

Dear Senators LODGE, Broadsword & LeFavour, and  
Representatives BLOCK, Nielsen & Rusche:

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

IDAPA 24.11.01 – Rules of the State Board of Podiatry (Docket No. 24-1101-0901)

24.12.01 – Rules of the Idaho State Board of Psychologist Examiners

(Docket No. 24-1201-0901 – Fee Rule)

24.12.01 – Rules of the Idaho State Board of Psychologist Examiners

(Docket No. 24-1201-0902)

24.19.01 – Rules of the Board of Examiners of Residential Care Facility

Administrators (Docket No. 24-1901-0901)

24.26.01 – Rules of the Idaho Board of Midwifery

(Docket No. 24-2601-0901 – New Chapter – Fee Rule).

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 11-13-09. 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 12-14-09.

\_\_\_\_\_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: Rules Review Subcommittee of the Senate Health and Welfare Committee and the House Health and Welfare Committee

FROM: Brooke Murdoch, Research Analyst

DATE: October 20, 2009

SUBJECT: Bureau of Occupational Licenses

**IDAPA 24.11.01 – Rules of the State Board of Podiatry  
(Docket No. 24-1101-0901)**

**IDAPA 24.12.01 – Rules of the Idaho State Board of Psychologist Examiners  
(Docket No. 24-1201-0901 – Fee Rule)**

**IDAPA 24.12.01 – Rules of the Idaho State Board of Psychologist Examiners  
(Docket No. 24-1201-0902)**

**IDAPA 24.19.01 – Rules of the Board of Examiners of Residential Care  
Facility Administrators (Docket No. 24-1901-0901)**

**IDAPA 24.26.01 – Rules of the Idaho Board of Midwifery  
(Docket No. 24-2601-0901 – New Chapter – Fee Rule)**

### **1. IDAPA 24.11.01 – Rules of the State Board of Podiatry**

The State Board of Podiatry submits notice of proposed rulemaking at IDAPA 24.11.01 – Rules of the State Board of Podiatry. According to the Board, the proposed rule requires applicants for licensure by endorsement to provide proof of completion of a residency requirement unless the applicant graduated from a college of podiatry prior to 1993. The proposed rule also specifies that an applicant for licensure by endorsement must not have been the subject of any disciplinary action, including pending or unresolved licensure actions, within the five years prior to application and never had a license to practice podiatry revoked or suspended in any jurisdiction.

Negotiated rulemaking was not conducted because the proposed changes were discussed in noticed open meetings. The Board states that there is no fiscal impact as a result of this rulemaking.

The proposed rule appears to be within the authority granted to the Board in Section 54-605, Idaho Code.

**2. IDAPA 24.12.01 – Rules of the Idaho State Board of Psychologist Examiners  
(Docket No. 24-1201-0901 – Fee Rule)**

The Idaho State Board of Psychologist Examiners submits notice of proposed rulemaking at IDAPA 24.12.01 – Rules of the Idaho State Board of Psychologist Examiners. The proposed rule establishes requirements for an inactive license status and an annual renewal fee for inactive licenses, an original application fee for licensure by exam, an original application fee for licensure by endorsement/senior psychologist and a reinstatement fee for certain cancelled licenses. The Board states that the negative fiscal impact depends upon the number of licensees changing from active to inactive license status. In addition, the proposed rule provides rehabilitation guidelines for licensees who have violated Board rules. Finally, the proposed rule establishes a special exemption from continuing education requirements based upon individual hardship and provides additional requirements and qualifications relating to continuing education credit, including credit for presentation of papers, self-study, professional publications, online education and teleconferences.

The Board states that negotiated rulemaking was not conducted because the proposed changes were discussed in noticed open meetings.

The proposed rule appears to be within the authority granted to the Board in Sections 54-2305, 54-2307, 54-2309, 54-2312, 54-2312A, 54-2315 and 67-2614, Idaho Code.

**3. IDAPA 24.12.01 – Rules of the Idaho State Board of Psychologist Examiners  
(Docket No. 24-1201-0902)**

The Idaho State Board of Psychologist Examiners submits notice of temporary and proposed rulemaking at IDAPA 24.12.01 – Rules of the Idaho State Board of Psychologist Examiners. According to the Board, the rule is prompted by House Bill 45 of 2009, which establishes a temporary permit for psychologists licensed in other states, revises and provides additional qualifications for a license to practice psychology and provides additional disciplinary options. The temporary and proposed rule implements these changes.

The Board states that the temporary rule became effective on July 30, 2009, and that the temporary adoption of the rule is appropriate because it complies with deadlines in amendments to the governing law. Finally, the Board states that there is no fiscal impact as a result of this rulemaking.

The proposed rule appears to be within the authority granted to the Board in Section 54-2305, Idaho Code.

**4. IDAPA 24.19.01 – Rules of the Board of Examiners of Residential Care Facility Administrators**

The Board of Examiners of Residential Care Facility Administrators submits notice of proposed rulemaking at IDAPA 24.19.01 – Rules of the Board of Examiners of Residential Care Facility Administrators. According to the Board, the proposed rule permits termination of inactive applications upon notification to the applicant, clarifies the qualifications for applicants licensed as nursing home administrators and provides for a special exemption from continuing education requirements based on hardship.

Negotiated rulemaking was not conducted because the changes were discussed in noticed open meetings. The Board states that there is no fiscal impact as a result of this rulemaking.

The proposed rule appears to be within the authority granted to the Board in Section 54-4205, Idaho Code.

**5. IDAPA 24.26.01 – Rules of the Idaho Board of Midwifery (New Chapter – Fee Rule)**

The Idaho Board of Midwifery submits notice of proposed rulemaking at IDAPA 24.26.01 – Rules of the Idaho Board of Midwifery. The Board states that these rules constitute a new chapter implementing House Bill 185 of 2009, which establishes Chapter 55, Title 54, Idaho Code, relating to the practice of midwifery.

Negotiated rulemaking was not conducted because the changes were discussed in noticed open meetings and are required by a change to the governing law.

The proposed rule appears to be within the authority granted to the Board in Section 54-5504, Idaho Code, and consistent with the rulemaking requirements in Section 54-5505, Idaho Code.

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

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

### **24.11.01 - RULES OF THE STATE BOARD OF PODIATRY**

**DOCKET NO. 24-1101-0901**

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-605, 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 21, 2009.

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

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

The proposed rule updates the contact information for the Board of Podiatry as it has changed. It updates the American Podiatric Medical Association's Code of Ethics referenced in Section 500 to reflect the current edition. It clarifies the licensure by endorsement requirements for residency programs and disciplinary action.

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

No fee or charges is being imposed through this rulemaking.

**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:

There is no fiscal impact to the general fund as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the changes were discussed in noticed open meetings.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 17th day of August, 2009.

