

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 - Speech and Hearing Services Licensure Board:

IDAPA 24.23.01 - Rules of the Speech, Hearing and Communication Services Licensure Board -
Proposed Rule (Docket No. 24-2301-1701);

IDAPA 24.23.01 - Rules of the Speech, Hearing and Communication Services Licensure Board (Fee
Rule) - Proposed Rule (Docket No. 24-2301-1702).

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 11/02/2017. 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 12/04/2017.

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: Senior Legislative Research Analyst - Kristin Ford

DATE: October 16, 2017

SUBJECT: Bureau of Occupational Licenses - Speech and Hearing Services Licensure Board

IDAPA 24.23.01 - Rules of the Speech, Hearing and Communication Services Licensure Board - Proposed Rule (Docket No. 24-2301-1701)

IDAPA 24.23.01 - Rules of the Speech, Hearing and Communication Services Licensure Board (Fee Rule) - Proposed Rule (Docket No. 24-2301-1702)

1. IDAPA 24.23.01 - Rules of the Speech, Hearing and Communication Services Licensure Board - Proposed Rule (Docket No. 24-2301-1701). The Bureau of Occupational Licenses submits notice of proposed rulemaking relating to the Rules of the Speech, Hearing and Communication Services Licensure Board. The proposed rule clarifies that the practice of audiology does not include, by itself, the operation of automated newborn hearing screening machines. It further increases flexibility for licensees in completing continuing education requirements by moving from a 1-year cycle of ten credits to a 3-year cycle of thirty credits. It also provides a definition of what constitutes a continuing education contact hour. The Bureau states that negotiated rulemaking was not conducted because the proposed changes were discussed during open, noticed meetings of the Board. The proposed rule changes appear to be within the statutory authority of the Board pursuant to sections 54-2905 and 54-2910, Idaho Code.

2. IDAPA 24.23.01 - Rules of the Speech, Hearing and Communication Services Licensure Board (Fee Rule) - Proposed Rule (Docket No. 24-2301-1702). The Bureau of Occupational Licenses submits notice of proposed rulemaking relating to the Rules of the Speech, Hearing and Communication Services Licensure Board. The proposed rule implements 2017 HB 46 which adds the profession of sign language interpreter to the Speech and Hearing Services Practice Act. The proposed rule incorporates by reference the Code of Professional Conduct for the National Association of the Deaf (NAD) - Registry of Interpreters for the Deaf. It adds definitions, provides application requirements, and creates a registration fee of \$10 for out-of-state licensees. The proposed rule sets out the qualifications required for sign language interpreters, out of state licensees and deaf interpreters; provides for examination requirements, sets forth approved certification entities, and provides for consideration of factors regarding applicants who have a felony record or disciplinary record in another state. Finally, the proposed rule provides for provisional permits for persons who are pursuing licensure. The Bureau states that negotiated rulemaking was not conducted because the changes were discussed during open, noticed meetings of the Board. The Bureau also states that the fee rule will have no impact on the general fund, and estimates there will be no impact to the Bureau of Occupational Licenses' dedicated fund because the administrative cost of regulating licensees will be offset by their application, license and renewal fees.

Mike Nugent, Manager
Research & Legislation

Paul Headlee, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

The proposed rule changes appear to be within the agency's statutory authority pursuant to sections 54-2905, 54-2916A, 54-2917 and 54-5713, Idaho Code.

cc: Bureau of Occupational Licenses - Speech and Hearing Services Licensure Board
Tana Cory

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES
24.23.01 – RULES OF THE SPEECH, HEARING AND COMMUNICATION
SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1701

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 54-2910, 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 18, 2017.

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 clarifies that the practice of audiology does not include the operation of automated newborn hearing screening machines. It also increases flexibility for licensees in completing continuing education (CE) by moving from a 1-year CE cycle (completion of 10 hours of CE within a one-year period) to a 3-year CE cycle (completion of 30 hours of CE within a three-year period).

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 Dicsie Gullick 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 25, 2017.

DATED this 31st day of August, 2017.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-2301-1701
(Only Those Sections With Amendments Are Shown.)

