

Dear Senators ANDREASON, McKague, Stennett, and
Representatives BLACK, Henderson, Smith:

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

IDAPA 24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy
Assistants (Docket No. 24-0601-1201);

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

IDAPA 24.23.01 - Rules of the Speech and Hearing Services Licensure Board (Docket No.
24-2301-1201) (Fee Rule);

IDAPA 24.27.01 - Rules of the Idaho State Board of Massage Therapy (Docket No. 24-2701-1201)
(Fee Rule) (New Chapter).

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 10/15/2012. 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 11/13/2012.

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 on the
memorandum attached below.



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: September 25, 2012
SUBJECT: Bureau of Occupational Licenses

IDAPA 24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants (Docket No. 24-0601-1201)

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

IDAPA 24.23.01 - Rules of the Speech and Hearing Services Licensure Board (Docket No. 24-2301-1201) (Fee Rule)

IDAPA 24.27.01 - Rules of the Idaho State Board of Massage Therapy (Docket No. 24-2701-1201) (Fee Rule) (New Chapter)

(1) Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants (Docket No. 24-0601-1201)

The Occupational Therapy Licensure Board of Idaho, through the Bureau of Occupational Licenses, submits notice of proposed rulemaking at Docket No. 24-0601-1201 for the following purposes:

- (a) To incorporate by reference the updated Certification Renewal Handbook published by the National Board for Certification in Occupational Therapy;
- (b) To revise what it means for an occupational therapist to provide close supervision; and
- (c) To remove the requirement that two continuing education units must be recommended by the Idaho Occupational Therapy Association.

The Board's proposed rule is authorized pursuant to the provisions of Section 54-3717, Idaho Code.

(2) Rules of the Idaho State Board of Psychologist Examiners (Docket No. 24-1201-1201)

The Idaho State Board of Psychologist Examiners, through the Bureau of Occupational Licenses, submits notice of proposed rulemaking at Docket No. 24-1201-1201 for the following purposes:

- (a) To revise provisions relating to continuing education credit for other relevant workshops, classes or training experiences; and

- (b) To revise provisions relating to continuing education credit for teleconferences.

The Board's proposed rule is authorized pursuant to the provisions of Section 54-2305, Idaho Code.

(3) Rules of the Speech and Hearing Services Licensure Board (Docket No. 24-2301-1201) (Fee Rule)

The Speech and Hearing Services Licensure Board, through the Bureau of Occupational Licenses, submits notice of proposed rulemaking at Docket No. 24-2301-1201 for the following purposes:

- (a) *To establish an annual renewal fee of \$65.00 for inactive licenses;
- (b) To provide for inactive license status;
- (c) To revise qualifications for Speech-Language Pathologist licensure;
- (d) To revise qualifications and requirements for a provisional permit to allow a person to engage in fitting and dealing hearing aids;
- (e) To provide for a provisional permit to allow a person to engage in the practice of speech-language pathology; and
- (f) To provide for a provisional permit to allow a person to engage in the practice of audiology.

*Our office received this rulemaking docket without a statement that it is a fee rule. However, because a fee is sought to be established in this rulemaking, we contacted the Bureau of Occupational Licenses requesting that it specify in its promulgation of this rule that it is a fee rule and submit a Cost/Benefit Analysis Form.

The Board's fee rule is authorized pursuant to the provisions of Sections 54-2910, 54-2919 and 54-2921(3), Idaho Code.

(4) Rules of the Idaho State Board of Massage Therapy (Docket No. 24-2701-1201)

The Board of Massage Therapy, through the Bureau of Occupational Licenses, submits notice of fee rulemaking at Docket No. 24-2701-1201, which constitutes a new chapter. During the 2012 Legislative session, the Legislature passed Senate Bill No. 1295a, which established Chapter 40, Title 54, Idaho Code, and governs massage therapists. The Board states that these rules are necessary in order to implement the provisions of Chapter 40, Title 54, Idaho Code. This new rule chapter includes provisions for the following:

- (a) Organization and operations of the Board;
- (b) Applications for licensure;
- (c) Fees;
- (d) Requirements for original licensure and the waiver of such requirements;
- (e) Approved examinations;
- (f) A written statement of suitability for licensure;

- (g) Requirements for licensure by endorsement;
- (h) Renewal or expiration of a license;
- (i) Continuing education;
- (j) Scope of practice, standards of practice and code of ethics; and
- (k) Discipline.

The Cost/Benefit Analysis Form submitted with the rule states that the "Board's proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. Rule 250 is being created to set fees that will be used by the Board of Massage Therapy to administer the act. Since all self-governing boards are required to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees."

The Board's fee rule is authorized pursuant to the provisions of Sections 54-4007 and 54-4008(2), Idaho Code.

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

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.06.01 - RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-1201

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) 54-3717, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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 Board of Occupational Therapists and Occupational Therapy Assistants is changing its rules to incorporate by reference the updated Certification Renewal Handbook published by the National Board for Certification in Occupational Therapy (NBCOT). The rule also clarifies close supervision and removes the requirement that two (2) CEU's must be recommended by the Idaho Occupational Therapy Association to reflect changes in the law.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the changes are simple in nature and were discussed at scheduled noticed board meetings.

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:

Certification Renewal Handbook published by the National Board for Certification in Occupational Therapy (NBCOT) has been updated from the 2009 edition to the 2012 edition to update approved continuing education activities.

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 24, 2012.

DATED this 30th day of August, 2012.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-0601-1201

004. INCORPORATION BY REFERENCE.

The "PDU Activities Chart" on pages 14-17 of the document titled National Board for Certification in Occupational Therapy (NBCOT), Inc. Certification Renewal Handbook, 2009~~12~~, as published by the NBCOT, Inc. and copyrighted to NBCOT, Inc. in 2009~~12~~, which is referenced in Subsection 250.1.b. of these rules. All documents incorporated by reference are available at the Board's office and through the Board's website. ~~(3-29-10)~~()

(BREAK IN CONTINUITY OF SECTIONS)

011. SUPERVISION.

An occupational therapist shall supervise and be responsible for the patient care given by occupational therapy assistants, graduate occupational therapists, graduate occupational therapy assistants, student occupational therapists, student occupational therapy assistants, and aides. (3-29-10)

01. Skill Levels. The following skill levels apply to occupational therapy assistants, graduate occupational therapists, graduate occupational therapy assistants, student occupational therapists, student occupational therapy assistants and aides: (4-7-11)

a. Entry Level - Working on initial skill development (zero to one (0-1) year experience) or working in a new area of practice; (3-29-10)

b. Intermediate Level - Increased independence and mastery of basic roles and functions. Demonstrates ability to respond to new situations based on previous experience (generally one to five (1-5) years' experience); (3-29-10)

c. Advanced Level - Refinement of skills with the ability to understand complex issues and respond accordingly. (3-29-10)

02. Supervision Levels. The following supervision levels apply to occupational therapy assistants, graduate occupational therapists, graduate occupational therapy assistants, student occupational therapists, student occupational therapy assistants and aides: (4-7-11)

a. Direct Line of Site Supervision - An occupational therapist or occupational therapy assistant must provide direct line of site supervision to an aide; (3-29-10)

b. Direct Supervision - Daily, direct contact at the site of work with the supervisor physically present at all times within the facility when the supervisee renders care and requires the supervisor to co-sign all documentation that is completed by the supervisee. This supervision is the minimal level of supervision required for students, for entry or intermediate level occupational therapy assistants applying deep thermal and electrotherapeutic modalities, and for advanced level occupational therapy assistants who apply such modalities while lacking the education and training required in Subsection 012.01 of these rules; (4-7-11)

c. Close Supervision—~~Daily, direct contact at the site of work.~~ The occupational therapist provides ~~daily~~ direction in developing the plan of treatment and ~~periodically~~ inspects ~~on-site~~ the actual implementation of the plan ~~at least every two (2) weeks.~~ This supervision is the minimal level of supervision required for entry level occupational therapy assistants and graduate occupational therapy assistants; ~~(4-7-11)~~()

d. Routine Supervision - Requires direct contact at least every two (2) weeks at the site of work, with interim supervision occurring by other methods, such as by telephone or written communication. This supervision is the minimal level of supervision required for graduate occupational therapists and intermediate level occupational therapy assistant. It also is the minimum level of supervision required for advanced level occupational therapy

assistants applying deep thermal and electrotherapeutic modalities while possessing the education and training specified in Subsection 012.01 of these rules; (4-7-11)

e. General Supervision - Initial direction and periodic review of the following: service delivery, update of treatment plans, and treatment outcomes. The supervisor need not at all times be present at the premises where the occupational therapy assistant is performing the professional services. However, not less than monthly direct contact must be provided, with supervision available as needed by other methods. This supervision is the minimal level of supervision required for an intermediate to advanced occupational therapy assistant. (3-29-10)