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

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**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-1101-0901**

**004. INCORPORATION BY REFERENCE (RULE 4).**

The document titled American Podiatric Medical Association's Code of Ethics as published by the American Podiatric Medical Association, dated April 2005~~8~~ and referenced in Section 500, is herein incorporated by reference and is available from the Board's office and on the Board web site. (4-11-06)( )

**005. ADDRESS OF THE IDAHO BOARD OF PODIATRY (RULE 5).**

The office of the Board of Podiatry is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is pod@ibol.idaho.gov. The Board's official web site ~~is~~ can be found at http://www.ibol.idaho.gov/~~pod.htm~~. (4-11-06)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**401. LICENSURE BY ENDORSEMENT (RULE 401).**

Under Section 54-613, Idaho Code, applicants for licensure by endorsement may be granted a license upon the approval of the Board. Each applicant for licensure by endorsement must provide documentation for each of the following before licensure will be considered: (3-15-02)

**01. Complete Application.** A complete application together with the required fee. (4-11-06)

**02. Certification of License.** Certification of having maintained a current license or other authority to practice issued by a regulatory board of Podiatry in any state or territory. (4-11-06)

**03. Credentials.** Credentials as required in Subsections 200.02 through 200.06~~5~~. (4-11-06)( )

**04. Examination.** Successful passage of a written licensure examination covering all those subjects noted in Section 54-606, Idaho Code. Official certification of examination must be received by the board directly from: (4-11-06)

**a.** The applicant's state or territory of licensure; or (3-15-02)

**b.** The national board of podiatry examiners. (4-11-06)

**05. Residency.** Proof of completion of the residency requirement as set forth in Subsection 200.06 of this rule. However, if the applicant graduated from a college of podiatry prior to 1993, this requirement will be waived. ( )

**056. Practical Experience.** Having practiced podiatry under licensure for three (3) of the last five (5) years immediately prior to the date of application. (4-11-06)

**067. Continuing Education.** Obtained at least twelve (12) hours of continuing education during the twelve (12) months prior to the date of application. (4-11-06)

**078. Disciplinary Action.** Has not been the subject of any disciplinary action including pending or unresolved licensure actions within the last five (5) years immediately prior to application and has never had a license to practice podiatry revoked, or suspended, ~~or otherwise sanctioned~~ either voluntarily or involuntarily in any jurisdiction. (3-15-02)( )

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

### **24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS**

#### **DOCKET NO. 24-1201-0901 (FEE RULE)**

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2305, 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 21, 2009.

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:

It creates an inactive status as allowed in House Bill 45 which was passed by the 2009 Legislature. It establishes and clarifies the Board's ability to require a licensee complete a rehabilitation program as part of discipline for their violation which will assist the Board in protecting the public. It will also allow the Board to waive a licensee's continuing education in a hardship circumstance. Finally, these rules will allow additional activities to qualify for a licensee's continuing education and clarify the continuing education requirements.

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

The proposed set of rules increases certain fees to assist the Board of Psychologist Examiners with its cash balance and creates an inactive status. Annual renewal fee for inactive license will be \$150. Original application fee for licensure by exam will be \$200. Original application fee for licensure by endorsement/senior psychologist will be \$300.

**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:

The fiscal impact to dedicated funds would depend on the number of licensees who choose to change their license from active to inactive. There is no fee change for an original application for licensure by exam so there would be no impact. Based on an average of seven endorsement applications per year, the increase in the original application fee for licensure by endorsement could have a positive impact of approximately \$700 per year.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the changes were discussed in noticed open meetings.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 17th day of August, 2009.

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

**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-1201-0901**

**005. ADDRESS OF THE IDAHO BOARD OF PSYCHOLOGIST EXAMINERS (RULE 5).**

The office of the Board of Psychologist Examiners is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is psy@ibol.idaho.gov. The Board's official web site ~~is~~ can be found at http://www.ibol.idaho.gov/. (3-19-07)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. FEES (RULE 150).**

- 01. Annual Renewal Fee.** Annual renewal fee -- three hundred dollars (\$300). (3-19-07)
- 02. Annual Renewal Fee for Inactive License.** Annual renewal fee - one hundred fifty dollars (\$150). (\_\_\_\_)
- 03. Original Application Fee For Licensure by Exam.** Application fee - two hundred dollars (\$200). (\_\_\_\_)
- 024. Original Application Fee For Licensure by Endorsement/Senior Psychologist.** Original Application fee for licensure by endorsement/senior psychologist fee - ~~two~~ three hundred dollars (\$~~2~~300). (7-1-93)(\_\_\_\_)
- 035. Service Extender Application Fee.** Application fee - one hundred dollars (\$100). (3-19-07)
- 046. Service Extender Annual Renewal Fee.** Annual renewal fee - one hundred dollars (\$100). (3-19-07)
- 057. Examination and Reexamination Fee.** Examination and reexamination fees are those charged by the national examining entity plus a processing fee of twenty-five dollars (\$25). (5-3-03)
- 068. Examination and Reexamination in Addition to Application Fee.** The examination or reexamination fee are in addition to the application fee and must accompany the application. (3-19-07)
- 09. Reinstatement Fee.** Any license cancelled for failure to renew may be reinstated upon payment of twenty-five dollars (\$25), together with the renewal fee for each year thereafter up to the time of reinstatement. (\_\_\_\_)
- 10. Fees are Non-Refundable.** All fees are non-refundable. (\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**261. -- 29974. (RESERVED).**

**275. INACTIVE STATUS (RULE 275).**

**01. Request for Inactive Status.** Persons requesting an inactive status during the renewal of their active license must submit a written request and pay the established fee. (\_\_\_\_)

**02. Inactive License Status.** ( )

**a.** All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho. ( )

**b.** Inactive license renewal notices and licenses will be marked "Inactive". ( )

**c.** When the licensees desire active status, they must show fulfillment of continuing education requirements within the previous twelve (12) months and submit a fee equivalent to the difference between the current inactive and active renewal fee. ( )

**d.** Licensees may not practice in Idaho while on inactive status. ( )

**276. -- 299. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**376. -- 3979. (RESERVED).**

**380. REHABILITATION GUIDELINES (RULE 380).**

In the event of a violation of Board laws or rules, the Board, in its discretion, may implement a plan of rehabilitation. Completion of the plan may lead to consideration of submission of an application for re-licensure, the removal of suspension, or the removal of supervision requirements. In the event the licensee has not met the Board's criteria for rehabilitation, the plan may be revised, expanded, or continued depending upon the progress of the rehabilitation program. The rehabilitation guidelines listed in this Section should be considered illustrative, but not exhaustive, of the potential options available to the Board. In each instance, rehabilitation guidelines will be tailored to the individual needs of the licensee. ( )

**01. Options in Devising Rehabilitation Program.** The Board may follow one (1) or more options in devising a rehabilitation program: ( )

**a.** The individual may be supervised in all or selected areas of activities related to his practice as a licensee by a licensed psychologist approved by the Board for a specified length of time. ( )

**i.** The Board may specify the focus of the supervision. ( )

**ii.** The Board may specify the number of hours per week required in a face-to-face supervisory contract. ( )

**iii.** The Board may require the supervisor to provide periodic and timely reports to the Board concerning the progress of the supervisee. ( )

**iv.** Any fees for supervision time will be the responsibility of the supervisee. ( )

**02. Educational Programs.** The individual may be expected to successfully complete a variety of appropriate educational programs. Appropriate educational formats may include, but are not limited to, workshops, seminars, courses in regionally accredited universities, or organized pre- or post-doctoral internship settings. Workshops or seminars that are not held in a setting of academic review (approved continuing education) need prior approval of the Board. Any course of study must be approved by the Board prior to enrollment if it is to meet the criteria of a rehabilitation plan. ( )

**03. Additional Requirements.** The Board may require of the individual: ( )



**01. Continuing Education Credit.** Continuing education credit will be given to formally organized workshops or classes with an attendance roster and preassigned continuing education credit offered in association with or under the auspices of: (7-1-93)

- a. Regionally accredited institutions of higher education. (7-1-93)
- b. The American Psychological Association. (7-1-93)
- c. A Regional Psychological Association. (7-1-93)
- d. A State Psychological Association. (7-1-93)
- e. Credit will be given for the number of credit hours preauthorized by the sponsoring agency with no upper limit on the number of hours. (7-1-93)

