

IN THE SENATE

SENATE BILL NO. 1296

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO THE IDAHO DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
2 AMENDING SECTION 9-1701, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OC-
3 CUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 39-3302, IDAHO
4 CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL
5 LICENSES; AMENDING SECTION 39-3321, IDAHO CODE, TO PROVIDE FOR THE
6 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION
7 39-3340, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND
8 PROFESSIONAL LICENSES; AMENDING SECTION 49-307, IDAHO CODE, TO PROVIDE
9 FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING
10 SECTION 54-204, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
11 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-308, IDAHO CODE, TO
12 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
13 AMENDING SECTION 54-314, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OC-
14 CUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-402, IDAHO
15 CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL
16 LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-403,
17 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-
18 SIONAL LICENSES; AMENDING SECTION 54-411, IDAHO CODE, TO PROVIDE FOR
19 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
20 TION 54-412, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND
21 PROFESSIONAL LICENSES; AMENDING SECTION 54-605, IDAHO CODE, TO PROVIDE
22 FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING
23 SECTION 54-607, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
24 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-615, IDAHO CODE, TO
25 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
26 AMENDING SECTION 54-1102, IDAHO CODE, TO PROVIDE FOR THE DIVISION AD-
27 MINISTRATOR OF THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
28 AMENDING SECTION 54-1106, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OC-
29 CUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1107, IDAHO
30 CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION OF OCCU-
31 PATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS;
32 AMENDING SECTION 54-1115, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OC-
33 CUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1121, IDAHO
34 CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION OF OC-
35 CUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1506, IDAHO
36 CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL
37 LICENSES; AMENDING SECTION 54-1508, IDAHO CODE, TO PROVIDE FOR THE
38 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL
39 CORRECTIONS; AMENDING SECTION 54-1509, IDAHO CODE, TO PROVIDE FOR
40 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
41 TION 54-1510, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
42 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-1514, IDAHO CODE, TO
43 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
44 AMENDING SECTION 54-1518, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF
45

1 OCCUPATIONAL AND PROFESSIONAL LICENSES AND THE DIVISION ADMINISTRA-
2 TOR; AMENDING SECTION 54-1616, IDAHO CODE, TO PROVIDE FOR THE DIVISION
3 OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2203,
4 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-
5 SIONAL LICENSES; AMENDING SECTION 54-2206, IDAHO CODE, TO PROVIDE FOR
6 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
7 TION 54-2302, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF
8 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
9 TION 54-2305, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
10 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2307, IDAHO CODE, TO
11 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
12 AMENDING SECTION 54-2315, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF
13 OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2403,
14 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-
15 SIONAL LICENSES; AMENDING SECTION 54-2406, IDAHO CODE, TO PROVIDE FOR
16 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
17 TION 54-2407, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
18 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2408, IDAHO CODE, TO
19 PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL
20 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2412, IDAHO CODE, TO
21 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
22 AMENDING SECTION 54-2808, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF
23 OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-2809,
24 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-
25 SIONAL LICENSES; AMENDING SECTION 54-2903, IDAHO CODE, TO PROVIDE FOR
26 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
27 TION 54-2910, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
28 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-3107, IDAHO CODE, TO
29 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
30 AMENDING SECTION 54-3117, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OC-
31 CUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-3204, IDAHO
32 CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LI-
33 CENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3212,
34 IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION
35 OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND TO MAKE TECHNICAL COR-
36 RECTIONS; AMENDING SECTION 54-3309, IDAHO CODE, TO PROVIDE FOR THE
37 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION
38 54-3320, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND
39 PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
40 TION 54-3401, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF
41 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
42 TION 54-3404, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF
43 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
44 TION 54-3413, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
45 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-3414, IDAHO CODE, TO
46 PROVIDE FOR THE DIVISION ADMINISTRATOR OF THE DIVISION OF OCCUPATIONAL
47 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-3702, IDAHO CODE, TO
48 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
49 AMENDING SECTION 54-3717, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF
50 OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-3719,

1 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-
2 SIONAL LICENSES; AMENDING SECTION 54-4007, IDAHO CODE, TO PROVIDE FOR
3 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
4 TION 54-4008, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
5 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-4113, IDAHO CODE, TO
6 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
7 AMENDING SECTION 54-4132, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OC-
8 CUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-4405, IDAHO
9 CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL
10 LICENSES; AMENDING SECTION 54-4705, IDAHO CODE, TO PROVIDE FOR THE
11 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION
12 54-5017, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND
13 PROFESSIONAL LICENSES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-
14 TION 54-5203, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF
15 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
16 TION 54-5207, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
17 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5212, IDAHO CODE, TO
18 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
19 AMENDING SECTION 54-5303, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF
20 OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5308,
21 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-
22 SIONAL LICENSES; AMENDING SECTION 54-5310, IDAHO CODE, TO PROVIDE FOR
23 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
24 TION 54-5313, IDAHO CODE, TO PROVIDE FOR THE DIVISION ADMINISTRATOR OF
25 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
26 TION 54-5315, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
27 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5402, IDAHO CODE, TO
28 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
29 AMENDING SECTION 54-5404, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF
30 OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5406,
31 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-
32 SIONAL LICENSES; AMENDING SECTION 54-5502, IDAHO CODE, TO PROVIDE FOR
33 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
34 TION 54-5504, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
35 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5509, IDAHO CODE, TO
36 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;
37 AMENDING SECTION 54-5602, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF
38 OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SECTION 54-5607,
39 IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFES-
40 SIONAL LICENSES; AMENDING SECTION 54-5802, IDAHO CODE, TO PROVIDE FOR
41 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMENDING SEC-
42 TION 54-5807, IDAHO CODE, TO PROVIDE FOR THE DIVISION OF OCCUPATIONAL
43 AND PROFESSIONAL LICENSES; AMENDING SECTION 67-7304, IDAHO CODE, TO
44 PROVIDE FOR THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES AND
45 TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING AN
46 EFFECTIVE DATE; AND PROVIDING A SUNSET DATE.

47 Be It Enacted by the Legislature of the State of Idaho:

48 SECTION 1. That Section 9-1701, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 9-1701. LICENSURE OR NONLICENSURE. (1) The existence or nonexistence
 2 of licensure by any public authority in this state, the United States, or
 3 any state of the United States may be proved, prima facie, in any criminal or
 4 civil action, by the affidavit of the custodian of the records of the licens-
 5 ing authority, or one acting with the authorization of the custodian, stat-
 6 ing that the conclusion given was based on a diligent search of the records,
 7 and accompanied by a certificate that such person has the custody.

8 (2) In cases where public licensing functions performed by more than
 9 one licensing authority in this state relate to the same subject matter, the
 10 ~~bureau of occupational~~ division of occupational and professional licenses
 11 may, by regulation, designate a single custodian to maintain a master list of
 12 licensees, and the affidavit of such person, or one acting with his author-
 13 ity, may be used as evidence in the manner and with the effect set forth in
 14 subsection (1) of this section.

15 (3) This section does not prevent the proof of official records or of
 16 entry or lack of entry therein by any method authorized by any applicable
 17 statute, rule of criminal or civil procedure or rule of evidence recognized
 18 by the courts of this state.

19 SECTION 2. That Section 39-3302, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 39-3302. DEFINITIONS. As used in this chapter:

22 (1) "Abuse" means a nonaccidental act of sexual, physical or mental
 23 mistreatment or injury of a resident through the action or inaction of an-
 24 other individual.

25 (2) "Accreditation" means a process of review that allows health care
 26 organizations to meet regulatory requirements and standards established by
 27 a recognized accreditation organization.

28 (3) "Accreditation commission" means the commission on accreditation
 29 of rehabilitation facilities (CARF), the joint commission, or another na-
 30 tionally recognized accreditation organization approved by the director.

31 (4) "Activities of daily living" means the performance of basic self-
 32 care activities in meeting an individual's needs to sustain him in a daily
 33 living environment.

34 (5) "Administrator" means an individual, properly licensed by the
 35 ~~bureau of occupational licensing~~ division of occupational and professional
 36 licenses, who is responsible for day-to-day operation of a residential care
 37 or assisted living facility.

38 (6) "Adult" means a person who has attained the age of eighteen (18)
 39 years.

40 (7) "Advocate" means an authorized or designated representative of a
 41 program or organization operating under federal or state mandate to repre-
 42 sent the interests of mentally ill, developmentally disabled, or elderly
 43 residents.

44 (8) "Assessment" means the conclusion reached using uniform criteria,
 45 which identifies resident strengths, weaknesses, risks and needs, to in-
 46 clude functional, medical and behavioral needs. The assessment criteria
 47 shall be developed by the department and residential care or assisted living
 48 council.

1 (9) "Authorized provider" in this chapter means an individual who is a
2 nurse practitioner or clinical nurse specialist or a physician assistant.

3 (10) "Board" means the board of health and welfare.

4 (11) "Chemical restraint" means a medication used to control behavior
5 or to restrict freedom of movement and is not a standard treatment for the
6 resident's condition.

7 (12) "Core issues" means abuse, neglect, exploitation, inadequate
8 care, a situation in which the facility has operated for more than thirty
9 (30) days without a licensed administrator designated the responsibility
10 for the day-to-day operations of the facility, inoperable fire detection or
11 extinguishing systems with no fire watch in place pending the correction of
12 the system, and surveyors denied access to records, residents or facilities.

13 (13) "Department" means the Idaho department of health and welfare.

14 (14) "Director" means the director of the Idaho department of health and
15 welfare.

16 (15) "Exploitation" means the misuse of a resident's funds, property,
17 resources, identity or person for profit or advantage.

18 (16) "Facility" means a residential care or assisted living facility.

19 (17) "Governmental unit" means the state, any county, any city, other
20 political subdivision, or any department, division, board, or other agency
21 thereof.

22 (18) "Inadequate care" occurs when a facility fails to provide the ser-
23 vices required to meet the terms of the negotiated service agreement or pro-
24 vide for room, board, activities of daily living, supervision, first aid,
25 assistance and monitoring of medications, emergency intervention, coordi-
26 nation of outside services, a safe living environment; or engages in viola-
27 tions of residents' rights, or takes residents who have been admitted in vio-
28 lation of the provisions of section 39-3307, Idaho Code.

29 (19) "License" means a basic permit to operate a residential care or as-
30 sisted living facility.

31 (20) "Licensee" means the owner of a license to operate a residential
32 care or assisted living facility under this chapter.

33 (21) "Licensing agency" means the unit of the department of health and
34 welfare that conducts inspections and surveys and issues licenses based on
35 compliance with this chapter.

36 (22) "Neglect" means failure to provide food, clothing, shelter, or
37 medical care necessary to sustain the life and health of a resident.

38 (23) "Negotiated service agreement" means the agreement reached by the
39 resident and/or the resident's representative and the facility, based on the
40 assessment, physician's orders, admission records, and desires of the res-
41 ident, and which outlines services to be provided and the obligations of the
42 facility and the resident.

43 (24) "Personal assistance" means the provision by the staff of the fa-
44 cility of one (1) or more of the following services:

45 (a) Assisting the resident with activities of daily living;

46 (b) Arranging for supportive services;

47 (c) Being aware of the resident's general whereabouts; and

48 (d) Monitoring the activities of the resident while on the premises of
49 the facility to ensure the resident's health, safety and well-being.

50 (25) "Political subdivision" means a city or county.

1 (26) "Resident" means an adult who lives in a residential care or as-
2 sisted living facility.

3 (27) "Residential care or assisted living facility" means a facility or
4 residence, however named, operated on either a profit or nonprofit basis for
5 the purpose of providing necessary supervision, personal assistance, meals
6 and lodging to three (3) or more adults not related to the owner.

7 (28) "Room and board" means lodging and meals.

8 (29) "Substantial compliance" means a facility has no core issue defi-
9 ciencies.

10 (30) "Supervision" means administrative activity which provides the
11 following: protection, guidance, knowledge of the resident's general
12 whereabouts, and assistance with activities of daily living. The adminis-
13 trator is responsible for providing appropriate supervision based on each
14 resident's negotiated service agreement or other legal requirements.

15 (31) "Supportive services" means the specific services that are pro-
16 vided to the resident in the community.

17 SECTION 3. That Section 39-3321, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 39-3321. QUALIFICATIONS AND REQUIREMENTS OF ADMINISTRATOR. Each res-
20 idential care or assisted living facility must employ at least one (1) admin-
21 istrator licensed by the ~~bureau of occupational licensing~~ division of occu-
22 ptional and professional licenses, which is responsible for licensing res-
23 idential care facility administrators for the state of Idaho. Multiple fa-
24 cilities under one (1) administrator may be allowed by the department based
25 on an approved plan of operation.

26 SECTION 4. That Section 39-3340, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 39-3340. LICENSING. (1) Any person, firm, partnership, association,
29 governmental unit, or corporation within the state proposing to operate, es-
30 tablish, manage, conduct, or maintain a residential care or assisted living
31 facility in the state shall have a license issued by the licensing agency of
32 the department. A license is not transferable. The owner of the license has
33 ultimate responsibility for the operation of the facility.

34 (2) Each residential care or assisted living facility in the state re-
35 quires an administrator, properly licensed by the ~~bureau of occupational li-~~
36 ~~ensing~~ division of occupational and professional licenses, who is respon-
37 sible for the day-to-day operation of the facility.

38 (3) A license is not transferable from one (1) individual to another,
39 from one (1) business entity to another, or from one (1) location to another.
40 When a change of operator, ownership or location occurs, the facility shall
41 be relicensed, and the operator shall follow the application procedures and
42 obtain a license before commencing operation as a facility. When there is
43 a significant change in an owner's share of the facility that does not al-
44 ter the overall ownership or operation of the business, that change shall be
45 communicated to the licensing agency within sixty (60) days of the effective
46 date of the change. When the owner contracts the operation to a facility man-

1 agement company, other than for temporary management, it shall be treated as
2 a change of operator.

3 SECTION 5. That Section 49-307, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 49-307. CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SU-
6 PERVISED INSTRUCTION PERMIT -- APPLICATION FOR A CLASS D DRIVER'S LICENSE
7 -- RESTRICTIONS ON CLASS D DRIVER'S LICENSE. (1) No enrollee of any class D
8 driver's training course shall be allowed to attend classes or participate
9 in driving instruction unless he has obtained a class D driver's training in-
10 struction permit, or a class D instruction permit as provided in subsection
11 (4) of this section.

12 (2) Every enrollee of a class D driver's training course shall pay a
13 nonrefundable fee of fifteen dollars (\$15.00). Five dollars (\$5.00) of each
14 fee so imposed shall be deposited in the state highway account, five dollars
15 (\$5.00) shall be deposited in the county current expense fund, and five dol-
16 lars (\$5.00) shall be:

17 (a) Deposited in the driver training account if the person is taking
18 driver's training from a public school; or

19 (b) Paid to the ~~bureau of occupational~~ division of occupational and
20 professional licenses and deposited in the state treasury to the credit
21 of the occupational licenses fund if the person is taking driver's
22 training from a private driver's training program. The amount to be
23 remitted to the ~~bureau of occupational~~ division of occupational and
24 professional licenses shall be annually calculated and paid. To calcu-
25 late such amount, the total number of public driver's training students
26 as submitted to the state department of education shall be subtracted
27 from the total number of permits sold as reported by the Idaho trans-
28 portation department, and the resulting number shall be multiplied by
29 five dollars (\$5.00).

30 (3) Each enrollee of a class D driver's training course shall provide
31 the type of information required for a driver's license or instruction per-
32 mit. If an enrollee of a class D driver's training course cannot provide a
33 certified copy of his birth certificate at the time of application for a per-
34 mit, the department may issue a class D driver's training instruction permit
35 or a class D instruction permit upon receipt of identification acceptable
36 to the department. The certified copy of an applicant's birth certificate
37 shall be required before a class D driver's license will be issued.

38 (4) The class D driver's training instruction permit shall expire five
39 (5) days after the permittee's eighteenth birthday for permittees fourteen
40 and one-half (14 1/2) years of age through seventeen and one-half (17 1/2)
41 years of age. The class D driver's training instruction permit shall ex-
42 pire one hundred eighty (180) days from the date of issue for persons sev-
43 enteen and one-half (17 1/2) years of age or older. Persons aged seventeen
44 (17) years or older may attend classes or participate in driver's training
45 instruction while operating with a class D instruction permit or a class D
46 driver's training instruction permit.

47 (5) The class D driver's training instruction permit shall be issued to
48 the instructor of the course.

49 (6) Class D supervised instruction permit.

1 (a) Upon successful completion of the class D driver's training course,
2 the driver's training instructor shall submit the student log to the
3 county driver's license office and give the class D driver's training
4 instruction permit to the parent or legal guardian of the permittee, and
5 the parent or legal guardian shall assume responsibility for ensuring
6 that the permittee complies with the requirements of operating a vehi-
7 cle with a class D supervised instruction permit. The class D driver's
8 training instruction permit shall then serve as a class D supervised
9 instruction permit.

10 (b) In the event the permittee reaches the age of seventeen (17) years
11 while operating a class D vehicle with a class D supervised instruction
12 permit, the supervised instruction permit shall become a class D in-
13 struction permit.

14 (7) No permittee may apply for a class D driver's license sooner than
15 fifteen (15) years of age and no sooner than six (6) months after completing a
16 class D driver's training course, during which time the permittee shall sat-
17 isfy all requirements for operation of a class D vehicle with a class D super-
18 vised instruction permit as follows:

19 (a) The permittee shall not operate a vehicle unless he is accompanied
20 by a driver who holds a valid driver's license, is twenty-one (21) years
21 of age or older, and who is actually occupying a seat beside the permit-
22 tee driver. The supervising driver and the permittee shall be the only
23 occupants of the front passenger section of the vehicle.

24 (b) Over a period of time not less than six (6) months, the permittee
25 shall accumulate at least fifty (50) hours of supervised driving time,
26 ten (10) hours of which shall be during hours of darkness.

27 (c) The permit shall be in the permittee's immediate possession at all
28 times while operating a vehicle.

29 (d) In addition to the permittee driver and the supervising driver, all
30 other occupants of the vehicle shall wear a seat belt or be restrained by
31 child passenger restraints as required by law.

32 (e) The permittee is subject to the provisions of sections 18-1502 and
33 18-8004, Idaho Code, relating to violation of age restrictions on con-
34 sumption of beer, wine, and alcohol and driving under the influence of
35 alcohol, drugs or any other intoxicating substances, respectively.

36 (f) The permittee shall not have been convicted of any moving traffic
37 violation, or have had driving privileges suspended by the department
38 or the court for any offense, or found to be in violation of any of the
39 restrictions on the class D supervised instruction permit, for a period
40 of at least six (6) months from the date the driver's training instruc-
41 tor gave the permit to the parent or legal guardian, or from the date a
42 canceled class D supervised instruction permit was reissued, or until
43 the permittee reaches seventeen (17) years of age.

44 (g) If the permittee is under seventeen (17) years of age and is con-
45 victed of a violation of any traffic law, or section 18-1502, 18-8004
46 or 23-949, Idaho Code, or is found to be in violation of any of the re-
47 strictions on the class D supervised instruction permit, the department
48 shall cancel the class D supervised instruction permit, and the cancel-
49 lation shall not be used to establish rates of motor vehicle insurance
50 charged by a casualty insurer. If the permittee is under seventeen (17)

1 years of age, the permittee may reapply for and be issued a new class D
 2 supervised instruction permit upon payment of the appropriate fee, and
 3 shall again be required to operate with the class D supervised instruc-
 4 tion permit for at least six (6) months from the date of reissue with-
 5 out a conviction or suspension, accumulate the required hours of driv-
 6 ing time and adhere to the requirements as specified in paragraphs (a)
 7 through (f) of this subsection.

8 (8) Upon completion of the requirements in subsection (7) of this sec-
 9 tion, the permittee shall take the knowledge test and skills test adminis-
 10 tered by a person certified by the Idaho transportation department to admin-
 11 ister knowledge and skills tests.

12 (9) Upon passage of the knowledge and skills tests, the permittee may
 13 apply for a class D driver's license with driving privileges restricted to
 14 daylight hours for persons under sixteen (16) years of age, and with full
 15 privileges at sixteen (16) years of age or older. Provided however, the re-
 16 striction on daylight hours only driving privileges for persons under six-
 17 teen (16) years of age shall not apply if:

18 (a) The person under sixteen (16) years of age has a valid class D
 19 driver's license; and

20 (b) Is accompanied by a driver who holds a valid driver's license and is
 21 twenty-one (21) years of age or older and is actually occupying a seat
 22 beside the licensee who is under sixteen (16) years of age; and

23 (c) The two (2) licensed drivers are the only occupants of the front
 24 passenger section of the vehicle.

25 The restriction of daylight hours only shall mean that period of time one-
 26 half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

27 (10) Upon passage of the knowledge and skills tests, the permittee may
 28 apply for a class D driver's license. Any such licensee who is under the age
 29 of seventeen (17) years shall be required, during the first six (6) months
 30 from the date of issue of the class D driver's license, to limit the number
 31 of passengers in the vehicle who are under the age of seventeen (17) years to
 32 not more than one (1) such passenger. Provided however, the limit of one (1)
 33 passenger under the age of seventeen (17) years shall not apply to passengers
 34 who are related to the driver by blood, adoption or marriage.