03. Supervision Ratios. An occupational therapist may supervise up to three (3) full-time occupational therapy assistants, but never more than two (2) entry level occupational therapy assistants. The total number of supervised occupational therapy assistants, non-licensed occupational therapy personnel (including any graduate occupational therapists, graduate occupational therapy assistants, student occupational therapy, student occupational therapy assistants, and aides), and occupational therapists in training to provide deep thermal, electrotherapeutic modalities and wound care may not exceed five (5) without prior Board approval. The Board may permit the supervision of a greater number by an occupational therapist if, in the Board's opinion, there would be adequate supervision and the public's health and safety would be served. It is the supervising occupational therapist's responsibility to notify the Board of any circumstances requiring approval of a greater number and to submit a written plan for resolution of the situation. (4-7-11)

04. Record Keeping. The occupational therapy assistant, graduate occupational therapist, and graduate occupational therapy assistant must maintain on file at the job site signed documentation reflecting supervision activities. This supervision documentation must contain the following: date of supervision, means of communication, and information discussed. Both the supervising occupational therapist and the person being supervised must sign each entry. (4-7-11)

05. Occupational Therapy Assistants. Occupational Therapy Assistants may deliver occupational therapy services under the supervision of occupational therapists as follows. The occupational therapy assistant: (3-29-10)

a. May only select, implement, and modify therapeutic activities and interventions that are consistent with client goals, the requirements of the practice setting, and the occupational therapy assistant's demonstrated competency levels; (3-29-10)

b. Must not initiate a treatment program until the occupational therapist has evaluated the client and planned treatment for the client, or discharge the client from a treatment program without supervision from the occupational therapist; (3-29-10)

c. Must not perform an evaluation, but may contribute to the evaluation process with the supervision of the occupational therapist; (3-29-10)

d. May participate in the screening process by collecting data, such as records, by general observation and by conducting a general interview, and may communicate the information gathered to the occupational therapist; (3-29-10)

e. May track the need for reassessment, report changes in status that might warrant reassessment or referral, and administer the reassessment under the supervision of the occupational therapist; (3-29-10)

f. Must immediately discontinue any specific treatment procedure which appears harmful to the client, and so notify the occupational therapist; (3-29-10)

g. Is responsible for knowing about the client's targeted occupational therapy outcomes and for providing information and documentation related to outcome achievement; (3-29-10)

h. May implement outcome measurements and provide needed client discharge resources. (3-29-10)

06. Aides. Aides do not provide skilled occupational therapy services. An aide is trained by an

occupational therapist or an occupational therapy assistant to perform specifically delegated tasks. The occupational therapist is responsible for the overall use and actions of the aide. An aide first must demonstrate competency to be able to perform the assigned, delegated client and non-client tasks. The occupational therapist must oversee the development, documentation, and implementation of a plan to supervise and routinely assess the ability of the occupational therapy aide to carry out non-client and client-related tasks. The occupational therapy assistant may contribute to the development and documentation of this plan. An aide shall function only under the direct line of sight supervision of an occupational therapist or occupational therapy assistant. An aide may provide: (3-29-10)

a. Non-client-related tasks, including clerical and maintenance activities and preparation of the work area or equipment. (3-29-10)

b. Client-related, routine tasks during which the aide may interact with the client. The following conditions must exist when an occupational therapist or occupational therapy assistant delegates a selected client-related task to the aide: (3-29-10)

i. The outcome anticipated for the delegated task is predictable. (3-29-10)

ii. The client and environment are stable and will not require that judgment, interpretations, or adaptations be made by the aide. (3-29-10)

iii. The client has demonstrated some previous performance ability in executing the task. (3-29-10)

iv. The task routine and process have been clearly established. (3-29-10)

v. The aide has been trained and is able to demonstrate competency in carrying out the task and in using any necessary equipment. (3-29-10)

vi. The aide has been instructed on how to specifically carry out the delegated task with the specific client. (3-29-10)

vii. The aide knows the precautions, signs, and symptoms for the particular client that would indicate the need to seek assistance from the occupational therapist or occupational therapy assistant. (3-29-10)

c. The supervision of the aide needs to be documented for every client-related activity performed by an aide. Documentation must include information about frequency and methods of supervision used, the content of supervision, and the names and credentials of all persons participating in the supervisory process. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

025. CONTINUING EDUCATION.

In order to protect public health and safety and promote the public welfare, the Board has adopted the following continuing education requirement consisting of both continuing education units (CEUs) and professional development units (PDUs): (3-29-10)

01. Requirement. Every two (2) years, a licensee must complete at least two (2) CEUs ~~recommended by the Idaho Occupational Therapy Association and~~ approved by the Board, along with at least ten (10) Board-approved professional development units (PDUs). The licensee's initial two (2) year period shall begin on the date on which this Board issues the licensee a license and end on the date on which the licensee submits the licensee's second renewal application. Thereafter, the two (2) year period shall begin to run from the date of each renewal application in which the licensee was required to verify the completion of continuing education. ~~(3-29-10)~~ ()

a. A CEU is a measurement of the licensee's participation in a Board-approved continuing education activity. One (1) CEU requires ten (10) contact hours of participation in a Board-approved continuing education program, excluding meals and breaks. One (1) contact hour equals one (1) clock hour for purpose of obtaining CEUs.

(3-29-10)

b. A PDU is a measurement of the licensee's participation in a professional development activity. One (1) contact hour of participation in Board-approved professional development activity equals one (1) PDU, one (1) academic credit equals ten (10) PDUs, and one (1) CEU equals ten (10) PDUs. If a licensee counts a CEU towards fulfilling the PDU requirement in a given two-year (2) period, the CEU unit will not count towards fulfilling the CEU requirement. Accepted PDU activities and their associated PDU values are set forth in the PDU Activities Chart at pages 14-17 of the NBCOT Certification Renewal Handbook, 2009 edition as incorporated by reference in Section 004. (3-29-10)

02. Verification. The licensee must verify to the Board, as part of the annual license renewal process, that the licensee is in compliance with the continuing education requirement. (3-29-10)

03. Courses and Activities. At least one (1) CEU and five (5) PDUs must directly relate to the delivery of occupational therapy services. The remaining PDUs and CEUs must be germane to the practice of occupational therapy and relate to other areas of a licensee's practice. A licensee may take online or home study courses, as long as a course completion certificate is provided. (3-29-10)

a. CEUs and PDUs acceptable to the Board include, but are not limited to, programs or activities sponsored by the American Occupational Therapy Association (AOTA) or the Idaho Occupational Therapy Association (IOTA); post-professional coursework completed through any approved or accredited educational institution that is not part of a course of study leading to an academic degree; or otherwise meet all of the following criteria: (3-29-10)

i. The program or activity contributes directly to professional knowledge, skill, and ability; (3-29-10)

ii. The program or activity relates directly to the practice of occupational therapy; and (3-29-10)

iii. The program or activity must be objectively measurable in terms of the hours involved. (3-29-10)

b. Partial credit will not be given for CEUs and PDUs. (3-29-10)

c. The delivery of occupational therapy services may include: models, theories or frameworks that relate to client/patient care in preventing or minimizing impairment, enabling function within the person/environment or community context. (3-29-10)

d. Other activities may include, but are not limited to, occupation based theory assessment/interview techniques, intervention strategies, and community/environment as related to one's practice (3-29-10)

04. Carry Over and Duplication. CEUs and PDUs cannot be carried over to the next reporting period. The same course taken more than once during a reporting cycle will only be counted once. (3-29-10)