**02. Credit for International, National and Regional Meetings of Psychological Organizations.** Six (6) hours of continuing education credit will be allowed for documented attendance at international, national and regional meetings of psychological organizations. (7-1-93)

**03. Credit for Other Relevant Workshops, Classes or Training Experiences.** Other relevant workshops, classes or training experiences may receive up to six (6) hours of credit per experience provided they are conducted by a licensed or reputable psychologist or other mental health professional. Each documented hour of training experience counts as one (1) hour of continuing education experience. A maximum of six (6) hours of this type of experience may be approved. (7-1-93)

**04. Presentation of Papers.** Presentation of papers at international, national, regional or state psychological or other professional associations may be counted as equivalent to six (6) hours per event. Only actual presentation time may be counted; preparation time does not qualify for credit. The licensee must provide the Board with a letter from a sponsor, host organization, or professional colleague, copy of the program, and a summary of the evaluations from the event. (7-1-93)( )

**05. Self-Study, Lectures or Public or Professional Publications and Presentations.** The Board also recognizes the value of self-study, lectures or public or professional publications and presentations (including for example, in the case of the university faculty, preparation of a new course). Therefore, the Board will allow credit for six (6) hours of individual study per year. (7-1-93)

**a.** Self study. The reading of a publication may qualify for credit with proper documentation verifying completion. A licensee seeking credit for reading a publication must submit results from a test on the information contained within the publication. If a test is not available, the licensee must seek pre-approval of the Board. ( )

**b.** Professional publications. Publication activities are limited to articles in professional journals, a chapter in an edited book, or a published book. The licensee must provide the Board with a copy of the cover page of the article or book in which the licensee has been published. For chapters of an edited book, licensees must submit a copy of the table of contents. ( )

**06. Board Assessment of Continuing Education Activities.** The Board of Psychologist Examiners may avail itself of help and consultation from the American Psychological Association or the Idaho Psychological Association in assessing the appropriateness of continuing education activities. (7-1-93)( )

**07. On-Line Education.** A maximum of ten (10) on-line continuing education hours relevant to the practice of psychology may be counted during each reporting period. ( )

**a.** On-line continuing education hours must be offered by or obtained from regionally accredited institutions of higher education or approved by the American Psychological Association. ( )

**b.** The licensee must provide the Board with a copy of the certification, verified by the authorized signatures from the course instructors, providers, or sponsoring institution, substantiating any hours completed by the

licensee.

( )

**08. Teleconferences.** A maximum of six (6) continuing education hours may be counted through teleconference education during each reporting period. To qualify for credit, teleconferences must feature an interactive format. Interactive conferences are those that provide the opportunity for participants to communicate directly with the instructor or that have a facilitator present at the conference site. The licensee must provide the Board with a copy of the certificate, or a letter signed by course instructors, providers, or sponsoring institution, substantiating any hours attended by licensee.

( )

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

### **24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS**

**DOCKET NO. 24-1201-0902**

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

**EFFECTIVE DATE:** The effective date of the temporary rule is July 30, 2009.

**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 54-2305, 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 21, 2009.

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 2009 Legislature passed House Bill 45 which made changes to the Psychology Act. The bill clarified the experience required for a psychology license to allow credit for an internship. The proposed rules are being changed to be consistent with the new law. The rules also allow for an additional path for licensure of out of state psychologists through endorsement. The rules also establish a temporary license to allow out of state psychologists to practice in Idaho to benefit the public in an emergency or special circumstance.

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

The temporary rule complies with deadlines in amendments to governing law and confers a benefit.

**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: None.

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the change is due to update of current NCARB edition.

**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 October 28, 2009.

DATED this 17th day August, 2009.

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

**THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 24-1201-0902**

**100. CREDENTIALS TO BE FILED BY ALL APPLICANTS (RULE 100).**

**01. Completed Application.** An application shall be completed by all applicants for licensure upon a form prescribed by the State Board of Psychologist Examiners. No application shall be accepted or considered by the Board prior to the date the required doctoral degree was conferred upon the applicant. (3-20-04)

**02. Official Transcripts.** All applicants shall arrange for official transcripts of all credits earned, at each approved college or university, to be transmitted by the registrars of the educational institutions directly to the Board. (7-1-93)

**03. Letters of Reference.** Letters of reference, regarding the character, training, and experience of the applicant shall be returned to the Board by the references before decision is rendered on the application. (7-1-93)

**04. ~~Post Graduate~~ Supervised Experience.** One (1) of the two (2) years of ~~post-graduate~~ supervised experience as required by Section 2307(b), Idaho Code, (~~not the internship~~) may be pre-doctoral. The second year must be post-doctoral work under appropriate supervision and must be verified by the appropriate supervisor. (~~3-15-02~~)(7-30-09)T

**05. Official Documentation.** Official documentation of meeting the requirements of Chapter 23, Title 54, Idaho Code and IDAPA 24.12.01, must be received by the Board directly from the entity or person responsible for providing such official documentation. Applicants are responsible for requesting the required documentation from the appropriate entities and persons. (3-15-02)

**06. Applications on File.** Applications on file with the Board for a period in excess of five (5) years from the date of receipt by the Bureau shall be terminated unless good cause is demonstrated to the Board. (3-20-04)

**07. Deadline.** To be considered by the Board, a properly completed application together with all supporting documentation and required fees must be received by the Bureau at least seven (7) calendar days prior to the next scheduled meeting of the Board. (5-8-09)

**(BREAK IN CONTINUITY OF SECTIONS)**

**250. ENDORSEMENT (RULE 250).**

**01. Eligibility for Endorsement.** An applicant who is in possession of a valid statutory license or statutory certificate from another state or Canada may apply for licensing under the endorsement section of this law. (3-15-02)

**02. Requirements for Endorsement.** An applicant under the endorsement section shall have: (3-15-02)

**a.** A valid psychology license or certificate issued by the regulatory entity of another jurisdiction; and (3-15-02)

**b.** A current certificate of professional qualification in Psychology as defined in these rules; or (3-15-02)

**c.** ~~A degree of doctor of philosophy in psychology or a doctoral degree in a field related to psychology plus two (2) years of post-graduate experience acceptable to the Board and excluding internship, and document each~~

~~of the following:~~ A registration with the National Register of Health Service Providers in Psychology; or ~~(3-15-02)~~(7-30-09)T

- ~~i.~~ A passing score on the EPPP examination or other similar examination; (3-15-02)
- ~~ii.~~ Two (2) years of supervised experience, one (1) of which was post-doctoral, for a minimum of three thousand (3,000) total hours acceptable to the Board; (3-15-02)
- d.** A certification by American Board of Professional Psychology; or (7-30-09)T
- e.** Graduated from an accredited college or university with a doctoral degree in psychology and two (2) years of supervised experience acceptable to the Board, one (1) year of which may include a pre-doctoral practicum or internship and one (1) year of which must be post-doctoral; or (7-30-09)T
- f.** Graduated from an accredited college or university with a doctoral degree in a field related to psychology, provided experience and training are acceptable to the Board; and (7-30-09)T
- ~~iii.g.~~ A record of practicing Psychology at the independent level for the five (5) years immediately prior to application; and ~~(3-15-02)~~(7-30-09)T
- ~~iv.h.~~ A history of no disciplinary action in any jurisdiction. (3-15-02)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. ~~NO~~ TEMPORARY LICENSES (RULE 300).**