212. NEWBORN HEARING SCREENING TESTS.

Performing newborn hearing screening tests on infants using automated equipment that produces a pass/fail response does not, by itself, constitute the practice of audiology or convert persons performing the tests into audiology support personnel. ()

~~2123.~~ -- 219. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

400. CONTINUING EDUCATION (RULE 400).

~~Every person holding an Idaho license pursuant to this act must annually complete ten (10) contact hours of continuing education prior to license renewal~~ In order to protect public health and safety and promote the public welfare, the Board has adopted the following continuing education requirement of all licensees: (3-30-06)()

~~01. Contact Hours. The contact hours of continuing education shall be obtained in areas of study germane to the practice for which the license is issued as approved by the Board.~~ (3-30-06)

01. Requirement. Until January 1, 2021, each licensee will successfully complete, in the twelve (12) months preceding each renewal of their license, a minimum of ten (10) contact hours of continuing education. ()

a. Effective January 1, 2021, each licensee will successfully complete, in the three (3) years prior to their license expiration date, a minimum of thirty (30) contact hours of continuing education. ()

b. A contact hour is a measurement of the licensee's participation in an area of study germane to the practice for which the license is issued as approved by the Board. One (1) contact hour requires one (1) hour of participation in a Board-approved continuing education program excluding meals and breaks. One (1) contact hour equals one (1) clock hour for purposes of obtaining continuing education credit. ()

c. For college or university courses that are approved by the Board for continuing education credit, one (1) semester credit hour equals fifteen (15) contact hours; one (1) quarter credit hour equals ten (10) contact hours. ()

d. Effective January 1, 2021, the Board will waive the continuing education requirement for the first three (3) license renewals after initial licensure. ()

02. Documentation of Attendance. It shall be necessary for the applicant to provide documentation verifying attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution substantiating any hours attended by the applicant. This documentation must be maintained by the applicant and provided to the Board upon request by the Board or its agent. (3-30-06)

03. Compliance Audit. The Board may conduct random continuing education audits of those persons required to obtain continuing education in order to renew a license and require that proof acceptable to the Board of meeting the continuing education requirement be submitted to the Bureau. Failure to provide proof of meeting the continuing education upon request of the Board shall be grounds for disciplinary action in accordance with Section 54-2923, Idaho Code. (3-30-06)

04. Initial Compliance. Until January 1, 2021, licensees shall not be required to meet the continuing education requirement for the first renewal. (3-30-06)()

~~05. **Equivalence.** One (1) continuing education hour shall equal one (1) clock hour. (3-30-06)~~

~~06. **Carryover of Continuing Education (CE) 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 five (5) hours may be carried forward from the immediately preceding year. (3-29-10)~~

07.5. Special Exemption. The Board shall have 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. Requests for special exemption must be received by the Bureau fifteen (15) business days prior to expiration of the license. (3-29-10)

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.23.01 – RULES OF THE SPEECH, HEARING AND COMMUNICATION SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1702 (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 54-2905, 54-2916A, 54-2917, 67-2614, and 54-5713, 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 18, 2017.

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:

In 2017, the Idaho Legislature passed H46 that included sign language interpreting within the Speech and Hearing Services Practice Act. These rules implement the new provisions of the Speech and Hearing Services Practice Act.

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

Rule 175 adds a \$10 registration fee for out of state licenses and clarifies that fees relating to reinstatement and dual licensure are as set in the law. Sign language interpreters will pay the same fees that are charged to other licensees under the Speech and Hearing Services Practice Act and already established in rule. No change is being made to those fees in this proposed rule.

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: This rule incorporates by reference the “National Association of the Deaf (NAD)–Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct as the code of ethics for sign language interpreters.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dicie Gullick 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 25, 2017.

DATED this 31st day of August, 2017.

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

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-2301-1702
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE (RULE 4).

~~*These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced*~~ The document titled “National Association of the Deaf (NAD)-Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct,” copyright 2005 by the Registry of Interpreters for the Deaf, is incorporated by reference into this rule and is available at the Board’s office and on the Board’s web site. (3-30-06)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS (RULE 10).