35 SECTION 6. That Section 54-204, Idaho Code, be, and the same is hereby
 36 amended to read as follows:

37 54-204. POWERS AND DUTIES. The Idaho state board of accountancy, in
 38 addition to the other powers and duties set forth in this chapter, shall have
 39 the following powers and duties:

40 (1) To adopt and amend rules in accordance with the provisions of the
 41 administrative procedure act, chapter 52, title 67, Idaho Code, governing
 42 its administration and the enforcement of this chapter and the conduct of li-
 43 censees including, but not limited to:

44 (a) Rules governing the board's meetings and the conduct of its busi-
 45 ness;

46 (b) Rules of procedure governing the conduct of investigations and
 47 hearings by the board;

1 (c) Rules specifying the education, examination and experience quali-
2 fications required for the issuance of certificates, and the continuing
3 professional education required for renewal of licenses;

4 (d) Rules of professional conduct directed to controlling the quality
5 and probity of professional services by licensees, and dealing among
6 other things with independence, integrity and objectivity; competence
7 and technical standards; responsibilities to the public; and responsi-
8 bilities to clients;

9 (e) Rules governing the professional standards applicable to li-
10 censees;

11 (f) Rules governing the manner and circumstances of use of the titles
12 "certified public accountant" and "licensed public accountant";

13 (g) Rules regarding peer reviews that may be required to be performed
14 under the provisions of this chapter;

15 (h) Rules on substantial equivalency to implement section 54-227,
16 Idaho Code;

17 (i) Rules adopting statements on standards as specified in section
18 54-206, Idaho Code, which, if the board may deem appropriate, shall
19 be those standards developed for general application by recognized
20 accountancy organizations such as the AICPA, as such statements are
21 established from time to time; and

22 (j) Such other rules as the board may deem necessary or appropriate to
23 implement or administer the provisions and purposes of this chapter.

24 (2) To issue original certificates of qualification and licenses to
25 practice as certified public accountants to such applicants as may be quali-
26 fied by reciprocity, transfer of examination grades or by examination.

27 (3) To charge and collect from all applicants, certificate holders, and
28 licensees such fees as are provided by this chapter and prescribed by rules
29 of the board.

30 (4) To initiate or receive complaints, cause the same to be investi-
31 gated, initiate proceedings, and conduct hearings or proceedings pursuant
32 to chapter 2, title 54, Idaho Code. The board may designate a member, or any
33 other person of appropriate competence, to serve as investigating officer to
34 conduct an investigation. Upon completion of an investigation, the investi-
35 gating officer shall file a report with the board. Unless dismissed by the
36 board as unfounded or trivial, the board may proceed with disciplinary pro-
37 ceedings or may return the report to the investigating officer for further
38 investigation.

39 (a) In order to protect the interests of a complainant, witness, third
40 party or defendant, the board may upon application and for good cause
41 shown, issue a protective order, consistent with chapter 1, title 74,
42 Idaho Code, prohibiting the disclosure of specific information other-
43 wise not privileged and confidential and direct that the proceedings be
44 conducted so as to implement the order.

45 (b) In carrying into effect the provisions of this chapter, the board
46 may subpoena witnesses and compel their attendance, and also may re-
47 quire the submission of books, papers, documents or other pertinent
48 data; may administer oaths; may take testimony; may cooperate with the
49 appropriate authorities in other states in investigation and enforce-
50 ment concerning violations of this chapter and comparable acts of other

1 states; and may receive evidence in any disciplinary matters or in any
 2 case wherever a violation of the provisions of this chapter is alleged.
 3 Upon failure or refusal to comply with any such order of the board, or
 4 upon failure to honor its subpoena, the board may apply to the court in
 5 the district where the witness resides to enforce compliance.

6 (5) To authorize by written agreement the ~~bureau of occupational~~
 7 division of occupational and professional licenses as agent to act in its
 8 interest.

9 (6) Any action, claim or demand to recover money damages from the board
 10 or its employees which any person is legally entitled to recover as compensa-
 11 tion for the negligent or otherwise wrongful act or omission of the board or
 12 its employees, when acting within the course and scope of their employment,
 13 shall be governed by the Idaho tort claims act, chapter 9, title 6, Idaho
 14 Code. For purposes of this subsection, the term "employees" shall include
 15 special assignment members of the board and other independent contractors
 16 while acting within the course and scope of their board related work.

17 (7) All hearings, investigations or proceedings conducted by the board
 18 shall be conducted in conformity with chapter 52, title 67, Idaho Code, and
 19 rules of the board adopted pursuant thereto, and, unless otherwise requested
 20 by the concerned party, be subject to disclosure according to chapter 1, ti-
 21 tle 74, Idaho Code.

22 SECTION 7. That Section 54-308, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 54-308. BOARD -- POWERS. The board shall have, in addition to the pow-
 25 ers conferred elsewhere in this chapter, the following powers:

26 (1) To authorize, by written agreement, the ~~bureau of occupational~~
 27 division of occupational and professional licenses to act as its agent in
 28 its interests and, at its discretion, to contract with the ~~bureau of oc-~~
 29 cupational division of occupational and professional licenses for those
 30 services deemed necessary for the proper administration of this chapter;

31 (2) To adopt, pursuant to the administrative procedure act, such rules
 32 as are necessary for the administration and enforcement of this chapter, in-
 33 cluding a code of ethics and standards of practice;

34 (3) To maintain records necessary to carry out its duties under this
 35 chapter;

36 (4) To adopt rules setting the qualifications and fitness of applicants
 37 for licensure under this chapter;

38 (5) To approve continuing education courses and prescribe by rule the
 39 minimum number of continuing education hours required of each licensee seek-
 40 ing to obtain or renew an architect's license in the state of Idaho;

41 (6) To examine for, deny, approve, issue, revoke, suspend or otherwise
 42 discipline licenses pursuant to this chapter and to conduct investigations
 43 and hearings in connection with such actions, in accordance with the provi-
 44 sions of chapter 52, title 67, Idaho Code;

45 (7) To establish a procedure for an applicant to request an exemption
 46 review for a felony or lesser crime conviction. The applicant shall bear the
 47 burden and financial responsibility of providing all evidence, documenta-
 48 tion and proof of suitability for licensure required by the board for exemp-
 49 tion review;

1 (8) To administer or have its designee administer oaths or affirmations
2 to witnesses in any proceeding authorized by this chapter;

3 (9) (a) To engage in discovery as provided in the Idaho rules of civil
4 procedure and chapter 52, title 67, Idaho Code, including, but not lim-
5 ited to, the power to take depositions of witnesses within or without
6 the state in the manner provided by law in civil cases, and to require
7 the attendance of witnesses and the production of books, records and pa-
8 pers as it may desire at any hearing before it of any matter that it has
9 authority to investigate, and for that purpose the board or its desig-
10 nated hearing officer may issue a subpoena for any witness or a subpoena
11 duces tecum to compel the production of any books, records or papers,
12 directed to the sheriff of any county of the state of Idaho where the
13 witness resides or may be found, which shall be served and returned in
14 the same manner as a subpoena in a criminal case is served and returned.
15 The licensed person accused in the proceedings shall have the same right
16 of subpoena upon making application to the board.

17 (b) The fees and mileage of the witnesses shall be the same as that al-
18 lowed in the district courts in criminal cases and will be paid from the
19 occupational licenses fund in the same manner as other expenses of the
20 board are paid.

21 (c) In any case of disobedience to, or neglect of, any subpoena or sub-
22 poena duces tecum served upon any person, or the refusal of any witness
23 to testify to any matter regarding which he may be interrogated, it
24 shall be the duty of the district court, or any judge thereof, of any
25 county in this state in which the disobedience, neglect or refusal oc-
26 curs, upon application by the board, to compel obedience by proceedings
27 for contempt as in the case of disobedience of the requirements of a sub-
28 poena issued from the court or for refusal to testify; and

29 (10) To take such action as may be necessary to enforce the provisions of
30 this chapter and to regulate the practice of architecture.

31 SECTION 8. That Section 54-314, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 54-314. DISCIPLINE -- INJUNCTION. (1) The board shall have the author-
34 ity to sanction any license issued pursuant to the provisions of this chapter
35 for any of the following:

36 (a) Fraud or deception in applying for, procuring or renewing a license
37 under this chapter;

38 (b) Fraud or deceit in the practice of architecture or in procuring any
39 contract in the practice of architecture;

40 (c) Incompetence or gross negligence or recklessness in the practice of
41 architecture;

42 (d) A conviction, finding of guilt, receipt of a withheld judgment or
43 suspended sentence in this or any other state, territory, country or ju-
44 risdiction for a felony or a misdemeanor, which misdemeanor involved
45 a violation of the provisions of this chapter, a willful violation of
46 state or local building codes, or a violation of other laws relating to
47 the public health and safety and that were committed in the course of
48 practicing architecture;

1 (e) Affixing his signature to, or impressing his seal upon, any plans,
2 drawings, specifications or other instruments of service that have not
3 been prepared by him, or under his responsible control, or permitting
4 his name to be used for the purpose of assisting any person who is not a
5 licensed architect to evade the provisions of this chapter;

6 (f) Receiving rebates, commissions, grants of money or other favors in
7 connection with the work, without the knowledge of the party for whom
8 he is working, or having a pecuniary interest in the performance of the
9 contract for the work designed, planned or supervised by him without the
10 knowledge and consent of the owner;

11 (g) Unethical or unprofessional conduct as defined by the rules of the
12 board or the code of ethics established by the rules of the board;

13 (h) Practicing architecture or representing oneself as a licensed ar-
14 chitect when unlicensed, in violation of licensing laws of the juris-
15 diction in which the conduct took place;

16 (i) Having had any professional or occupational license revoked, sus-
17 pended or otherwise disciplined in Idaho or any other state, territory,
18 country or jurisdiction;

19 (j) Failing to maintain the requirements for a license, including not
20 fulfilling the continuing education requirement for license renewal
21 established by the board in rule;

22 (k) Failing to comply with a board order; or

23 (l) Violating any of the provisions of this chapter or any of the rules
24 promulgated by the board under the authority of this chapter.

25 (2) Sanctions that the board may impose include one (1) or more of the
26 following:

27 (a) Refusal to grant or renew a license;

28 (b) Revocation of a license;

29 (c) Suspension of a license for a period not to exceed two (2) years;

30 (d) Restriction of a license to prohibit the offender from performing
31 certain acts or from engaging in the practice of architecture in a par-
32 ticular manner for a period not to exceed two (2) years;

33 (e) Placement of the offender on probation and supervision by the board
34 for a period not to exceed two (2) years; and

35 (f) Imposition of an administrative fine not to exceed two thousand
36 dollars (\$2,000) per violation.

37 (3) The procedures for disciplinary proceedings shall be in compliance
38 with the Idaho administrative procedure act and the rules of the office of
39 the attorney general and the ~~bureau of occupational~~ division of occupational
40 and professional licenses.

41 (4) The board or any resident citizen may maintain an action in equity
42 in the name of the state of Idaho to enjoin perpetually any person, firm, com-
43 pany, corporation or partnership from persisting in the doing of any acts
44 constituting a violation of this chapter. Such action shall be brought in
45 the district court of the county in which said act or acts or some of them are
46 claimed to have been or are being committed, by filing a complaint setting
47 forth the acts. The court, or a judge thereof at chambers, if satisfied from
48 the complaint or by affidavits that the acts complained of have been or are
49 being committed and will probably be persisted in, may issue a temporary writ
50 enjoining the defendant from the commission of any such act or acts pending

1 final disposition of the case. The case shall proceed as in other cases for
 2 injunction. If at the trial the commission of the act or acts by the defen-
 3 dant is established, and the court further finds that it is probable that
 4 the defendant will continue therein or in similar violations, the court, or
 5 a judge thereof at chambers, shall enter a decree perpetually enjoining the
 6 defendant from thereafter committing said or similar acts.

7 SECTION 9. That Section 54-402, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 54-402. DEFINITIONS. (1) The terms used in this chapter have the fol-
 10 lowing meanings:

11 (a) "Amateur combatant" means an individual who has never been a
 12 professional combatant, as defined in this chapter, as well as an in-
 13 dividual who has never received nor competed for any purse or other
 14 article of value, either for participating in or being associated in any
 15 way with any contest or exhibition of unarmed combat or for the expenses
 16 of training therefor, other than a noncash prize which does not exceed
 17 fifty dollars (\$50.00) in value.

18 (b) "Applicant" means any individual, club, association, corporation,
 19 partnership, trust or other business entity which submits an applica-
 20 tion to the commission for a license or permit pursuant to this chapter.

21 (c) "Booking agent" means persons who act as bookers, agents, agencies
 22 and representatives who secure engagements and contracts for combat-
 23 ants.

24 (d) "Boxing" means the pugilistic act of attack and defense with the
 25 fists, practiced as a sport. The term includes all variations of the
 26 sport permitting or using other parts of the human body to deliver blows
 27 upon an opponent including, but not limited to, the foot, knee, leg, el-
 28 bow or head. "Boxing" includes, but is not limited to, kickboxing and
 29 martial arts but does not include professional wrestling.

30 (e) "Broadcast" means any audio or visual transmission sent by any
 31 means of signal within, into or from this state, whether live or taped or
 32 time delayed, and includes any replays thereof.

33 (f) ~~"Bureau" means the Idaho bureau of occupational licenses.~~

34 ~~(g)~~ "Closed-circuit telecast" means any telecast of contests or exhi-
 35 bitions which is not intended to be available for viewing without the
 36 payment of a fee, collected or based upon each telecast viewed, or for
 37 the privilege of viewing the telecast.

38 ~~(h)~~ "Club" means an incorporated or unincorporated association or
 39 body of individuals voluntarily united and acting together for some
 40 common or special purpose.

41 ~~(i)~~ "College" and "university" mean:

42 (i) An educational institution of higher learning that typically
 43 grants associate's, bachelor's, master's or doctorate degrees;

44 (ii) A division or school of a university; and

45 (iii) As used in this chapter, also includes educational institu-
 46 tions known as community colleges and ~~professional-~~ career tech-
 47 nical schools.

48 ~~(j)~~ "Combatant" means an individual who takes part as a competitor in a
 49 contest or exhibition.

- 1 (~~k~~j) "Commission" means the state athletic commission.
2 (~~l~~k) "Commissioner" means the state athletic commissioner.
3 (~~m~~l) "Contest" means a boxing match in which the participants strive
4 earnestly in good faith to win.
5 (~~n~~m) "Corner person" means, but shall not be limited to, a trainer, a
6 second or any other individual who attends the combatant during a match.
7 (n) "Division" means the division of occupational and professional li-
8 censes.
9 (o) "Exhibition" means an engagement in which the participants show
10 or display their skill without necessarily striving to win, such as a
11 wrestling match between professional wrestlers or a boxing match where
12 boxers are sparring.
13 (p) "Judge" means an individual other than a referee who shall have a
14 vote in determining the winner of any contest.
15 (q) "Kickboxing" means any form of competitive pugilistic contest or
16 exhibition in which blows are delivered with the hand and any part of the
17 foot.
18 (r) "License" means a certificate issued to a person by the commission
19 that is required for the person to conduct, participate in or otherwise
20 be associated with sanctioned contests or exhibitions.
21 (s) "Licensee" means a person who has been issued a license by the com-
22 mission.
23 (t) "Manager" means a person who controls or administers the affairs of
24 any professional combatant. The term "manager" includes a person act-
25 ing as a booking agent or a person acting as the representative of a man-
26 ager.
27 (u) "Martial arts" means any form of karate, kung fu, tae kwon do, sumo,
28 judo or any other system or form of combat or self-defense art.
29 (v) "Matchmaker" means a person who brings together or induces combat-
30 ants to participate in contests or exhibitions or a person who arranges
31 contests or exhibitions.
32 (w) "Participant" means any person who is required by this chapter to
33 be licensed by the commission in connection with taking part in or being
34 associated with a contest or exhibition.
35 (x) "Person" means any individual, partnership, limited liability com-
36 pany, club, association, corporation, organization, secondary school,
37 college, university, trust or other legal entity.
38 (y) "Physician" means an individual licensed under the laws of this
39 state to engage in the general practice of medicine or osteopathic
40 medicine.
41 (z) "Professional combatant" means an individual eighteen (18) years
42 of age or older who participates as a competitor in a contest or exhibi-
43 tion for money, prizes or purses, or who teaches, instructs or assists
44 in the practice of unarmed combat or sparring as a means of obtaining pe-
45 cuniary gain.
46 (aa) "Professional contest and professional exhibition" means any con-
47 test or exhibition conducted within this state involving professional
48 combatants.
49 (bb) "Professional wrestling" means an activity in which combatants
50 struggle hand-to-hand primarily for the purpose of providing enter-

1 tainment to spectators and which does not comprise a bona fide athletic
2 contest or competition.

3 (cc) "Promoter" means any person including an owner, officer, partner,
4 member, director, employee or shareholder thereof, who produces, ar-
5 ranges, stages or otherwise promotes any contest or exhibition.

6 (dd) "Pugilistic" means an act related to the skill or practice of
7 fighting with the fists.

8 (ee) "Purse" means the financial guarantee or any other remuneration or
9 thing of value for which a person participates in a contest or exhibi-
10 tion.

11 (ff) "Ring official" means any individual who performs an official
12 function during the progress of a regulated contest or exhibition
13 including, but not limited to, timekeepers, judges, referees and at-
14 tending physicians.

15 (gg) "Sanctioning permit" means a license issued by the commission or
16 a permit issued by an approved amateur athletic sanctioning organiza-
17 tion, that authorizes a promoter to promote a single program of contests
18 and exhibitions at a specific venue.

19 (hh) "Secondary school" means a school which, for operational purposes,
20 is organized and administered on the basis of grades ~~seven (7)~~ through
21 ~~twelve (12)~~, inclusive, or any combination thereof.

22 (ii) "Sparring" means to engage in a form of unarmed combat, such as oc-
23 curs in a practice or exhibition match.

24 (jj) "Trainer" means an individual who assists, coaches or instructs
25 any unarmed combatant with respect to physical conditioning, strategy,
26 techniques or preparation for competition in contests or exhibitions.

27 (kk) "Unarmed combat" means a fight or contest between individuals or
28 groups without the use of weapons other than the natural appurtenances
29 of the human body.

30 (2) To the extent the commission deems pertinent, any specialized term
31 not otherwise defined in this chapter may be defined by rule.

32 SECTION 10. That Section 54-403, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 54-403. AGENTS, EMPLOYEES AND INSPECTORS. (1) The commission shall
35 contract with the ~~bureau of occupational~~ division of occupational and pro-
36 fessional licenses to act as the board's agent and employ such employees
37 and inspectors as may be necessary to provide the required administrative,
38 investigative, legal and fiscal services and otherwise administer the pro-
39 visions of this chapter.

40 (2) The commissioner may appoint up to five (5) deputy state athletic
41 commissioners who shall be assigned such duties and given such authority as
42 designated by the commissioner. Deputy commissioners shall serve at the
43 discretion of the commissioner and may be appointed for a term not to exceed
44 the tenure of the commissioner. Deputy commissioners shall be entitled to an
45 honorarium as provided in section 59-509 (n), Idaho Code.

46 (3) No less than one (1) commissioner or deputy commissioner or agent of
47 the commission shall be present at any contest or exhibition held under the
48 provisions of this chapter. Such agents shall carry official identifica-
49 tion evidencing their authority. It shall be their duty to see that all rules

1 of the commission and the provisions of this chapter are strictly complied
2 with and to be present at the accounting of the gross receipts of any con-
3 test or exhibition, and such agent is authorized to receive from the licensee
4 conducting the contest or exhibition the statement of gross receipts herein
5 provided for and to immediately transmit such reports to the commission.

6 SECTION 11. That Section 54-411, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 54-411. STATEMENT AND REPORT OF EVENT -- TAX ON GROSS RECEIPTS. (1)
9 Any promoter as herein provided shall, at least seven (7) days prior to the
10 holding of any contest or exhibition, file with the commission a statement
11 setting forth the name of each combatant, his manager or managers, the total
12 number of tickets available for the contest or exhibition and such other
13 information as the commission may require. The promoter shall pay to the
14 commission at the time of the sanctioning permit application an initial
15 event tax of one thousand dollars (\$1,000). Within seventy-two (72) hours
16 after the termination of any contest or exhibition the promoter shall file
17 with the commission representative a gross receipts report, duly verified
18 as the commission may require showing the number of tickets sold for such
19 contest or exhibition, the price charged for such tickets and the gross
20 receipts thereof without any deduction whatsoever, and such other and fur-
21 ther information as the commission may require. If the initial event tax
22 previously paid is less than nine percent (9%) of the gross receipts for the
23 event, then the promoter shall pay to the commission at the time of filing the
24 above report an additional event tax equal to nine percent (9%) of the gross
25 receipts, minus the initial event tax previously paid, for deposit by the
26 commission.

27 (2) All tickets for any contest or exhibition shall be issued, sold and
28 distributed by an independent ticket distributor or broker not associated
29 with the promoter and not associated with the venue unless approved by the
30 commission. The number of complimentary tickets shall be limited to two per-
31 cent (2%) of the total tickets sold per event location. All complimentary
32 tickets exceeding this set amount shall be subject to taxation. The pro-
33 moter shall limit the number of persons admitted to the event to the number
34 of available tickets that are actually sold, given away or otherwise issued
35 for the event.

36 (3) Gross receipts reports signed under oath shall also include:
37 (a) The name of the promoter;
38 (b) The contest or exhibition sanctioning permit number;
39 (c) The promoter's business address and any license or sanctioning per-
40 mit number required of such promoter by law;
41 (d) Gross receipts as specified by this section, during the period
42 specified by this section; and
43 (e) Such further information as the commission may require to enable it
44 to compute correctly and collect the assessment levied pursuant to this
45 section.

46 (4) In addition to the information required on gross receipts reports,
47 the commission may request, and the promoter shall furnish, any information
48 deemed necessary for a correct computation of the assessment levied pursuant
49 to this section.

1 (5) All levies pursuant to this section shall be collected by the com-
2 mission and shall be deposited in the state treasury to the credit of the oc-
3 cupational licenses fund.

4 (6) The moneys collected from the assessment levied pursuant to the
5 provisions of this section shall be in addition to all other revenues and
6 funds received by the commission.

7 (7) The promoter shall compute and pay to the commission the required
8 assessment due. If the payment of the assessment is not postmarked or deliv-
9 ered to the commission as specified in subsection (1) of this section, the
10 assessment shall be delinquent from such date. In addition, if the promoter
11 has not paid the initial event tax as provided in subsection (1) of this sec-
12 tion, the promoter shall not hold the event.