~~No temporary licenses to practice psychology will be issued by the Board.~~ Persons not licensed in this state who desire to practice psychology under the provisions of this chapter for a period not to exceed thirty (30) days within a calendar year may do so if they hold an interjurisdictional practice certificate (IPC) from the association of state and provincial psychology boards (ASPPB). As such, in order to practice temporarily under the IPC psychologists would be required to notify the Board of their intent to practice and provide documentation of their status. It is the IPC holders responsibility to contact the ASPPB to send verification of IPC status, including verification of no discipline. ~~(7-1-93)~~(7-30-09)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**550. REQUIREMENTS FOR SUPERVISED PRACTICE (RULE 550).**

**01. Duration and Setting of Supervised Practice.** (7-1-93)

**a.** A year of supervised experience is defined as a minimum of one thousand (1000) hours of supervised service provision acquired during not less than a twelve (12) month and no more than a thirty-six (36) calendar month period. The first year of supervised experience shall be accredited only after acquiring the equivalent of one (1) year of full time graduate study. A second year must be obtained post-doctorally. (5-3-03)

**b.** A minimum qualifying supervised experience consists of two (2) years of supervised experience, ~~neither of which is the internship, and at least~~ one (1) of which is obtained post-doctorally. ~~(7-1-93)~~(7-30-09)T

**02. Qualifications of Supervisors.** Supervising psychologists shall be licensed and shall have training in the specific area of practice in which they are offering supervision. (7-1-93)

**03. Amount of Supervisory Contact.** One (1) hour per week of face-to-face individual contact per twenty (20) hours of applicable experience is a minimum. (7-1-93)

**04. Evaluation and Accreditation of Supervised Practice.** The Board shall require submission of information by the supervisor(s) which enable it to evaluate and credit the extent and quality of the candidate's supervised practice. The form requesting such information shall cover the following: (7-1-93)

- a. Name of supervisee; (7-1-93)
- b. Educational level of supervisee; (7-1-93)
- c. Supervisor's name, address, license number, state in which granted and area of specialization; (7-1-93)
- d. Name and nature of setting in which supervised practice took place; (7-1-93)
- e. Date of practice covered in this report; (7-1-93)
- f. Number of practice hours during this period; (7-1-93)
- g. Supervisee's duties; (7-1-93)
- h. Number of one-to-one supervisory hours; (7-1-93)
- i. Assessment of supervisee's performance; and (7-1-93)
- j. Whether or not the supervisee received monetary compensation for the supervised services they provided. (7-1-93)

**05. Unacceptable Supervision.** Supervised practice time during which the supervisor deems supervisee's performance to have been unacceptable shall not be credited towards the required supervised practice hours. (7-1-93)

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
**24.19.01 - RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL**  
**CARE FACILITY ADMINISTRATORS**

**DOCKET NO. 24-1901-0901**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-4205, 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 October 21, 2009.

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

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

The proposed rule updates the contact information for the Board of Examiners of Residential Care Facility Administrators as it has changed. It allows for termination of inactive applications upon notification to the applicant in an effort to ensure files are current. It clarifies the qualifications for applicants licensed as nursing home administrators to ensure they are competent to run a residential care facility. It adds a special exemption from continuing education requirements to allow the Board to consider a hardship.

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

No fee or charge is being imposed through this rulemaking.

**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:

There is no fiscal impact to the general fund as a result of this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the changes were discussed in noticed open meetings.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 18th day of August, 2009.

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

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**THE FOLLOWING IS THE TEXT FOR DOCKET NO. 24-1901-0901**

**005. ADDRESS OF IDAHO BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS (RULE 5).**

The office of the Board of Examiners of Residential Care Facility Administrators is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is rca@ibol.idaho.gov. The Board's official web site ~~is~~ can be found at <http://www.ibol.idaho.gov/rea.htm>.

(3-30-06)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**100. APPLICATIONS (RULE 100).**

Applications will be on forms approved by the Board. No application will be considered for any action unless accompanied by the appropriate fees and until the required supporting documentation is received by the Bureau. If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon thirty (30) days written notice, unless good cause is established to the Board.

(3-15-02)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. QUALIFICATIONS FOR ADMINISTRATOR LICENSE (RULE 150).**

**01. Qualifications.** Each applicant for an administrator's license and each licensed administrator, as requested by the Board, shall submit proof, along with their application, that said individual meets the following qualifications for the issuance of a license or permit, or the retention or renewal of a license: (4-6-05)

**02. Good Moral Character.** The applicant shall cause to be submitted a criminal background check by an entity approved by the Board establishing that the applicant has not been convicted, pled guilty or nolo contendere or received a withheld judgment for a felony or any crime involving dishonesty or the health or safety of a person. (3-30-06)

**151. -- 199. (RESERVED).**

**160. NURSING HOME ADMINISTRATOR QUALIFICATIONS FOR LICENSE (RULE 160).**

Any applicant who holds a valid Idaho nursing home administrator license must meet the requirements provided in Section 54-4211(2), Idaho Code, and must take and pass the Board-approved residential care administrator examination. This requirement may be waived if the applicant submits evidence satisfactory to the Board that he has at least one (1) year of leadership or management experience working in a residential care facility within the five (5) years preceding the application. ( )

**161. -- 199. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**401. CONTINUING EDUCATION (RULE 401).**

**01. Minimum Hours Required.** Applicants for annual renewal shall be required to complete a minimum of twelve (12) hours of continuing education courses within the preceding twelve (12) month period. Basic First Aid, Cardio-Pulmonary Resuscitation, medication assistance, or fire safety courses shall not be considered for continuing education credit. (3-30-06)

**02. Course Approval.** Courses of study relevant to residential care facility administration and sponsored or provided by the following entities or organizations shall be approved for continuing education credits: (3-30-06)

**a.** Accredited colleges or universities. (3-30-06)

**b.** Federal, state or local government entities. (3-30-06)

**c.** National or state associations. (3-30-06)

**d.** Otherwise approved by the Board based upon documentation submitted by the licensee or course provider reviewing the nature and subject of the course and its relevancy to residential care administration, name of instructor(s) and their qualifications, date, time and location of the course and procedures for verification of attendance. (3-30-06)

**03. Credit.** Continuing education credit will only be given for actual time in attendance or for the time spent participating in the educational activity. One (1) hour of continuing education is equal to sixty (60) minutes. Courses taken by correspondence or by computer on-line may be approved for continuing education if the courses require an exam or other proof of successful completion. Each licensee shall maintain proof of attendance or successful completion documentation of all continuing education courses for a period of three (3) years. (3-30-06)

**04. Special Exemption.** The Board shall have authority to make exceptions for reasons of individual hardship, including health, when certified by a medical doctor, or other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. ( )

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

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

#### **DOCKET NO. 24-2601-0901 (NEW CHAPTER - FEE RULE)**

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

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections [54-5504]54-5404 and [54-5505] 54-5405, 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 21, 2009.

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

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

The 2009 legislature passed House Bill 185 which created the State Board of Midwifery. The proposed rules are necessary in order to implement the provisions of Title 54, Chapter [55] 54, Idaho Code.

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

The proposed rules establish the following fees: initial application processing fee of \$50; license fee of \$550; annual renewal fee of \$550; and reinstatement fee of \$50.

**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:

The proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the Board of Midwifery to administer the act. Since all self governing boards are expected to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the changes were discussed in noticed open meetings.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 25th day of August, 2009.

