

Dear Senators HEIDER, Nuxoll, Bock, and  
Representatives WOOD, Perry, Rusche:

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

IDAPA 24.06.01 - Rules Pertaining To The Licensure of Occupational Therapists and Occupational  
Therapy Assistants (Fee Rule) - Proposed Rule (Docket No. 24-0601-1401);

IDAPA 24.09.01 - Rules Pertaining To The Board of Examiners of Nursing Home Administrators  
(Fee Rule) - Proposed Rule (Docket No. 24-0901-1401);

IDAPA 24.26.01 - Rules Pertaining To The Idaho Board of Midwifery - Proposed Rule (Docket  
No. 24-2601-1402).

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 10/27/2014. 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 11/25/2014.

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 07, 2014

**SUBJECT:** Bureau of Occupational Licenses

IDAPA 24.06.01 - Rules Pertaining To The Licensure of Occupational Therapists and Occupational Therapy Assistants (Fee Rule) - Proposed Rule (Docket No. 24-0601-1401)

IDAPA 24.09.01 - Rules Pertaining To The Board of Examiners of Nursing Home Administrators (Fee Rule) - Proposed Rule (Docket No. 24-0901-1401)

IDAPA 24.26.01 - Rules Pertaining To The Idaho Board of Midwifery - Proposed Rule (Docket No. 24-2601-1402)

**(1) IDAPA 24.06.01 - Rules Pertaining To The Licensure of Occupational Therapists and Occupational Therapy Assistants (Fee Rule) - Proposed Rule (Docket No. 24-0601-1401)**

The Occupational Therapy Board submits notice of proposed rulemaking at IDAPA 26.06.01. The proposed rule decreases licensure fees in order to decrease the Board's dedicated fund balance and convey a benefit to licensees and applicants for licenses.

There is no negative fiscal impact on the state general fund; however, the rule is expected to reduce the amount of dedicated fund fees collected by the Board. Negotiated rulemaking was not conducted because the rule confers a benefit. Additionally, the fee decrease was discussed in open meetings of the Board. The rule is consistent with the Board's authority under Section 54-3713, Idaho Code.

**(2) IDAPA 24.09.01 - Rules Pertaining To The Board of Examiners of Nursing Home Administrators (Fee Rule) - Proposed Rule (Docket No. 24-0901-1401)**

The Board of Examiners of Nursing Home Administrators submits notice of proposed rulemaking at IDAPA 24.09.01. The proposed rule increases application, licensing, and renewal fees, as well as registration fees for administrators-in-training. The purpose of the fee increase is to balance the Board's annual budget.

There is no negative fiscal impact on the state general fund. The fee increase is expected to result in an annual increase of approximately \$8,625.00 to the Board's dedicated fund. Negotiated rulemaking was not conducted; however, the fee increase was discussed in an open meeting of the Board. The rule is consistent with the Board's authority under Section 54-1604, Idaho Code.

Mike Nugent, Manager  
Research & Legislation

Cathy Holland-Smith, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

**(3) IDAPA 24.26.01 - Rules Pertaining To The Idaho Board of Midwifery - Proposed Rule (Docket No. 24-2601-1402)**

The Board of Midwifery submits notice of proposed rulemaking at IDAPA 24.26.01. The proposed rule clarifies the circumstances under which a newborn must be transferred to a hospital for emergency care. Additionally, the rule clarifies the circumstances under which a midwife must consult with a pediatric provider.

There is no negative fiscal impact on the state general fund. Negotiated rulemaking was not conducted; however, the proposed rule was discussed during an open meeting of the Board. The rule is consistent with the Board's authority under Section 54-5505, Idaho Code.

cc: Bureau of Occupational Licenses - Idaho Board of Midwifery  
Tana Cory

## 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: Cherie Simpson Phone: 208 334-3233

Date: August 28, 2014

IDAPA, Chapter and Title Number and Chapter Name:

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

Fee Rule Status:  Proposed  Temporary

Rulemaking Docket Number: 24-0601-1401

### STATEMENT OF ECONOMIC IMPACT:

This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board by approximately \$11,770.00 based on the current number of licensees and an estimated number of applications received in the last year. This rule change will decrease the initial license fee for occupational therapists from \$115 to \$100; initial license fee for occupational therapy assistants from \$85 to \$75; limited permit or temporary license fee from \$30 to \$25; active license renewal fee for occupational therapists from \$70 to \$55; active license renewal for occupational therapy assistants from \$50 to \$35; and inactive license renewal fee \$50 to \$25.