01. Board. The Speech, Hearing and Communication Services Licensure Board as prescribed in Section 54-2908, Idaho Code. (3-30-06)

02. Bureau. The Bureau of Occupational Licenses as prescribed in Sections 54-2903 and 67-2602, Idaho Code. (3-30-06)

03. Audiology Support Personnel. Unlicensed natural persons who work under the direction and supervision of an audiologist who is licensed in accordance with Title 54, Chapter 29, Idaho Code, and is engaged in the practice of audiology. (3-24-17)

04. Deaf Interpreter. A person who is deaf or hard-of-hearing and not a licensed sign language interpreter, who is nonetheless permitted by Section 54-2905, Idaho Code, and Board rule to perform in the role of a sign language interpreter. ()

05. Dual Licensure. The status of a person who holds more than one (1) license under Title 54, Chapter 29, Idaho Code. ()

06. Distant Site. The site at which a provider of audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting services is located at the time the service is provided. ()

07. Originating Site. The location of a service recipient at the time audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting services are provided. ()

08. Tele-Speech, Hearing and Communication Services. Audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting services provided to a person through the use of electronic communications, information technology, asynchronous store and forward transfer or synchronous interaction between a service provider at a distant site and a service recipient at an originating site. The practice of audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting via tele-speech, hearing and communication services is deemed to take place at the originating site. ()

09. Tele-Speech, Hearing and Communication Provider. A person who is licensed, required to be licensed, or, if located outside of Idaho, would be required to be licensed if located in Idaho by Title 54, Chapter 29, Idaho Code, and who provides or offers to provide tele-speech, hearing and communication services to persons who are located in Idaho. ()

(BREAK IN CONTINUITY OF SECTIONS)

150. APPLICATION (RULE 150).

~~Each applicant for a license shall submit a complete application on application forms approved by the Board together with the required fee(s). The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. The Board will review only those applications deemed complete. (3-30-06)~~

01. Filing an Application. Applicants for licensure will 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 fees and supporting documents. ()

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 demonstrates good cause to the Board. ()

(BREAK IN CONTINUITY OF SECTIONS)

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application Fee - Thirty dollars (\$30). (3-30-06)

02. Original License Fee. The original license fee is seventy dollars (\$70) to be accompanied by the completed application. (3-24-17)

03. Examination/Reexamination Fee. Examination fee shall be that charged by the examination provider plus an administration fee of fifty dollars (\$50) when the examination is administered by the Board. (3-30-06)

04. Provisional Permit. Provisional permit and provisional permit extension fee is one hundred dollars (\$100). ~~(3-30-06)~~()

05. Registration Fee for Out of State Licenses. Registration fee is ten dollars (\$10). ()

~~06.~~ **Annual Renewal Fee.** Annual renewal fee is one hundred dollars (\$100). (3-24-17)

~~07.~~ **Annual Renewal Fee for Inactive License.** Annual renewal fee is sixty-five dollars (\$65). (3-27-13)

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

09. Dual Licensure Fee. There is no fee for dual licensure. A person shall be charged fees as though the person had obtained only one (1) license. ()

~~10.~~ **Refund of Fees.** No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license or examination fees for unexcused applicants. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

251. -- ~~299~~59. (RESERVED)

260. QUALIFICATIONS FOR SIGN LANGUAGE INTERPRETER LICENSURE (RULE 260).

The Board may grant a sign language interpreter license to an applicant who completes an application as set forth in Section 150 and meets the following: ()

01. General. ()

a. Be at least twenty-one (21) years of age; ()

b. Certify that the applicant has not been found guilty, convicted, received a withheld judgment, or suspended sentence for a felony. 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 320 of these rules; and ()

c. Certify that the applicant or the applicant's license or certification 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 applicant's license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 320 of these rules. ()

02. Education. Possess a high school diploma or the equivalent; ()

03. Examination or Certification. Pass competency examinations approved by the Board or obtain a certification approved by the Board. ()

261. -- 269. (RESERVED)

270. OUT OF STATE LICENSEES (RULE 270).

A person licensed or certified as sign language interpreters in another state, territory, or the District of Columbia, who is not a resident of the state of Idaho, may practice sign language interpreting in this state for a period not to exceed in the aggregate thirty (30) days in any calendar year provided that they fulfill the following requirements: ()