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

**THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-2601-0901**

**IDAPA 24**  
**TITLE 26**  
**CHAPTER 01**

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

**000. LEGAL AUTHORITY (RULE 0).**

In accordance with Section [54-5504] 54-5404, Idaho Code, the Idaho Board of Midwifery shall promulgate rules that implement the provisions of [Chapter 55, Title 54] Chapter 54, Title 54, Idaho Code. ( )

**001. TITLE AND SCOPE (RULE 1).**

**01. Title.** These rules are cited as IDAPA 24.26.01, "Rules of the Idaho Board of Midwifery." ( )

**02. Scope.** These rules establish the framework for licensure of midwives and the provisions for what midwives are allowed to do, what they may not do, when they shall advise their clients to seek other medical advice and when to transport a client. ( )

**002. WRITTEN INTERPRETATIONS (RULE 2).**

The Board may have written statements pertaining to the Board's interpretation of these rules. Such interpretations, if any, are available for public inspection and copying at cost at the Board's office. ( )

**003. ADMINISTRATIVE APPEALS (RULE 3).**

Administrative appeals are governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. ( )

**004. INCORPORATION BY REFERENCE (RULE 4).**

The following documents are incorporated by reference into these rules, and are available at the Board's office and through the Board's website: ( )

**01. Prevention of Perinatal Group B Streptococcal Disease.** Published by the Centers for Disease Control and Prevention, MMWR 2002;51 (No. RR 11), dated August 16, 2002, referenced in Paragraph 350.01.d. ( )

**02. Essential Documents of the National Association of Certified Professional Midwives.** Copyright date 2004, referenced in Subsection 356.01. ( )

**03. Analysis of the 2001 Job Analysis Survey.** Published by the North American Registry of Midwives (NARM). ( )

**005. OFFICE -- ADDRESS AND CONTACT INFORMATION (RULE 5).**

The Board's office is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The Board's phone number is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is mid@ibol.idaho.gov. The Board's official website can be found at <http://www.ibol.idaho.gov>. ( )

**006. PUBLIC RECORDS (RULE 6).**

The Board's records are subject to the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ( )

**007. -- 009. (RESERVED).**

**010. DEFINITIONS (RULE 10).**

- 01. Board.** The Idaho Board of Midwifery as created in Section [54-5503] 54-5403, Idaho Code. ( )
- 02. Bureau.** The Idaho Bureau of Occupational Licenses as prescribed in Section 67-2602, Idaho Code. ( )
- 03. Client.** A woman under the care of a licensed midwife, as well as the woman's fetus and newborn child. ( )
- 04. CPM.** A certified professional midwife; in other words, a person who is certified by NARM or any successor organization. ( )
- 05. Licensed Midwife.** A person who holds a current license issued by the Board, who shall be designated "L.M." ( )
- 06. MEAC.** The Midwifery education accreditation council, the organization established in 1991 and recognized by the U.S. department of education as an accrediting agency for midwifery education programs and institutions. ( )
- 07. NARM.** The North American Registry of Midwives, the international certification agency that establishes and administers certification for the CPM credential. ( )
- 08. NACPM.** The National Association of Certified Professional Midwives, the national organization for certified professional midwives. ( )
- 09. Practice of Midwifery.** Providing maternity care for women and their newborns during the antepartum, intrapartum and postpartum periods. The postpartum period for both maternal and newborn care may not exceed six (6) weeks from the date of delivery. ( )

**011. -- 019. (RESERVED).**

**020. ORGANIZATION (RULE 20).**

- 01. Meetings.** The Board shall meet at least annually and at other such times and places as designated by the Chairman or upon the written request of any two (2) members of the Board. ( )
- a.** All meetings shall be held in accordance with the Idaho Open Meeting Law, Chapter 23, Title 67, Idaho Code. ( )
- b.** A minimum of three (3) Board members shall constitute a quorum and may exercise all powers and authority conferred on the Board in order to hold a meeting of the Board. A majority vote of the Board members present at a meeting shall be considered the action of the Board as a whole. ( )
- 02. Organization of the Board.** At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. ( )
- a.** The Chairman shall when present, preside at all meetings, appoint with the consent of the Board, all committees, and shall otherwise perform all duties pertaining to the office of Chairman. The Chairman shall be an ex-officio member of all committees. ( )
- b.** The Bureau shall provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. The Chief of the Bureau shall act as an agent of the Board and shall be the custodian of all records of the Board. ( )

**021. -- 099. (RESERVED).**

**100. QUALIFICATIONS FOR LICENSURE (RULE 100).**

**01. Applications.** Applications for licensure must be submitted on Board-approved forms. ( )

**02. Qualifications.** Applicants for licensure must submit a completed application, required application and licensing fees, and documentation, acceptable to the Board, establishing that the applicant: ( )

**a.** Currently is certified as a CPM by NARM or a successor organization. ( )

**b.** Has successfully completed Board-approved, MEAC-accredited courses in pharmacology, the treatment of shock/IV therapy, and suturing specific to midwives. ( )

**03. Waiver of Current CPM Certification Requirement.** The Board may waive the current CPM certification requirement, specified here in Paragraph 100.02.a., for any applicant who has continuously practiced midwifery in Idaho for at least five (5) years prior to July 1, 2009. To qualify for the waiver, the applicant must apply for licensure before July 1, 2010 and submit with the application documentation, acceptable to the Board, of the following: ( )

**a.** The applicant's primary attendance at seventy-five (75) births within the past ten (10) years, ten (10) of which occurred in the two (2) years immediately preceding the applicant's application for licensure; ( )

**b.** Current certification in adult, infant, and child cardiopulmonary resuscitation and in neonatal resuscitation obtained through completion of American Heart Association approved cardiopulmonary resuscitation courses and American Academy of Pediatrics approved neonatal resuscitation courses; and ( )

**c.** Complete practice data, as referenced in Subsection 200.04, for the two (2) years preceding the application for licensure. The complete practice data documentation must be submitted on a Board-approved form. ( )

**04. Incomplete or Stalled Applications.** The applicant must provide or facilitate the provision of any supplemental third party documents that may be required by the Board. If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board shall be deemed denied and it shall be terminated upon thirty (30) days written notice, unless good cause is established to the Board. ( )

**101. -- 174. (RESERVED).**

**175. FEES (RULE 175).**

**01. Initial Application Processing Fee.** A fifty dollar (\$50) application processing fee must accompany initial licensure applications. ( )

**02. License Fee.** The initial license fee is five hundred fifty dollars (\$550). This initial, one-time fee will be refunded if the Board does not issue the license for which application has been made. ( )

**03. Annual Renewal Fee.** The annual license renewal fee is five hundred fifty dollars (\$550). The annual license renewal fee will be refunded if the license is not renewed by the Board. ( )

**04. Reinstatement Fee.** The fee to reinstate a license that has been cancelled for failure to renew is fifty dollars (\$50). ( )

**05. Refund of Fees.** Unless otherwise provided for in this Rule, all fees are non-refundable. ( )

**176. -- 199. (RESERVED).**

**200. RENEWAL OF LICENSE (RULE 200).**

**01. Expiration Date.** A licensed midwife's license expires on the licensed midwife's birth date. The license must be annually renewed before the licensed midwife's birth date in accordance with Section 67-2614, Idaho Code. Licenses that are not renewed as required will be cancelled pursuant to Section 67-2614, Idaho Code. ( )

**02. Reinstatement.** A license that has been cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. ( )

**03. Application for Renewal.** In order to renew a license a licensed midwife must submit a timely, completed, Board-approved renewal application form and pay the required application and renewal fees. ( )

**04. Complete Practice Data.** The information submitted by the licensed midwife on the Board-approved application form must include complete practice data for the twelve (12) months immediately preceding the date of the renewal application. Such information shall include: ( )