13 (8) Of the moneys collected by the commission pursuant to the tax au-
14 thorized in subsection (1) of this section, up to five percent (5%) of said
15 tax may be used by the commission for the promotion and support of amateur
16 contests and exhibitions in this state. All parties interested in receiving
17 a distribution must submit an application to the commission which shall in-
18 clude the name of the person or entity applying and a detailed description of
19 what the applicant intends to do with the distribution if granted. The com-
20 mission shall consider all applications and assign distributions, if any,
21 at the end of each fiscal year to those applicants the commission deems most
22 qualified. The commission may make such distributions only if the commis-
23 sion has a positive balance within the occupational licenses fund and suffi-
24 cient revenue to cover its projected expenses for the upcoming year.

25 (9) It shall be the duty of every promoter required to make a gross re-
26 ceipts report and pay any assessment pursuant to the provisions of this sec-
27 tion to keep and preserve suitable records and documents which may be neces-
28 sary to determine the amount of assessment due as will substantiate and prove
29 the accuracy of such reports. All such records shall be preserved for a pe-
30 riod of three (3) years, unless the commission, in writing, has authorized
31 their destruction or disposal at an earlier date, and shall be open to exami-
32 nation at any time by the commission or by its authorized agents.

33 (10) In the event the state athletic commission's debt owed to the
34 ~~bureau of occupational~~ division of occupational and professional licenses
35 exceeds two hundred thousand dollars (\$200,000), the commission's oper-
36 ations will be suspended, including issuance of licenses and permits. In
37 order for the commission's operations to be reinstated all outstanding debt
38 owed to the ~~bureau of occupational~~ division of occupational and professional
39 licenses must be paid in full.

40 SECTION 12. That Section 54-412, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 54-412. FUNDS. All fees received under the provisions of this chap-
43 ter shall be paid to the ~~bureau of occupational~~ division of occupational and
44 professional licenses and deposited in the state treasury to the credit of
45 the occupational licenses fund and all costs and expenses incurred under the
46 provisions of this chapter shall be a charge against and paid from such fund.

47 SECTION 13. That Section 54-605, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 54-605. POWERS AND DUTIES OF STATE BOARD OF PODIATRY. The state board
2 of podiatry, herein referred to as the board, shall have the following pow-
3 ers:

4 (1) To approve examinations to ascertain the qualifications and fit-
5 ness of applicants to practice podiatry; to pass upon the qualifications of
6 applicants for licenses by endorsement; and to establish, by rule, the spe-
7 cific examinations to be required of each applicant for licensure.

8 (2) To prescribe rules defining for the podiatrists what shall consti-
9 tute a reputable school, college or university, or department of a univer-
10 sity or other institution in good standing, and to determine the reputabil-
11 ity of good standing of a school, college or university, or department of a
12 university or other institution, by reference to compliance with such rules.

13 (3) To establish a standard of preliminary education deemed requisite
14 for admission to a school, college or university teaching podiatry, and to
15 require satisfactory proof of the enforcement of such standards by schools,
16 colleges and universities.

17 (4) To prescribe rules for a fair and wholly impartial method of exami-
18 nation of candidates to practice podiatry.

19 (5) To conduct hearings and proceedings for discipline of licensees as
20 set forth in this chapter.

21 (6) To make and promulgate rules when required in this chapter to be ad-
22 ministered.

23 (7) To make and promulgate rules prescribing the standards for the eth-
24 ical practice of podiatry in the state.

25 (8) To authorize, by written agreement, the ~~bureau of occupational~~
26 division of occupational and professional licenses as agent to act in its
27 interest.

28 (9) To make and promulgate rules defining and requiring a podiatric
29 residency as a condition of licensure.

30 (10) To promulgate rules establishing an inactive license status and an
31 inactive license fee.

32 SECTION 14. That Section 54-607, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 54-607. LICENSES -- ISSUANCE -- RENEWALS -- DISPLAY. (1) If the appli-
35 cant passes a satisfactory examination and shows that he is a person of good
36 moral character and he possesses the qualifications required by this chapter
37 to entitle him to a license as a podiatrist, he shall be entitled to a license
38 authorizing him to practice podiatry within the state of Idaho. The success-
39 ful applicant shall be issued his license by the board upon payment of the
40 original license fee that shall be established by board rule and shall not
41 exceed the annual renewal fee.

42 (2) All licenses issued under the provisions of this chapter shall be
43 subject to annual renewal and shall expire unless renewed in the manner pre-
44 scribed by the board regarding applications for renewal, continuing educa-
45 tion, and fees. License renewal and reinstatement shall be in accordance
46 with section 67-2614, Idaho Code. An annual renewal license fee established
47 by board rule shall not exceed six hundred fifty dollars (\$650) for podia-
48 trists. Payment of fees herein provided and satisfactory evidence of having

1 complied with continued education requirements as established by board rule
2 are conditions precedent for issuance of a license.

3 (3) Every person to whom a license is granted shall have such license
4 displayed continuously in a conspicuous part of his office wherein his prac-
5 tice of podiatry is conducted.

6 (4) The board shall keep on file a register of all applicants for li-
7 cense, rejected applicants and licensees.

8 (5) The fee for reinstatement of a license shall be as provided in sec-
9 tion 67-2614, Idaho Code. All fees shall be paid to the ~~bureau of occupa-~~
10 ~~tional~~ division of occupational and professional licenses.

11 SECTION 15. That Section 54-615, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 54-615. MONEYS DEPOSITED IN THE STATE TREASURY. All moneys of any kind
14 collected under the provisions of this act shall be immediately remitted to
15 the ~~bureau of occupational~~ division of occupational and professional li-
16 censes for deposit in the state treasury to the credit of the occupational
17 licenses fund.

18 SECTION 16. That Section 54-1102, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 54-1102. DEFINITIONS. As used in this act:

21 (1) "Board" means the state board of morticians of the state of Idaho or
22 any successor thereof.

23 (2) ~~"Bureau chief" means the chief of the bureau of occupational li-~~
24 ~~enses.~~

25 ~~(3) "Burial" means the interment or entombment of dead human bodies in~~
26 ~~any manner.~~

27 (4) "Cremains" means human remains after cremation.

28 (5) "Cremation" means the reduction of the body of a deceased person to
29 cremated remains in a crematory.

30 (6) "Crematory" means a building or structure containing one (1) or
31 more retorts for the reduction of bodies of deceased persons to cremated re-
32 mains.

33 (7) "Columbarium" means a structure, room or other space in a building
34 or structure containing niches for permanent inurnment of cremains.

35 (8) "Department" means the department of self-governing agencies of
36 the state of Idaho.

37 (9) "Division administrator" means the chief administrative officer of
38 the division of occupational and professional licenses.

39 (10) "Embalming" means the disinfecting, preparing or preserving for
40 final disposition of dead human bodies, in whole or in part, or any attempt
41 to do so, by the use or application of chemical substances, fluids or gases
42 on the body, or by the introduction of the same into the body by vascular or
43 hypodermic injection or by direct introduction into organs or cavities, or
44 by any other method or process.

45 (11) "Establishment" means any funeral establishment or crematory es-
46 tablishment regulated by the board of morticians.

1 (11) "Funeral director" means any person engaged in or conducting, or
2 holding himself out as engaged in or conducting, any of the following activi-
3 ties:

4 (a) Directing or supervising the burial, cremation or disposal of dead
5 human bodies.

6 (b) Arranging for funeral services for dead human bodies.

7 (c) Selling funeral goods and services to the public.

8 (d) Conducting, directing or supervising a funeral service.

9 (12) "Funeral director license" means a yearly license issued by the
10 board to act as a funeral director and perform funeral director services as
11 defined in this chapter.

12 (13) "Funeral director services" means the services of a funeral direc-
13 tor defined in subsection (11) of this section. Funeral director services do
14 not include embalming.

15 (14) "Funeral establishment" means a place of business at a specific
16 street address or location devoted to the embalming and care and prepara-
17 tion for burial or disposal of dead human bodies including all portions of
18 such business premises and all tools, instruments and supplies used in the
19 preparation and embalming of dead human bodies for burial or disposal, and
20 including any chapel or other facility in which funeral or other religious
21 services may be conducted.

22 (15) "Funeral establishment license" means a yearly license issued by
23 the board authorizing the licensee to conduct a funeral establishment as de-
24 fined in this chapter.

25 (16) "Funeral services" means any funeral or religious service con-
26 ducted in connection with, or preparatory to, the burial or disposal of a
27 dead human body.

28 (17) "Funeral supplies" means caskets, vaults, burial receptacles and
29 any other personal property sold for use in the burial or disposal of a human
30 body.

31 (18) "Human remains" means the body of a deceased person in any condi-
32 tion or state of decomposition including cremated remains.

33 (19) "Mortician" means any person engaged in or conducting, or holding
34 himself out as engaged in or conducting, any of the following activities:

35 (a) Caring for or preparing dead human bodies for burial, cremation or
36 disposal.

37 (b) Disinfecting or preparing dead human bodies by embalming, or oth-
38 erwise, for funeral service, transportation, burial, cremation or dis-
39 posal.

40 (c) Directing or supervising the burial, cremation or disposal of dead
41 human bodies.

42 (d) Arranging for funeral services for dead human bodies.

43 (e) Selling funeral goods and services to the public.

44 (f) Conducting, directing or supervising a funeral service.

45 (20) "Mortician license" means a yearly license issued by the board to
46 act as a mortician and perform mortician services as defined in this chapter.

47 (21) "Mortician services" means the services of a mortician defined in
48 subsection (19) of this section.

49 (22) "Resident trainee" means a person who is engaged in preparing to
50 become licensed as a mortician or funeral director, and who practices under

1 the direct and immediate personal supervision of a licensed mortician pur-
2 suant to rules adopted by the board.

3 (23) "Resident trainee license" means a yearly license issued by the
4 board to act as a licensed resident trainee and perform services under the
5 direct personal supervision of a licensed mortician as defined in this chap-
6 ter.

7 SECTION 17. That Section 54-1106, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 54-1106. POWERS AND DUTIES OF BOARD. The state board of morticians
10 shall have the following powers and duties:

11 (1) To prepare, conduct, and grade examinations of applicants for li-
12 censes.

13 (2) To certify the results of examinations of applicants and certify
14 the applicant as having "passed" or "failed."

15 (3) To conduct hearings and proceedings in connection with the suspen-
16 sion or revocation of licenses.

17 (4) To make findings and recommendations to the governor on any and all
18 matters relating to the enforcement of the provisions of this chapter.

19 (5) To perform all other duties and exercise all other powers granted
20 under this chapter, or the laws of the state of Idaho.

21 (6) To authorize, by written agreement, the ~~bureau of occupational~~
22 division of occupational and professional licenses as agent to act in its
23 interest.

24 (7) To provide for the licensure and regular inspection of funeral es-
25 tablishments and crematories.

26 SECTION 18. That Section 54-1107, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 54-1107. POWERS AND DUTIES OF ~~BUREAU CHIEF~~ DIVISION ADMINISTRA-
29 TOR. The ~~chief division administrator~~ of the ~~bureau of occupational~~ division
30 of occupational and professional licenses, shall have the following powers
31 and duties under this act:

32 A.(1) To determine and pass upon the qualifications of applicants for
33 all licenses under this act.

34 B.(2) To issue all licenses provided for under the provisions of this
35 act.

36 C.(3) To annually renew licenses under this act.

37 D.(4) To collect all fees prescribed and required ~~herein~~ pursuant to
38 this section.

39 E.(5) To conduct hearings and proceedings for the suspension or revo-
40 cation of licenses and to suspend or revoke any license for any of the causes
41 hereinafter defined and set forth under this act; provided, however, that
42 the ~~bureau chief division administrator~~ shall not revoke or suspend any li-
43 cense without first receiving written findings and recommendations from the
44 board of morticians.

45 F.(6) (a) To keep general books of record of all official acts, proceed-
46 ings and transactions of the board while acting under this act, includ-
47 ing the following:

1 (1i) A cash book showing in detail all receipts and disbursements
2 for the board received or expended under this act; and

3 (2ii) A special register containing the names and addresses of all
4 applicants, the date the application was received, the result of
5 the examination, and whether the applicant received a license or
6 was rejected, and a full statement of the reasons therefor.

7 (3b) All books of record kept shall be prima facie evidence of all mat-
8 ters therein recorded, and shall be public records.

9 G.(7) To prescribe rules for the implementation and enforcement of the
10 provisions of this act.

11 H.(8) To publish and distribute copies of this act and the rules issued
12 by the board to applicants, licensees and the public.

13 I.(9) To perform all duties and exercise all powers granted under chap-
14 ter 3, title 27, Idaho Code.

15 SECTION 19. That Section 54-1115, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-1115. LICENSE FEES. Any fee required pursuant to this chapter, in-
18 cluding fees for original licenses, examinations, annual renewals, and cer-
19 tificates, shall be set by board rule. All fees shall be paid to the ~~bureau of~~
20 ~~occupational~~ division of occupational and professional licenses.

21 SECTION 20. That Section 54-1121, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 54-1121. ACCOUNTING PROCEDURE -- INCOME AND EXPENSES. All income and
24 expenses received or incurred under the provisions of this act shall be item-
25 ized, validated, and audited and allowed by the ~~chief~~ division administrator
26 of the ~~bureau of occupational~~ division of occupational and professional li-
27 licenses.

28 SECTION 21. That Section 54-1506, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 54-1506. LICENSE FEES. (1) All fees of any kind collected under the
31 provisions of this chapter shall be paid to the ~~bureau of occupational~~
32 division of occupational and professional licenses and deposited in the
33 state treasury to the credit of the occupational licenses fund and all costs
34 and expenses incurred under the provisions of this chapter shall be a charge
35 against and paid from said fund.

36 (2) The annual fee for renewal of a license shall be established by
37 board rule, not to exceed one hundred seventy-five dollars (\$175).

38 SECTION 22. That Section 54-1508, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 54-1508. STATE BOARD OF OPTOMETRY -- ORGANIZATION -- MEETINGS -- EX-
41 PENSES. (1) The board of optometry shall meet on or before September 15 of
42 each year and select from its members a chairman and a secretary who shall
43 serve at the pleasure of the board. The secretary shall keep the minutes of

1 the meetings of the board, maintain the files and records of the board, main-
2 tain a roster of all persons licensed as optometrists under this act and,
3 on or before October 1 of each year, forward to the ~~bureau of occupational~~
4 division of occupational and professional licenses a certified list of those
5 persons who have paid the fees required by this act.

6 (2) The board of optometry may meet at stated times and places and shall
7 meet upon the call of its chairman or upon written request of a majority of
8 its members. Three (3) members shall constitute a quorum, and a majority of
9 the members present at a meeting at which a quorum is present shall determine
10 the action of the board. Each member of the board shall be notified of any
11 meeting called for any purpose.

12 (3) Out of the moneys appropriated to the ~~bureau~~ division from fees paid
13 under section 54-1506(2), Idaho Code, or otherwise appropriated from fees
14 paid under section 54-1506(2), Idaho Code, and deposited in the occupational
15 licenses fund established by section 67-2608, Idaho Code, the members of the
16 board of optometry shall be compensated as provided by section 59-509(n),
17 Idaho Code.

18 SECTION 23. That Section 54-1509, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 54-1509. STATE BOARD OF OPTOMETRY -- POWERS AND DUTIES. In order to
21 protect the public in the practice of optometry, better enable members of
22 the public to fix professional responsibility and further safeguard the
23 doctor-patient relationship, the state board of optometry shall have the
24 following powers and duties:

25 (1) To make and prescribe rules for a fair and wholly impartial method
26 of examination of candidates to practice optometry.

27 (2) To make and prescribe rules defining for the optometrists what
28 shall constitute a school, college or university or department of a univer-
29 sity or other institution reputable and in good standing and to determine the
30 reputability and good standing of a school, college or university or depart-
31 ment of a university or other institution by reference to a compliance with
32 such rules.

33 (3) To make and prescribe rules to establish a standard of preliminary
34 education deemed requisite to admission to a school, college or university
35 and to require satisfactory proof of the enforcement of such standards by
36 schools, colleges and universities.

37 (4) To make and prescribe rules governing the relicensing of persons
38 applying for a license to practice optometry in the state of Idaho after a
39 failure to maintain a license for a period in excess of five (5) years.

40 (5) To establish by rule the qualifications necessary to grant a li-
41 cense to practice optometry in Idaho by endorsement to persons licensed in
42 other states or foreign countries.

43 (6) To conduct examinations to ascertain the qualifications and fit-
44 ness of applicants to practice optometry or to recognize by rule a national
45 testing agency for the administration and grading of such test.

46 (7) To make and prescribe rules governing the minimum amount and kind
47 of continuing education in optometry to be required annually of each op-
48 tometrist seeking to renew his license to practice optometry in the state of
49 Idaho.

1 (8) To make, prescribe and promulgate rules prescribing a code of
2 ethics and standards of professional conduct in practice for the purpose of
3 regulating and governing the practice of optometry by licensed optometrists
4 within the state of Idaho and to change and modify its rules or prescribe new
5 rules in order to improve the practice of optometry for the benefit of the
6 people of the state of Idaho.

7 (9) To make, prescribe and promulgate rules regarding the establish-
8 ment of "branch offices" in the state of Idaho by persons licensed to prac-
9 tice optometry.

10 (10) To make, prescribe and promulgate rules regarding advertising by
11 optometrists licensed to practice in Idaho.

12 (11) To make, prescribe and promulgate rules defining "gross incompe-
13 tence" as grounds for suspension or revocation of an optometrist's license
14 as provided in section 54-1510, Idaho Code.

15 (12) To make, prescribe and promulgate rules governing the verification
16 by an optometrist of the accuracy in compounding and the quality of the work-
17 manship and materials used by any person, firm or corporation in the course
18 of filling or compounding the optometrist's prescriptions for vision aids of
19 any type prior to delivery by the optometrist.

20 (13) To make, prescribe and promulgate rules governing the issuance and
21 release of prescriptions or copies of prescriptions by optometrists out of
22 the office of the optometrist.

23 (14) To make, prescribe and promulgate rules governing the type and kind
24 of records to be kept by each optometrist pertaining to all patients examined
25 or for whom he has adapted optical accessories.

26 (15) To make, prescribe and promulgate such other rules required by this
27 chapter or necessary or desirable for its enforcement and administration.

28 (16) The state board of optometry shall have the power to administer
29 oaths, take depositions of witnesses in and out of the state of Idaho in
30 the manner of civil cases, require the attendance of such witnesses and the
31 production of such books, records and papers as it may desire at any hearing
32 before it or deposition authorized by it, pertaining in any manner to any
33 matters of which it has authority to investigate and for that purpose the
34 board may issue a subpoena for any witness or a subpoena duces tecum to compel
35 the production of any books, records or papers directed to the sheriff of any
36 county of the state of Idaho, where such witness resides, or may be found,
37 which shall be served and returned in the same manner as a subpoena in a civil
38 case is returned. The fees and mileage of the witnesses shall be the same as
39 that allowed in the district courts in civil cases. In any case of disobe-
40 dience to, or neglect of, any subpoena or subpoena duces tecum served upon
41 any person, or the refusal of any witness to testify to any matter regarding
42 which he may lawfully be interrogated, it shall be the duty of the district
43 court, or any judge thereof, of any county in this state in which the proceed-
44 ing is held upon application of the board, to compel obedience in proceedings
45 for contempt as in the case of disobedience of the requirements of any sub-
46 poena issued from such court or for refusal to testify therein. The licensed
47 person accused in such proceeding shall have the same right of subpoena upon
48 making application to the board as set out in this chapter.

49 (17) The state board of optometry shall have the power to hire attor-
50 neys, investigators, hearing officers or other employees for carrying out

1 the purpose of this chapter or to promote the interests of the profession of
2 optometry.

3 (18) To authorize, by written agreement, the ~~bureau of occupational~~
4 division of occupational and professional licenses as agent to act in its
5 interest.

6 SECTION 24. That Section 54-1510, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 54-1510. REVOCATION OF LICENSES -- GROUNDS. Every license issued un-
9 der the provisions of this chapter shall be subject to suspension, revoca-
10 tion or other discipline upon any of the following grounds pursuant to the
11 procedures set forth in chapter 52, title 67, Idaho Code. All hearings con-
12 ducted pursuant to this section, whether before the board or a hearing offi-
13 cer, shall be held in Ada county unless otherwise designated by the board.

14 (1) Fraud or deception in procuring license.

15 (2) Practicing optometry under a false or assumed name or as a repre-
16 sentative or agent of any person, firm or corporation other than another li-
17 censed optometrist, a physician licensed to practice medicine and surgery
18 under chapter 18, title 54, Idaho Code, or a professional entity that has
19 been incorporated under the authority of part 9, chapter 21, title 30, Idaho
20 Code, by persons licensed to practice optometry under chapter 15, title 54,
21 Idaho Code, or licensed to practice medicine and surgery under chapter 18,
22 title 54, Idaho Code.

23 (3) Having been convicted or having received a withheld judgment or
24 suspended sentence in this or any other state of a crime that is deemed rele-
25 vant in accordance with section 67-9411(1), Idaho Code, or any act related to
26 the qualifications, functions or duties of an optometrist.

27 (4) Gross incompetency.

28 (5) Inability to practice optometry with reasonable skill and safety by
29 reason of:

30 (a) Mental illness;

31 (b) Physical illness including, but not limited to, physical deterio-
32 ration which adversely affects cognitive, motor or perceptive skills;

33 (c) Habitual or excessive use or abuse of drugs defined in law as con-
34 trolled substances, alcohol, or any other substances which impair abil-
35 ity; or

36 (d) Having a communicable, contagious or infectious disease which en-
37 dangers the health of patients.

38 (6) Failure to pay to the board or the ~~bureau of occupational~~ division
39 of occupational and professional licenses the annual fee and to secure a re-
40 newal license, whereupon after twenty (20) days' notice by registered mail
41 the license of such delinquent may be revoked; but the payment of such fee
42 at or before the time of hearing, with such additional sum, not exceeding
43 twenty-five dollars (\$25.00) as may be fixed by the board of optometry, shall
44 excuse the default.