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

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

#### **DOCKET NO. 24-0601-1401 (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 Sections 54-3712 and 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 15, 2014.

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 State Occupational Therapy Board operates on dedicated funds from fees paid by its licensees and applicants. This change would decrease the initial licensure fee, limited permit or temporary license fee, annual active license renewal, and inactive license renewal in an effort to reduce the Board's dedicated fund balance and convey a benefit to licensees and applicants through these lower fees.

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

Rule 041 is being amended to decrease the initial license fee for occupational therapists from \$115 to \$100; initial license fee for occupational therapy assistants from \$85 to \$75; limited permit or temporary license fee from \$30 to \$25; active license renewal fee for occupational therapists from \$70 to \$55; active license renewal for occupational therapy assistants from \$50 to \$35; and inactive license renewal fee from \$50 to \$25.

**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 will have no impact on general funds. This rulemaking is anticipated to reduce the amount of dedicated fund fees collected by the Board by approximately \$11,770.00 based on the current number of licensees and an estimated number of applications received in the last year.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed revisions to the fee rule are simple in nature and confer a benefit to the licensees and applicants. No opposition to this proposed fee reduction is anticipated. 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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson 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 22, 2014.

DATED this 28th Day of August, 2014.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0601-1401**  
**(Only those Sections being amended are shown.)**

**041. FEES.**

- 01. Fees.** Necessary fees shall accompany applications. Fees shall not be refundable. (3-29-10)
- 02. Initial Licensure.** The fee for initial licensure of occupational therapists shall be one hundred ~~fifteen~~ dollars (\$1~~500~~) and the fee for occupational therapy assistants shall be ~~eighty~~ seventy-five dollars (\$~~875~~).  
(~~3-29-10~~)(    )
- 03. Limited Permit or Temporary License.** The fee for a limited permit or temporary license shall be ~~thirty~~ twenty-five dollars (\$~~3025~~).  
(~~3-29-10~~)(    )
- 04. Active License Renewal Fee.** The annual renewal fee for an active license shall be ~~seventy~~ fifty-  
five dollars (\$~~7055~~) for occupational therapists and ~~fifty~~ thirty-five dollars (\$~~350~~) for occupational therapy assistants.  
(~~4-7-11~~)(    )
- 05. Reinstatement Fee.** The fee to reinstate a lapsed license shall be thirty-five dollars (\$35).  
(3-29-10)
- 06. Inactive License Renewal Fee.** The annual renewal fee for an inactive license shall be ~~fifty~~ twenty-  
five dollars (\$~~250~~) for occupational therapists and occupational therapy assistants.  
(~~4-7-11~~)(    )
- 07. Inactive to Active License Fee.** The fee for reinstating an inactive license to an active license is the difference between the current inactive and active license renewal fees.  
(4-7-11)

## 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: Cherie Simpson Phone: 208 334-3233

Date: August 28, 2014

IDAPA, Chapter and Title Number and Chapter Name:

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

Fee Rule Status:  Proposed  Temporary

Rulemaking Docket Number: 24-0901-1401

### STATEMENT OF ECONOMIC IMPACT:

The rule change will result in an annual increase of approximately \$8,625.00 in the Board's dedicated fund based on the current number of licensees and an estimated number of applications received in the last year. This rule change will increase the original application fee from \$100 to \$200; the endorsement application fee from \$100 to \$200; the annual renewal fee from \$175 to \$200; the original license fee from \$150 to \$200; and the Administrator-in-training registration fee from \$100 to \$150.

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

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

#### **DOCKET NO. 24-0901-1401 (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 Sections 54-1604 and 54-1608, 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 15, 2014.

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 Board of Examiners of Nursing Home Administrators operates on dedicated funds from fees paid by its licensees and applicants. The Board's expenses have been exceeding its revenues. This change will help balance the Board's annual budget while maintaining the services necessary to protect the health and safety of the public.

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

Rule 600 is being amended to increase the original application fee from \$100 to \$200; the endorsement application fee from \$100 to \$200; the annual renewal fee from \$175 to \$200; the original license fee from \$150 to \$200; and the Administrator-in-training registration fee from \$100 to \$150.

**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 will have no impact on general funds. The rule change will result in an annual increase of approximately \$8,625.00 in the Board's dedicated fund based on the current number of licensees and an estimated number of applications received in the last year.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Board of Examiners of Nursing Home Administrators operates on dedicated funds. The proposed rule is needed because the Board's expenses have been exceeding its revenues. The change was discussed during 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) 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 22, 2014.