- a. The number of clients to whom the licensed midwife has provided care; ( )
- b. The number of deliveries, including; ( )
  - i. The number of cesareans; ( )
  - ii. The number of vaginal births after cesarean (VBACs); ( )
- c. The average, oldest, and youngest maternal ages; ( )
- d. The number of primiparae; ( )
- e. All APGAR scores below five (5) at five (5) minutes; ( )
- f. The number of prenatal transfers and transfers during labor, delivery and immediately following birth, including: ( )
  - i. Transfers of mothers; ( )
  - ii. Transfers of babies; ( )
  - iii. Reasons for transfers; ( )
  - iv. Transfers of all newborns being admitted to the neonatal intensive care unit (NICU) for more than twenty four (24) hours. ( )
- g. Any perinatal deaths occurring up to six weeks post-delivery, broken out by: ( )
  - i. Weight; ( )
  - ii. Gestational Age; ( )
  - iii. Age of the baby; ( )
  - iv. Stillbirths, if any; ( )
- h. Any significant neonatal or perinatal problem, not listed above, during the six (6) weeks following birth. ( )

**05. Continuing Education Verification.** When a licensed midwife submits a renewal application, the licensed midwife must certify by signed affidavit that the annual continuing education requirements set by the Board

have been met. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with continuing education requirements. ( )

**201. -- 299. (RESERVED).**

**300. CONTINUING EDUCATION REQUIREMENT (RULE 300).**

In order to protect the public health and safety and promote the public welfare, the Board has adopted the following rules for continuing education. ( )

**01. Annual Continuing Education Requirement.** A licensed midwife must successfully complete a minimum of ten (10) continuing education hours per year. Two (2) of these hours must be in peer review participation as described in Subsection 300.06. One (1) continuing education hour equals one (1) clock hour. A licensed midwife is considered to have satisfied the annual continuing education requirement for the first renewal of the initial license. ( )

**02. Subject Material.** The subject material of the continuing education must be germane to the practice of midwifery and either acceptable to NARM as counting towards recertification of a licensed midwife as a CPM or otherwise approved by the Board. ( )

**03. Verification of Attendance.** Each licensed midwife must maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any hours attended. This verification must be maintained by the licensed midwife for no less than seven (7) years and provided to the Board upon request by the Board or its agent. ( )

**04. Distance Learning and Independent Study.** The Board may approve a course of study for continuing education credit that does not include the actual physical attendance of the licensed midwife in a face-to-face setting with the course instructor. Distance Learning or Independent Study courses will be eligible for continuing education credits if approved by NARM or upon approval of the Board. ( )

**05. Requests for Board Approval.** All requests for Board approval of educational programs must be made to the Board in writing at least sixty (60) days before the program is scheduled to occur. Requests must be accompanied by a statement that includes: ( )

- a. The name of the instructor or instructors; ( )
- b. The date and time and location of the course; ( )
- c. The specific agenda for the course; ( )
- d. The number of continuing education credit hours requested; and ( )
- e. A statement of how the course is believed to be germane to the practice of midwifery. ( )

**06. Peer Review System.** As part of the Board's annual continuing education requirement, each licensed midwife must participate in peer review activities for a minimum of two (2) hours per year. ( )

**a.** The purpose of peer review is to enable licensed midwives to retrospectively present and review cases in an effort to further educate themselves about the appropriateness, quality, utilization, and ethical performance of midwifery care. ( )

**b.** Licensed midwives are responsible for organizing their own peer review sessions. At least three (3) licensed midwives or CPMs must participate in a peer review session in order for the session to count towards a licensed midwife's annual two-hour peer review activity requirement. ( )

**c.** Each licensed midwife must make a presentation, that must include, without limitation, the following information: ( )

- i. Total number of clients currently in the licensed midwife's care; ( )
  - ii. The number of upcoming due dates for clients in the licensed midwife's practice; ( )
  - iii. The number of women in the licensed midwife's practice that are postpartum; ( )
  - iv. The number of births the licensed midwife has been involved with since the last peer review session; and ( )
  - v. One (1) or more specific cases arising since the licensed midwife's last peer review session. The licensed midwife must present any cases involving serious complications or the transport of a mother or baby to the hospital. ( )
- d.** The information presented in a peer review session is confidential. The identities of the client, other health care providers, and other persons involved in a case may not be divulged during the peer review session. ( )

**07. Carryover Hours.** A licensed midwife may carryover a maximum of five (5) hours of continuing education to meet the next year's continuing education requirement. ( )

**08. Hardship Waiver.** The Board may waive a licensed midwives annual continuing education requirement for reasons of individual hardship, including health or other good cause. The licensed midwife must request the waiver and provide the Board with any information requested to assist the Board in substantiating the claimed hardship. This waiver is granted at the sole discretion of the Board. ( )

**301. -- 324. (RESERVED).**

**325. INFORMED CONSENT (RULE 325).**

**01. Informed Consent Required.** A licensed midwife must obtain and document informed consent from a client before caring for that client. The informed consent must be documented on an informed consent form, signed and dated by the client, in which the client acknowledges, at a minimum, that the following information has been provided to the client by the midwife: ( )

- a.** The licensed midwife's training and experience; ( )
- b.** Instructions for obtaining a copy of the Board's rules; ( )
- c.** Instructions for obtaining a copy of the Essential Documents of the NACPM and Analysis of the 2001 Job Analysis Survey, published by NARM; ( )
- d.** Instructions for filing complaints with the Board; ( )
- e.** Notice that the licensed midwife does or does not have professional liability insurance coverage; ( )
- f.** A written protocol for emergencies, including hospital transport that is specific to each individual client; and ( )
- g.** A description of the procedures, benefits and risks of out-of-hospital birth, primarily those conditions that may arise during delivery. ( )

**02. Record of Informed Consent.** All licensed midwives must maintain a record of all signed informed consent forms for each client for a minimum of nine (9) years after the last day of care for such client. ( )

**326. -- 349. (RESERVED).**

**350. FORMULARY (RULE 350).**

**01. Midwifery Formulary.** A licensed midwife may obtain and administer, during the practice of midwifery, the following: ( )

- a. Oxygen; ( )
- b. Oxytocin as a postpartum antihemorrhagic agent; ( )
- c. Injectable local anesthetic for the repair of lacerations that are no more extensive than second degree; ( )
- d. Antibiotics for group b streptococcus prophylaxis consistent with the guidelines set forth in Prevention of Perinatal Group B Streptococcal Disease, published by the Centers for Disease Control and Prevention; ( )
- e. Epinephrine administered via a metered dose auto-injector; ( )
- f. Intravenous fluids for stabilization of the woman; ( )
- g. Rhoo (D) immune globulin; ( )
- h. Vitamin K1; and ( )
- i. Eye prophylactics to the baby. ( )

**02. Other Legend Drugs.** During the practice of midwifery a licensed midwife may not obtain or administer legend drugs that are not listed in the midwifery formulary. Drugs of a similar nature and character may be used if determined by the Board to be consistent with the practice of midwifery and provided that at least one hundred twenty (120) days' advance notice of the proposal to allow the use of such drugs is given to the Board of Pharmacy and the Board of Medicine and neither Board objects to the addition of such drugs to the midwifery formulary.( )

**351. USE OF FORMULARY DRUGS (RULE 351).**

A licensed midwife may use the drugs described in the midwifery formulary according to the following protocol describing the indication for use, dosage, route of administration and duration of treatment:

<b>Drug</b>	<b>Indication</b>	<b>Dose</b>	<b>Route of Administration</b>	<b>Duration of Treatment</b>
Oxygen	Maternal/Fetal Distress	10-12 L/min. 10 L/min.	Bag and mask Mask	Until maternal/fetal stabilization is achieved or transfer to hospital is complete
	Neonatal Resuscitation	10-12 L/min. 10 L/min.	Bag and mask Mask	Until stabilization is achieved or transfer to a hospital is complete
Oxytocin (Pitocin)	Postpartum hemorrhage only	10 Units/ml	Intramuscularly only	1-2 doses  Transport to hospital required if more than two doses are administered

Drug	Indication	Dose	Route of Administration	Duration of Treatment
Lidocaine HCl 2%	Local anesthetic for use during postpartum repair of lacerations or episiotomy	Maximum 50 ml	Percutaneous infiltration only	Completion of repair
Penicillin G (Recommended)	Group B Strep Prophylaxis	5 million units initial dose, then 2.5 million units every 4 hours until birth	IV in $\geq 100$ ml LR, NS or D <sub>5</sub> LR	Birth of baby
Ampicillin Sodium (Alternative)	Group B Strep Prophylaxis	2 grams initial dose, then 1 gram every 4 hours until birth	IV in $\geq 100$ ml NS or LR	Birth of baby
Cefazolin Sodium (drug of choice for penicillin allergy with low risk for anaphylaxis)	Group B Strep Prophylaxis	2 grams initial dose, then 1 gram every 8 hours	IV in $\geq 100$ ml LR, NS or D <sub>5</sub> LR	Birth of baby
Clindamycin Phosphate  (drug of choice for penicillin allergy with high risk for anaphylaxis)	Group B Strep Prophylaxis	900 mg every 8 hours	IV in $\geq 100$ ml NS (not LR)	Birth of baby
Epinephrine HCl 1:1000 (EpiPen)	Treatment or post-exposure prevention of severe allergic reactions	0.3 ml pre-metered dose	Subcutaneously or intramuscularly	Every 20 minutes or until emergency medical services arrive  Administer first dose then immediately request emergency services
Lactated Ringer's (LR)  5% Dextrose in Lactated Ringer's solution (D <sub>5</sub> LR)  0.9% Sodium Chloride (NS)  Sterile Water	To achieve maternal stabilization    Reconstitution of antibiotic powder	1 - 2 liter bags  First liter run in at a wide-open rate, the second liter titrated to client's condition  As directed	Intravenously with $\geq 18$ gauge catheter  As directed	Until maternal stabilization is achieved or transfer to a hospital is complete  Birth of Baby

Drug	Indication	Dose	Route of Administration	Duration of Treatment
RH <sub>0</sub> (D) Immune Globulin	Prevention of RH <sub>0</sub> (D) sensitization in RH <sub>0</sub> (D) negative women	300 mcg	Intramuscularly	Single dose at any gestation for RH <sub>0</sub> (D) negative, antibody negative women within 72 hours of spontaneous bleeding or abdominal trauma.  Single dose at 26-28 weeks gestation for RH <sub>0</sub> (D) negative, antibody negative women  Single dose for RH <sub>0</sub> (D) negative, antibody negative women within 72 hours of delivery of RH <sub>0</sub> (D) positive infant, or infant with unknown blood type
Vitamin K <sub>1</sub>	Prophylaxis for Vitamin K Deficiency Bleeding	1 mg	Intramuscularly	1 dose
0.5% Erythromycin Ophthalmic Ointment	Prophylaxis of Neonatal Ophthalmia	1 cm ribbon in each eye	Topical	1 dose

( )

**352. OBTAINING, STORING, AND DISPOSING OF FORMULARY DRUGS (RULE 352).**

A licensed midwife must adhere to the following protocol for obtaining, storing, and disposing of formulary drugs during the practice of midwifery. ( )

**01. Obtaining Formulary Drugs.** A licensed midwife may obtain formulary drugs as allowed by law, including, without limitation, from: ( )

**a.** A person or entity that is licensed as a Wholesale Distributor by the Idaho State Board of Pharmacy; and ( )

**b.** A retail pharmacy, in minimal quantities for office use. ( )

**02. Storing Formulary Drugs.** A licensed midwife must store all formulary drugs in secure areas suitable for preventing unauthorized access and for ensuring a proper environment for the preservation of the drugs. However, licensed midwives may carry formulary drugs to the home setting while providing care within the course and scope of the practice of midwifery. The licensed midwife must promptly return the formulary drugs to the secure area when the licensed midwife has finished using them for patient care. ( )

**03. Disposing of Formulary Drugs.** A licensed midwife must dispose of formulary drugs using means that are reasonably calculated to guard against unauthorized access by persons and harmful excretion of the drugs into the environment. The means that may be used include, without limitation: ( )

**a.** Transferring the drugs to a reverse distributor who is registered to destroy drugs with the U.S. Drug Enforcement Agency; ( )

**b.** Removing the drugs from their original containers, mixing them with an undesirable substance

such as coffee grounds or kitty litter, putting them in impermeable, non-descript containers such as empty cans or sealable bags, and throwing the containers in the trash; or ( )

c. Flushing the drugs down the toilet if the accompanying patient information instructs that it is safe to do so. ( )

**353. -- 354. (RESERVED).**

**355. MEDICAL WASTE (RULE 355).**

A licensed midwife must dispose of medical waste during the practice of midwifery according to the following protocol: ( )

**01. Containers for Non-Sharp, Medical Waste.** Medical waste, except for sharps, must be placed in disposable containers/bags which are impervious to moisture and strong enough to preclude ripping, tearing or bursting under normal conditions of use. The bags must be securely tied so as to prevent leakage or expulsion of solid or liquid waste during storage, handling or transport. The containment system must have a tight-fitting cover and be kept clean and in good repair. All bags used for containment of medical waste must be clearly identified by label or color, or both. ( )

**02. Containers for Sharps.** Sharps must be placed in impervious, rigid, puncture-resistant containers immediately after use. Needles must not be bent, clipped or broken by hand. Rigid containers of discarded sharps must either be labeled or colored like the disposable bags used for other medical waste, or placed in such labeled or colored bags. ( )

**03. Storage Duration.** Medical waste may not be stored for more than seven (7) days, unless the storage temperature is below thirty-two (32) degrees Fahrenheit. Medical waste must never be stored for more than ninety (90) days. ( )

**04. Waste Disposal.** Medical waste must be disposed of by persons knowledgeable in handling of medical waste. ( )

**356. SCOPE AND PRACTICE STANDARDS.**

A licensed midwife must adhere to the following scope and practice standards when providing antepartum, intrapartum, postpartum, and newborn care. ( )

**01. NACPM Scope and Practice Standards.** The Board adopts the Essential Documents of the National Association of Certified Professional Midwives as scope and practice standards for licensed midwives. All licensed midwives must adhere to these scope and practice standards during the practice of midwifery to the extent such scope and practice standards are consistent with the Board's enabling law, [Chapter 55, Title 54] Chapter 54, Title 54, Idaho Code. ( )

**02. Conditions for Which a Licensed Midwife May Not Provide Care.** A licensed midwife may not provide care for a client with: ( )

a. A current history of any of the following disorders, diagnoses, conditions, or symptoms: ( )

i. Placental abnormality; ( )

ii. Multiple gestation; ( )

iii. Noncephalic presentation at the onset of labor or rupture of membranes, whichever occurs first; ( )

iv. Birth under thirty-seven (37) weeks and after forty-two (42) completed weeks' gestational age; or ( )

v. A body mass index of forty (40.0) or higher at the time of conception; ( )

