

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 - Board of Examiners of Residential Care Facility Administrators: IDAPA 24.19.01 - Rules of the Board of Examiners of Residential Care Facility Administrators (Docket No. 24-1901-1101).

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 08/22/2011. 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 09/16/2011.

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

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: August 03, 2011
SUBJECT: Board of Examiners of Residential Care Facility Administrators

IDAPA 24.19.01 - Rules of the Board of Examiners of Residential Care Facility Administrators (Docket No. 24-1901-1101)

The Bureau of Occupational Licenses submits notice of temporary and proposed rulemaking at IDAPA 24.19.01 - Rules of the Board of Examiners of Residential Care Facility Administrators. This rulemaking was prompted by House Bill No. 49, which was passed by the 2011 Legislature. House Bill No. 49 amended Section 54-4206, Idaho Code, to revise the education and experience qualifications required for admission to the examination for licensure as a Residential Care Facility Administrator. The Board states that this rule change implements the qualifications for licensure consistent with the amended statute.

Negotiated rulemaking was not conducted because the proposed rule was discussed in a noticed open meeting and implements changes to the statute.

We note that Section 54-4206, Idaho Code, lists the qualifications required for admission to the examination for licensure as a Residential Care Facility Administrator. In the temporary and proposed rule, applicants are required to submit proof of such qualifications for the issuance of a license. Specifically, Sections 150 through 150.03 of the rule require that an applicant for licensure submit the same information the applicant is required to submit for admission to the examination for licensure. The result seems to be a two-prong application process requiring applicants to submit identical information twice; once to apply for admission to the examination and again to apply for an administrator's license. We may suggest that the rule be revised to clarify that the qualifications for admission to the examination shall be consistent with Section 54-4206, Idaho Code, and the qualifications for the issuance of an administrator's license shall be consistent with Section 54-4208, Idaho Code.

Aside from the above comment, the rule appears to be within the authority granted to the Board in Section 54-4205, Idaho Code.

cc: Bureau of Occupational Licenses
Tana Cory & Cherie Simpson

Mike Nugent Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

Don H. Berg, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

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

DOCKET NO. 24-1901-1101

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2011.

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 17, 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 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 2011 legislature passed House Bill 49 which revised the education and experience qualifications necessary for licensure as a Residential Care Facility Administrator. The bill also provided the Board discretion to accept other combinations of education and experience. This rule change implements the qualifications for licensure consistent with the statute. Rule 150 specifies the age, education and experience requirement, and the coursework and examination requirement.

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

The 2011 legislature passed House Bill 49 which revised the education and experience qualifications necessary for licensure as a Residential Care Facility Administrator. The bill also provided the Board discretion to accept other combinations of education and experience. This rule change is necessary to implement the changes in statute.

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule proposal was discussed in a noticed open meeting and implements changes to the Statute.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the 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 24, 2011.

DATED this 7th day of July, 2011.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State Street
PO Box 83720+
Boise, ID 83720-0063
Ph: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING IS THE TEMPORARY RULE & PROPOSED TEXT OF DOCKET NO. 24-1901-1101

150. QUALIFICATIONS FOR ADMINISTRATOR LICENSE (RULE 150).

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 is at least twenty-one (21) years of age and meets all the following qualifications for the issuance of a license ~~or permit, or the retention or renewal of a license:~~

~~(4-6-05)~~(7-1-11)T

01. 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)

02. Education and Experience. The applicant shall document one (1) of the combinations of education and experience in accordance with Section 54-4206, Idaho Code, and Subsection 400 of these rules.

(7-1-11)T

03. Coursework. The applicant shall document completion of a specialized course or program of study as set forth in Subsection 400 of these rules.

(7-1-11)T

04. Examination. The applicant shall submit proof of successful passage of a relevant examination as approved by the Board and defined in Subsection 300 of these rules.

(7-1-11)T