DATED this 28th Day of August, 2014.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.

P O Box 83720  
Boise, ID 83720-0063  
Tel: (208) 334-3233 / Fax: (208) 334-3945



**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0901-1401**  
**(Only those Sections being amended are shown.)**

**600. FEES (RULE 600).**

- 01. Original License and Annual Renewal Fee.** (3-13-02)
  - a. Original license fee -- ~~one~~ **two** hundred ~~fifty~~ dollars (~~\$15~~**200**). (~~3-13-02~~)(    )
  - b. Annual renewal fee -- ~~one~~ **two** hundred ~~seventy-five~~ dollars (~~\$175~~**200**). (~~3-13-02~~)(    )
- 02. Application Fees.** (3-10-00)
  - a. Original application fee -- ~~one~~ **two** hundred dollars (~~\$1~~**200**). (~~3-13-02~~)(    )
  - b. Endorsement application fee -- ~~one~~ **two** hundred dollars (~~\$1~~**200**). (~~3-13-02~~)(    )
- 03. Temporary Fee.** (3-13-02)
  - a. Temporary permit fee -- one hundred dollars (\$100). (3-13-02)
  - b. Administrator-In-Training registration fee -- one hundred dollars (\$100). (3-13-02)
- 04. License Reinstatement Fee.** License reinstatement fee -- one hundred dollars (\$100). (3-13-02)

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

### **24.26.01 - RULES OF THE IDAHO BOARD OF MIDWIFERY**

**DOCKET NO. 24-2601-1402**

#### **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 54-5505, 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 15, 2014.

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 Board of Midwifery is adding a section to its rules to clarify when newborns must be transferred and when newborn consultation is required. The need for this rule was brought to the Board by interested parties during the 2014 Legislative Session when the Act was being reauthorized. The addition will further protect the public.

**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 State Board of Midwifery is updating its rules to add a section regarding conditions that require newborn transfer of care or consultation. This rule change was discussed during 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) 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 22, 2014.

DATED this 28th Day of August, 2014.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-2601-1402  
(Only those Sections being amended are shown.)**

357. -- ~~443~~359. (RESERVED)

**360. NEWBORN TRANSFER OF CARE OR CONSULTATION (RULE 360).**

**01. Newborn Transfer of Care.** Conditions for which a licensed midwife must facilitate the immediate transfer of a newborn to a hospital for emergency care: ( )

**a.** Respiratory distress defined as respiratory rate greater than eighty (80) or grunting, flaring, or retracting for more than one (1) hour. ( )

**b.** Any respiratory distress following delivery with meconium stained fluid. ( )

**c.** Central cyanosis or pallor for more than ten (10) minutes. ( )

**d.** Apgar score of six (6) or less at five (5) minutes of age. ( )

**e.** Abnormal bleeding. ( )

**f.** Any condition requiring more than eight (8) hours of continuous postpartum evaluation. ( )

**g.** Any vesicular skin lesions. ( )

**h.** Seizure-like activity. ( )

**i.** Any green emesis. ( )

**j.** Poor feeding effort due to lethargy or disinterest in nursing for more than two (2) hours immediately following birth. ( )

**02. Newborn Consultation Required.** Conditions for which a licensed midwife must consult a Pediatric Provider (Neonatologist, Pediatrician, Family Practice Physician, Advanced Practice Registered Nurse, or Physician Assistant): ( )

**a.** Temperature instability, defined as a temperature less than ninety-six point eight (96.8) degrees Fahrenheit or greater than one hundred point four (100.4) degrees Fahrenheit documented two (2) times more than fifteen (15) minutes apart. ( )

**b.** Murmur lasting more than twenty-four (24) hours immediately following birth. ( )

**c.** Cardiac arrhythmia. ( )

**d.** Congenital anomalies. ( )

**e.** Birth injury. ( )

**f.** Clinical evidence of prematurity, including but not limited to, low birth weight of less than two thousand five hundred (2,500) grams, smooth soles of feet, or immature genitalia. ( )

**g.** Any jaundice in the first twenty-four (24) hours after birth or significant jaundice at any time. ( )

**h.** No stool for more than twenty-four (24) hours immediately following birth. ( )

**i.** No urine output for more than twenty-four (24) hours. ( )

**j.** Development of persistent poor feeding effort at any time. ( )

**361. -- 449. (RESERVED)**