01. Statement of Registration. Before commencing such work, the person will file with the Board on a form approved by the board a statement of registration providing the person's name, residence, sign language interpreter license or certificate of registration number, and the name, address, and phone number of the issuing authority; ()

02. Registration Fee. The person will pay one (1) registration fee for each calendar year in which they register; ()

03. Statement of Time Engaged. Within five (5) business days of completion of the work, the person will submit to the Board on a form approved by the Board a statement of the number of days in which the person engaged in that work within the state. ()

271. -- 279. (RESERVED)

280. DEAF INTERPRETERS (RULE 280).

01. Letter of Endorsement. Persons who are deaf or hard-of-hearing and are not sign language interpreters may perform in the role of a deaf interpreter if they file with the Board two (2) written endorsement letters from a sign language interpreter licensed under Title 54, Chapter 29, Idaho Code. Each letter must, at a minimum, include: ()

a. Date letter of endorsement was written; ()

b. Full name, mailing address, and phone number of the deaf interpreter; ()

c. Name, mailing address, and phone number of the sign language interpreter; and ()

d. A statement endorsing the deaf interpreter to perform sign language interpreting services and an explanation as to why the sign language interpreter believes that the deaf interpreter has the skills and the knowledge to perform this role. ()

02. Withdrawal of Endorsement. A sign language interpreter who has endorsed a deaf interpreter may withdraw their endorsement at any time upon delivery of written notice to the deaf interpreter and the Board. ()

281. -- 299. (RESERVED)

300. EXAMINATION AND RE-EXAMINATION (RULE 300).

Each applicant shall be required to successfully pass the examination approved by the Board that is relevant to the license or permit for which application is being made. (3-30-06)

01. Dates and Locations of Exams. Examinations shall be held at such times and places as shall be determined by the Board and/or third-party examination administering authorities. (~~3-30-06~~)()

02. Content of Exam. Each applicant shall be required to successfully pass the examination approved by the Board that is relevant to the license or permit for which application is being made. (3-30-06)

a. Applicants for Speech-Language Pathologist licensure shall successfully pass the national Praxis speech-language pathologist examination. Applicants for speech-language pathologist aide or speech-pathologist assistant must pass an examination approved by the Board. (3-30-06)

b. Applicants for audiologist licensure shall successfully pass the national Praxis audiologist examination. (3-30-06)

c. Applicants for Hearing Aid Dealer and Fitter licensure shall successfully pass the national International Hearing Instrument Studies examination. (3-30-06)

d. Applicants for a sign language interpreter license by examination must pass one (1) written examination from Subsection 300.02.d.i. or as approved by the Board and one (1) practical examination from Subsection 300.02.d.ii. or as approved by the Board: ()

i. The Educational Interpreter Performance Assessment (EIPA), any interpreting generalist written examination developed by the Registry of Interpreters for the Deaf (RID), the Center for Assessment of Sign Language Interpreters (CASLI), or any state government. ()

ii. Any practical or performance general interpreting examination recognized by the Registry of Interpreters for the Deaf (RID) or the Educational Interpreter Performance Assessment (EIPA) at score 4.0 or above. This practical or performance examination must have been passed within twenty (20) years before original application. ()

03. Failure of Exam. An applicant who fails to obtain a satisfactory score as determined by the examination provider in either the written examination or a section of the practical examination, shall be required to retake only the portion of the examination failed in order to qualify for licensure. If the applicant again fails the examination the applicant shall be required to retake the entire examination until the examination is successfully passed to qualify for licensure. (3-30-06)

301. CERTIFICATIONS (RULE 301).

01. Approved Certification Sponsors. Certifications approved by the Board for purposes of licensure are those administered by: ()

a. Registry of Interpreters for the Deaf (RID); ()

- b. National Association of the Deaf (NAD); ()
 - c. Center for Assessment of Sign Language Interpreters (CASLI). ()
 - d. Board for Evaluation of Interpreters (BEI) at basic level or above, or if certified before 2014, at intermediate level or above; ()
 - e. Utah Interpreter Program (UIP) at professional or master level. ()
 - 02. Board Approved Certification. Also approved is any certification that may be approved by the Board. ()
 - 03. Valid Certification. To be valid for licensure, a certification must be current. ()
 - 04. Multiple-Level Certifications. Some certifications are multiple-level. It is the responsibility of each sign language interpreter to work in settings appropriate to their certification. ()
- ~~307~~2. -- 309. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

311. -- 319. (RESERVED)

320. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE (RULE 320).