05. Documentation. A licensee need not submit documentation of CEUs and PDUs when the licensee renews a license. However, a licensee must maintain documentation verifying that the licensee has completed the continuing education requirement for a period of four (4) years. A licensee must submit the verification documentation to the Board if the licensee is audited by the Board. A percentage of occupational therapists and certified occupational therapy assistants will be audited every year. (3-29-10)

a. Documentation for all activities must include licensee's name, date of activity or when course was completed, provider name, course title, description of course/activity, and number of PDUs and CEUs. (3-29-10)

b. Records showing participation in each professional development activity must be maintained by the licensee. Acceptable documentation for specific activities includes: (3-29-10)

i. Continuing education course work. The required documentation for this activity is a certificate or documentation of attendance. (3-29-10)

- ii. In-service training. The required documentation for this activity is a certificate or documentation of attendance. (3-29-10)
- iii. Professional conference or workshop. The required documentation for this activity is a certificate or documentation of attendance. (3-29-10)
- iv. Course work offered by an accredited college or university, provided that the course work is taken after the licensee has obtained a degree in occupational therapy, and the course work provides skills and knowledge beyond entry-level skills or knowledge. The required documentation for this activity is a transcript. (3-29-10)
- v. Publications. The required documentation for this activity is a copy of the publication. (3-29-10)
- vi. Presentations. The required documentation for this activity is a copy of the presentation or program listing. Any particular presentation may be reported only once per reporting period. (3-29-10)
- vii. Interactive online courses. The required documentation for this activity is a certificate or documentation of completion. (3-29-10)
- viii. Development of instructional materials incorporating alternative media such as video, audio and/or software programs to advance professional skills of others. The required documentation for this activity is a program description. The media/software materials must be available if requested during audit process. (3-29-10)
- ix. Professional manuscript review. The required documentation for this activity is a letter from publishing organization verifying review of manuscript. A maximum of ten (10) hours is allowed per reporting period for this category. (3-29-10)
- x. Guest lecturer for occupational therapy related academic course work (academia not primary role). The required documentation for this activity is a letter or other documentation from instructor. (3-29-10)
- xi. Serving on a professional board, committee, disciplinary panel, or association. The required documentation for this activity is a letter or other documentation from the organization. A maximum of ten (10) hours is allowed per reporting period for this category. (3-29-10)
- xii. Self study of cassette, tape, video tape, or other multimedia device, or book. The required documentation for this activity is a two (2) page synopsis of each item written by the licensee. A maximum of ten (10) hours is allowed per reporting period for this category. (3-29-10)
- xiii. Level II fieldwork direct supervision of an occupational therapy student or occupational therapy assistant student by site designated supervisor(s). The required documentation for this activity is a name of student(s), letter of verification from school, and dates of fieldwork. A maximum of ten (10) hours per supervisor is allowed per reporting period for this category. (3-29-10)

06. Exemptions. A licensee may request an exemption from the continuing education requirement for a particular two-year (2) period under the following circumstances. The licensee must provide any information requested by the Board to assist in substantiating the licensee's need for a claimed exemption: (3-29-10)

- a.** During the continuing education period the licensee was residing in another country for one (1) year or longer, reasonably preventing completion of the continuing competency requirements; (3-29-10)
- b.** The licensee was absent from Idaho because of military service for a period of one (1) year or longer during the continuing education period, preventing completion of the continuing competency requirements; or (3-29-10)
- c.** The licensee should be exempt from the continuing competency requirements for reasons of health or other good cause. (3-29-10)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS

DOCKET NO. 24-1201-1201

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) 54-2305, 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 17, 2012.

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 Idaho State Board of Psychologist Examiners is updating this rule to clarify continuing education obtained through workshops, classes, training experiences, and teleconferences and to set the number of continuing hours allowed.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There is no fiscal impact to general or dedicated funds.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rule is simple in nature and was discussed at a noticed meeting open to the public.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 24, 2012.

DATED this 30th day of August, 2012.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-1201-1201

402. GUIDELINES FOR APPROVAL OF CONTINUING EDUCATION CREDITS (RULE 402).

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 when not offered, approved, or provided by an entity in Subsection 402.01, 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. (3-29-10)

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. (3-29-10)

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. (3-29-10)

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. (3-29-10)

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. (3-29-10)

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. (3-29-10)

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. (3-29-10)

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. ~~(3-29-10)~~()

a. ~~When offered, approved, or provided by entities in Section 01 there is no limit on the number of hours that may be counted during each reporting period.~~ ()

b. ~~When not offered, approved, or provided by an entity in Section 01, a maximum of six (6) hours may be counted during each reporting period.~~ ()

PLEASE NOTE THAT THIS DOCKET WAS RECEIVED AFTER LSO ANALYZED THIS RULE. THE ORIGINAL RULE WAS REC'D FROM ADMIN IN LSO ON 9/20/12 AND THE REDO WAS REC'D FROM ADMIN ON 10/2/12 WITH TWO CORRECTIONS. THE TWO CORRECTIONS ARE SUBSECTIONS 460.02.e AND 470.02.e WHICH WERE ADDED BY THE BOARD AFTER LSO ANALYZED THE ORIGINAL RULE. THUS, BOTH VERSIONS ARE POSTED HERE BY LSO.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.23.01 - RULES OF THE SPEECH AND HEARING SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1201

NOTICE OF RULEMAKING - PROPOSED RULE

(Redo)

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 54-2910, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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 Speech & Hearing Services Licensure Board is changing its rules to establish an inactive license status and to add a reduced fee. This implements the law and provides a licensee the benefit of a lower fee if the licensee is not practicing. The rule changes to the qualifications for speech-language pathologists clarify the supervised experience requirement. The rule changes to the provisional permit section clarify the permit requirements and limitations for each licensure category.

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

The board is establishing a reduced renewal fee for an inactive license.

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 impact on general funds. The impact on dedicated funds will depend on the number of licensees who choose to convert active licenses to inactive licenses.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed rules were discussed at scheduled noticed board meetings.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 24, 2012.

DATED this 30th day of August, 2012.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-2301-1201

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application Fee - Thirty dollars (\$30). (3-30-06)

02. Original License Fee. The original license fee is one hundred dollars (\$100) to be accompanied by the completed application. (3-30-06)

03. Examination/Reexamination Fee. Examination fee shall be that charged by the examination provider plus an administration fee of fifty dollars (\$50) when the examination is administered by the Board. (3-30-06)

04. Provisional Permit. Provisional permit fee is one hundred dollars (\$100). (3-30-06)

05. Annual Renewal Fee. Annual renewal fee is one hundred twenty-five dollars (\$125). (3-29-10)

06. Annual Renewal Fee for Inactive License. Annual renewal fee is sixty-five dollars (\$65). ()

067. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license or examination fees for unexcused applicants. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

201. -- 2044. (RESERVED)

205. INACTIVE STATUS (RULE 205).

01. Request for Inactive Status. Each person 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 licensee desires active status, the licensee must show acceptable fulfillment of continuing education requirements for the previous twelve (12) months and submit a fee equivalent to the difference between the inactive and active renewal fee. ()

d. Licensees shall not practice or supervise in Idaho as an Audiologist, Speech-Language Pathologist, Speech-Language Pathologist Aide, Speech-Language Pathologist Assistant, or Hearing Aid Dealer and Fitter while on inactive status. ()

206. -- 209. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

220. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST LICENSURE (RULE 220).

