

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

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - State Board of Social Work Examiners:  
IDAPA 24.14.01 - Rules of the State Board of Social Work Examiners - Proposed Rule (Docket No. 24-1401-1801).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 11/05/2018. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/05/2018.

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

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

*Serving Idaho's Citizen Legislature*

### MEMORANDUM

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

**FROM:** Legislative Research Analyst - Matt Drake

**DATE:** October 17, 2018

**SUBJECT:** Bureau of Occupational Licenses - State Board of Social Work Examiners

IDAPA 24.14.01 - Rules of the State Board of Social Work Examiners - Proposed Rule (Docket No. 24-1401-1801)

#### Summary and Stated Reasons for the Rule

The Bureau of Occupational Licenses submits notice of proposed rulemaking related to the State Board of Social Work Examiners at IDAPA 24.14.01. The proposed rule will allow the Board of Social Work Examiners to recognize the Social Work Registry administered by the Association of Social Work Boards (ASWB) as a reliable source of credentialing information. The proposed rule also allows the Board to waive the examination requirement for applicants who have actively practiced in another state but were not required to pass an examination at the time they obtained a social work license. The Bureau states that the proposed changes will eliminate barriers to licensure and increase portability for affected professionals coming to Idaho from other states. The proposed rule also eliminates an obsolete section regarding rulemaking history.

#### Negotiated Rulemaking / Fiscal Impact

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

#### Statutory Authority

The rulemaking appears authorized pursuant to section 54-3204 and 54-3208, Idaho Code.

cc: Bureau of Occupational Licenses - State Board of Social Work Examiners  
Tana Cory

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

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

**IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**  
**24.14.01 – RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS**  
**DOCKET NO. 24-1401-1801**  
**NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-3204 and 54-3208, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2018.

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

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

This proposed rule will allow the Board of Social Work Examiners to recognize the Social Work Registry administered by Association of Social Work Boards (ASWB) as a reliable source of credentialing information. The Board is also adding a provision to waive the examination requirement for those applicants for licensure by endorsement who have actively practiced in another state but were not required to pass an examination at the time they obtained a social work license. These changes will eliminate barriers to licensure and increase portability for those coming to Idaho. It also removes an obsolete section from the rule.

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

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

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

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

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2018.

Dated this 30th day of August, 2018.

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

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1401-1801**  
**(Only Those Sections With Amendments Are Shown.)**

**075. CREDENTIALS TO BE FILED BY ALL APPLICANTS (RULE 075).**

**01. Completed Application.** An application shall be completed by all applicants for licensure upon a form prescribed by the State Board of Social Work Examiners. (3-30-07)

**02. Official Documents.** All applicants shall arrange for official documents including transcripts to be transmitted by the registrars of the educational institutions or official custodian of documents or from the Social Work Registry administered by the Association of Social Work Boards (ASWB), directly to the board. ~~(3-30-07)~~( )

**03. Applications on File.** Applications on file with the Board for a period in excess of two (2) years from the date of receipt by the Bureau shall be terminated unless good cause is demonstrated to the Board. (3-30-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. LICENSING QUALIFICATIONS AND DEFINITION OF TERMS (RULE 200).**

All applicants for licensing under the Social Work Licensing Act must meet the minimum qualifications as set forth by this act. (7-1-93)

**01. Good Moral Character.** “Good moral character” is defined by the board as that behavior exhibited on the part of an applicant which is in conformity with the Social Work Code of Professional Conduct and within the limits of state law. (5-3-03)

**02. Application for Licensure.** Application for licensure must be made to the Board of Social Work Examiners on forms provided by the Bureau of Occupational Licenses. (7-1-93)

**03. Educational Requirements.** Educational requirements must be verified by submission of official transcripts sent directly to the Board from the educational institution directly to the Bureau of Occupational Licenses or from the Social Work Registry administered by the Association of Social Work Boards (ASWB). ~~(5-3-03)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**350. EXAMINATIONS, ENDORSEMENT, AND BOARD MEETINGS (RULE 350).**

Applications for examination may be reviewed and approved by a designated Board member upon determination that the applicant meets the qualifications for examination. Approval to sit for examination does not obligate the Board to issue a license if it is later determined that the applicant does not meet the requirements for licensure. (4-4-13)

**01. Board Meetings.** Board meetings will be held at least three (3) times each year at such times and places as the board deems necessary. (5-3-03)

**02. Exam.** The Board approves the uniform, nationally standardized examination of the Association of Social Work Boards (ASWB) as the Idaho licensure examination. (4-4-13)

**a.** Bachelor level candidates shall be required to successfully pass the bachelor’s examination. (4-2-08)

**b.** Masters level candidates shall be required to successfully pass the master’s examination. (4-2-08)

- c. Clinical level candidates shall be required to successfully pass the clinical examination. (5-3-03)
- 03. Dates of Exams.** Examination at all levels of social work licensing will be conducted on dates established for national administration. (7-1-93)
- 04. Graduation Date to Qualify for Exam.** Candidates for examination who can satisfy the board that they will be graduating at the end of the spring, summer or fall terms of any given year, may qualify for examination immediately preceding the date of graduation. (4-4-13)
- 05. Endorsement.** The Board may grant a license to any person who submits a completed application on a form approved by the Board together with the required fees and who: (5-3-03)
- a. Holds a current, active social work license, at the level for which a license is being sought, issued by the authorized regulatory entity in another state or country, the certification of which must be received directly by the Board from the issuing agency; and (3-20-04)
- b. Has not been disciplined within the last five (5) years, had a license revoked, suspended, restricted, or otherwise sanctioned by any regulatory entity and has never voluntarily surrendered a license; and (5-3-03)
- c. Is of good moral character and has not been convicted, found guilty, or received a withheld judgment or suspended sentence for any felony; and (5-3-03)
- d. Has successfully passed an examination, as referenced in Subsection 350.02, or an examination provided by the Professional Examination Service (PES) at the clinical social worker and social worker level or the Education Testing Service (ETS) examination; and (5-3-03)
- e. Has certified under oath to abide by the laws and rules governing the practice of social work in Idaho and the code of professional conduct. (5-3-03)
- f. The Board may waive the examination requirement in Subsection 350.05.d. for an applicant who was not required to pass such an examination at the time the applicant initially obtained a social work license, provided that the applicant meets all other requirements in this subsection and has actively practiced social work for five (5) of the last seven (7) years preceding application. ( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**~~500. RULEMAKING HISTORY PRIOR TO JULY, 1993 (RULE 500).~~**

~~Adopted January 30, 1980~~

~~Re-adopted October 11, 1983~~

~~Revised December 15, 1983~~

~~Rule C.4. and E.1.c. Adopted Emergency~~

~~Re-adopted February 23, 1985~~

~~Re-adopted November 25, 1985~~

~~Re-adopted February 16, 1988~~

~~Re-adopted January 22, 1990~~

~~(7-1-93)~~

**~~501. -- 999. (RESERVED)~~**