45 (7) Any practice or behavior of a character likely to deceive or defraud
46 the public.

47 (8) Obtaining of any fee or compensation by fraud, deceit or misrepre-
48 sentation.

1 (9) Employing, either directly or indirectly, any suspended or unli-
2 censed optometrist to do optometric work.

3 (10) Advertising the practice of optometry in a false, misleading or de-
4 ceptive manner.

5 (11) Employment or use of what are known as "cappers" or "steerers."

6 (12) Consistently accepting referrals that violate the laws of the
7 state of Idaho.

8 (13) For willfully permitting or allowing or causing a person who is
9 not a licensed optometrist or a licensed physician or surgeon to use the op-
10 tometrist's prescription or optometric finding to fit contact lenses upon a
11 person or member of the public.

12 (14) For violation of any of the provisions of this chapter or the rules
13 or code of ethics made and promulgated by the state board of optometry, as
14 authorized in section 54-1509, Idaho Code.

15 (15) For willfully attempting to violate, directly or indirectly, con-
16 spiring to violate, or assisting or participating in or abetting the viola-
17 tion of any of the provisions of this chapter or the rules or code of ethics
18 made, prescribed or promulgated by the state board of optometry pursuant to
19 the authority granted in this chapter.

20 (16) Having engaged in any conduct which constitutes an abuse or ex-
21 ploitation of a patient arising out of the trust and confidence placed in the
22 licensee by the patient.

23 (17) Having committed any act that constitutes a crime that is deemed
24 relevant in accordance with section 67-9411(1), Idaho Code.

25 SECTION 25. That Section 54-1514, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 54-1514. PUBLICATION OF DIRECTORY AND LAW. The ~~bureau of occupational~~
28 division of occupational and professional licenses shall each year make
29 available the names and addresses of all licensed optometrists of the state
30 of Idaho and the laws applicable to the practice of optometry.

31 SECTION 26. That Section 54-1518, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 54-1518. ~~BUREAU OF OCCUPATIONAL~~ DIVISION OF OCCUPATIONAL AND PROFES-
34 SIONAL LICENSES -- POWERS AND DUTIES. The ~~bureau of occupational division of~~
35 occupational and professional licenses shall have the following powers and
36 duties:

37 (1.) To accept applications for examinations and issue licenses to op-
38 tometrists pursuant to requirements of this chapter.

39 (2.) To maintain a registry of persons licensed to practice optometry
40 in the state of Idaho available to the members of the general public and all
41 applicants and rejected applicants for licenses.

42 (3.) To forward complaints against a licensed optometrist to the state
43 board of optometry for review and investigation.

44 (4.) To assist in the investigation and prosecution of complaints filed
45 against an optometrist under section 54-1510, Idaho Code.

46 (5.) At the discretion of the ~~chief of the bureau~~ division administra-
47 tor and upon apparent failure or refusal of the state board of optometry to

1 investigate or prosecute a complaint against an optometrist, to investigate
 2 the complaint and forward the report of investigation to the state board of
 3 optometry, and upon apparent failure or refusal of the state board of optom-
 4 etry to take further action to initiate proceedings under section 54-1510,
 5 Idaho Code, against an optometrist violating the terms of this act.

6 SECTION 27. That Section 54-1616, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 54-1616. DISPOSITION OF FUNDS. All fees received under the provisions
 9 of this chapter shall be paid to the ~~bureau of occupational~~ division of oc-
 10 cupational and professional licenses and deposited in the state treasury to
 11 the credit of the occupational licenses fund and all costs and expenses in-
 12 curred under the provisions of this chapter shall be a charge against and
 13 paid from said fund.

14 SECTION 28. That Section 54-2203, Idaho Code, be, and the same is hereby
 15 amended to read as follows:

16 54-2203. DEFINITIONS. As used in this chapter:

17 (1) "Applicant" means a person applying for a license or permit under
 18 this chapter.

19 (2) "Board" means the Idaho physical therapy licensure board.

20 (3) ~~"Bureau" means the bureau of occupational licenses.~~

21 ~~(4) "Department" means the department of self-governing agencies.~~

22 (4) "Division" means the division of occupational and professional li-
 23 censes.

24 (5) "Dry needling" means a skilled intervention performed by a phys-
 25 ical therapist that uses a thin filiform needle to penetrate the skin and
 26 stimulate underlying neural, muscular and connective tissues for the eval-
 27 uation and management of neuromusculoskeletal conditions, pain and movement
 28 impairments.

29 (6) "License" means a document issued by the board to a person under
 30 this chapter authorizing the person to practice as a physical therapist or
 31 physical therapist assistant.

32 (7) "Physical therapist" means a person licensed under the provisions
 33 of this chapter to engage in the practice of physical therapy.

34 (8) "Physical therapist assistant" means a person who meets the re-
 35 quirements of this chapter and who performs physical therapy procedures and
 36 related tasks that have been selected and delegated only by a supervising
 37 physical therapist.

38 (9) "Physical therapy" means the care and services provided by or under
 39 the direction and supervision of a physical therapist.

40 (10) "Practice of physical therapy" means the exercise of the profes-
 41 sion of physical therapy by a person who engages in the following health care
 42 activities:

43 (a) Examining, evaluating and testing individuals with mechanical,
 44 physiological and developmental impairments, functional limitations,
 45 and disability or other health and movement-related conditions in or-
 46 der to determine a diagnosis for physical therapy and prognosis for

1 physical therapy, plan of therapeutic intervention, and to assess the
2 ongoing effects of intervention;

3 (b) Alleviating impairments and functional limitations by designing,
4 implementing and modifying therapeutic interventions that include,
5 but are not limited to: therapeutic exercise; functional mobility
6 training in self-care and in-home, community or work reintegration;
7 manual therapy; assistive, adaptive, protective and supportive de-
8 vices and equipment; bronchopulmonary hygiene; debridement and wound
9 care; physical agents or modalities; mechanical and electrotherapeutic
10 modalities; and patient-related instruction; and to reduce the risk of
11 injury, impairment, functional limitation, and disability, including
12 the promotion and maintenance of fitness, health, and quality of life in
13 all age populations. The practice of physical therapy shall not include
14 the use of radiology, surgery or medical diagnosis of disease; and

15 (c) Engaging in administration, consultation, testing, education and
16 research as related to paragraphs (a) and (b) of this subsection.

17 (11) "Supportive personnel" means a person or persons trained under the
18 direction of a physical therapist who performs designated and supervised
19 routine physical therapy tasks.

20 SECTION 29. That Section 54-2206, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 54-2206. POWERS AND DUTIES OF THE BOARD. The board shall have the au-
23 thority to administer, coordinate and enforce the provisions of this chap-
24 ter. Such authority shall include, but not be limited to, the power to:

25 (1) Evaluate the qualifications of applicants for licensure, approve
26 and administer examinations to test the knowledge and proficiency of appli-
27 cants for licensure, and approve or deny the registration and issuance and
28 renewal of licenses and permits;

29 (2) Authorize all disbursements necessary to carry out the provisions
30 of this chapter;

31 (3) Promulgate rules not inconsistent with the laws of this state which
32 are necessary to carry out the provisions of this chapter;

33 (4) Adopt rules providing for continuing education;

34 (5) Obtain restraining orders and injunctions prohibiting conduct in
35 violation of the provisions of this chapter, conduct investigations, issue
36 subpoenas, and examine witnesses and administer oaths, concerning practices
37 which are alleged to violate the provisions of this chapter;

38 (6) Suspend or revoke or otherwise sanction licensees in the manner
39 provided in this chapter, or place a person holding a license under this
40 chapter on probation;

41 (7) Require as a condition of receiving or retaining a license issued
42 under this chapter that restitution be paid to a consumer;

43 (8) Require the inspection of testing equipment and facilities of per-
44 sons engaging in any practice pursuant to this chapter;

45 (9) As the board deems reasonable, take notice of and give effect to
46 prior licenses issued to physical therapists and physical therapist assis-
47 tants in the state of Idaho by the state board of medicine and such other ac-
48 tions, proceedings, orders or decisions of the state board of medicine in-

1 involving complaints, investigations, discipline or other matters concerning
2 physical therapists or physical therapist assistants; and

3 (10) Authorize, by written agreement, the ~~bureau of occupational~~
4 division of occupational and professional licenses to act as its agent in its
5 interest.

6 SECTION 30. That Section 54-2302, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 54-2302. DEFINITIONS. Within the meaning of this chapter the follow-
9 ing definitions apply:

10 (1) "Department" means the department of self-governing agencies of
11 the state of Idaho.

12 (2) ~~"Bureau chief" means the chief of the bureau of occupational li-~~
13 ~~enses of the state of Idaho.~~

14 ~~(3) "Board" means the Idaho state board of psychologist examiners.~~

15 (3) "Division administrator" means the chief administrative officer of
16 the division of occupational and professional licenses.

17 (4) "Licensed medical provider" means a physician or physician assis-
18 tant licensed pursuant to chapter 18, title 54, Idaho Code, or an advanced
19 practice registered nurse licensed pursuant to chapter 14, title 54, Idaho
20 Code.

21 (5) "Person," "he" and "his" mean either male or female persons unless
22 a contrary intention is made manifest. None of these words shall be taken to
23 mean other than a natural person.

24 (6) "Psychological services" means any services to which the words
25 "psychological," "psychologist" or "psychology" are applied by the person
26 rendering or offering to render them or to the "practice of psychology" as
27 defined in subsection (7) of this section.

28 (7) "Practice of psychology" means the application of established
29 principles of learning, motivation, perception, thinking, and emotional
30 relationships to problems of personnel evaluation, group relations, and
31 behavior adjustment. The application of said principles includes, but is
32 not restricted to, counseling and the use of psychotherapeutic measures
33 with persons or groups to eliminate symptomatic, maladaptive or undesired
34 behavior so as to enhance interpersonal relationships in the areas of work,
35 family, school, and personal relationships; measuring and testing of per-
36 sonality, intelligence, aptitudes, emotions, public opinion, attitudes,
37 and skills; diagnosing and treating mental and emotional disorders or dis-
38 abilities; and doing research on problems relating to human behavior.

39 (8) A person represents himself to be a psychologist when he holds him-
40 self out to the public by any title or description incorporating the words
41 "psychological," "psychologist" or "psychology" or offers to render or ren-
42 ders psychological services for remuneration.

43 (9) "Temporary permit" means a document issued by the board to a psy-
44 chologist licensed in another state authorizing the individual to practice
45 psychology in Idaho for a limited period as set forth in this chapter and
46 rules of the board.

47 SECTION 31. That Section 54-2305, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psy-
2 chologist examiners shall have the following powers:

3 (1) To pass upon the qualifications and fitness of applicants for li-
4 censes, reciprocal licenses, certification and provisional certification
5 of prescriptive authority; and, at its option, to adopt and revise rules re-
6 quiring applicants to pass examinations relating to their qualifications as
7 a prerequisite to the issuance of licenses.

8 (2) To adopt and, from time to time, revise such rules in accordance
9 with the provisions of chapter 52, title 67, Idaho Code, and not inconsis-
10 tent with the law as may be necessary to carry into effect the provisions of
11 this chapter. Such rules shall include, but need not be limited to, a code
12 of ethics for psychologists in the state consistent with the current, and as
13 future amended, ethical standards for psychologists of the American psycho-
14 logical association and the educational and professional qualifications of
15 applicants for licensing under this chapter.

16 (3) To examine for, deny, approve, issue, revoke, suspend and renew the
17 licenses and certifications of psychologists and psychologist applicants
18 pursuant to this chapter, and to conduct hearings in connection therewith.

19 (4) To conduct hearings upon complaints concerning violations of the
20 provisions of, and the rules adopted pursuant to, this chapter and cause the
21 prosecution and enjoinder of all such violations.

22 (5) The board, or its duly appointed hearing officer, shall have the
23 power in any disciplinary proceeding under this chapter to administer oaths,
24 take depositions of witnesses within or without the state in the manner pro-
25 vided by law in civil cases, and may apply to any district court of this state
26 for a subpoena to require the attendance of such witnesses and the produc-
27 tion of such books, records, and papers as it deems necessary. The fees and
28 mileage of the witnesses shall be the same as that allowed in district courts
29 in criminal cases, which fees and mileage shall be paid in the same manner as
30 other expenses of the board are paid. In any case of disobedience to, or ne-
31 glect of, any subpoena or subpoena duces tecum served upon any person, or the
32 refusal of any witness to testify to any matter regarding which he may be law-
33 fully interrogated. It shall be the duty of any district court in this state,
34 on application by the board, to compel compliance with the subpoena by pro-
35 ceedings for contempt, as in the case of disobedience of the requirements of
36 the subpoena issued from such court for refusal to testify therein. The li-
37 censed person accused in such proceedings shall have the same right of sub-
38 poena.

39 (6) Proceedings before the board and judicial review of the action of
40 the board shall be governed by the provisions of chapter 52, title 67, Idaho
41 Code.

42 (7) To authorize, by written agreement, the ~~bureau of occupational~~
43 division of occupational and professional licenses as agent to act in its
44 interest.

45 (8) To adopt a rule requiring continuing education as a condition of
46 continued licensure and certification.

47 (9) To adopt rules allowing for a temporary permit to individuals li-
48 censed as psychologists in another state authorizing such individuals to
49 practice psychology in Idaho for a period not to exceed thirty (30) days pur-
50 suant to such terms and requirements as set forth in the rules.

1 (10) To establish by rule an inactive license status.

2 (11) To establish by rule the standards and requirements for the use of
3 communication technology in the practice of psychology, including supervi-
4 sion.

5 (12) To establish by rule certification and provisional certification
6 of prescriptive authority pursuant to sections 54-2316 through 54-2319,
7 Idaho Code.

8 (13) To establish by rule a limited formulary or formularies for pre-
9 scribing use by holders of certification and provisional certification of
10 prescriptive authority.

11 SECTION 32. That Section 54-2307, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 54-2307. QUALIFICATIONS FOR LICENSE -- APPLICANTS FOR WHOM AN EXAM-
14 INATION MAY BE REQUIRED. An applicant shall be qualified for a license to
15 practice psychology provided proof satisfactory to the board has been re-
16 ceived showing:

17 (1) Acceptable moral character; and

18 (2) Either one of the following:

19 (a) Graduation from an accredited college or university with a doc-
20 toral degree in psychology and two (2) years of supervised experience
21 acceptable to the board, one (1) year of which may include a predoctoral
22 practicum or internship and one (1) of which must be postdoctoral; or

23 (b) Graduation from an accredited college or university with a doctoral
24 degree in a field related to psychology, provided experience and train-
25 ing are acceptable to the board; and

26 (3) Successful passage of an examination if such examination is re-
27 quired by the rules duly adopted by the board; and

28 (4) Receipt of a completed application accompanied by an application
29 fee as established by board rules not to exceed three hundred dollars (\$300),
30 and when an examination is required a processing fee of twenty-five dollars
31 (\$25.00) payable to the ~~bureau of occupational~~ division of occupational and
32 professional licenses. The fee for any required examination or reexamina-
33 tion shall be submitted directly to the national examining entity. The ap-
34 plication fee and the processing fee are not refundable.

35 SECTION 33. That Section 54-2315, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 54-2315. ADMINISTRATION BY ~~BUREAU OF OCCUPATIONAL~~ DIVISION OF OCCUPA-
38 TIONAL AND PROFESSIONAL LICENSES -- FEE FOR RENEWAL OF LICENSE -- RENEWAL AND
39 REINSTATEMENT. This chapter shall be administered by the ~~bureau of occupa-~~
40 ~~tional~~ division of occupational and professional licenses. The fee for re-
41 newal of license shall be a fee as established by board rule not to exceed
42 four hundred dollars (\$400) per annum. All licenses issued under the pro-
43 visions of this chapter shall be subject to annual renewal and shall expire
44 unless renewed in the manner prescribed by the board regarding applications
45 for renewal, continuing education, and fees. License renewal and reinstatement
46 shall be in accordance with section 67-2614, Idaho Code.

1 SECTION 34. That Section 54-2403, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-2403. DEFINITIONS. As used in this chapter:

4 (1) "Backflow assembly tester" means a person who tests backflow pre-
5 vention assemblies and who holds a current Idaho backflow assembly tester
6 license.

7 (2) "Backflow prevention assembly" means a set of mechanical compo-
8 nents, which prevents the undesired backflow of water or other liquids into a
9 potable water system, and can be in-line tested and repaired.

10 (3) "Board" means the state board of drinking water and wastewater pro-
11 fessionals as provided in section 54-2404, Idaho Code.

12 (4) ~~"Bureau" means the Idaho bureau of occupational licenses.~~

13 ~~(5)~~ "Certified" means the board has confirmed that an applicant has met
14 all the requirements for licensure under this chapter and has approved the
15 issuance of a license to practice in Idaho under the provisions of this chap-
16 ter.

17 ~~(6)~~ "Collection system" means that portion of the wastewater system
18 in which wastewater is received from the premises of the discharger and con-
19 veyed to the point of treatment through a series of lines, pipes, manholes,
20 pumps/liftstations and other appurtenances.

21 ~~(7)~~ "Distribution system" means that portion of the water utility in
22 which water is stored and conveyed from the water treatment plant or other
23 supply point to the premises of a consumer.

24 ~~(7)~~ "Division" means the division of occupational and professional li-
25 censes.

26 (8) "Drinking water operator" means any person who operates public
27 drinking water systems, water treatment plants or other systems in order to
28 treat water so that it is safe to drink and who holds a current Idaho water
29 system operator license.

30 (9) "Laboratory analyst" means any person responsible for conducting
31 laboratory analysis tasks in the laboratory of a wastewater system.

32 (10) "License" means a physical document issued by the ~~bureau~~ division
33 certifying that an individual has met the appropriate qualifications and has
34 been granted the authority to practice in Idaho under the provisions of this
35 chapter.

36 (11) "Operator" or "operating personnel" means any person who is em-
37 ployed, retained, or appointed to conduct the tasks associated with the day
38 to day operation and maintenance of a public drinking water system or a pub-
39 lic wastewater system.

40 (12) "Public drinking water system or public water system" means a sys-
41 tem for the provision to the public of water for human consumption through
42 pipes or other constructed conveyances, if such system has at least fif-
43 teen (15) service connections or regularly serves an average of at least
44 twenty-five (25) individuals daily at least sixty (60) days of the year.
45 Such term includes any collection, treatment, storage, and distribution
46 facilities under control of the operator of such system, and used primarily
47 in connection with such system, and any collection or pretreatment storage
48 facilities not under such control which are used primarily in connection
49 with such system. Every community and nontransient noncommunity water sys-

1 tem, and each transient water system using a surface water source or ground
 2 water source directly influenced by surface water, shall be operated by a
 3 certified drinking water operator.

4 (13) "Public wastewater system or wastewater system" means those sys-
 5 tems, including collection systems and treatment systems, that are owned by
 6 a city, county, state or federal unit of government, a nonprofit corpora-
 7 tion, district, association, political subdivision or other public entity,
 8 or that generate or collect two thousand five hundred (2,500) or more gal-
 9 lons a day; or that have been constructed in whole or in part with public
 10 funds. This does not include any wastewater treatment system operated and
 11 maintained exclusively by a single family residence or any wastewater sys-
 12 tem consisting solely of a gravity flow, nonmechanical septic tank and sub-
 13 surface treatment and distribution system, or industrial wastewater systems
 14 under private ownership.

15 (14) "Responsible charge" means active, daily, on-site, or on call re-
 16 sponsibility, for the performance of operations or active, ongoing, on-site
 17 and on call direction of employees and assistants at a public drinking water
 18 system or a public wastewater system.

19 (15) "Responsible charge operator" means an operator of a public drink-
 20 ing water system, designated by the system owner, who holds a valid certifi-
 21 cate at a class equal to or greater than the drinking water system classifi-
 22 cation, who is in responsible charge of the public drinking water system.

23 (16) "Wastewater operator" means a person who operates public wastewa-
 24 ter systems, or public wastewater treatment plants or other systems, in or-
 25 der to remove harmful pollutants from domestic and industrial liquid waste
 26 so that it is safe to return to the environment, and who holds a current Idaho
 27 wastewater system operator license.

28 SECTION 35. That Section 54-2406, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 54-2406. POWERS AND DUTIES OF BOARD. (1) It shall be the duty of the
 31 board to carry out the provisions of this chapter, review applications, con-
 32 duct written examinations, charge such fees as the board deems reasonable to
 33 cover the cost of licensing, keep records of its transactions, administer
 34 disciplinary actions, and record all matters which appropriately may come
 35 before it. The board shall have the power to adopt and amend rules including,
 36 but not limited to, a code of ethics and standards of conduct that may be rea-
 37 sonably necessary for the proper performance of its duties and the adminis-
 38 tration of this chapter and the regulation of proceedings before the board.
 39 The board shall, by written agreement, authorize the ~~bureau of occupational~~
 40 division of occupational and professional licenses as agent to act in its in-
 41 terest.

42 (2) The board may adopt license requirements for subcategories based on
 43 the size and type of system or for other related areas of expertise, such as
 44 backflow assembly testers for public drinking water systems.

45 SECTION 36. That Section 54-2407, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

1 54-2407. FEES -- PAYMENT OF COSTS AND EXPENSES. (1) The ~~bureau of occu-~~
 2 ~~pational~~ division of occupational and professional licenses shall collect a
 3 fee not to exceed one hundred dollars (\$100) for each application, each ad-
 4 ministration of an examination, each original license, and each annual re-
 5 newal of any license issued pursuant to this chapter and shall deposit all
 6 fees in the state treasury in accordance with section 67-2608, Idaho Code.
 7 The actual fees shall be set by board rule. The ~~bureau~~ division shall also
 8 collect a fee not greater than that charged by the examination provider when
 9 an examination is required as a condition of licensure. All required fees
 10 shall not be prorated and are nonrefundable.

11 (2) All fees received under the provisions of this chapter shall be paid
 12 to the ~~bureau of occupational~~ division of occupational and professional li-
 13 licenses and deposited in the state treasury to the credit of the occupational
 14 licenses fund, and all costs and expenses incurred under the provisions of
 15 this chapter shall be charged against and paid from said fund.