All applicants for licensure as a speech-language pathologist must comply with the following education, experience, and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Graduate Program Requirement. A master's or doctoral degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board and includes a supervised academic clinical practicum. (4-2-08)()

02. Examination. Pass an examination in speech-language pathology given by PRAXIS or other examination as may be approved by the Board. (4-2-08)

03. Supervised Experience. ~~Meet~~ Satisfactorily complete the supervised ~~academic clinical practicum~~ postgraduate experience approved by the Board and defined in Subsections 220.03.a. through 221.03.d. (4-2-08)()

a. One thousand two hundred sixty (1260) hours of experience gained under the supervision of a licensed speech-language pathologist in no less than thirty-six (36) weeks of full-time (Thirty-five (35) hours per week) experience or the equivalent part-time experience and in no more than forty-eight (48) months. ()

b. One thousand ten (1010) hours of experience must be in direct client contact. ()

c. There must be at least six (6) hours of on-site observations of direct client contact each quarter. ()

d. The nature of the supervision and contact must allow for immediate feedback and can be conducted using audio/visual, in person, electronic means, or telephone. ()

(BREAK IN CONTINUITY OF SECTIONS)

450. PROVISIONAL PERMIT: FITTING AND DEALING HEARING AIDS (RULE 450).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit ~~in the following instances:~~ to allow a person to engage in fitting and dealing hearing aids provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a hearing aid dealer and fitter or audiologist under this chapter. (3-29-10)()

~~**a.** To allow a person to engage in the practice of audiology or speech-language pathology while completing either the required postgraduate experience or a comparable experience as part of a doctoral program in audiology; or~~ (3-29-10)

~~**b.** To allow a person to engage in fitting and dealing hearing aids.~~ (3-29-10)

~~**c.** The holder of a provisional permit may practice only while under the supervision of a person fully licensed under this chapter.~~ (3-29-10)

02. Adequate Personal Contact -- Requirements. (3-30-06)

a. The supervisor and provisional permit holder must make personal contact ~~in-person~~ each work day to review any assignments, client contacts, ~~diagnoses, therapies,~~ and hearing aid fittings for the first sixty (60) days of employment. The nature of the supervision and contact must allow for immediate feedback and includes audio/visual, in person, or telephone contacts. (4-2-08)()

b. After the first sixty (60) days of employment, personal contact ~~in-person~~, described in Subsection

450.02.a., must be made no less than once in each calendar week throughout the remaining period of the permit.

(3-29-10)()

c. In the event a permit holder fails the licensing examination two (2) consecutive times, and is eligible to maintain a permit, the supervisor and permit holder must reinstate contact in person each work day as set forth in Subsection 450.02.a.

(3-29-10)

~~d.~~ All client and supervisor contacts shall be recorded in the permit holder's quarterly report.

(3-30-06)

03. Supervisor -- Responsibilities -- Restrictions.

(3-30-06)

~~e.~~ The supervisor must be familiar with Section 54-2905 and 54-2907, Idaho Code.

(3-29-10)

~~e.a.~~ The supervisor is responsible for all practice and ~~the ethical~~ conduct of each permit holder under supervision.

(3-30-06)()

~~e.b.~~ A supervisor may not supervise more than two (2) permit holders at a time.

(3-29-10)

~~e.c.~~ The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. The supervisor and the permit holder shall be required to work within the same facility.

(3-29-10)

~~e.d.~~ The supervisor must provide the permit holder with adequate training and client contact necessary to prepare for the required examination.

(3-30-06)

~~e.f.~~ The supervisor of a hearing aid dealer and fitter permit holder must record with the Board a plan of training that encompasses all ~~ten~~ sections covered in the license examination. The plan must be accepted and approved by the Board or its agent prior to issuance of the permit. The supervisor shall document, by the quarterly report, the permit holder's progress.

(3-29-10)()

~~g.f.~~ A supervisor may terminate his supervision of a permit holder by a written notice to the ~~Bureau~~ Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination.

(3-30-06)()

04. Application -- Quarterly Reports.

(3-30-06)

a. Application for permit must include completed application, examination fee, permit fee, supervisor statement and plan of training and supervision.

(3-30-06)

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date of the third licensure examination following the original application.

(3-30-06)

c. ~~Eighteen~~ Twenty-four (~~18~~24) months is the maximum time allowed for any combination of new or renewed permits.

(3-30-06)()

d. Every permit holder must submit a quarterly report of his activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit ~~to practice audiology or a permit to engage in the dealing and fitting of hearing aids~~ will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include:

(3-29-10)()

i. Log of client and supervisor contacts ~~as specified in Subsection 450.02.d. of these rules~~ shall be included in each quarterly report.

(3-29-10)()

ii. Supervisor's statement of completion of training assignments by permit holder as specified in

Subsection 450.03.f. (3-29-10)

iii. Copy of test results for all persons tested by the permit holder whether or not a sale occurred. (3-30-06)

iv. Copy of hearing aid order for all fittings including specifications of instruments ordered. Hearing aid dealers and fitters ~~and audiologists~~ must provide a copy of hearing aid order. (3-29-10)()

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. ~~A new permit may be applied for in accordance with Subsection 450.03.a.~~ (3-29-10)()

05. Exemptions. (3-30-06)

a. A permit holder who ~~possesses the Certificate of Clinical Competence in Audiology from American Speech-Language-Hearing Association (ASHA) or who~~ is Board Certified by National Board for Certification in Hearing Instrument Sciences (NBC-HIS) shall be exempt from Subsections 450.02.a., 450.03.d., and 450.03.f. from the date of issuance of the permit until the date of the next offered licensing examination. (3-29-10)()

b. Failure of the licensing examination or failure to take the next offered licensing examination rescinds this exemption. (3-30-06)

451. -- 4959. (RESERVED)

460. PROVISIONAL PERMIT: SPEECH-LANGUAGE PATHOLOGY (RULE 460).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in the practice of speech-language pathology while completing the required postgraduate experience provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a speech-language pathologist under this chapter. ()

02. Supervisor -- Responsibilities -- Restrictions. ()

a. The supervisor is responsible for all practice and conduct of each permit holder under their supervision. ()

b. A supervisor may not supervise more than two (2) permit holders at a time. ()

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. ()

d. A supervisor may terminate his supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. ()

e. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. All supervised activities shall occur in the state of Idaho. ()

03. Application and Quarterly Reports. ()

a. Application for permit must include completed application, application and permit fee, official transcripts from the college or university, PRAXIS scores if available, supervisor statement and plan of training and supervision. ()

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a

460.02e
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BUREAU OF OCCUPATIONAL LICENSES
Rules of the Speech & Hearing Services Licensure Board

Docket No. 24-2301-1201
Proposed Rulemaking

qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the combination of all permits shall not exceed forty-eight (48) months following the original application. ()

c. Forty-eight (48) months is the maximum time allowed for any combination of new or renewed permits. ()

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. Supplemental attachments to be submitted with this form include: ()

i. Log of client and supervisor contacts shall be included in each quarterly report. ()

ii. Supervisor's statement of completion of training assignments by permit holder. ()

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. ()

461. -- 469. (RESERVED)

470. PROVISIONAL PERMIT: AUDIOLOGY (RULE 470).

01. **Issuance of a Provisional Permit.** The Board may issue a provisional permit to allow a person to engage in the practice of audiology while completing either the required postgraduate experience or a comparable experience as part of a doctoral program in audiology provided that the holder of a provisional permit may practice only while under the supervision of a person licensed to practice audiology under this chapter. ()

02. **Supervisor -- Responsibilities -- Restrictions.** ()

a. The supervisor is responsible for all practice and conduct of each permit holder under his supervision. ()

b. A supervisor may not supervise more than two (2) permit holders at a time. ()

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. ()

d. A supervisor may terminate the supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. ()

e. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. All supervised activities shall occur in the state of Idaho. ()

03. **Application -- Quarterly Reports.** ()

a. Application for permit must include completed application, permit fee, official transcripts from a college or university, documentation of having passed the approved examination, supervisor statement and plan of training and supervision. ()

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date from original application. ()

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c. Twenty-four (24) months is the maximum time allowed for any combination of new or renewed permits. ()

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit to practice audiology will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include: ()

i. Log of client and supervisor contacts shall be included in the quarterly report. ()

ii. Supervisor's statement of completion of training assignments by permit holder as specified in these rules. ()

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. A new permit may be applied for in accordance with these rules. ()

471. -- 499. (RESERVED)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.23.01 - RULES OF THE SPEECH AND HEARING SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1201

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) 54-2910, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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 Speech & Hearing Services Licensure Board is changing its rules to establish an inactive license status and to add a reduced fee. This implements the law and provides a licensee the benefit of a lower fee if the licensee is not practicing. The rule changes to the qualifications for speech-language pathologists clarify the supervised experience requirement. The rule changes to the provisional permit section clarify the permit requirements and limitations for each licensure category.

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

The board is establishing a reduced renewal fee for an inactive license.

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 impact on general funds. The impact on dedicated funds will depend on the number of licensees who choose to convert active licenses to inactive licenses.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed rules were discussed at scheduled noticed board meetings.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 24, 2012.