- b. A past history of any of the following disorders, diagnoses, conditions, or symptoms: ( )
  - i. More than one (1) cesarean section, a cesarean section within eighteen (18) months of the current delivery or any cesarean section that was surgically closed with a classical or vertical uterine incision; ( )
  - ii. Rh or other blood group or platelet sensitization, hematological or coagulation disorders; ( )
  - iii. Prior chemotherapy or radiation treatment for a malignancy; ( )
  - iv. Previous pre-eclampsia resulting in premature delivery; ( )
  - v. Cervical insufficiency; or ( )
  - vi. HIV positive status. ( )

**03. Conditions for Which a Licensed Midwife May Not Provide Care Without Physician Involvement.** A licensed midwife may not provide care for a client with a history of the disorders, diagnoses, conditions, or symptoms listed here in Subsection 356.03 unless such disorders, diagnoses, conditions or symptoms are being treated, monitored or managed by a physician licensed under Chapter 18, Title 54, Idaho Code. Before providing care to such a client, the licensed midwife must notify the client in writing that the client must obtain the described physician care as a condition to the client's eligibility to obtain maternity care from the licensed midwife. The licensed midwife must, additionally, obtain the client's signed acknowledgement that the client has received the written notice. The disorders, diagnoses, conditions, and symptoms are: ( )

- a. Diabetes; ( )
- b. Thyroid disease; ( )
- c. Epilepsy; ( )
- d. Hypertension; ( )
- e. Cardiac disease; ( )
- f. Pulmonary disease; ( )
- g. Renal disease; ( )
- h. Gastrointestinal disorders; ( )
- i. Previous major surgery of the pulmonary system, cardiovascular system, urinary tract or gastrointestinal tract; ( )
- j. Current abnormal cervical cytology; ( )
- k. Sleep apnea; ( )
- l. Previous bariatric surgery; ( )
- m. Hepatitis; or ( )
- n. History of illegal drug use or excessive prescription drug use. For purposes of this Paragraph, "history" means a "current history," and "illegal drug use" means "illegal drug abuse or addiction." ( )

**04. Conditions for Which a Licensed Midwife Must Recommend Physician Involvement.** Before providing care for a client with a history of any of the disorders, diagnoses, conditions or symptoms listed in this

Subsection 356.04, a licensed midwife must provide written notice to the client that the client is advised to see a physician licensed under Chapter 18, Title 54, Idaho Code, during the client's pregnancy. Additionally, the licensed midwife must obtain the client's signed acknowledgement that the client has received the written notice. The disorders, diagnoses, conditions, and symptoms are: ( )

- a. Previous complicated pregnancy; ( )
- b. Previous cesarean section; ( )
- c. Previous pregnancy loss in second or third trimester; ( )
- d. Previous spontaneous premature labor; ( )
- e. Previous pre-term rupture of membranes; ( )
- f. Previous pre-eclampsia; ( )
- g. Previous hypertensive disease of pregnancy; ( )
- h. Parvo; ( )
- i. Toxo; ( )
- j. CMV; ( )
- k. HSV; ( )
- l. Previous maternal/newborn group b streptococcus infection; ( )
- m. A body mass index of at least thirty-five (35.0) but less than forty (40.0) at the time of conception; ( )
- n. Underlying family genetic disorders with potential for transmission; or ( )
- o. Psychosocial situations that may complicate pregnancy. ( )
- 05. Conditions for which a Licensed Midwife must Facilitate Hospital Transfer. ( )**
  - a. Conditions. A licensed midwife must facilitate the immediate transfer of a client to a hospital for emergency care if the client has any of the following disorders, diagnoses, conditions or symptoms: ( )
    - i. Maternal fever in labor of more than 100.6 degrees Fahrenheit, in the absence of environmental factors; ( )
    - ii. Suggestion of fetal jeopardy, such as frank bleeding before delivery, any abnormal bleeding (with or without abdominal pain), evidence of placental abruption, meconium with non-reassuring fetal heart tone patterns where birth is not imminent, or abnormal fetal heart tones with non-reassuring patterns where birth is not imminent; ( )
    - iii. Noncephalic presentation at the onset of labor or rupture of membranes, whichever occurs first; ( )
    - iv. Second stage labor after two (2) hours of initiation of pushing when the mother has had a previous cesarean section; ( )
    - v. Current spontaneous premature labor; ( )

- vi. Current pre-term premature rupture of membranes; ( )
  - vii. Current pre-eclampsia; ( )
  - viii. Current hypertensive disease of pregnancy; ( )
  - ix. Continuous uncontrolled bleeding; ( )
  - x. Bleeding that necessitates the administration of more than two (2) doses of oxytocin or other antihemorrhagic agent; ( )
  - xi. Delivery injuries to the bladder or bowel; ( )
  - xii. Grand mal seizure; ( )
  - xiii. Uncontrolled vomiting; ( )
  - xiv. Coughing or vomiting of blood; ( )
  - xv. Severe chest pain; or ( )
  - xvi. Sudden onset of shortness of breath and associated labored breathing. ( )
- b.** Plan for Emergency Transfer and Transport. When facilitating a transfer under Subsection 356.05, the licensed midwife must notify the hospital when the transfer is initiated, accompany the client to the hospital, if feasible, or communicate by telephone with the hospital if the licensed midwife is unable to be present personally. The licensed midwife must also ensure that the transfer of care is accompanied by the client's medical record, which must include: ( )
- i. The client's name, address, and next of kin contact information; ( )
  - ii. A list of diagnosed medical conditions; ( )
  - iii. A list of prescription or over the counter medications regularly taken; ( )
  - iv. A history of previous allergic reactions to medications; and ( )
  - v. If feasible, the licensed midwife's assessment of the client's current medical condition and description of the care provided by the licensed midwife before transfer. ( )

**357. -- 449. (RESERVED).**

**450. DISCIPLINE (RULE 450).**

**01. Grounds for Discipline.** The Board may discipline a licensed midwife for unprofessional conduct, including, without limitation, any of the following: ( )

- a.** Disregarding a client's dignity or right to privacy as to her person, condition, possessions, or medical record; ( )
- b.** Breaching any legal requirement of confidentiality with respect to a client, unless ordered by a court of law; ( )
- c.** Submitting a birth certificate known by the licensed midwife to be false or fraudulent, or willfully making or filing false or incomplete reports or records in the practice of midwifery; ( )
- d.** Failing to provide information sufficient to allow a client to give fully informed consent; ( )

e. Engaging in the practice of midwifery while impaired because of the use of alcohol or drugs; ( )

f. Violating any standards of conduct set forth in these rules, whether or not specifically labeled as such, and including without limitation any scope and practice standards, record-keeping requirements, notice requirements, or requirements for documenting informed consent. ( )

**02. Discipline to Be Imposed.** If the Board determines that grounds for discipline exist, it may impose discipline on a licensed midwife that includes, without limitation, the following: ( )

a. Require that a licensed midwife practice midwifery under the supervision of another health care provider. The Board may specify the nature and extent of the supervision and may require the licensed midwife to enter into a consultation, collaboration, proctoring, or supervisory agreement, written or otherwise, with the other health care provider; ( )

b. Suspend or revoke a license; ( )

c. Impose a civil fine not to exceed one thousand dollars (\$1,000) for each violation of the Board's laws and rules; and ( )

d. Order payment of the costs and fees incurred by the Board for the investigation and prosecution of the violation of the Board's laws and rules. ( )

**451. -- 999. (RESERVED).**