16 SECTION 37. That Section 54-2408, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 54-2408. LICENSES -- RECORDS. (1) The ~~bureau of occupational~~ division
 19 of occupational and professional licenses shall, upon the approval of the
 20 board and subject to the provisions of this chapter, register and issue li-
 21 censes to persons who have been approved by the board in accordance with this
 22 chapter. The licenses shall bear on their face the seal of the state and the
 23 signature of the ~~chief division administrator~~ of the ~~bureau of occupational~~
 24 division of occupational and professional licenses, and will be effective
 25 until the next birthday of the individual being certified. Licenses so
 26 issued shall be renewed annually in accordance with section 67-2614, Idaho
 27 Code. The provisions of sections 67-2609 through 67-2614, Idaho Code, shall
 28 apply to licenses issued pursuant to this chapter.

29 (2) The board shall keep and the ~~bureau~~ division shall maintain a record
 30 of board proceedings and a register of all applications that show:

- 31 (a) The name, age, social security number and residency of each appli-
 32 cant;
 33 (b) The date of application;
 34 (c) The place of business of such applicant;
 35 (d) The educational and other qualifications of each applicant;
 36 (e) Whether or not an examination was required;
 37 (f) Whether the applicant was rejected;
 38 (g) Whether a license was issued;
 39 (h) The dates of the action by the board;
 40 (i) Compliance with continuing education requirements; and
 41 (j) Such other information as may be deemed necessary by the board.

42 SECTION 38. That Section 54-2412, Idaho Code, be, and the same is hereby
 43 amended to read as follows:

44 54-2412. REVOCATION OR SUSPENSION OF LICENSE -- POWERS OF BOARD --
 45 PROCEDURES FOR DISCIPLINARY PROCEEDINGS. (1) The board shall have the power
 46 to revoke, suspend, refuse to issue, refuse to renew, or otherwise limit any

1 license or certificate issued pursuant to the provisions of this chapter for
2 any of the following:

3 (a) Procuring a license or registration by knowingly making a false
4 statement, submitting false information, refusing to provide complete
5 information in response to a question in an application for licensure or
6 through any form of fraud or misrepresentation;

7 (b) Being convicted of a felony;

8 (c) Misrepresentation, or fraudulent representation in the perfor-
9 mance of any duty, conduct or activity regulated under this chapter;

10 (d) Violating the provisions of this chapter or any rules of the board
11 or any code of conduct or ethical standards adopted by the board;

12 (e) Being negligent or incompetent;

13 (f) Failing to provide appropriate and personal supervision, if act-
14 ing as the designated responsible charge operator, to any person gain-
15 ing experience under the provisions of this chapter.

16 (2) The board shall have the power to administer oaths, take deposi-
17 tions of witnesses within or without the state in the manner provided by law
18 in civil cases, and shall have power throughout the state of Idaho to require
19 the attendance of such witnesses and the production of such books, records
20 and papers as it may desire, relevant to any hearing before it of any matter
21 which it has authority to investigate, and for that purpose the board may is-
22 sue a subpoena for any witness or a subpoena duces tecum to compel the pro-
23 duction of books, records or papers, directed to the sheriff of any county of
24 the state of Idaho where such witness resides or may be found, which shall be
25 served and returned in the same manner as a subpoena in a criminal case.

26 (3) The procedures for disciplinary proceedings shall be in compliance
27 with the Idaho administrative procedure act and the rules of the office of
28 the attorney general and the ~~bureau of occupational~~ division of occupational
29 and professional licenses.

30 SECTION 39. That Section 54-2808, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 54-2808. POWERS AND DUTIES OF BOARD. (1) The board shall have the power
33 to adopt and amend rules including, but not limited to, a code of ethics
34 and standards of conduct which may be reasonably necessary for the proper
35 performance of its duties and the administration of this chapter and the reg-
36 ulation of proceedings before the board. It shall adopt and have an official
37 seal. It shall have power to provide an office, office equipment and facili-
38 ties and such books and records as may be reasonably necessary for the proper
39 performance of its duties. The board may, by written agreement, authorize
40 the ~~bureau of occupational~~ division of occupational and professional li-
41 licenses as agent to act in its interest.

42 (2) The board is authorized to enter into mutual aid agreements, inter-
43 state compacts, contracts or agreements to facilitate the practice and regu-
44 lation of geology in this state.

45 (3) In carrying into effect the provisions of this chapter, the board,
46 under the hand of its chairman and the seal of the board, may request the at-
47 tendance of witnesses and the production of such books, records and papers as
48 may be required at any hearing before it, and for the purpose of disciplinary
49 matters pursuant to this chapter the board may request a district court to

1 issue a subpoena for any witness or a subpoena duces tecum to compel the pro-
 2 duction of any books, records or papers. Subpoenas shall be directed to the
 3 sheriff of any county in the state of Idaho where such witness resides or may
 4 be found. Subpoenas shall be served and returned in the same manner as sub-
 5 poenas in a criminal case. The fees and mileage of the sheriff and witnesses
 6 shall be the same as that allowed in district court criminal cases, which
 7 fees and mileage shall be paid from any funds in the state treasury available
 8 therefor in the same manner as other expenses of the board are paid. Dis-
 9 obedience of any subpoena issued by the district court or the refusal by any
 10 witness in failing to testify concerning any matter regarding which he may
 11 lawfully be interrogated, or the failure to produce any books, records or pa-
 12 pers, shall constitute a contempt of the district court of any county where
 13 such disobedience or refusal occurs, and said court, or any judge thereof, by
 14 proceedings for contempt in said court, may, if such contempt be found, pun-
 15 ish said witness as in any other case of disobedience of a subpoena issued
 16 from such court or refusal to testify therein.

17 (4) The board is hereby authorized in the name of the state to apply for
 18 relief by injunction in the established manner provided in cases of civil
 19 procedure, without bond, to enforce the provisions of this chapter or to re-
 20 strain any violation thereof.

21 SECTION 40. That Section 54-2809, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 54-2809. FINANCES. All fees received under the provisions of this
 24 chapter shall be paid to the ~~bureau of occupational~~ division of occupational
 25 and professional licenses and deposited in the state treasury to the credit
 26 of the occupational licenses fund and all costs and expenses incurred under
 27 the provisions of this chapter shall be a charge against and paid from said
 28 fund.

29 SECTION 41. That Section 54-2903, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 54-2903. DEFINITIONS. As used in this chapter:

32 (1) "Applicant" means a person applying for a license or permit under
 33 this chapter.

34 (2) "Audiologist" means a natural person who meets the requirements of
 35 this chapter, is duly licensed in accordance with this chapter and is engaged
 36 in the practice of audiology.

37 (3) "Board" means the speech, hearing and communication services li-
 38 censure board.

39 (4) ~~"Bureau" means the bureau of occupational licenses.~~

40 ~~(5) "Department" means the department of self-governing agencies.~~

41 (5) "Division" means the division of occupational and professional li-
 42 censes.

43 (6) "Hearing aid" means any wearable electronic instrument or other de-
 44 vice designed for the purpose of aiding or compensating for a loss of human
 45 hearing and any parts, attachments or accessories, including earmolds at-
 46 tached to the hearing aid, but excluding batteries and cords. "Hearing aid"

1 does not include those devices classified by the federal food and drug admin-
2 istration as assistive listening devices.

3 (7) "Hearing aid dealer and fitter" means a person licensed pursuant to
4 this chapter to provide hearing aid evaluations and to sell, dispense and fit
5 hearing aids in the state of Idaho.

6 (8) "Hearing aid evaluation" means the measurement of human hearing for
7 the purpose of selecting or adapting a hearing aid, and not for obtaining
8 medical diagnosis or legal documentation, and includes the following:

9 (a) Air conduction threshold testing;

10 (b) Bone conduction threshold testing;

11 (c) Speech reception threshold testing;

12 (d) Speech discrimination testing;

13 (e) Most comfortable loudness level testing; and

14 (f) Uncomfortable loudness level testing.

15 (9) "Improper fitting" means a pattern of hearing aid selections or
16 adaptations that cause physical damage to any portion of the ear in which the
17 electroacoustic characteristics of the hearing aid are inadequate for the
18 consumer, or in which the hearing aid is physically or acoustically unsuited
19 to the consumer including, but not limited to:

20 (a) An all-in-the-ear hearing aid that continually falls out of the
21 ear;

22 (b) Any hearing aid or earmold that causes inappropriate feedback, pain
23 or discomfort to the ear within thirty (30) days of the original deliv-
24 ery of the hearing aid to the consumer;

25 (c) Fitting a consumer with impacted cerumen; or

26 (d) Fitting a consumer with either an apparent unilateral sensorineu-
27 ral hearing loss or a significant air-bone gap without prior medical
28 evaluation and approval.

29 (10) "License" means a license issued by the board under this chapter.

30 (11) "Practice of audiology" means to apply the principles, methods and
31 procedures of measurement, evaluation, testing, counseling, consultation
32 and instruction that relate to the development and disorders of hearing,
33 vestibular functions and related language and speech disorders to prevent,
34 modify or rehabilitate the disorders or to assist individuals in auditory
35 and related skills for communication, and may include intraoperative moni-
36 toring and the fitting, adjustment, programming, selling and dispensing of
37 hearing aids and assistive devices.

38 (12) "Practice of fitting and dealing in hearing aids" means the selec-
39 tion, adaptation, dispensing, fitting or sale of hearing aids, and includes
40 the testing of hearing by means of an audiometer, or by any other device de-
41 signed specifically for these purposes. The practice also includes the mak-
42 ing of impressions for earmolds.

43 (13) "Practice of sign language interpreting" means the application of
44 the process of providing effective communication between and among persons
45 who are deaf, hard of hearing or deaf-blind, speech impaired and those who
46 can hear. The process includes, but is not limited to, communication between
47 American sign language or other forms of manual communication and English.
48 The process may also involve various other modalities that involve visual,
49 gestural and tactile methods.

1 (14) "Practice of speech-language pathology" means the application of
2 principles, methods and procedures of measurement, evaluation, testing,
3 counseling, rehabilitation, screening, consultation and instruction that
4 relate to the development and disorders of human communication including,
5 but not limited to, speech (articulation, fluency, voice, accent reduction)
6 and language, swallowing, cognitive communication disorders, augmentative
7 and alternative communication systems and related hearing disorders.

8 (15) "Provisional permit" means a permit issued to an applicant who is
9 registered to obtain required experience to become licensed.

10 (16) "Sign language interpreter" means a natural person who meets the
11 requirements of this chapter, is duly licensed in accordance with this chap-
12 ter, and who engages in the practice of sign language interpreting.

13 (17) "Speech-language pathologist" means a natural person who meets the
14 requirements of this chapter, is duly licensed in accordance with this chap-
15 ter, and who engages in the practice of speech-language pathology.

16 (18) "Speech-language pathologist aide" means a natural person who
17 meets the requirements of this chapter, is duly licensed in accordance
18 with this chapter, and who works under the direction and supervision of a
19 speech-language pathologist. A speech-language pathologist aide shall
20 not act or provide services independently of a supervising speech-language
21 pathologist licensed in Idaho.

22 (19) "Speech-language pathologist assistant" means a natural person
23 who meets the requirements of this chapter, is duly licensed in accor-
24 dance with this chapter, and works under the direction and supervision of
25 a speech-language pathologist. A speech-language pathologist assistant
26 shall not act or provide services independently of a supervising speech-lan-
27 guage pathologist licensed in Idaho.

28 SECTION 42. That Section 54-2910, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 54-2910. POWERS AND DUTIES OF THE BOARD. The board shall have the au-
31 thority to administer, coordinate and enforce the provisions of this chapter
32 including, but not limited to:

33 (1) Evaluate the qualifications of applicants for licensure, approve
34 and administer examinations to test the knowledge and proficiency of appli-
35 cants for licensure, and approve or deny the registration and issuance and
36 renewal of licenses and permits;

37 (2) Authorize all disbursements necessary to carry out the provisions
38 of this chapter;

39 (3) Promulgate rules not inconsistent with the laws of this state which
40 are necessary to carry out the provisions of this chapter including, but not
41 limited to, ethical standards of practice;

42 (4) Adopt rules allowing for continuing education;

43 (5) Obtain restraining orders and injunctions prohibiting conduct in
44 violation of the provisions of this chapter, conduct investigations, issue
45 subpoenas, examine witnesses and administer oaths, concerning practices
46 which are alleged to violate the provisions of this chapter;

47 (6) Suspend or revoke or otherwise sanction licenses in the manner pro-
48 vided in this chapter, or place a person holding a license under this chapter
49 on probation;

1 (7) Require as a condition of receiving or retaining a license issued
2 under this chapter that restitution be paid to a consumer;

3 (8) Require the inspection of testing equipment and facilities of per-
4 sons engaging in any practice pursuant to this chapter; and

5 (9) Authorize, by written agreement, the ~~bureau of occupational~~
6 division of occupational and professional licenses to act as its agent in its
7 interest.

8 SECTION 43. That Section 54-3107, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-3107. POWERS AND DUTIES. The state certified shorthand reporters
11 board shall have the following powers and duties:

12 (1) To determine the qualifications of persons applying for certifi-
13 cates and the renewal of a certificate under this chapter.

14 (2) To prescribe, administer, and approve examination of applicants
15 applying for certificates under this chapter, including examinations that
16 are administered electronically or online.

17 (3) To collect the fees and charges prescribed by this chapter.

18 (4) To execute and issue temporary permits and certified shorthand re-
19 porter certificates under the conditions prescribed in this chapter.

20 (5) To refuse to issue, refuse to renew, revoke or suspend or otherwise
21 discipline any certificate or permit upon the grounds and in the manner pre-
22 scribed by this chapter.

23 (6) To make rules to carry out the intent and purposes of this chapter.

24 (7) The board may, by written agreement, authorize the ~~bureau of occu-~~
25 pational division of occupational and professional licenses as its agent to
26 act in its interest.

27 SECTION 44. That Section 54-3117, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 54-3117. FINANCES. All fees received under the provisions of this
30 chapter shall be paid to the ~~bureau of occupational~~ division of occupational
31 and professional licenses and deposited in the state treasury to the credit
32 of the occupational licenses fund and all costs and expenses incurred under
33 the provisions of this chapter shall be a charge against and paid from said
34 fund.

35 SECTION 45. That Section 54-3204, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 54-3204. BOARD -- POWERS AND DUTIES. The board shall have the follow-
38 ing powers and duties:

39 (1) To aAdopt and amend rules to administer and carry out the provisions
40 of this chapter and for the conduct of its affairs, provided that such rules
41 shall be promulgated in accordance with the provisions of chapters 26 and 52,
42 title 67, Idaho Code;

43 (2) To mMaintain a list of the names and addresses of all persons li-
44 censed under this chapter;

1 (3) At its discretion, to contract with the ~~bureau of occupational~~
2 division of occupational and professional licenses for those services
3 deemed necessary for the proper administration of this chapter;

4 (4) To prescribe by rule the minimum amount and kind of continuing edu-
5 cation to be required of each social worker seeking to renew a license in the
6 state of Idaho;

7 (5) To establish by rule an inactive license status;

8 (6) To take such action as may be necessary to enforce the provisions of
9 this chapter and to regulate the practice of social work;

10 (7) To review the practice of a social worker licensed pursuant to this
11 chapter who is the subject of a complaint regarding a potential violation
12 of the provisions of this chapter. This review may include client records,
13 notes of the license holder and other materials related to the practice. The
14 review will remain subject to nondisclosure according to the provisions of
15 chapter 1, title 74, Idaho Code, unless the written consent of the client is
16 received by the board;

17 (8) To establish by rule the standards and requirements for the use of
18 communication technology in the practice of social work, including supervi-
19 sion.

20 SECTION 46. That Section 54-3212, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 54-3212. REVOCATION OR SUSPENSION OF LICENSES -- HEARINGS -- TAKING
23 TESTIMONY -- APPEAL. (1) The board shall have the power to refuse to issue,
24 refuse to renew, revoke or suspend any license if the same was obtained
25 through error or fraud, or if the holder thereof is shown to be incompetent,
26 or has willfully violated any of the rules prescribed by the board, or as pre-
27 scribed by this chapter; provided ~~that~~, before any license shall be revoked
28 or suspended, the holder thereof shall have written notice enumerating the
29 charges against him and a hearing by an officer, appointed by the board or
30 the chief division administrator of the ~~bureau of occupational division of~~
31 occupational and professional licenses, shall be held after notice has been
32 served on the licensee. ~~The p~~Provisions of chapter 52, title 67, Idaho Code,
33 shall apply to all cases of revocation or suspension of licenses.

34 (2) The chief division administrator of the ~~bureau of occupational~~
35 division of occupational and professional licenses shall have the power to
36 appoint, by an order in writing, any competent person to take testimony,
37 who shall have power to administer oaths, issue subpoenas and compel the
38 attendance of witnesses, and the decision of the board shall be based on ex-
39 amination of the testimony taken and the records produced. Any person whose
40 license has been revoked may, after the expiration of two (2) years from the
41 date of such revocation, but not before, apply for a new license.

42 SECTION 47. That Section 54-3309, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 54-3309. BOARD POWERS AND DUTIES. The board shall have the following
45 powers and duties:

46 (a) To determine the qualifications of persons applying for licenses
47 under this chapter;

- 1 (b) To prescribe, administer and determine examinations and a passing
- 2 grade for licenses under this chapter;
- 3 (c) To collect and adjust fees and charges prescribed in this chapter to
- 4 cover the operating expenses of the board as may become necessary from time
- 5 to time;
- 6 (d) To issue licenses for the practice of denturistry under the condi-
- 7 tions prescribed in this chapter;
- 8 (e) To revoke or suspend denturists' licenses in the manner prescribed
- 9 by this chapter;
- 10 (f) To administer oaths and subpoena witnesses for the purpose of car-
- 11 rying out the activities authorized under this chapter;
- 12 (g) To make rules and regulations pursuant to chapter 52, title 67,
- 13 Idaho Code, to carry out the intents and purposes of this chapter;
- 14 (h) To appoint committees and chairpersons and to delegate responsi-
- 15 bilities to them as the need arises from time to time;
- 16 (i) To authorize, by written agreement, the ~~bureau of occupational~~
- 17 division of occupational and professional licenses to act as agent in its
- 18 interest.

19 SECTION 48. That Section 54-3320, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 54-3320. NOTICE OF BOARD ADDRESS -- PROHIBITED ACTIVITIES -- GUAR-
 22 ANTEE ON SERVICES. (a) There shall be posted in a conspicuous area on any
 23 premises where the practice of denturistry is carried on, a notice with let-
 24 tering of a size easily read by the average person and in substantially the
 25 following form:

26 ANY CONSUMER WHO HAS A COMPLAINT RELATING TO PRACTICES OF
 27 THIS ESTABLISHMENT MAY CONTACT THE IDAHO BOARD OF DENTURISTRY
 28address..... (address) with a copy to THE ~~BUREAU~~
 29 ~~OF OCCUPATIONAL LICENSING DIVISION OF OCCUPATIONAL AND PROFESSIONAL~~
 30 LICENSES.....address..... (address)

31 (b) No person licensed under the provisions of this chapter shall di-
 32 rectly or indirectly:

- 33 (1) ~~m~~Make any payment or gift to a person who has referred a patient;
- 34 (2) ~~r~~Receive or accept any rebate, payment or gift from any person to
- 35 whom a patient is referred; or
- 36 (3) ~~e~~Engage in any form of fee-splitting or other form of sharing of re-
- 37 munereration, with respect to referrals.

38 (c) All denturist services will be unconditionally guaranteed for a pe-
 39 riod of not less than ninety (90) days.

40 SECTION 49. That Section 54-3401, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 54-3401. DEFINITIONS. As used in this chapter:

- 43 (1) "Board" means the Idaho state licensing board of professional coun-
- 44 selors and marriage and family therapists.
- 45 (2) ~~"Bureau chief" means the chief of the bureau of occupational li-~~
- 46 ~~enses of the state of Idaho.~~

1 ~~(3)~~ "Department" means the department of self-governing agencies of
2 the state of Idaho.

3 (3) "Division administrator" means the chief administrative officer of
4 the division of occupational and professional licenses.

5 (4) "Licensed associate marriage and family therapist" means any per-
6 son licensed under this chapter as an associate marriage and family thera-
7 pist to practice marriage and family therapy under supervision as set forth
8 in this chapter.

9 (5) "Licensed clinical professional counselor" means any person li-
10 censed under this chapter as a licensed clinical professional counselor to
11 practice clinical professional counseling as set forth in this chapter.

12 (6) "Licensed marriage and family therapist" means any person licensed
13 under this chapter to practice marriage and family therapy as defined in this
14 chapter.

15 (7) "Licensed professional counselor" means any person licensed under
16 this chapter to practice professional counseling as defined in this chapter.

17 (8) "Marriage and family therapy" means the evaluation and treatment of
18 mental and emotional disorders, whether cognitive, affective or behavioral,
19 within the context of marriage and family systems. Marriage and family ther-
20 apy includes the professional application of psychotherapeutic and family
21 systems theories and techniques in the delivery of services to individuals,
22 couples and families for the purpose of treating nervous and mental disor-
23 ders including, but not limited to, addictive disorders.

24 (9) "Practice of marriage and family therapy" means the rendering of
25 professional marriage and family therapy services to individuals, couples
26 and families, singly or in groups, whether such services are offered di-
27 rectly to the general public or through organizations, either public or
28 private. A licensed associate marriage and family therapist shall only
29 practice marriage and family therapy under supervision as established in
30 this chapter and rules of the board. The practice of marriage and family
31 therapy is restricted to marriage and family therapists competent in the
32 area of practice, and in the use of such methods, techniques or modalities.