DATED this 30th day of August, 2012.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-2301-1201

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application Fee - Thirty dollars (\$30). (3-30-06)

02. Original License Fee. The original license fee is one hundred dollars (\$100) to be accompanied by the completed application. (3-30-06)

03. Examination/Reexamination Fee. Examination fee shall be that charged by the examination provider plus an administration fee of fifty dollars (\$50) when the examination is administered by the Board. (3-30-06)

04. Provisional Permit. Provisional permit fee is one hundred dollars (\$100). (3-30-06)

05. Annual Renewal Fee. Annual renewal fee is one hundred twenty-five dollars (\$125). (3-29-10)

06. Annual Renewal Fee for Inactive License. Annual renewal fee is sixty-five dollars (\$65). ()

067. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license or examination fees for unexcused applicants. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

201. -- 2024. (RESERVED)

205. INACTIVE STATUS (RULE 205).

01. Request for Inactive Status. Each person 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 licensee desires active status, the licensee must show acceptable fulfillment of continuing education requirements for the previous twelve (12) months and submit a fee equivalent to the difference between the inactive and active renewal fee. ()

d. Licensees shall not practice or supervise in Idaho as an Audiologist, Speech-Language Pathologist, Speech-Language Pathologist Aide, Speech-Language Pathologist Assistant, or Hearing Aid Dealer and Fitter while on inactive status. ()

206. -- 209. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

220. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST LICENSURE (RULE 220).

All applicants for licensure as a speech-language pathologist must comply with the following education, experience, and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Graduate Program Requirement. A master's or doctoral degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board and includes a supervised academic clinical practicum. (4-2-08)()

02. Examination. Pass an examination in speech-language pathology given by PRAXIS or other examination as may be approved by the Board. (4-2-08)

03. Supervised Experience. ~~Meet Satisfactorily complete~~ the supervised ~~academic clinical practicum and supervised~~ postgraduate experience approved by the Board and defined in Subsections 220.03.a. through 221.03.d. (4-2-08)()

a. One thousand two hundred sixty (1260) hours of experience gained under the supervision of a licensed speech-language pathologist in no less than thirty-six (36) weeks of full-time (Thirty-five (35) hours per week) experience or the equivalent part-time experience and in no more than forty-eight (48) months. ()

b. One thousand ten (1010) hours of experience must be in direct client contact. ()

c. There must be at least six (6) hours of on-site observations of direct client contact each quarter. ()

d. The nature of the supervision and contact must allow for immediate feedback and can be conducted using audio/visual, in person, electronic means, or telephone. ()

(BREAK IN CONTINUITY OF SECTIONS)

450. PROVISIONAL PERMIT: FITTING AND DEALING HEARING AIDS (RULE 450).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit ~~in the following instances:~~ to allow a person to engage in fitting and dealing hearing aids provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a hearing aid dealer and fitter or audiologist under this chapter. (3-29-10)()

a. ~~To allow a person to engage in the practice of audiology or speech-language pathology while completing either the required postgraduate experience or a comparable experience as part of a doctoral program in audiology; or~~ (3-29-10)

b. ~~To allow a person to engage in fitting and dealing hearing aids.~~ (3-29-10)

c. ~~The holder of a provisional permit may practice only while under the supervision of a person fully licensed under this chapter.~~ (3-29-10)

02. Adequate Personal Contact -- Requirements. (3-30-06)

a. The supervisor and provisional permit holder must make personal contact ~~in-person~~ each work day to review any assignments, client contacts, ~~diagnoses, therapies,~~ and hearing aid fittings for the first sixty (60) days of employment. The nature of the supervision and contact must allow for immediate feedback and includes audio/visual, in person, or telephone contacts. (4-2-08)()

b. After the first sixty (60) days of employment, ~~personal~~ contact ~~in person~~, described in Subsection 450.02.a., must be made no less than once in each calendar week throughout the remaining period of the permit. (3-29-10)()

c. In the event a permit holder fails the licensing examination two (2) consecutive times, and is eligible to maintain a permit, the supervisor and permit holder must reinstate contact in person each work day as set forth in Subsection 450.02.a. (3-29-10)

~~d. All client and supervisor contacts shall be recorded in the permit holder's quarterly report.~~ (3-30-06)

03. Supervisor -- Responsibilities -- Restrictions. (3-30-06)

~~a. The supervisor must be familiar with Section 54-2905 and 54-2907, Idaho Code.~~ (3-29-10)

~~ba.~~ The supervisor is responsible for all practice and ~~the ethical~~ conduct of each permit holder under supervision. (3-30-06)()

~~eb.~~ A supervisor may not supervise more than two (2) permit holders at a time. (3-29-10)

~~ec.~~ The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. The supervisor and the permit holder shall be required to work within the same facility. (3-29-10)

~~ed.~~ The supervisor must provide the permit holder with adequate training and client contact necessary to prepare for the required examination. (3-30-06)

~~fe.~~ The supervisor of a hearing aid dealer and fitter permit holder must record with the Board a plan of training that encompasses all ~~ten~~ sections covered in the license examination. The plan must be accepted and approved by the Board or its agent prior to issuance of the permit. The supervisor shall document, by the quarterly report, the permit holder's progress. (3-29-10)()

~~gf.~~ A supervisor may terminate his supervision of a permit holder by a written notice to the ~~Bureau~~ Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (3-30-06)()

04. Application -- Quarterly Reports. (3-30-06)

a. Application for permit must include completed application, examination fee, permit fee, supervisor statement and plan of training and supervision. (3-30-06)

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date of the third licensure examination following the original application. (3-30-06)

c. ~~Eighteen~~ Twenty-four (~~18~~24) months is the maximum time allowed for any combination of new or renewed permits. (3-30-06)()

d. Every permit holder must submit a quarterly report of his activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit ~~to practice audiology or a permit to engage in the dealing and fitting of hearing aids~~ will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include: (3-29-10)()

i. Log of client and supervisor contacts ~~as specified in Subsection 450.02.d. of these rules~~ shall be

included in each quarterly report.

(3-29-10)()

ii. Supervisor's statement of completion of training assignments by permit holder as specified in Subsection 450.03.f. (3-29-10)

iii. Copy of test results for all persons tested by the permit holder whether or not a sale occurred. (3-30-06)

iv. Copy of hearing aid order for all fittings including specifications of instruments ordered. Hearing aid dealers and fitters ~~and audiologists~~ must provide a copy of hearing aid order. (3-29-10)()

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. ~~A new permit may be applied for in accordance with Subsection 450.03.a.~~ (3-29-10)()

05. Exemptions. (3-30-06)

a. A permit holder who ~~possesses the Certificate of Clinical Competence in Audiology from American Speech Language Hearing Association (ASHA) or who~~ is Board Certified by National Board for Certification in Hearing Instrument Sciences (NBC-HIS) shall be exempt from Subsections 450.02.a., 450.03.d., and 450.03.f. from the date of issuance of the permit until the date of the next offered licensing examination. (3-29-10)()

b. Failure of the licensing examination or failure to take the next offered licensing examination rescinds this exemption. (3-30-06)

451. -- ~~459~~. (RESERVED)

460. PROVISIONAL PERMIT: SPEECH-LANGUAGE PATHOLOGY (RULE 460).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in the practice of speech-language pathology while completing the required postgraduate experience provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a speech-language pathologist under this chapter. ()

02. Supervisor -- Responsibilities -- Restrictions. ()

a. The supervisor is responsible for all practice and conduct of each permit holder under their supervision. ()

b. A supervisor may not supervise more than two (2) permit holders at a time. ()

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. ()

d. A supervisor may terminate his supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. ()

03. Application and Quarterly Reports. ()

a. Application for permit must include completed application, application and permit fee, official transcripts from the college or university, PRAXIS scores if available, supervisor statement and plan of training and supervision. ()

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a

qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the combination of all permits shall not exceed forty-eight (48) months following the original application. ()

c. Forty-eight (48) months is the maximum time allowed for any combination of new or renewed permits. ()

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. Supplemental attachments to be submitted with this form include: ()

i. Log of client and supervisor contacts shall be included in each quarterly report. ()

ii. Supervisor's statement of completion of training assignments by permit holder. ()

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. ()

461. -- 469. (RESERVED)

470. PROVISIONAL PERMIT: AUDIOLOGY (RULE 470).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in the practice of audiology while completing either the required postgraduate experience or a comparable experience as part of a doctoral program in audiology provided that the holder of a provisional permit may practice only while under the supervision of a person licensed to practice audiology under this chapter. ()

02. Supervisor -- Responsibilities -- Restrictions. ()

a. The supervisor is responsible for all practice and conduct of each permit holder under his supervision. ()

b. A supervisor may not supervise more than two (2) permit holders at a time. ()

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. ()

d. A supervisor may terminate the supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. ()

03. Application -- Quarterly Reports. ()

a. Application for permit must include completed application, permit fee, official transcripts from a college or university, documentation of having passed the approved examination, supervisor statement and plan of training and supervision. ()

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date from original application. ()

c. Twenty-four (24) months is the maximum time allowed for any combination of new or renewed permits. ()

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit to practice audiology will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include: ()

- i. Log of client and supervisor contacts shall be included in the quarterly report. ()
- ii. Supervisor's statement of completion of training assignments by permit holder as specified in these rules. ()

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. A new permit may be applied for in accordance with these rules. ()

471. -- 499. (RESERVED)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.27.01 - RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

DOCKET NO. 24-2701-1201 (FEE RULE) (NEW CHAPTER)

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) 54-4007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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 2012 legislature passed Senate Bill 1295 which created the State Board of Massage Therapy. These proposed rules are necessary in order to implement the provisions of Title 54, Chapter 40, Idaho Code.