An applicant who or whose license has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony or has been subject to discipline in another state, territory, or country 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 shall 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 reoccurrence; ()
 - e. The relationship of the crime or discipline to the practice of sign language interpreting; ()
 - 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 shall bear the burden of establishing his current suitability for licensure. ()

~~340~~21. -- 349. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

471. -- ~~499~~79. (RESERVED)

480. PROVISIONAL PERMITS (RULE 480).

The Board may issue a provisional permit allowing a person to engage in the practice of sign language interpreting while that person is pursuing licensure by taking steps to pass a competency examination or obtain a certification. The holder of a provisional permit may only practice under the supervision of person(s) holding an active and unrestricted license under Title 54, Chapter 29, Idaho Code that has not been disciplined for two (2) years immediately prior to the supervisor's appointment. ()

01. Application. An applicant must submit a completed application on a form approved by the Board together with the required fee, a plan of training, an affidavit to abide by the profession's code of professional conduct, and a statement from a supervisor accepting supervisory responsibility. ()

02. Supervision. ()

a. A supervisor will ensure that the practice and conduct of each permit holder under their supervision conforms to the requirements of Title 54, Chapter 29, Idaho Code, and these rules. ()

b. A supervisor will record with the Board a plan of training that encompasses all sections covered in the licensing examination. The plan must be accepted and approved by the Board or its agent prior to issuance of a permit. ()

c. A supervisor will review with the permit holder plans for training necessary to prepare the permit holder for the required examination. ()

d. A supervisor may not supervise more than two (2) permit holder at a time. ()

e. A supervisor may terminate their supervision of a permit holder by delivering written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to termination. ()

03. Quarterly Reports. ()

a. Every permit holder must submit a quarterly report of their activities on forms furnished by the Board together with supplemental attachments as may be necessary, attested to and signed by the permit holder and supervisor. Supplemental attachments which must be submitted with this form include: ()

i. Log of supervisor and permit holder contacts; ()

ii. Supervisor's statement of completion of training assignments by permit holder; and ()

iii. Certificate of attendance for any workshop or training session that permit holder has attended; ()

b. Quarterly reports are due on or before April 10th, July 10th, October 10th, and January 10th for the three (3) calendar month period preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. ()

c. Supervisors who fail to properly or adequately work with permit holders as required by Subsection 480.02 will be subject to disciplinary action as set forth in Section 54-2923, Idaho Code. ()

04. Expiration and Renewal. ()

a. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit does not exceed the date of the third licensure examination following approval of the original application. ()

b. A provisional permit expires automatically upon issue of an original license. The provisional permit is valid for one (1) year from the date of issue and may be renewed prior to its expiration with an application for extension signed by the permit holder's supervisor at the discretion of the Board for a one (1) year period up to a maximum of two (2) renewals. ()

481. -- 499. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

601. -- ~~6~~99. (RESERVED)

700. **CODE OF ETHICS (RULE 700).**

The code of ethics for sign language interpreters licensed under Title 54, Chapter 29, Idaho Code, is contained within the National Association of the Deaf (NAD)-Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct as incorporated by reference in Section 004 of these rules. ()

701. -- 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: Dicsie Gullick **Phone:** 208 334-3233

Date: August 31, 2017

IDAPA, Chapter and Title Number and Chapter Name:

IDAPA 24.23.01 – Rules of the Speech, Hearing and Communication Services Licensure Board

Fee Rule Status: X **Proposed** **Temporary**

Rulemaking Docket Number: 24-2301-1702

STATEMENT OF ECONOMIC IMPACT:

This fee rule will have no impact on the general fund. It is estimated that there will be no impact to the Bureau of Occupational License's dedicated fund because the administrative cost of registering out of state licensees will be offset by the new \$10 registration fee and the cost of regulating in-state licensees will be offset by their application, license and renewal fees.