

Dear Senators LODGE, Broadsword, Bock, and  
Representatives MCGEACHIN, Bilbao, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - State Board of Podiatry:  
IDAPA 24.11.01 - Rules of the State Board of Podiatry (Docket No. 24-1101-1101) (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 10/18/2011. 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 11/15/2011.

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 334-4845, or send a written request to the address or FAX number indicated on the memorandum enclosed.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee  
**FROM:** Principal Legislative Research Analyst - Brooke Murdoch  
**DATE:** September 28, 2011  
**SUBJECT:** Bureau of Occupational Licenses - State Board of Podiatry

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

The Bureau of Occupational Licenses submits notice of proposed rulemaking at IDAPA 24.11.01 - Rules of the State Board of Podiatry. The proposed fee rule increases the annual license renewal fee from \$400.00 to \$500.00. The Bureau states that there is an anticipated positive impact of \$7,100.00 to the dedicated fund based on 71 current licenses. According to the Bureau, the additional revenue is needed to offset significant legal expenses incurred by the State Board of Podiatry as a result of certain disciplinary actions.

Negotiated rulemaking was not conducted because the fee increase was discussed in a noticed open meeting.

The fee increase is consistent with the provisions of Section 54-607, Idaho Code, and within the authority granted to the State Board of Podiatry in Section 54-605, Idaho Code.

cc: Bureau of Occupational Licenses - State Board of Podiatry  
Tana Cory & Cherie Simpson

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

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

#### **DOCKET NO. 24-1101-1101 (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(s) 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 19, 2011.

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 State Board of Podiatry has incurred significant legal expenses as a result of certain disciplinary actions, which have increased the Board's expenses. This change will help provide additional revenue. The board's fund balance at the end of fiscal year 2011 was (\$165,635.87).

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: Rule 300 is being amended to increase the annual renewal fee from \$400 to \$500. The anticipated impact is a total positive impact of \$7,100 to the dedicated fund based on 71 current licensees.

**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 change was discussed in a noticed open meeting.

**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:

**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 26, 2011.

DATED this 19<sup>th</sup> day of August, 2011.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W State St.  
Boise, ID 83720-0063  
(208) 334-3233 Ph. (208) 334-3945, fax

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#### **THE FOLLOWING IS THE PROPOSED FEE TEXT OF DOCKET NO. 24-1101-1101**

#### **300. FEES (RULE 300).**

- 01. Application Fee.** A fee shall accompany all applications. The fee shall be two hundred dollars (\$200). (7-1-97)
- 02. Original License Fee.** The original license fee shall be four hundred dollars (\$400). (4-9-09)
- 03. Written Exam Fee.** The fee for examination shall be equal to that charged by the national examining entity, together with an additional twenty-five (\$25) dollar administrative fee. (3-13-02)
- 04. Annual Renewal Fee.** Fee for annual renewal of licenses, ~~four~~ five hundred dollars (~~\$400~~ \$500). (~~4-9-09~~)(      )
- 05. Re-Exam Fee.** For candidates re-examining for the written and practical examinations or written examination only, the fee for re-examination will be four hundred dollars (\$400). For candidates re-examining for the practical only, the fee shall be two hundred dollars (\$200). (3-13-02)
- 06. Fee Non-Refundable.** All fees are non-refundable. (3-13-02)

**COST/BENEFIT ANALYSIS FORM**  
Idaho Bureau of Occupational Licenses

**Docket Number: 24-1101-1101**

**Agency Contact: Tana Cory**  
**Phone: (208) 334-3233**

**Date Analysis Completed: 8/30/11**

**IDAPA Chapter Number and Title: IDAPA 24.11.01, "Rules of the State Board of Podiatry"**

**Fee Rule Status:  Proposed**

**Instructions:**

Section 67-5223(3), Idaho Code, adopted by the 2010 Legislature, requires that all proposed rules in which a fee or charge is imposed or increased must include a cost/benefit analysis of the rule change at the time the rule text is submitted for publication. This analysis needs to include an estimated cost to the agency to implement the rule and an estimated cost to be borne by citizens, or the private sector, or both. This statute change is effective July 1, 2010, and must be completed for fee rules published in the Idaho Administrative Bulletin after that date.

**Cost/Benefit Analysis For This Rule Change:**

*Increase in Fees*

Section 54-607, Idaho Code allows for the setting of annual renewal fees. Rule 300.04 is being amended to increase the annual renewal fee from \$400 to \$500. The State Board of Podiatry has incurred significant legal expenses as a result of certain disciplinary actions, which have increased the Board's expenses. This change will help provide additional revenue. The Board's fund balance at the end of fiscal year 2011 was (\$165,635.87). The anticipated impact is a total positive increase of \$7,100 to the dedicated fund based on 71 current licensees.