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

The Board is establishing fees for application, original license, annual renewal, endorsement, duplicate license, and reinstatement.

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 State Board of Massage Therapy's proposed rules establish fees that will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the Board of Massage Therapy to administer the provisions of the statute. 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(2), Idaho Code, negotiated rulemaking was not conducted because

The 2012 legislature passed Senate Bill 1295 which created the State Board of Massage Therapy. The proposed rules are necessary in order to implement the provisions of Title 54, Chapter 40, Idaho Code. The proposed rules were discussed at scheduled noticed board meetings.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact 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 24, 2012.

DATED this 30th day of August, 2012.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 24-2701-1201

IDAPA 24
TITLE 27
CHAPTER 01

24.27.01 - RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

000. LEGAL AUTHORITY.

These rules are hereby prescribed and established pursuant to the authority vested in the Idaho State Board of Massage Therapy by the provisions of Section 54-4007, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The rules shall be cited as IDAPA 24.27.01, "Rules of the Idaho State Board of Massage Therapy." ()

02. Scope. These rules implement the purposes and intent of Title 54, Chapter 40, Idaho Code, to regulate the profession of massage therapy in the interest of the public health, safety, and welfare. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Board may have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. ()

003. ADMINISTRATIVE APPEAL.

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ()

004. INCORPORATION BY REFERENCE.

These rules do not incorporate by reference a document other than those sections of the Idaho Code so referenced. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Street Address. The office of the Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. ()

02. Office Hours. The office is open between the hours of 8:00 a.m. and 5:00 p.m., Mountain Time, each day except Saturdays, Sundays and holidays. ()

03. Mailing Address. The mailing address of the Board is PO Box 83720, Boise, Idaho 83720-0063. ()

04. Telephone Number. The telephone number of the Board is (208) 334-3233. ()

05. E-mail Address. The Board's e-mail address is mas@ibol.idaho.gov. ()

06. Facsimile. The Board's fax number is (208) 334-3945. ()

07. Electronic Address. The Board's official website can be found at <http://www.ibol.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein are subject to and in compliance with the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. The records associated with the Board are subject to the provisions of the Public Records Act. ()

007. OPEN MEETINGS.

This Board operates pursuant to the Idaho Open Meetings Law, Title 67, Chapter 23, Sections 40 through 47 inclusive, Idaho Code. ()

008. -- 009. (RESERVED)

010. DEFINITIONS.

01. Approved Massage Program. A massage therapy program conducted by an entity which is registered with the Idaho State Board of Education pursuant to Chapter 24, Title 33, Idaho Code, or with a comparable authority in another state, and which meets the entry-level educational requirements as set forth in Section 600 of these rules. ()

02. Board. Idaho State Board of Massage Therapy as created in Section 54-4006, Idaho Code. ()

03. Bureau. Idaho Bureau of Occupational Licenses as created in Section 67-2602, Idaho Code. ()

04. Clinical Work. Supervised, hands-on training in a classroom setting. ()

05. Code of Ethics. The Idaho Code of Ethics for Massage Therapy attached to these rules as Appendix A. ()

06. CPR. Cardiopulmonary resuscitation. ()

07. Standards of Practice. The Standards of Practice of Massage Therapy attached to these rules as Appendix B. ()

011. UPDATE OF RECORDS.

The licensure applicant or licensee is responsible for keeping his or her records updated with the Bureau. All changes including, but not limited to, changes in the manner in which the applicant or licensee is represented to the public, such as name changes and change of address, must be reported to the Bureau within thirty (30) days. The most recent mailing address on file with the Bureau will be used for purposes of all written communication with a licensee including, but not limited to, notification of renewal and notices related to complaints or disciplinary actions. ()

012. -- 099. (RESERVED)

100. ORGANIZATION AND OPERATIONS OF THE BOARD.

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 three (3) members of the Board. ()

a. A minimum of three (3) Board members shall constitute a quorum and shall be required for the transaction of business. A majority vote of the quorum present at a meeting shall be considered the action of the Board as a whole. ()

b. The Chairman shall be a voting member. ()

02. Organization. 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. ()

b. The Bureau shall act as an agent of the Board and shall be the official keeper of all records of the Board. 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. ()

101. -- 199. (RESERVED)

200. APPLICATION.

01. Filing an Application. Applicants for licensure shall submit a complete application, verified under oath, to the Board at its official address. The application shall be on the forms approved by the Board and submitted together with the appropriate fee(s) and supporting documentation. ()

02. Supplemental Documents. The applicant must provide or facilitate the provision of any supplemental third party documents that may be required under the qualifications for the license being sought. ()

03. Applications Must Be Complete. Applications shall not be considered complete until all required information, documents, and fees are received by the Board. ()

04. Lack of Activity. 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 a thirty (30) day written notice, unless good cause is demonstrated to the Board. ()

250. FEES.

Fees are established in accordance with Section 54-4008, Idaho Code, as follows: ()

01. Application Fee. Application fee is fifty dollars (\$50). ()

02. Original License Fee. Original license fee is seventy-five dollars (\$75). ()

03. Annual Renewal Fee. Annual renewal fee is seventy-five dollars (\$75). ()

04. License by Endorsement Fee. License by endorsement fee is seventy-five dollars (\$75). ()

05. Duplicate License Fee. Duplicate license fee is ten dollars (\$10). ()

06. Reinstatement Fee. Reinstatement fee is twenty-five dollars (\$25). ()

07. Examination Fee. The fee for those examinations administered by a third party administrator shall be that fee determined by the administrator, and shall be paid directly to the administrator by the applicant. ()

08. Refund of Fees. All fees are non-refundable except that, if a license is not issued, the license fee will be refunded. ()

300. REQUIREMENTS FOR ORIGINAL LICENSURE.

The Board may grant a license to an applicant for licensure who completes an application as set forth in Section 200 of these rules and meets the following general, education, and examination requirements: ()

01. General. ()

a. An applicant must provide evidence of being at least eighteen (18) years of age. ()

b. An applicant must certify that he/she has not been found guilty, convicted, received a withheld judgment, or suspended sentence for a felony or a crime involving moral turpitude, or if the applicant has been found guilty, convicted, received a withheld judgment, or suspended sentence for such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

c. An applicant must certify that he/she has not been convicted of a crime under any municipal, state, or federal narcotic or controlled substance law, or if the applicant has been convicted of such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

d. An applicant must certify that he/she or his/her license has not been subject to any disciplinary action by a regulatory entity in another state, territory or country including, but not limited to, having an application for licensure denied. If the applicant or his/her license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

02. Education. Each applicant shall: ()

a. Certify that he/she has obtained a high school diploma or the equivalent; and ()

b. Present evidence satisfactory to the Board of having successfully completed an approved massage program as defined in Section 010 of these rules. ()

03. Examination. Present evidence satisfactory to the Board of having successfully passed an approved examination. ()

04. Waiver of Requirements. Until July 1, 2014, the Board may waive the requirements of this section and issue a license to any applicant who meets one (1) of the following requirements: ()

a. Completion of a minimum of five hundred (500) hours of supervised classroom and hands-on instruction relating to massage therapy; ()

b. Completion of at least three hundred (300) hours of formal training in massage therapy as determined by the Board, and has practiced massage therapy for at least five (5) hours per week on average for at least three (3) years prior to the date of application; ()

c. Completion of at least two hundred (200) hours of formal training in massage therapy, as determined by the Board, and has practiced massage therapy for at least five (5) hours per week on average for at least five (5) years prior to the date of application; ()

d. Active membership in good standing as a massage therapist for a period of at least twelve (12) months of a national professional massage association or organization that offers professional liability insurance; or ()

e. Successful passage of a nationally recognized competency examination in massage therapy that is approved by the Board. The passage of this exam may have occurred prior to the effective date of these rules. ()

301. -- 304. (RESERVED).

