

Dear Senators LODGE, Broadsword & Werk, and  
Representatives BLOCK, Nielsen & Henbest:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses: IDAPA 24.19.01 - Rules of the Board of Examiners of Residential Care Facility Administrators (Docket No. 24-1901-0801).

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 8-7-08. 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 9-4-08.

\_\_\_\_\_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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

## **MEMORANDUM**

**TO:** Subcommittees for Administrative Rules Review of the Senate Health and Welfare Committee and the House Health and Welfare Committee

**FROM:** Eric Milstead, Principal Research Analyst

**DATE:** July 18, 2008

**SUBJECT:** Bureau of Occupational Licenses - IDAPA 24.19.01 - Rules of the Board of Examiners of Residential Care Facility Administrators  
(Docket No. 24-1901-0801)

The Bureau of Occupational Licenses has submitted temporary and proposed rules at IDAPA 24.19.01 - Rules of the Board of Examiners of Residential Care Facility Administrators. The proposed and temporary rule changes appear uncomplicated. The changes implement the provisions of House Bill 492 which was passed by the 2008 Legislature. The temporary and proposed rule implements the provision that the board may approve more than one examination to qualify an applicant for licensure. (See, Temporary and Proposed Rule, Section 300.01.a and b.) The rule also updates a reference to the entity administering the certification program for residential care facility administrators.

The temporary and proposed rule appears to be within the authority granted to the Bureau under Sections 54-4204 and 54-4205, Idaho Code.

cc: Tana Cory, Bureau Chief, & Cherie Simpson, Bureau of Occupational Licenses

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

### **24.19.01 - RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS**

**DOCKET NO. 24-1901-0801**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2008.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-4205, 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 August 20, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2008 Legislature approved HB492 which was brought by the Idaho Health Care Association. Rule 300 reflects this law change and allows the Board to approve exams other than the National Association of Board of Examiners of Long Term Care Administrators (NAB) exam. It also addresses that an open book exam to test on Idaho law and rules, in accordance with current law, will be given. Finally, it updates the reference to the association under Rule 400. IDALA no longer exists and IHCA/ICAL has taken its place.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(a) and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The 2008 Legislature approved HB492 which was brought by the Idaho Health Care Association. Rule 300 reflects this law change and allows the Board to approve exams other than the National Association of Board of Examiners of Long Term Care Administrators (NAB) exam. It also addresses that an open book exam to test on Idaho law and rules, in accordance with current law, will be given. Finally, it updates the reference to the association under Rule 400. IDALA no longer exists and IHCA/ICAL has taken its place.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: 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: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this change is necessary due to passage of HB492 in the 2008 session.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 27, 2008.

DATED this 26th day of June, 2008.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St., STE 220  
Boise, ID 83702  
(208) 334-3233 phone  
(208) 334-3945 fax

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-1901-0801**

**300. EXAMINATIONS (RULE 300).**

**01. Examination.** The Board approves the following examinations for licensure: (7-1-08)T

~~01a. Examination.~~ The ~~examination shall be the~~ Residential Care Facility Administrators examination developed and administered by the National Association of Boards of Examiners of Long Term Care Administrators (NAB) and an open book examination of law and rules governing residential care administrators in Idaho. ~~Examination shall be administered at least semi-annually at such times and places as determined by NAB. The passing score for the NAB examination shall be determined by NAB. An applicant for examination shall be required to register with NAB and pay any required examination fees directly to NAB. The passing score for the open book examination shall be seventy-five percent (75%).~~ (3-15-02)(7-1-08)T

~~02b. Application and Deadline Date for Filing.~~ An applicant for examination shall be required to register with NAB and pay any required examination fees directly to NAB. Other examinations as approved by the Board. (5-3-03)(7-1-08)T

~~03. Individuals Who Have Special Needs.~~ Individuals who have special needs as defined by the American Disabilities Act must specify those needs or required services directly to NAB to receive consideration for reasonable accommodation. (5-3-03)

~~04. Passing Score on Exam.~~ An examination is passed by obtaining a passing score as determined by NAB. The application file of applicants who fail to pass the examination within two (2) years from the date of the first examination will be terminated and the applicant will be required to begin the process as a new applicant except that no further temporary permits will be granted. (5-3-03)

**301. -- 399. (RESERVED).**

**400. EDUCATIONAL AND TRAINING REQUIREMENTS (RULE 400).**

**01. Approved Course.** (5-3-03)

**a.** The Certification Program for Residential Care Facility Administrators course, administered by the Idaho Assisted Living Association (IDALA) or the Assisted Living Federation of America (ALFA) Idaho Health Care Association (IHCA)/Idaho Center for Assisted Living (ICAL), is the approved courses of study to qualify for licensure. (5-3-03)(7-1-08)T

**b.** Any Certification Program for Residential Care Facility Administrators provided by a state or national Residential Care Facility Administrator organization or a nationally or regionally accredited college or university shall be an approved course of study to qualify for licensure. (5-3-03)

**02. Approval of Other Courses.** Applicants may, in lieu of completion of the Certification Program for Residential Care Facility Administrators, submit official documentation of successful completion of relevant courses. These courses must be approved by the Board before equivalency will be given. (3-30-06)