33 (10) "Practice of professional counseling" means the application of
34 mental health, psychological, and human development principles in order
35 to facilitate human development and adjustment throughout the life span;
36 prevent, assess, and treat mental, emotional or behavioral disorders and as-
37 sociated distresses which interfere with mental health; conduct assessments
38 for the purpose of establishing treatment goals and objectives; and plan,
39 implement and evaluate treatment plans using counseling treatment interven-
40 tions. The practice of professional counseling also means the application
41 of cognitive, affective, behavioral, and systemic counseling strategies
42 across the continuum of care. It includes principles of development, well-
43 ness and pathology that reflect a contemporary society. Such interventions
44 are specifically implemented in the context of a professional counseling
45 setting.

46 The practice of professional counseling includes, but is not limited
47 to:

- 48 (a) Individual, group, couples, family counseling and therapy;
- 49 (b) Assessment;
- 50 (c) Crisis intervention;

- 1 (d) Treatment of persons with mental and emotional disorders includ-
 2 ing, but not limited to, addictive disorders;
 3 (e) Guidance and consulting to facilitate normal growth and develop-
 4 ment, including educational and career development;
 5 (f) Utilization of functional assessment and counseling for persons
 6 requesting assistance in adjustment to a disability;
 7 (g) Consulting;
 8 (h) Research; and
 9 (i) Referral.

10 The use of specific methods, techniques, or modalities within the prac-
 11 tice of professional counseling is restricted to professional counselors
 12 appropriately trained in the use of such methods, techniques or modalities.

13 (11) "Supervised experience" and "experience under supervision" means
 14 a face-to-face process by which an approved supervisor facilitates the
 15 professional growth of a supervisee and monitors the supervisee's clini-
 16 cal performance. A supervisor provides professional direction to help the
 17 supervisee attain knowledge, improve case conceptualization and process
 18 skills, address personal issues as it pertains to clinical work, and
 19 strengthen professional development, ethics and boundary-setting as the
 20 supervisee provides clinical services to clients. A supervisor monitors the
 21 supervisee's clinical performance through direct and indirect observation
 22 of the services delivered by the supervisee, such as audio or video record-
 23 ings, live supervision and other methods of observation of services.

24 SECTION 50. That Section 54-3404, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 54-3404. IDAHO STATE LICENSING BOARD OF PROFESSIONAL COUNSELORS AND
 27 MARRIAGE AND FAMILY THERAPISTS -- POWERS. The board shall have the following
 28 powers:

29 (1) To regulate the practice of professional counselors, clinical pro-
 30 fessional counselors, associate marriage and family therapists and marriage
 31 and family therapists in the state of Idaho.

32 (2) To pass upon the qualifications and fitness of applicants for li-
 33 censes and to adopt rules requiring annual continuing education as a condi-
 34 tion for the renewal of licenses issued under this chapter.

35 (3) To adopt and from time to time revise such rules as may be neces-
 36 sary to carry into effect the provisions of this chapter. Such rules shall
 37 include, but not be limited to, a code of ethics for professional counselors
 38 and a code of ethics for marriage and family therapists in the state, which
 39 shall be adopted in compliance with chapter 52, title 67, Idaho Code.

40 (4) To review the practice of professional counselors, clinical pro-
 41 fessional counselors, associate marriage and family therapists and marriage
 42 and family therapists licensed under this chapter and charged with a viola-
 43 tion of the provisions of this chapter. This review may include the notes of
 44 the license holder and other materials related to the practice. The review
 45 will remain subject to disclosure according to chapter 1, title 74, Idaho
 46 Code, unless the written consent of the client is received by the board.

47 (5) To establish a peer review system whereby each license holder's
 48 practice may be reviewed to ensure continuing practice in an appropriate and
 49 ethical manner.

1 (6) To examine for, deny, approve, issue, revoke, suspend and renew the
2 licenses of applicants pursuant to this chapter, and to conduct hearings in
3 connection therewith.

4 (7) To conduct hearings to suspend or revoke licenses for violations of
5 the law and rules adopted pursuant to this chapter and cause the prosecution
6 and enjoinder of all such violations.

7 (8) In any proceeding before the board authorized by this chapter, the
8 board or its designee may administer oaths or affirmations to witnesses ap-
9 pearing before it.

10 (9) To authorize, by written agreement, the chief division administra-
11 tor of the bureau of occupational division of occupational and professional
12 licenses as agent to act in its interest.

13 (10) To provide, by rule, licensed professional counselor, licensed
14 clinical professional counselor, licensed associate marriage and family
15 therapist and licensed marriage and family therapist specialty standards.

16 (11) To establish by rule the standards and requirements for the use of
17 communication technology in the practice of counseling and marriage and fam-
18 ily therapy, including supervision.

19 SECTION 51. That Section 54-3413, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 54-3413. ADMINISTRATION BY BUREAU OF OCCUPATIONAL THE DIVISION OF
22 OCCUPATIONAL AND PROFESSIONAL LICENSES. This chapter shall be administered
23 by the bureau of occupational division of occupational and professional
24 licenses.

25 SECTION 52. That Section 54-3414, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 54-3414. POWERS AND DUTIES OF BUREAU OF OCCUPATIONAL THE DIVISION OF
28 OCCUPATIONAL AND PROFESSIONAL LICENSES. The bureau of occupational division
29 of occupational and professional licenses shall have the following powers
30 and duties:

31 (1) To accept applications for and issue licenses to professional and
32 clinical professional counselors, associate marriage and family thera-
33 pists, and marriage and family therapists pursuant to requirements of this
34 chapter.

35 (2) To maintain in a registry appropriate for that purpose a pub-
36 lic record of all applications for licenses, the action of the department
37 thereon, of all licenses issued and of all licenses revoked or forfeited with
38 the reasons for such revocation or forfeiture and of all renewals.

39 (3) To forward complaints against a licensed professional counselor,
40 a licensed clinical professional counselor, a licensed associate marriage
41 and family therapist or a licensed marriage and family therapist to the state
42 licensing board for review and investigation.

43 (4) To assist in the investigation and prosecution of complaints filed
44 against a licensed professional counselor, a licensed clinical professional
45 counselor, a licensed marriage and family therapist or a licensed associate
46 marriage and family therapist under section 54-3408, Idaho Code.

1 (5) At the discretion of the ~~chief of the bureau~~ division administrator
 2 and upon apparent failure or refusal of the state licensing board to inves-
 3 tigate or prosecute a complaint against a licensed professional counselor,
 4 a licensed clinical professional counselor, a licensed marriage and family
 5 therapist or a licensed associate marriage and family therapist, to inves-
 6 tigate the complaint and forward the report of investigation to the state
 7 licensing board and upon apparent failure or refusal of the state licens-
 8 ing board to take further action, to file an action in the district court un-
 9 der section 54-3408, Idaho Code, against a licensed professional counselor,
 10 a licensed clinical professional counselor, a licensed marriage and family
 11 therapist or a licensed associate marriage and family therapist violating
 12 the terms of this chapter.

13 SECTION 53. That Section 54-3702, Idaho Code, be, and the same is hereby
 14 amended to read as follows:

15 54-3702. DEFINITIONS. As used in this chapter:

16 (1) "Association" means the Idaho occupational therapy association.

17 (2) "Board" means the occupational therapy licensure board of Idaho as
 18 set out in section 54-3717, Idaho Code.

19 (3) ~~"Bureau" means the bureau of occupational licenses.~~

20 ~~(4) "Department" means the department of self-governing agencies.~~

21 (4) "Division" means the division of occupational and professional li-
 22 censes.

23 (5) "Good standing" means the individual's license is not currently
 24 suspended or revoked by any state regulatory entity.

25 (6) "Graduate occupational therapist" means a person who holds a cer-
 26 tificate of graduation from an approved occupational therapy curriculum,
 27 who has submitted a completed application for certification by examination,
 28 and who may practice occupational therapy in association with and under the
 29 supervision of an occupational therapist and under authority of a limited
 30 permit.

31 (7) "Graduate occupational therapy assistant" means a person who holds
 32 a certificate of graduation from an approved occupational therapy assistant
 33 curriculum, who has submitted a completed application for licensure by ex-
 34 amination under this chapter and is performing the duties of occupational
 35 therapy assistant in association with and under the supervision of an occu-
 36 pational therapist and under the authority of a limited permit.

37 (8) "License" means a document issued by the board to a person under
 38 this chapter authorizing the person to practice as an occupational therapist
 39 or occupational therapy assistant.

40 (9) "Occupational therapist" means a person licensed under this chap-
 41 ter to practice occupational therapy.

42 (10) "Occupational therapy" means the care and services provided by or
 43 under the direction and supervision of an occupational therapist.

44 (11) "Aide in the delivery of occupational therapy services" means a
 45 person who is not licensed by the board and who provides supportive ser-
 46 vices to occupational therapists and occupational therapy assistants. An
 47 aide shall function only under the guidance, responsibility and line of
 48 sight supervision of the licensed occupational therapist or an occupa-
 49 tional therapy assistant who is appropriately supervised by an occupational

1 therapist. The aide provides only specifically selected client-related or
2 nonclient-related tasks for which the aide has been trained and has demon-
3 strated competence.

4 (12) "Occupational therapy assistant" means a person licensed under
5 this chapter to practice occupational therapy and who works under the super-
6 vision of an occupational therapist.

7 (13) "Practice of occupational therapy" means the therapeutic use of
8 everyday life activities (occupations) with individuals or groups for the
9 purpose of participation in roles and situations in home, school, workplace,
10 community, and other settings. Occupational therapy services are provided
11 for the purpose of promoting health and wellness and to those who have or are
12 at risk for developing an illness, injury, disease, disorder, condition,
13 impairment, disability, activity limitation, or participation restriction.
14 Occupational therapy addresses the physical, cognitive, psychosocial, sen-
15 sory, and other aspects of performance in a variety of contexts to support
16 engagement in everyday life activities that affect health, well-being and
17 quality of life. The practice of occupational therapy includes:

18 (a) Development of occupation-based plans, methods or strategies se-
19 lected to direct the process of interventions such as:

20 (i) Establishment, remediation, or restoration of a skill or
21 ability that has not yet developed or is impaired.

22 (ii) Compensation, modification, or adaptation of activity or en-
23 vironment to enhance performance.

24 (iii) Maintenance and enhancement of capabilities without which
25 performance in everyday life activities would decline.

26 (iv) Health promotion and wellness to enable or enhance perfor-
27 mance in everyday life activities.

28 (v) Prevention of barriers to performance, including disability
29 prevention.

30 (b) Evaluation of factors affecting a client's occupational perfor-
31 mance areas of activities of daily living (ADL), instrumental activi-
32 ties of daily living (IADL), rest and sleep, education, work, play,
33 leisure, and social participation, including:

34 (i) Client factors, including body functions (such as neuromus-
35 cular, sensory, visual, perceptual, cognitive), values, beliefs,
36 and spirituality, and body structures (such as cardiovascular,
37 digestive, integumentary, genitourinary systems).

38 (ii) Performance patterns, including habits, routines, roles,
39 and behavior patterns.

40 (iii) Contexts and activity demands that affect performance, in-
41 cluding cultural, physical, environmental, social, virtual and
42 temporal.

43 (iv) Performance skills, including sensory perceptual skills,
44 motor and praxis skills, emotional regulation skills, cognitive
45 skills, communication and social skills.

46 (c) Interventions and procedures to promote or enhance safety and per-
47 formance in activities of daily living (ADL), instrumental activities
48 of daily living (IADL), education, work, play, leisure, and social par-
49 ticipation, rest and sleep, including:

50 (i) Therapeutic use of occupations, exercises, and activities.

1 (ii) Training in self-care, self-management, home management,
2 and community/work reintegration.

3 (iii) Development, remediation, or compensation of physical,
4 cognitive, neuromuscular, sensory functions and behavioral
5 skills.

6 (iv) Therapeutic use of self, including one's personality, in-
7 sights, perceptions, and judgments, as part of the therapeutic
8 process.

9 (v) Education and training of individuals, including family mem-
10 bers, caregivers, and others.

11 (vi) Care coordination, case management, and transition ser-
12 vices.

13 (vii) Consultative services to groups, programs, organizations,
14 or communities.

15 (viii) Modification of environments (home, work, school, or com-
16 munity) and adaptation of processes, including the application of
17 ergonomic principles.

18 (ix) Assessment, design, fabrication, application, fitting, and
19 training in assistive technology, adaptive devices, orthotic de-
20 vices, and prosthetic devices.

21 (x) Assessment, recommendation, and training in techniques to
22 enhance functional mobility, including wheelchair management.

23 (xi) Driver rehabilitation and community mobility.

24 (xii) Management of feeding, eating, and swallowing to enable
25 eating and feeding performance.

26 (xiii) Application of superficial, thermal and mechanical physi-
27 cal agent modalities, and use of a range of specific therapeutic
28 procedures (such as basic wound management; techniques to enhance
29 sensory, perceptual, and cognitive processing; therapeutic ex-
30 ercise techniques to facilitate participation in occupations) to
31 enhance performance skills.

32 (xiv) Use of specialized knowledge and skills as attained through
33 continuing education and experience for the application of deep
34 thermal and electrotherapeutic modalities, therapeutic proce-
35 dures specific to occupational therapy and wound care management
36 for treatment to enhance participation in occupations as defined
37 by rules adopted by the board.

38 (d) Engaging in administration, consultation, testing, education and
39 research as related to paragraphs (a), (b) and (c) of this subsection
40 and further established in rule.

41 SECTION 54. That Section 54-3717, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 54-3717. OCCUPATIONAL THERAPY LICENSURE BOARD OF IDAHO -- POWERS AND
44 DUTIES. (1) The licensure board shall administer, coordinate, and enforce
45 the provisions of this chapter, evaluate the qualifications, and approve the
46 examinations for licensure under this chapter, and may issue subpoenas, ex-
47 amine witnesses, and administer oaths, and may investigate practices that
48 are alleged to violate the provisions of this chapter.

1 (2) The licensure board shall adopt rules and regulations, pursuant to
 2 chapter 52, title 67, Idaho Code, relating to professional conduct to carry
 3 out the policy of this chapter including, but not limited to, regulations
 4 relating to professional licensure and to the establishment of ethical
 5 standards of practice, disciplinary proceedings, license suspension pro-
 6 ceedings, or license revocation proceedings for persons holding a license to
 7 practice occupational therapy in this state.

8 (3) The licensure board shall hold meetings, conduct hearings and keep
 9 records and minutes as are necessary to carry out its functions.

10 (4) Authorize, by written agreement, the ~~bureau of occupational~~
 11 division of occupational and professional licenses to act as its agent in its
 12 interests as set out in the written agreement.

13 (5) Communicate disciplinary actions to relevant state and federal
 14 authorities, the national board for certification in occupational therapy
 15 (NBCOT), the American occupational therapy association (AOTA) and to other
 16 state occupational licensing authorities.

17 (6) Adopt rules requiring continuing education for the renewal of a li-
 18 cense.

19 SECTION 55. That Section 54-3719, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 54-3719. DISPOSITION OF RECEIPTS -- EXPENSES. All fees received un-
 22 der the provisions of this chapter shall be paid to the ~~bureau of occupa-~~
 23 tional division of occupational and professional licenses and deposited in
 24 the state treasury to the credit of the occupational licenses fund and all
 25 costs and expenses incurred under the provisions of this chapter shall be a
 26 charge against and paid from said fund.

27 SECTION 56. That Section 54-4007, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 54-4007. POWERS AND DUTIES OF THE BOARD. The board shall have the au-
 30 thority to:

31 (1) Determine the qualifications of persons applying for licensure
 32 pursuant to this chapter and to define, by rule, the appropriate scope of
 33 massage therapy in this state, provided however, that the scope of practice
 34 may not exceed that defined in section 54-4002 (7), Idaho Code;

35 (2) Authorize, by written agreement, the ~~bureau of occupational~~
 36 division of occupational and professional licenses as agent to act in its
 37 interest;

38 (3) Promulgate such rules as are necessary for the administration of
 39 this chapter, including standards of professional conduct;

40 (4) Conduct investigations and hold hearings and compel the attendance
 41 of witnesses and the production of papers at such investigations or hear-
 42 ings;

43 (5) Collect fees and other funds as prescribed by this chapter;

44 (6) Contract and pursue other matters lawful in this state relating to
 45 massage therapy;

46 (7) Provide such other services and perform such other functions as are
 47 necessary and desirable to fulfill its purposes;

1 (8) Establish requirements for renewal of license and approval of con-
2 tinuing education courses as set forth in section 67-2614, Idaho Code;

3 (9) Establish rules for the approval of massage therapy entry-level ed-
4 ucational standards but must remain consistent with curriculum requirements
5 in this chapter, or rules promulgated pursuant thereto;

6 (10) Establish requirements for a student tuition credit program; and

7 (11) Establish requirements for a temporary license and provisional
8 permit.

9 The registration of massage schools shall remain with the state board of edu-
10 cation in accordance with chapter 24, title 33, Idaho Code.

11 SECTION 57. That Section 54-4008, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 54-4008. FEES. (1) All fees received under the provisions of this
14 chapter shall be paid to the department of self-governing agencies, ~~bureau~~
15 ~~of occupational~~ division of occupational and professional licenses, and
16 deposited in the state treasury to the credit of the occupational licenses
17 fund. All costs and expenses incurred under the provisions of this chap-
18 ter shall be a charge against and paid from said fund. In no case shall any
19 salary, expense or other obligation of the board be charged against the gen-
20 eral fund.

21 (2) The board, by rule, may impose fees not to exceed two hundred dol-
22 lars (\$200) annually per fee to provide for the administration of this sec-
23 tion including, but not limited to, the following:

24 (a) Original license fee;

25 (b) Application fee;

26 (c) License renewal fee;

27 (d) License by endorsement;

28 (e) Duplicate license; and

29 (f) Reinstatement fee.

30 SECTION 58. That Section 54-4113, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 54-4113. FEES -- ISSUANCE OF LICENSES OR CERTIFICATES. (1) Every per-
33 son applying for examination or reexamination under this chapter shall pay
34 a fee equal to that charged by the national examining entity. If the result
35 of the examination of any applicant shall be satisfactory to the board, under
36 its rules, it shall issue to such applicant a license or certificate setting
37 forth the fact that he is a state-licensed or state-certified real estate
38 appraiser and authorized to practice his profession in this state. The fee
39 for obtaining a license or certificate under the provisions of this chapter
40 shall be an amount not to exceed five hundred dollars (\$500). The annual fee
41 for renewal or reinstatement of a license or certificate shall be an amount
42 not to exceed five hundred dollars (\$500), which shall be paid to the ~~bureau~~
43 division of occupational and professional licenses. The board shall adopt
44 all fees by rule.

45 (2) In addition to those fees described in this chapter, the board may
46 collect from applicants for licensure or certification and holders of state
47 licenses or certificates of appraisal and remit to the appropriate agency

1 or instrumentality of the federal government any additional fees as may be
 2 required to render Idaho state-licensed residential, state-certified resi-
 3 dential and general real estate appraisers eligible to perform appraisals in
 4 connection with federally related transactions.

5 (3) In addition to those fees described in this chapter, the board may
 6 collect from an applicant for appraisal management company registration and
 7 from a registered appraisal management company and remit to the appropri-
 8 ate agency or instrumentality of the federal government any additional fees
 9 required to provide appraisal management services in connection with feder-
 10 ally related transactions.

11 (4) The board may collect continuing education provider application
 12 fees in an amount not to exceed one hundred dollars (\$100) as established by
 13 board rule.

14 (5) All fees received by the board under the provisions of this chapter
 15 shall be deposited in the state treasury to the credit of the occupational
 16 licenses fund in the dedicated fund, and all costs and expenses incurred by
 17 the board under the provisions of this chapter shall be a charge against and
 18 paid from the fund for such purposes. The fees collected under this chapter
 19 shall be immediately available for the administration of this chapter, the
 20 provisions of any other law notwithstanding.

21 SECTION 59. That Section 54-4132, Idaho Code, be, and the same is hereby
 22 amended to read as follows:

23 54-4132. ADDITIONAL POWERS OF THE BOARD. In addition to the powers
 24 conferred elsewhere in this chapter, the board shall have the power under
 25 this act, in relation to appraisal management companies, to:

26 (1) Authorize by written agreement the ~~bureau of occupational division~~
 27 of occupational and professional licenses to act as its agent, to act in its
 28 interest and, in its discretion, to contract with the ~~bureau of occupational~~
 29 division of occupational and professional licenses for those services
 30 deemed necessary for the proper administration of this act;

31 (2) Adopt, pursuant to the administrative procedure act, rules that are
 32 consistent with the provisions of this act and are not in conflict with state
 33 or federal law that may be reasonably necessary to implement, administer and
 34 enforce the provisions of this act;

35 (3) Conduct investigations into violations of this act;

36 (4) Receive applications for and approve registration of appraisal
 37 management companies pursuant to the provisions of this act;

38 (5) Hold meetings and hearings at such times as it may designate;

39 (6) Collect, deposit and disburse application and other fees and in-
 40 come;

41 (7) Collect the actual costs and fees, including attorney's fees, in-
 42 curred by the board in the investigation and prosecution of an AMC upon the
 43 finding of a violation of this act or a rule adopted or an order issued by the
 44 board under this act. Provided, however, that the assessment of costs and
 45 fees against or in favor of a licensee under this chapter shall be governed by
 46 the provisions of section 12-117(5), Idaho Code;

47 (8) Take such action as may be necessary to enforce the provisions of
 48 this act and to regulate appraisal management companies;

1 (9) Report an AMC's violation of applicable appraisal-related laws,
2 regulations or orders, as well as disciplinary and enforcement actions or
3 other relevant information about an AMC's operations to state and federal
4 agencies; and

5 (10) Require new applicants, owners or designated controlling persons
6 for each new applicant to submit to a satisfactory fingerprint-based crimi-
7 nal history check of the Idaho central criminal database and the federal bu-
8 reau of investigation criminal history database and to collect fees from ap-
9 plicants for the cost of such background checks.

10 SECTION 60. That Section 54-4405, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 54-4405. ADMINISTRATIVE RULES. Pursuant to the provisions of chapter
13 52, title 67, Idaho Code, the ~~bureau of occupational~~ division of occupa-
14 tional and professional licenses may promulgate such rules as are necessary
15 to properly administer the addition of health care related boards as pro-
16 vided in section 54-4401, Idaho Code.