305. APPROVED EXAMINATIONS.

Approved examinations shall be the following examinations or another nationally recognized competency examination in massage therapy that is approved by the Board. ()

01. Approved Examinations. ()

a. Massage and Bodywork Licensing Examination (MBLEx) as administered by the Federation of State Massage Therapy Boards (FSMTB); ()

b. National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) as administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB); ()

c. National Certification Examination for Therapeutic Massage (NCETM) as administered by the

National Certification Board for Therapeutic Massage and Bodywork (NCBTMB); and ()

d. Other nationally recognized competency examinations in massage therapy that are approved by the Board. A written request for approval must be submitted to the Board together with supporting documentation as may be requested by the Board. ()

02. Successful Passage. A passing score, or successful passage of the exam, will be determined by the entity administering the exam. ()

03. Date of Exam. The passage of the exam may have occurred prior to the effective date of these rules. ()

306. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE.

An applicant who or whose license has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony or crime involving moral turpitude, has a conviction for any crime under any municipal, state, or federal narcotic or controlled substance law, or has been subject to discipline in another state, territory or country must submit with his application a written statement and any supplemental information establishing his current suitability for licensure. ()

01. Consideration of Factors and Evidence. The Board shall consider the following factors or evidence: ()

a. The severity or nature of the crime or discipline; ()

b. The period of time that has passed since the crime or discipline under review; ()

c. The number or pattern of crimes or discipline or other similar incidents; ()

d. The circumstances surrounding the crime or discipline that would help determine the risk of repetition; ()

e. The relationship of the crime or discipline to the practice of massage therapy; ()

f. The applicant's activities since the crime or discipline under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation; and ()

g. Any other information regarding rehabilitation or mitigating circumstances. ()

02. Interview. The Board may, at its discretion, grant an interview of the applicant. ()

03. Applicant Bears the Burden. The applicant shall bear the burden of establishing his current suitability for licensure. ()

307. -- 309. (RESERVED)

310. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT.

The Board may grant a license to an applicant for licensure by endorsement who completes an application as set forth in Section 200 and meets the following requirements: ()

01. Holds a Current License. The applicant must be the holder of a current active license or certificate in good standing in the profession, and at the level for which a license is being sought, issued by the authorized regulatory entity in another state. The state must have licensing or certification requirements substantially equivalent to or higher than those required for new applicants in Idaho. The certification of licensure or certification must be received by the Board from the issuing agency; ()

02. Has Not Been Disciplined. The applicant or his/her license must have not been voluntarily

surrendered, revoked, or suspended by any regulatory entity. The Board may consider an applicant who, or whose license, has been restricted, denied, sanctioned, or otherwise disciplined. If the applicant or his/her license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules; ()

03. Is of Good Moral Character. The applicant must not have been found guilty, convicted, received a withheld judgment, or suspended sentence for any felony or any crime involving moral turpitude. If the applicant has been found guilty, convicted, received a withheld judgment, or suspended sentence for such a crime the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules; and ()

04. Has Not Been Convicted of a Drug Offense. The applicant must not have been convicted of any crime under any municipal, state, or federal narcotic or controlled substance law. If the applicant has been convicted of such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

311. -- 399. (RESERVED).

400. RENEWAL OR EXPIRATION OF LICENSE.

A license expires on the license holder's birth date. The individual must annually renew the license before the license holder's birth date. Licenses not so renewed will be immediately cancelled in accordance with Section 67-2614, Idaho Code. ()

01. Renewal. A license must be renewed before it expires by submitting a complete application for renewal on forms approved by the Board together with the renewal fee. As part of a complete renewal application, the licensee will attest to completion of the required continuing education pursuant to Section 500 of these rules. False attestation of satisfaction of the continuing education requirements on a renewal application shall subject the licensee to disciplinary action, including revocation. ()

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

a. Within five (5) years of cancellation, an applicant seeking reinstatement must submit to the Board evidence that the applicant has completed the required continuing education together with a complete renewal application and appropriate fee(s). ()

i. The applicant must submit evidence of completion of continuing education hours totaling the hours required at the time of cancellation and for each year the license was cancelled. ()

ii. The applicant must pay a reinstatement fee as set forth in Section 250 of these rules in addition to the renewal fee for each year the license was cancelled. ()

b. After five (5) years of cancellation, the applicant will be treated as a new applicant, and application shall be made on the same forms and in the same manner as an application for an original license in accordance with Section 200 of these rules. ()

401. -- 499. (RESERVED)

500. CONTINUING EDUCATION.

All licensees must comply with the following continuing education requirements: ()

01. Requirement. Beginning with the second renewal of their license, a licensee shall be required to complete a minimum of six (6) hours of continuing education (which shall include 1.0 hour in ethics) within the preceding twelve (12) months that meet the requirements in Sections 501, 502 and 503 of these rules. ()

a. An hour is defined as fifty (50) minutes out of each sixty (60) minute segment. ()

b. Continuing education credit will only be given for actual time in attendance or for the time spent

participating in the educational activity. ()

c. The educational course setting may include a classroom, conference, seminar, on-line or a virtual classroom. ()

d. If the licensee completes two (2) or more courses having substantially the same content during any one (1) renewal period, the licensee will only receive continuing education credit for one (1) of the courses. ()

02. Documentation. Each licensee shall maintain documentation verifying continuing education course attendance and curriculum, or completion of the educational activity for a period of five (5) years from the date of completion. This documentation will be subject to audit by the Board. ()

a. Documented evidence of meeting the continuing education course requirement shall be in the form of a certificate or letter from the sponsoring entity that includes verification of attendance by the licensee, the title of the activity, the subject material covered, the dates and number of hours credited, and the presenter's full name and professional credentials. Documented evidence of completing a continuing education activity shall be in such form as to document both completion and date of the activity. ()

b. A licensee must submit the verification documentation to the Board, if requested by the Board. In the event a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the licensee may be subject to disciplinary action. ()

03. Waiver. The Board may waive the requirements of this rule for reasons of individual hardship, including health or other good cause. The licensee should request the waiver in advance of renewal and must provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board. ()

04. Carryover of Continuing Education Hours. Continuing education hours not claimed in the current renewal year may be claimed in the next renewal year. A maximum of six (6) hours may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year. ()

05. Exemption. A licensee is exempt from the continuing education requirements under this Section for the period between the initial issuance of the original license and the first expiration date of that license. ()

501. APPROVAL OF CONTINUING EDUCATION COURSES.

Approved continuing education courses shall be those courses and programs that meet the requirements of these rules, and are approved, sponsored, or provided by the following entities or organizations, or otherwise approved by the Board: ()

01. A College or University. Accredited by a nationally recognized accrediting agency as recognized by the United States Secretary of Education; ()

02. Federal, State or Local Governmental Entities; and ()

03. National and State Massage Therapy Associations. ()

04. Provider Course Approval. Other courses may be approved by the Board based upon documentation submitted by a continuing education provider. Requests for approval of courses made by the provider must be submitted on a form approved by the Board that includes: ()

a. The nature and subject of the course and its relevancy to the practice of massage therapy; ()

b. The name of instructor(s) and their qualifications; ()

c. The date, time and location of the course; ()

d. The specific agenda for the course; ()

- e. The number of continuing education hours requested; ()
- f. The procedures for verification of attendance; and ()
- g. Other information as may be requested by the Board. ()
- h. Upon review of all information requested, the Board may deny any request for a course that does not meet the requirements of Idaho law or rule. Board approval of a course shall be granted for a period not to exceed five (5) years, or until the course materials or instructors are changed, whichever may occur first. ()

