occupational Licenses - Board of Examiners of Nursing Home Administrators  
Tana Cory

#### \*\*\* PLEASE NOTE \*\*\*

Per the Idaho Constitution, all administrative rules must be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

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## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.09.01 – RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS**

**DOCKET NO. 24-0901-1802**

#### **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 54-1604, 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 17, 2018.

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 rule will allow the Board of Examiners of Nursing Home Administrators to review applications received less than seven (7) days prior to a board meeting and provide clear notice of the denial of an application for lack of activity. The proposed rule will improve continuing education options by adding a carryover option and hardship waiver. In addition, the rule will clarify a temporary permit's expiration and remove outdated language.

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

**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: N/A

**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: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jennifer Carr at (208) 334-3233.

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 24, 2018.

Dated this 30th day of August, 2018.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720  
Phone: (208) 334-3233  
Fax: (208) 334-3945

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0901-1802**  
**(Only Those Sections With Amendments Are Shown.)**

**050. APPLICATIONS (RULE 050).**

Applications will be on forms approved by the Board. (4-6-05)

**01. Board Consideration.** No application will be considered for any action unless accompanied by the appropriate fees and until the required supporting documentation is received by the Bureau. (4-6-05)

**02. Filing Deadline.** ~~To be considered by the Board, properly completed applications must be received by the Bureau at least thirty (30) days prior to the first day of the month in which the Board will meet~~ Applications received less than seven (7) days prior to a Board meeting may be held over to the next meeting. (4-6-05)(    )

**03. Lack of Activity.** Applications on file with the Board that lack activity for any period of twelve (12) months shall be deemed denied and terminated upon thirty (30) days written notice unless good cause is demonstrated to the Board. (4-6-05)(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. CONTINUING EDUCATIONAL ~~AND TRAINING~~ REQUIREMENTS (RULE 200).**

**01. Educational Requirements.** In order to ~~be credited toward the educational requirements of the Act~~ qualify as continuing education, a seminar or course of study must be relevant to nursing home administration as determined by the Board and sponsored by accredited universities or colleges, State or National health related associations, and/or approved by NCERS (National Continuing Education Review Service). (7-1-93)(    )

~~**02. Requirements for License Renewal.** The department shall refuse to renew a Nursing Home Administrators license unless the required fee is accompanied by evidence of having met the educational and training requirement set forth in these rules on the form provided for that purpose by the Bureau of Occupational Licenses.~~ (7-1-98)

~~**03.2. Renewal of License.** Applicants for renewal of license shall be required to attend complete~~ a minimum of twenty (20) clock hours of courses approved under Subsection 200.01 within the preceding twelve-month (12) period. Licensees shall not be required to comply with this requirement during the first year in which they become licensed under this chapter. (4-2-08)(    )

~~**04.3. Credit Received Toward Renewal of License Waiver.** Credit received toward renewal of license may not be used again toward renewal of license for another license year~~ 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. (7-1-98)(    )

~~**04. Carryover of Continuing Education Hours.** Continuing education hours not claimed in the current renewal year may be claimed in the next renewal year. A maximum of twenty (20) hours may be carried forward from the immediately preceding year, and may not be carried forward more than one (1) renewal year.~~(    )

**(BREAK IN CONTINUITY OF SECTIONS)**

**500. PERMITS (RULE 500).**

**01. Requirements for Issuance.** A temporary permit may be issued ~~for one (1) year upon application upon submission of an endorsement application evidencing a license in good standing in another state~~ and payment of fees. ~~The permit shall be valid until the Board acts upon their endorsement application.~~ No more than one (1) temporary permit may be granted to any applicant for any reason. (7-1-98)( )

**02. Issuance of a Temporary Permit Does Not Obligate the Board.** Issuance of a temporary permit does not obligate the board to subsequently issue a license. Issuance of a subsequent license depends upon a successful application to the Board. (7-1-98)

**(BREAK IN CONTINUITY OF SECTIONS)**

~~700. RULEMAKING HISTORY PRIOR TO JULY, 1993 (RULE 700).~~

~~Adoption date December 7, 1978~~

~~Effective date January 1, 1979~~

~~Adoption date December 24, 1985~~

~~Effective date January 13, 1986~~

~~Effective date January 18, 1990~~

~~Adoption date March 26, 1993~~

~~Effective date April 15, 1993~~

(7-1-93)

~~701. -- 999. (RESERVED)~~