17 SECTION 61. That Section 54-4705, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 54-4705. BOARD OF ACUPUNCTURE -- POWERS AND DUTIES -- FUNDS. (1) The
20 board shall have the authority to:

21 (a) Determine the qualifications of persons applying for licensure,
22 certification and acupuncture trainee permits pursuant to this chapter
23 and define, by rule, the appropriate scope of acupuncture services that
24 may be rendered to the public in this state;

25 (b) Hire or appoint employees, including an executive director, inves-
26 tigators, attorneys, consultants and independent hearing examiners;

27 (c) Establish, pursuant to the administrative procedure act, such
28 rules as are necessary for the administration of this chapter, includ-
29 ing standards for professional conduct that reflect current practice
30 standards and promote inclusion of innovations and advances in acupunc-
31 ture;

32 (d) Conduct investigations and examinations and hold hearings;

33 (e) Collect fees and other funds as prescribed by this chapter;

34 (f) Contract, sue and be sued, and pursue other matters lawful in this
35 state;

36 (g) Provide such other services and perform such other functions as are
37 necessary and desirable to fulfill its purposes;

38 (h) Adopt rules requiring continuing education as a condition of con-
39 tinued licensure or certification.

40 (2) All fees received under the provisions of this chapter shall be paid
41 to the ~~bureau of occupational~~ division of occupational and professional li-
42 censes and deposited in the state treasury to the credit of the occupational
43 licenses fund and all costs and expenses incurred under the provisions of
44 this chapter shall be a charge against and paid from said fund.

45 SECTION 62. That Section 54-5017, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 54-5017. PERMITS -- APPLICATION -- FEES. (1) On and after January 1,
2 2005, any person, firm, partnership, company, association or corporation
3 entitled to receive a permit, shall make application to the board on a form
4 provided by the board. The application shall require a description of the
5 work proposed to be done, the location, ownership and use of the premises.

6 (2) Until fees are established by rule of the board, the following fees
7 shall be paid:

8 (a) Residential single and duplex family dwelling, a fifty dollar
9 (\$50.00) base permit fee plus an inspection fee of:

10 (i) Thirty-five dollars (\$35.00) for the first furnace, furnace-
11 air conditioner combination, heat pump, air conditioner, evapora-
12 tive cooler, unit heater, space heater, decorative gas-fired ap-
13 pliance, incinerator, boiler, pool heater, and similar fixtures
14 or appliances, plus

15 (ii) Fifteen dollars (\$15.00) for any additional furnace, fur-
16 nace-air conditioner combination, heat pump, air conditioner,
17 evaporative cooler, unit heater, space heater, decorative
18 gas-fired appliance, incinerator, boiler, pool heater, and sim-
19 ilar fixtures or appliances. Fee includes ducts, vents and flues
20 attached thereto.

21 (iii) Fifteen dollars (\$15.00) for the first exhaust or ventila-
22 tion duct such as dryer vents, range hood vents, cook stove vents,
23 bath fan vents, and similar exhaust and ventilation ducts, plus

24 (iv) Five dollars (\$5.00) for any additional exhaust and ventila-
25 tion ducts.

26 (v) Fifteen dollars (\$15.00) for the first fixture or appliance
27 outlet of the fuel gas piping system, plus

28 (vi) Five dollars (\$5.00) for any additional outlets of the fuel
29 gas piping system.

30 (b) Multifamily, commercial, institutional, industrial and all other
31 installations, a fifty dollar (\$50.00) base permit fee for each build-
32 ing, plus an inspection fee based on the selling price of the completed
33 installation including equipment, appliances, piping systems, materi-
34 als, and labor of:

35 (i) Three percent (3%) of the value of the installation through
36 twenty thousand dollars (\$20,000), plus

37 (ii) Two percent (2%) of the value of installation in excess of
38 twenty thousand dollars (\$20,000) through one hundred thousand
39 dollars (\$100,000), plus

40 (iii) One percent (1%) of the value of the installation in excess
41 of one hundred thousand dollars (\$100,000) through two hundred
42 thousand dollars (\$200,000), plus

43 (iv) One-half percent (1/2%) of the value of the installation in
44 excess of two hundred thousand dollars (\$200,000).

45 (c) Plan check and technical service, a fifty dollar (\$50.00) minimum
46 fee plus fifty dollars (\$50.00) per hour.

47 (d) Additional and reinspections, a fifty dollar (\$50.00) minimum fee
48 plus an additional fifty dollars (\$50.00) per hour before approval of
49 the installation if the following services are necessary:

1 (i) Trips to inspect when the permittee had given notice to the
 2 inspector that the work was ready for inspection when it was not,
 3 or if the permittee has not clearly given the location of the in-
 4 stallation either by directions or maps, or if the inspector can-
 5 not gain access to make the inspection;

6 (ii) Trips to inspect corrections required by the inspector as a
 7 result of the permittee improperly responding to a corrective no-
 8 tice;

9 (iii) Each trip necessary to remove a red tag from the job site;

10 (iv) When corrections have not been made in the prescribed time,
 11 unless an extension has been requested and granted.

12 (3) Expiration of permits. Every permit issued by the HVAC bureau
 13 division of occupational and professional licenses or authority having ju-
 14 risdiction, shall expire by limitation and become null and void if the work
 15 authorized by such permit is not commenced within ninety (90) days from the
 16 date of issuance of such permit or if the work authorized by such permit is
 17 suspended or abandoned at any time after work is commenced for a period of
 18 one hundred eighty (180) days. A permit may be renewed for an additional
 19 year upon receiving approval from the ~~bureau~~ division of occupational and
 20 professional licenses or authority having jurisdiction, and a fifty-dollar
 21 (\$50.00) renewal fee.

22 (4) No permit. Failure to acquire, post and send permit and to pay re-
 23 quired fees in the prescribed time may result in the assessment of a double
 24 fee. Any additional offenses within a twelve (12) month period for failure
 25 to acquire, post and send permit and to pay required fees in the prescribed
 26 time shall result in the assessment of a triple fee.

27 SECTION 63. That Section 54-5203, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 54-5203. DEFINITIONS. As used in this chapter:

30 (1) "Board" means the Idaho contractors board as created in section
 31 54-5206, Idaho Code.

32 (2) ~~"Bureau chief" means the chief of the bureau of occupational li-~~
 33 ~~enses.~~

34 ~~(3)~~ "Construction" means the performance of building, altering, re-
 35 pairing, adding to, subtracting from, improving, reconstructing, moving,
 36 excavating, wrecking or demolishing any building, highway, road, bridge, or
 37 other structure, project, development or improvement to real property, or to
 38 do any part thereof, including the erection of scaffolding or other struc-
 39 tures or works in connection therewith.

40 (4) "Contractor" means:

41 (a) Any person who in any capacity undertakes, offers to undertake,
 42 purports to have the capacity to undertake, or submits a bid to, or does
 43 himself or by or through others, perform construction; or

44 (b) A construction manager who performs construction management ser-
 45 vices.

46 ~~(5)~~ "Department" means the department of self-governing agencies of
 47 the state of Idaho.

48 (5) "Division administrator" means the chief administrative officer of
 49 the division of occupational and professional licenses.

1 (6) "Person" means any individual, firm, partnership, limited liabil-
2 ity company, limited liability partnership, corporation, trust, associa-
3 tion or other entity or organization capable of conducting business, or any
4 combination thereof acting as a unit.

5 SECTION 64. That Section 54-5207, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 54-5207. GENERAL POWERS AND DUTIES OF THE BOARD. The board shall en-
8 force the minimum standards and requirements therefor as provided by this
9 chapter and by rule adopted by the board. The board may exercise such powers
10 and duties as are reasonably necessary to carry out the provisions of this
11 chapter and it may, among other things:

12 (1) Accept or reject applications for registration and establish the
13 fees to be charged for application, registration and renewal, subject to the
14 provisions of this chapter;

15 (2) Hold public meetings and attend or be represented at such meetings,
16 within or without the state, prepare and publish rules pertaining to this
17 chapter and such other information as may be necessary, and furnish copies
18 thereof to those engaged in the business, trade, practice or work of con-
19 tracting and to the public upon request;

20 (3) Furnish standards and procedures and prescribe reasonable rules
21 for applications, qualifications and registration of contractors, includ-
22 ing proration of registration fees and staggering initial annual registra-
23 tion; and

24 (4) Under such rules as it may adopt, investigate, classify and de-
25 termine the qualifications of applicants for registration pursuant to this
26 chapter; and

27 (5) Contract with the ~~bureau of occupational~~ division of occupational
28 and professional licenses to provide administrative services.

29 SECTION 65. That Section 54-5212, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 54-5212. DISPOSITION OF RECEIPTS -- EXPENSES. All fees received un-
32 der the provisions of this chapter shall be paid to the ~~bureau of occupa-~~
33 ~~tional~~ division of occupational and professional licenses and deposited in
34 the state treasury to the credit of the occupational licenses fund and all
35 costs and expenses incurred under the provisions of this chapter shall be a
36 charge against and paid from said fund.

37 SECTION 66. That Section 54-5303, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 54-5303. DEFINITIONS. (1) "Board" means the liquefied petroleum gas
40 safety board.

41 (2) "~~Bureau~~" means the ~~bureau of occupational licenses.~~

42 ~~(3)~~ "Department" means the department of self-governing agencies.

43 (3) "Division" means the division of occupational and professional li-
44 censes.

1 (4) "Good moral character" means the absence of any behavior that vio-
2 lates accepted standards of the community including, but not limited to:

3 (a) Conviction or plea of guilty to a crime that is deemed relevant in
4 accordance with section 67-9411(1), Idaho Code;

5 (b) Habitual use of drugs or intoxicants to such a degree as to render a
6 person unfit and unreliable to practice;

7 (c) Revocation or suspension or other restriction of any license or
8 certificate in any state in the previous five (5) years; and

9 (d) Failure to pay final judgments in any state in the previous seven
10 (7) years.

11 (5) "License" means a physical document issued by the ~~bureau~~ division
12 certifying that a person or facility has met the appropriate qualifications
13 and has been granted the authority to practice or operate in Idaho under the
14 provisions of this chapter.

15 (6) "Liquefied petroleum gas" or "LPG" or "LP-Gas" means any material
16 that is composed predominantly of or by the mixture of any of the following
17 hydrocarbons: propane, propylene, butanes, isobutanes and butylenes.

18 (7) "LPG facility" means any facility at a fixed location licensed pur-
19 suant to this chapter whose activities include selling, filling, refilling,
20 or commercial handling or commercial storage of LPG.

21 (8) "LPG dealer" means any person licensed pursuant to this chapter who
22 engages in LPG dealer practice.

23 (9) "LPG dealer practice" means a person engaging in the selling, fill-
24 ing, refilling, transporting, delivering, or commercial handling of LPG, or
25 engaging in the installation or maintenance of systems, equipment, pipes or
26 containers for the use or storage of LPG.

27 (10) "LPG code" means the liquefied petroleum gas code adopted by the
28 national fire protection association, inc., commonly known as NFPA 58.

29 SECTION 67. That Section 54-5308, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 54-5308. FACILITY LICENSE -- EQUIPMENT -- INSPECTIONS -- FEES. (1) The
32 board shall issue a facility license to any person, corporation, partner-
33 ship, trust, association or other legal entity to operate at specific loca-
34 tions only. No facility license shall be transferable, but an applicant may
35 make application for more than one (1) facility license as long as all of the
36 requirements are met for each license individually. Except as herein other-
37 wise provided, the following shall be considered minimum requirements for a
38 facility license:

39 (a) That the applicant is lawfully entitled to do business within the
40 United States;

41 (b) That the applicant has not been refused a license for a facility, or
42 its equivalent, or had a personal or facility license revoked in Idaho
43 or in any other state;

44 (c) That the applicant has designated the name under which the facility
45 will operate and has designated a specific location for which the facil-
46 ity license is to be issued;

47 (d) For a facility with a storage capacity of four thousand one (4,001)
48 gallons or more, that the applicant has at least one (1) dealer licensed

1 under this chapter who is a resident of the state of Idaho and who is, and
2 will be, responsible for the operation of the facility;

3 (e) That the applicant has filed an application and paid the required
4 filing fee;

5 (f) That the applicant's facility meets the requirements of the LPG
6 code, except as designated by the board by rule;

7 (g) All applications for facility licenses are in writing and contain
8 the name of the applicant, the address, and location of the facility
9 and a description of the type of structure and equipment to be used in
10 the operation of the facility and such further information as may be re-
11 quired by the board to ensure the safe operation of the facility and its
12 compliance with the requirements of this chapter;

13 (h) The person responsible for the operation of a facility maintains
14 such records documenting the storage, transportation, dispensation and
15 utilization of LPG as may be required by the laws of the state of Idaho
16 and the rules adopted by the board;

17 (i) In the event a licensed facility ceases to have a licensed dealer
18 in its employ responsible for operation of the facility, all opera-
19 tion involving practices regulated under this chapter shall cease and
20 written notification of such fact shall be submitted immediately to the
21 board. In the event a licensed facility fails to have a licensed dealer
22 in its employ responsible for the facility within thirty (30) days of
23 said notice, the facility license shall be summarily suspended until a
24 licensed dealer is so employed; and

25 (j) A certificate issued by an insurance company authorized to do busi-
26 ness in the state of Idaho as proof that the applicant has procured and
27 has in effect a general liability policy in the sum of not less than one
28 million dollars (\$1,000,000) single limit.

29 (2) The board may adopt rules setting forth minimum general standards
30 covering the design, construction, location, installation and operation of
31 systems, equipment, pipes and containers for storing, handling, transport-
32 ing by tank truck or tank trailer, and using liquefied petroleum gases and
33 specifying the odorization of the gases and the degree thereof.

34 (3) The board shall adopt inspection rules regarding LPG facilities.

35 (4) ~~The bureau of occupational~~ division of occupational and profes-
36 sional licenses shall collect a fee not to exceed five hundred dollars (\$500)
37 for each application, each original license and each annual renewal of any
38 facility license issued pursuant to this chapter and shall deposit all fees
39 in the state treasury in accordance with section 67-2608, Idaho Code. The
40 actual fees shall be set by board rule. Fees paid under the provisions of
41 this chapter shall not be refunded unless otherwise specified herein.

42 SECTION 68. That Section 54-5310, Idaho Code, be, and the same is hereby
43 amended to read as follows:

44 54-5310. POWERS AND DUTIES OF THE BOARD. The powers and duties of the
45 board are as follows, to:

46 (1) Authorize all disbursements necessary to carry out the provisions
47 of this chapter;

48 (2) Approve and administer qualifying examinations to test the knowl-
49 edge and competence of applicants for a license;

1 (3) Supervise the approval and issuance of licenses as provided in this
2 chapter, and to license persons who apply to the board and who are qualified
3 pursuant to this chapter;

4 (4) Renew licenses to persons who apply to the board and who are quali-
5 fied pursuant to this chapter;

6 (5) Accept complaints and conduct investigations concerning alleged
7 violations of the provisions of this chapter;

8 (6) Require and conduct inspections of facilities licensed pursuant to
9 this chapter;

10 (7) Conduct disciplinary proceedings and take such action as may be ap-
11 propriate for any violation of this chapter;

12 (8) Authorize, by written agreement, the ~~bureau of occupational~~
13 division of occupational and professional licenses as agent to act in its
14 interest;

15 (9) Impose reasonable costs, investigative expenses and attorney's
16 fees incurred in enforcing the provisions of this chapter upon a licensee
17 found to have violated one (1) or more provisions of this chapter;

18 (10) Enforce all provisions of this chapter and board rules including,
19 but not limited to, issuing subpoenas, and obtaining restraining orders and
20 injunctions prohibiting conduct in violation of the provisions of this chap-
21 ter; and

22 (11) Make and publish rules not inconsistent with the laws of this state
23 which are necessary to carry out the provisions of this chapter. The rules
24 relating to safety in the storage, distribution, dispensing, transporting
25 and utilization of LPG in this state and in the manufacture, fabrication, as-
26 sembly, sale, installation and use of LPG systems, piping, containers, ap-
27 paratus or appliances shall be just and reasonable and shall conform, except
28 as established by board rule, to the standards of the LPG code relating to the
29 design, construction, installation and use of systems, piping, containers,
30 apparatus, appliances and pertinent equipment for the storage, transporta-
31 tion, dispensation and utilization of LPG.

32 SECTION 69. That Section 54-5313, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 54-5313. LICENSES -- RECORDS -- FEES -- PAYMENT OF COSTS AND EX-
35 PENSES. (1) The ~~bureau of occupational~~ division of occupational and pro-
36 fessional licenses shall, upon the approval of the board and subject to
37 the provisions of this chapter, register and issue licenses to persons who
38 have been approved by the board in accordance with this chapter. The li-
39 censes shall bear on their face the seal of the state and the signature of
40 the ~~chief division administrator of the bureau of occupational~~ division of
41 occupational and professional licenses and shall be effective until the next
42 birthday of the person being licensed. Licenses so issued shall be renewed
43 annually in accordance with section 67-2614, Idaho Code. The provisions of
44 sections 67-2609 through 67-2614, Idaho Code, shall apply to licenses issued
45 pursuant to this chapter.

46 (2) The board shall keep and the ~~bureau~~ division shall maintain a record
47 of board proceedings and a register of all applications that show:

48 (a) The name, age, social security number and residency of each appli-
49 cant;

- 1 (b) The date of application;
 2 (c) The place of business of such applicant;
 3 (d) The educational and other qualifications of each applicant;
 4 (e) Whether or not an examination was required;
 5 (f) Whether the applicant was denied;
 6 (g) Whether a license was issued;
 7 (h) The dates of the action by the board;
 8 (i) Compliance with continuing education requirements; and
 9 (j) Such other information as may be deemed necessary by the board.

10 (3) ~~The bureau of occupational~~ division of occupational and profes-
 11 sional licenses shall collect a fee not to exceed two hundred dollars (\$200)
 12 for each application, each original license, and each annual renewal of any
 13 license issued pursuant to this chapter and shall deposit all fees in the
 14 state treasury in accordance with section 67-2608, Idaho Code. The actual
 15 fees shall be set by board rule. The ~~bureau~~ division shall also collect a
 16 fee equal to that charged by the examination provider when an examination is
 17 required as a condition of licensing. Fees paid under the provisions of this
 18 chapter shall not be refunded unless otherwise specified herein.

19 (4) All fees received under the provisions of this chapter shall be paid
 20 to the ~~bureau of occupational~~ division of occupational and professional li-
 21 licenses and deposited in the state treasury to the credit of the occupational
 22 licenses fund, and all costs and expenses incurred under the provisions of
 23 this chapter shall be charged against and paid from said fund.

24 SECTION 70. That Section 54-5315, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 54-5315. REVOCATION OR SUSPENSION OF LICENSE -- PROCEDURES FOR DISCI-
 27 PLINARY PROCEEDINGS. (1) The board shall have the power to refuse to issue a
 28 license, or revoke, suspend, refuse to renew, or otherwise sanction any li-
 29 cense issued pursuant to the provisions of this chapter for any of the fol-
 30 lowing:

- 31 (a) Procuring a license or registration by knowingly making a false
 32 statement, submitting false information, refusing to provide complete
 33 information in response to a question in an application for a license or
 34 through any form of fraud or misrepresentation;
 35 (b) Being convicted of a felony;
 36 (c) Misrepresentation or fraudulent representation in the performance
 37 of any duty, conduct or activity regulated under this chapter;
 38 (d) Violating the provisions of this chapter or any rules of the board
 39 or any code of conduct or ethical standards adopted by the board;
 40 (e) Being incompetent;
 41 (f) Failing to provide appropriate and personal supervision, if act-
 42 ing as the designated supervisor, to any person gaining experience un-
 43 der the provisions of this chapter.

44 (2) The board shall have the power to administer oaths, take deposi-
 45 tions of witnesses within or without the state in the manner provided by law
 46 in civil cases, and shall have power throughout the state of Idaho to require
 47 the attendance of such witnesses and the production of such books, records
 48 and papers as it may desire, relevant to any hearing before it of any matter
 49 which it has authority to investigate, and for that purpose the board may is-

1 sue a subpoena for any witness or a subpoena duces tecum to compel the pro-
 2 duction of books, records or papers, directed to the sheriff of any county of
 3 the state of Idaho where such witness resides or may be found, which shall be
 4 served and returned in the same manner as a subpoena in a criminal case.

5 (3) The procedures for disciplinary proceedings shall be in compliance
 6 with the Idaho administrative procedure act and the rules of the office of
 7 the attorney general and the ~~bureau of occupational~~ division of occupational
 8 and professional licenses.

9 SECTION 71. That Section 54-5402, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 54-5402. DEFINITIONS. As used in this chapter:

12 (1) "Board" means the Idaho driving businesses licensure board, which
 13 will act as the state regulatory body for driving businesses hereinafter
 14 provided in this chapter.

15 (2) "Driver education" means classroom instruction and behind-the-
 16 wheel driving time.

17 (3) "Driving business" means any driver education business established
 18 for the education of students in a classroom or motor vehicle, or both, which
 19 education shall not qualify a student for a commercial driver's license. A
 20 driving business shall not include an education program run by a church, syn-
 21 agogue, or refugee program or an accident prevention course taught, regu-
 22 lated, or licensed by the transportation department.

23 (4) "Driving instructor" means a person who is licensed by the board to
 24 teach the classroom instruction phase and behind-the-wheel training phase
 25 of automobile driver training. This term does not apply to any independent
 26 certified driving instructor who participates in a state or federal program
 27 directed at training or retraining persons in occupational skills or to in-
 28 structors who operate or work for public driving businesses that are over-
 29 seen by the state department of education.

30 (5) "License" means a document issued by the ~~bureau of occupational~~
 31 division of occupational and professional licenses on behalf of the board
 32 officially documenting the individual's right to practice as a driving in-
 33 structor or to operate a driving business within the state of Idaho.

34 SECTION 72. That Section 54-5404, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 54-5404. FEES. (1) All fees received under the provisions of this
 37 chapter shall be paid to the ~~bureau of occupational~~ division of occupational
 38 and professional licenses and deposited in the state treasury to the credit
 39 of the occupational licenses fund. All costs and expenses incurred under the
 40 provisions of this chapter shall be a charge against and paid from said fund.
 41 Actual fees shall be set by administrative rule.

42 (2) All licenses issued under the provisions of this chapter shall be
 43 subject to annual renewal. License renewal and reinstatement shall be in ac-
 44 cordance with section 67-2614, Idaho Code.

45 (3) All fees are nonrefundable.

1 SECTION 73. That Section 54-5406, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-5406. DRIVING INSTRUCTORS -- REQUIREMENTS. (1) Each person apply-
4 ing for a driving instructor license must complete an application provided
5 by the ~~bureau of occupational~~ division of occupational and professional
6 licenses that requires the applicant to be at least twenty-one (21) years of
7 age, have a high school diploma or equivalent, a valid driver's license and
8 a satisfactory driving record from the jurisdiction from which the license
9 was issued, a satisfactory fingerprint-based criminal history check of the
10 Idaho central criminal database and the federal bureau of investigation
11 criminal history database, a medical certificate and any required completed
12 coursework. Licensees shall certify that they hold a current medical cer-
13 tificate at the time of license renewal.

14 (2) Every new applicant for a license pursuant to this chapter shall
15 have completed a board-approved apprenticeship training program of no fewer
16 than thirty (30) hours of classroom instruction and fifty (50) hours of be-
17 hind-the-wheel training. The board may waive, as a whole or either part, the
18 apprenticeship for an applicant who holds a current, active and unrestricted
19 equivalent instructor license from another state or who has the requisite
20 training and experience as demonstrated in a manner established by board
21 rule. Such applicant shall submit supporting documentation with the com-
22 pleted application and shall meet all other requirements in this chapter and
23 in board rule.

24 SECTION 74. That Section 54-5502, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 54-5502. DEFINITIONS. As used in this chapter:

27 (1) "Board" means the Idaho state board of midwifery.

28 (2) ~~"Bureau" means the Idaho state bureau of occupational licenses.~~

29 ~~(3)~~ "Certified professional midwife" or "CPM" means a person who is
30 certified by the North American registry of midwives or any successor organ-
31 ization.

32 ~~(4)~~ "Client" means a woman under the care of a licensed midwife, as
33 well as her fetus and newborn child.

34 (4) "Division" means the division of occupational and professional li-
35 censes.

36 (5) "Estimated due date" means the estimated date of delivery with
37 a known date of conception, known date of last menstrual period or first
38 trimester ultrasound.

39 (6) "Idaho midwifery council" or "IMC" means the professional organi-
40 zation representing midwives in Idaho.

41 (7) "Idahoans for midwives" or "IFM" means the Idaho consumer organiza-
42 tion that promotes and supports midwifery care in Idaho.

43 (8) "Licensed health care provider" means a physician or physician as-
44 sistant or an advanced practice registered nurse.

45 (9) "Licensed midwife" means a person who holds a current license is-
46 sued by the board pursuant to the provisions of this chapter to engage in the
47 practice of midwifery, who shall be designated "L.M."

1 (10) "Midwifery education accreditation council" or "MEAC" means the
2 organization established in 1991 and recognized by the U.S. department of
3 education as an accrediting agency for midwifery education programs and in-
4 stitutions.

5 (11) "National association of certified professional midwives" or
6 "NACPM" means the national organization for certified professional mid-
7 wives.

8 (12) "NACPM essential documents" means the documents adopted by NACPM
9 that identify the nature of and standards of practice for responsible mid-
10 wifery practice.

11 (13) "North American registry of midwives" or "NARM" means the interna-
12 tional certification agency that establishes and administers certification
13 for the CPM credential.

14 (14) "Practice of midwifery" means providing maternity care for women
15 and their newborns during the antepartum, intrapartum and postpartum peri-
16 ods. The postpartum period for both maternal and newborn care may not exceed
17 six (6) weeks from the date of delivery.

18 SECTION 75. That Section 54-5504, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 54-5504. BOARD OF MIDWIFERY -- POWERS AND DUTIES. The board shall have
21 the authority and the responsibility to:

22 (1) Receive applications for licensure, determine the qualifications
23 of persons applying for licensure, provide licenses to applicants qualified
24 under this chapter and renew, suspend, revoke and reinstate licenses;

25 (2) Establish and collect fees for examination of applicants, for li-
26 censure and for renewal of licenses;

27 (3) Establish the minimum amount and type of continuing education to be
28 required for each licensed midwife seeking renewal of the midwife's license;

29 (4) Investigate complaints against persons who are licensed under this
30 chapter;

31 (5) Undertake, when appropriate, disciplinary proceedings and disci-
32 plinary action against persons licensed under this chapter;

33 (6) Promulgate and adopt rules, pursuant to chapter 52, title 67, Idaho
34 Code, necessary to administer this chapter. To the degree they are consis-
35 tent with this chapter, rules shall be consistent with the current job de-
36 scription for the profession published by NARM and consistent with standards
37 regarding the practice of midwifery established by the NACPM or a successor
38 organization;

39 (7) Authorize, by written agreement, the ~~bureau of occupational~~
40 division of occupational and professional licenses to act as agent in its
41 interest; and

42 (8) Provide such other services and perform such other functions as are
43 consistent with this chapter and necessary to fulfill its responsibilities.

44 SECTION 76. That Section 54-5509, Idaho Code, be, and the same is hereby
45 amended to read as follows:

46 54-5509. FEES. (1) All fees received under the provisions of this
47 chapter shall be paid to the department of self-governing agencies, ~~bureau~~

1 ~~of occupational~~ division of occupational and professional licenses and
 2 deposited in the state treasury to the credit of the occupational licenses
 3 fund. All costs and expenses incurred under the provisions of this chapter
 4 shall be a charge against and paid from said fund. In no case may any salary,
 5 expense or other obligation of the board be charged against the general fund.

6 (2) The fee for licensure may not exceed one thousand dollars (\$1,000).

7 SECTION 77. That Section 54-5602, Idaho Code, be, and the same is hereby
 8 amended to read as follows:

9 54-5602. DEFINITIONS. As used in this chapter:

10 (1) "ABGC" means the American board of genetic counseling, inc., its
 11 successor or equivalent.

12 (2) "ABMG" means the American board of medical genetics, its successor
 13 or equivalent.

14 (3) "ACS" means active candidate status conferred by the American board
 15 of genetic counseling.

16 (4) "Board" means the genetic counselors licensing board.

17 (5) ~~"Bureau" means the bureau of occupational licenses.~~

18 ~~(6)~~ "Certification" means the voluntary process by which a nongovern-
 19 mental agency grants recognition and use of a credential to individuals who
 20 have met predetermined and standardized criteria.

21 ~~(76)~~ "Certification examination" means the certification examination
 22 for genetic counselors administered by a certifying agency approved by the
 23 board.

24 ~~(87)~~ "CEU" means continuing education unit as defined by the board by
 25 rule.

26 ~~(98)~~ "Code of ethics" means the current code of ethics adopted by the
 27 board.

28 (9) "Division" means the division of occupational and professional li-
 29 censes.

30 (10) "Genetic counseling" means performing acts of a genetic counselor
 31 as described in section 54-5603, Idaho Code.

32 (11) "Genetic counselor" means an individual who is licensed under this
 33 chapter to engage in the practice of genetic counseling.

34 (12) "Licensed physician" means a person holding a license issued under
 35 chapter 18, title 54, Idaho Code.

36 (13) "NSGC" means the national society of genetic counselors, its suc-
 37 cessor or equivalent.

38 (14) "Person" means an individual and does not mean an association of
 39 individuals or a legal entity.

40 SECTION 78. That Section 54-5607, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 54-5607. BOARD POWERS. (1) The board shall have the following powers:

43 (a) To receive applications for licensure, determine the qualifica-
 44 tions of persons applying for licensure, provide licenses to applicants
 45 qualified under the provisions of this chapter and reinstate and deny
 46 licenses;

47 (b) To establish by rule and collect fees as prescribed by this chapter;

1 (c) To maintain records necessary to carry out its duties under this
2 chapter;

3 (d) To pass upon the qualifications and fitness of applicants for li-
4 censes and to adopt rules requiring annual continuing education as a
5 condition for the renewal of licenses issued under this chapter;

6 (e) To prescribe by rule the minimum number of and qualifications for
7 continuing education units (CEUs) to be required of each genetic coun-
8 selor seeking to obtain or renew a license in the state of Idaho and for
9 the approval of continuing education courses;

10 (f) To examine for, deny, approve, issue, revoke and suspend licenses
11 pursuant to this chapter and to conduct investigations and hearings in
12 connection with such actions;

13 (g) Establish requirements for reinstatement and renewal of licenses;

14 (h) To adopt and revise such rules as may be necessary to carry into ef-
15 fect the provisions of this chapter in compliance with chapter 52, title
16 67, Idaho Code. The rules shall include, but shall not be limited to,
17 a code of ethics for genetic counselors and licensed genetic counselor
18 standards of practice;

19 (i) In any proceeding before the board authorized by this chapter, the
20 board or its designee may administer oaths or affirmations to witnesses
21 appearing before it; and

22 (j) To take such action as may be necessary to enforce the provisions of
23 this chapter and to regulate the practice of genetic counseling.

24 (2) In a final order, the board may impose a civil penalty not to exceed
25 one thousand dollars (\$1,000) for each violation by a licensee of this chap-
26 ter or of rules adopted by the board.

27 (3) The board may authorize, by written agreement, the ~~bureau of occu-~~
28 pational division of occupational and professional licenses as its agent to
29 act in its interest and, in its discretion, to contract with the ~~bureau of~~
30 occupational division of occupational and professional licenses for those
31 services deemed necessary for the proper administration of this chapter.

32 (4) The assessment of costs and attorney's fees incurred in the inves-
33 tigation and prosecution or defense of a licensee under this chapter shall be
34 governed by the provisions of section 12-117(5), Idaho Code.

35 SECTION 79. That Section 54-5802, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 54-5802. DEFINITIONS. As used in this chapter:

38 (1) "Apprentice" means a person registered with the barber and cosme-
39 tology services licensing board to learn an occupation in a licensed estab-
40 lishment who, while so learning, performs or assists in performing any prac-
41 tices of barbering, barber-styling, cosmetology, or electrology.

42 (2) "Barber" means a person licensed to practice barbering as defined
43 in this section.

44 (3) "Barbering" means any one (1) or any combination of the following
45 practices when performed on the upper part of the human body for cosmetic
46 purposes and not for the treatment of disease or physical or mental ailments:

47 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-
48 ing, cleansing, singeing or performing similar work on the hair;

49 (b) Fitting, cutting or dressing hairpieces or toupees;

1 (c) Giving facial and scalp massages or treatments with oils, creams,
2 lotions or other preparations, either by hand or by a mechanical appli-
3 ance; and

4 (d) Applying cosmetic preparations, antiseptics, powders, oils, clays
5 or lotions to the scalp, face, and neck.

6 (4) "Barber-styling" means any one (1) or any combination of the fol-
7 lowing practices when performed on the upper part of the human body for cos-
8 metic purposes and not for the treatment of disease or physical or mental
9 ailments:

10 (a) Shaving the face or cutting, trimming, arranging, dressing, curl-
11 ing, waving by any method, straightening, cleansing, singeing, bleach-
12 ing, coloring or performing similar work on the hair;

13 (b) Fitting, cutting or dressing hairpieces or toupees;

14 (c) Giving facial and scalp massages or treatments with oils, creams,
15 lotions or other preparations, either by hand or by a mechanical appli-
16 ance; and

17 (d) Applying cosmetic preparations, antiseptics, powders, oils, clays
18 or lotions to the scalp, face, and neck.

19 (5) "Barber-stylist" means a person licensed to practice bar-
20 ber-styling as defined in this section.

21 (6) "Board" means the barber and cosmetology services licensing board
22 established by section 54-5806, Idaho Code.

23 (7) ~~"Bureau" means the bureau of occupational licenses.~~

24 ~~(8) "Cosmetologist" means a person licensed to practice cosmetology as~~
25 ~~defined in this section.~~

26 (9) "Cosmetology" means any one (1) or any combination of the follow-
27 ing practices when performed on the human body for cosmetic purposes and not
28 for the treatment of disease or physical or mental ailments:

29 (a) Cutting, trimming, arranging, dressing, curling, waving by any
30 method, cleansing, singeing, bleaching, coloring or performing similar
31 work on the hair;

32 (b) Fitting, cutting or dressing hairpieces or toupees;

33 (c) Noninvasive care of the skin by application of cosmetic prepa-
34 rations, antiseptics, tonics, lotions, creams and essential oils
35 to cleanse, massage, exfoliate, hydrate and stimulate; makeup ap-
36 plication; pore extraction; use of chemical exfoliants approved for
37 professional esthetic use; particle exfoliation; use of any class I
38 medical device, as classified by the United States food and drug admin-
39 istration, designed for care of the skin, except that a class II medical
40 device designed for care of the skin may be used as directed and super-
41 vised by an authorized and licensed health care practitioner; temporary
42 removal of superfluous hair by lotions, creams, waxing, tweezing, de-
43 pilatories or other means; and tinting or perming the eyebrows and
44 eyelashes; and

45 (d) Manicuring and pedicuring nails and applying artificial nails.

46 (9) "Division" means the Idaho division of occupational and profes-
47 sional licenses.

48 (10) "Electrologist" means a person licensed to practice electrology,
49 as defined in this section, and skilled in the permanent removal of unwanted
50 hair.

1 (11) "Electrology" or "electrolysis" means the permanent removal of
2 hair by destroying the hair-producing cells of the skin and vascular system
3 through the use of equipment and devices approved by and registered with the
4 United States food and drug administration.

5 (12) "Establishment" means a place licensed under this chapter, other
6 than a licensed school, where barbering, barber-styling, cosmetology or
7 electrology is practiced.

8 (13) "Esthetician" means a person licensed to practice esthetics as de-
9 fined in this section.

10 (14) "Esthetics" means noninvasive care of the skin by application of
11 cosmetic preparations, antiseptics, tonics, lotions, creams and essential
12 oils to cleanse, massage, exfoliate, hydrate and stimulate; makeup applica-
13 tion; pore extraction; use of chemical exfoliants approved for professional
14 esthetic use; particle exfoliation; use of any class I medical device, as
15 classified by the United States food and drug administration, designed for
16 care of the skin, except that a class II medical device designed for care
17 of the skin may be used as directed and supervised by an authorized and li-
18 censed health care practitioner; temporary removal of superfluous hair by
19 lotions, creams, waxing, tweezing, depilatories or other means; and tinting
20 or perming the eyebrows and eyelashes.

21 (15) "Haircutting" means cutting, trimming, arranging, dressing, curl-
22 ing, cleansing, singeing or performing similar work on the hair and fitting,
23 cutting or dressing hairpieces or toupees.

24 (16) "Instructor" means a person licensed under this chapter to prac-
25 tice and teach any practice defined in this section.

26 (17) "Instructor trainee" means a barber, barber-stylist or cosmetol-
27 ogist attending a licensed school to receive training to teach barbering,
28 barber-styling or cosmetology.

29 (18) "Licensed school" means a postsecondary barber, cosmetology, or
30 electrology school that:

31 (a) Is licensed under its official name by the barber and cosmetology
32 services licensing board; and

33 (b) Admits as students only those individuals who meet the requirements
34 of paragraphs (a) and (b) of section 54-5810(1), Idaho Code.

35 (19) "Makeover or glamour photography business" means a business offer-
36 ing photographic services to the general public in which the business's em-
37 ployees apply cosmetic products to customers' faces or arrange the hair of
38 customers in connection with the sale or attempted sale of photographic ser-
39 vices.

40 (20) "Makeup artist" means a person certificated to practice makeup
41 artistry as defined in this section.

42 (21) "Makeup artistry" means noninvasive care of the skin by applica-
43 tion of cosmetic preparations for cleansing and the application of makeup,
44 which includes the application of cosmetics or any pigment product that is
45 used to cover, camouflage or decorate the skin.

46 (22) "Nail technician" means a person licensed to practice nail tech-
47 nology as defined in this section.

48 (23) "Nail technology" means any one (1) or more of the following prac-
49 tices when performed on the human body:

50 (a) Manicuring and pedicuring nails;

1 (b) Applying artificial nails; and

2 (c) Massaging the hands and feet.

3 (24) "Retail cosmetics dealer" means a stationary business offering
4 cosmetic products for sale at retail to the general public, in which the
5 business's employees apply cosmetic products to customers' faces in connec-
6 tion with the sale or attempted sale of the products without compensation
7 from the customer other than the regular price of the products.

8 (25) "Retail thermal styling equipment dealer" means a retail business
9 that offers thermal styling equipment, such as curling irons, curling wands,
10 flat irons, heated hair rollers, blow-dryers or other devices using heat to
11 style hair, for sale at retail to members of the general public and whose em-
12 ployees engage in the limited use of thermal styling equipment on customers
13 in connection with the sale or attempted sale of the equipment without com-
14 pensation from the customer other than the regular price of the equipment.

15 (26) "Student" means a person learning barbering, barber-styling, cos-
16 metology or electrology at a licensed school who, while so learning, per-
17 forms or assists in performing any practices of barbering, barber-styling,
18 cosmetology or electrology.

19 SECTION 80. That Section 54-5807, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 54-5807. POWERS OF THE BOARD. (1) The board shall have the power to:

22 (a) Receive applications for licensure, certification, and registra-
23 tion, determine the qualifications of applicants, provide licenses,
24 certificates, and registrations to applicants qualified under the pro-
25 visions of this chapter, and reinstate and deny licenses, certificates,
26 and registrations;

27 (b) Establish fees by rule and collect fees as prescribed by this chap-
28 ter;

29 (c) Maintain records necessary to carry out its duties under this chap-
30 ter;

31 (d) Judge the qualifications and fitness of applicants for licenses,
32 certificates and registrations;

33 (e) Examine for, deny, approve, issue, revoke and suspend licenses,
34 certificates and registrations, or sanction or impose education,
35 training or supervision on any licensee, certificand or registrant
36 pursuant to this chapter and conduct investigations in connection with
37 such actions;

38 (f) Conduct hearings and proceedings in accordance with the provisions
39 of chapter 52, title 67, Idaho Code;

40 (g) Establish requirements for reinstatement and renewal of licenses
41 and registrations;

42 (h) Adopt and revise such rules as may be necessary to carry into effect
43 the provisions of this chapter in compliance with chapter 52, title 67,
44 Idaho Code;

45 (i) Take such action as may be necessary to enforce the provisions of
46 this chapter and to regulate the practice of occupations licensed, cer-
47 tificated and registered under this chapter;

48 (j) Approve relevant cosmetology education for barber and bar-
49 ber-styling licenses and approve relevant barber and barber-styling

1 education for cosmetology licenses; provided that the total instruc-
 2 tional hours required for a licensed cosmetologist to qualify for a
 3 barber or barber-styling license shall not exceed one hundred (100)
 4 hours, unless required by a national accrediting body; and

5 (k) Authorize, by written agreement, the ~~bureau of occupational~~
 6 division of occupational and professional licenses as its agent to act
 7 in its interest and, at the board's discretion, contract with the ~~bureau~~
 8 ~~of occupational division of occupational and professional licenses~~ for
 9 those services deemed necessary for the proper administration of this
 10 chapter.

11 (2) In any proceeding before the board authorized by this chapter, the
 12 board or its designee may administer oaths or affirmations to witnesses ap-
 13 pearing before it, may subpoena witnesses and compel their attendance and
 14 also may require the production of books, papers, documents, electronically
 15 stored information and items at such proceedings. If any person shall refuse
 16 to obey any subpoena so issued or shall refuse to testify or comply with a re-
 17 quest for production, the board may present its petition to a district judge
 18 to cause an order to be issued requiring such witness to appear before the
 19 board to testify and to produce such books, papers and other documents and
 20 items as directed in the subpoena. Any person failing or refusing to obey
 21 such order shall be punished for contempt of court.

22 (3) In a final order, the board may impose a civil penalty not to exceed
 23 one thousand dollars (\$1,000) for each violation by a licensee, certificand
 24 or registrant of this chapter or of rules adopted by the board.

25 SECTION 81. That Section 67-7304, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 67-7304. COMPOSITION. (1) The council shall consist of nine (9) mem-
 28 bers to be appointed by the governor.

29 (2) Membership shall be as follows: one (1) member shall be a deaf per-
 30 son representing an association of the deaf, one (1) member shall be a deaf
 31 person, one (1) member shall be the parent of a deaf child, one (1) member
 32 shall be a hard of hearing member of a hard of hearing consumer organization,
 33 one (1) member shall be a hard of hearing person over the age of sixty (60)
 34 years, one (1) member shall be the parent of a hard of hearing child, one (1)
 35 member shall be a licensed sign language interpreter, one (1) member shall be
 36 a licensed physician, and one (1) member shall be an ASHA-certified audiolo-
 37 gist.

38 (3) A representative from each of the following shall serve as ex
 39 officio nonvoting members of the council: ~~a representative from each of~~
 40 ~~the following:~~ the Idaho bureau of educational services for the deaf and
 41 the blind, the state department of education, the division of vocational
 42 rehabilitation, the commission on aging, the department of health and wel-
 43 fare, ~~the bureau of occupational division of occupational and professional~~
 44 licenses, the department of labor, the public utilities commission, the
 45 consumer protection division of the office of the attorney general, and the
 46 director of the council for the deaf and hard of hearing.

47 (4) Due regard shall be given to balanced representation from geograph-
 48 ical and demographic areas of the state for voting members of the council.

1 (5) Voting members of the council shall be compensated as provided in
2 section 59-509(b), Idaho Code.

3 SECTION 82. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2022.

6 SECTION 83. The provisions of Sections 75 and 76 of this act shall be
7 null, void, and of no force and effect on and after July 1, 2024.