05. Licensee Course Approval. Other courses may be approved by the Board based upon documentation submitted by the licensee. All requests for approval must be made to the Board in writing and include the nature and subject of the course and its relevancy to the practice of massage therapy, name of instructor(s) and their qualifications, date, time and location of the course, and procedures for verification of attendance. ()

502. CONTINUING EDUCATION ACTIVITIES.

The following educational activities shall qualify for continuing education as set forth: ()

01. Teaching a Course For The First Time, Not to Exceed Six Hours. A report must be submitted, including the name of the course, course outline, qualifications for teaching, number of hours taught, number of participants taught, date and location of the training. ()

02. Publishing Articles or Books. The hours awarded as determined at the discretion of the Board. ()

03. Self Study. Using books, audio tapes, video tapes, DVD's, research materials, professional publications, online sources, and/or other electronic sources/methods documented by a type-written two-page report summarizing the study content. ()

503. CONTENT OF CONTINUING EDUCATION.

The content of continuing education activities and course content must be germane to the practice of massage therapy as defined in Section 54-4002, Idaho Code, and courses in ethics must also be specific to legal issues, law, standards of practice, or ethics. ()

01. Continuing Education. Content germane to the practice of massage therapy includes, but is not limited to: ()

a. Applications of massage and bodywork therapy for specific needs, conditions, or client populations. ()

b. Client assessment protocols, skills for client record keeping, strategies for interfacing with other health care providers. ()

c. Use of external agents such as water, light, sound, heat, cold, or topical applications of plant or mineral-based substances. ()

d. Body-centered or somatic psychology, psychophysiology, or interpersonal skills which may include communication skills, boundary functions, dual relationships, transference, counter-transference, and projection. ()

e. Standards of practice, professional ethics, or state laws. ()

f. Strategies for the marketing of massage and bodywork therapy practices. ()

g. Theory or practice of ergonomics as applied to therapists or clients. ()

h. Hygiene, methods of infectious disease control, organization and management of the treatment environment. ()

i. Body sciences, which may include anatomy, physiology, kinesiology or pathology, as they apply to massage therapy. ()

j. Certified CPR or first aid training. ()

504. -- 599. (RESERVED).

600. EDUCATIONAL PROGRAM STANDARDS.

Approved educational programs shall be those programs conducted by an entity that meet the definition in Section 010 and that consist of a minimum of five hundred (500) hours of in-class supervised hours of coursework and clinical work that meets the following entry-level educational standards: ()

01. Coursework Content and Hours. Coursework must include the following content areas and minimum hours: ()

a. Two hundred (200) hours in massage and bodywork assessment, theory, and application; ()

b. One hundred twenty-five (125) hours in body systems including anatomy, physiology, and kinesiology; ()

c. Forty (40) hours in pathology; ()

d. Twenty-five (25) hours in business and ethics; and ()

02. Clinical Work. A minimum of one hundred ten (110) hours must be clinical work. ()

a. Students shall not be permitted to render any clinical services to clients until students have completed at least twenty percent (20%) of the required hours of instruction. ()

b. All clinical services shall be performed under the supervision of a person fully licensed. ()

700. SCOPE OF PRACTICE.

All licensees shall practice in a competent manner consistent with their level of education, training, and experience. ()

701. -- 799. (RESERVED).

750. STANDARDS OF PRACTICE.

All licensees shall comply with the Idaho Standards of Practice for Massage Therapy as approved by the Board and attached as Appendix B. ()

800. CODE OF ETHICS.

All licensees shall comply with the Code of Ethics for Massage Therapy as approved by the Board and attached to these rules as Appendix A. ()

801. -- 899. (RESERVED).

900. DISCIPLINE.

If the Board determines that grounds for discipline exist for violations of Title 54, Chapter 40, Idaho Code, violations of these rules, or both, it may impose disciplinary sanctions against the licensee including, without limitation, any or all of the following: ()

01. Refuse License. Refuse to issue, renew, or reinstate a license; ()

- 02. Revoke License.** Revoke or suspend the licensee's license(s); ()
- 03. Restrict License.** Condition, restrict, or limit the licensee's practice, license, or both; ()
- 04. Administrative Fine.** Impose an administrative fine not to exceed one thousand dollars (\$1,000) for each violation of the Board's laws or rules; and ()
- 05. Licensee Costs.** Order a licensee to pay the costs and fees incurred by the Board in the investigation, prosecution, or both, of the licensee for violation(s) of the Board's laws, rules, or both. ()
- 901. -- 999. (RESERVED).**

IDAHO BOARD OF MASSAGE THERAPY CODE OF ETHICS -- APPENDIX A

Preamble: This Code of Ethics is a summary statement of the standards of conduct that define ethical practice of massage therapy. All licensees are responsible for maintaining and promoting ethical practice.

A licensee shall:

- 1.** Conduct all business and professional activities honestly and within their scope of practice and all applicable legal and regulatory requirements.
- 2.** Inform clients of the limitations of the licensee's practice, the limitations of massage therapy, and the contraindications for massage therapy.
- 3.** Refer the client to other professionals or services if the treatment or service is beyond the licensee's scope of practice.
- 4.** Not engage in any sexual conduct, sexual activities, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship. Sexual activity includes any verbal and/or nonverbal behavior for the purpose of soliciting, receiving, or giving sexual gratification.
- 5.** Be truthful in advertising and marketing, and not misrepresent services, charges for services, credentials, training, experience or results.
- 6.** Safeguard the confidentiality of all client information, unless disclosure is requested by the client in writing or as allowed or required by law.
- 7.** Obtain informed and voluntary consent from clients.
- 8.** Allow a client the right to refuse, modify or terminate treatment regardless of prior consent given.
- 9.** Provide draping and treatment in a way that ensures the safety, comfort, and privacy of the client.
- 10.** Possess the right to refuse to treat any person or part of the body.
- 11.** Refuse any gifts or benefits that are intended to influence a referral, decision, treatment or the professional relationship between the licensee and the client.
- 12.** Report to the Idaho Board of Massage Therapy any unlicensed practice of massage therapy, and any evidence indicating unethical, incompetent or illegal acts committed by a licensee or individual.
- 13.** Do no harm to the physical, mental, and emotional well being of clients.

IDAHO BOARD OF MASSAGE THERAPY STANDARDS OF PRACTICE -- APPENDIX B

Standard I: Professionalism

In his/her professional role the licensee shall:

1. Cooperate with any Board investigation regarding any alleged violation of the Massage Therapy law or rules.
2. Use professional verbal, nonverbal, and written communications.
3. Provide an environment that is safe for the client and which meets all legal requirements for health and safety.
4. Use standard precautions to ensure professional hygienic practices and maintain a level of personal hygiene appropriate for practitioners in the therapeutic setting.
5. Wear clothing that is clean and professional.
6. Obtain voluntary and informed consent from the client, or written informed consent from client's legal guardian, prior to initiating the treatment plan.
7. If applicable, conduct an accurate needs assessment, develop a plan of care with the client, and update the plan as needed.
8. Use appropriate draping to protect the client's physical and emotional privacy. When clients remain dressed for seated massage or sports massage, draping is not required.
9. Not practice under the influence of alcohol, drugs, or any illegal substances, with the exception of legal or prescribed dosage of medication which does not impair the licensee.

Standard II: Legal and Ethical Requirements

In his/her professional role the licensee shall:

1. Maintain accurate and complete client billing and records. Client Records includes notes written by a licensee and kept in a separate client file that indicates the date of the session, areas of complaint as stated by client, and observations made and actions taken by the licensee.
2. Report within thirty (30) days to the Idaho Board of Massage Therapy any felony or misdemeanor criminal convictions of the licensee.

Standard III: Confidentiality

In his/her professional role the licensee shall:

1. Protect the confidentiality of the client's identity in conversations, all advertisements, and any and all other matters unless disclosure of identifiable information is requested or permitted by the client in writing or is required or allowed by law.
2. Protect the interests of clients who are minors or clients who are unable to give voluntary and informed consent by securing written informed consent from an appropriate third party or guardian.
3. Solicit only information that is relevant or reasonable to the professional relationship.

4. Maintain the client files for a minimum period of seven (7) years.
5. Store and dispose of client files in a secure manner.

Standard IV: Business Practices

In his/her professional role the licensee shall:

1. Not use sensational, sexual, or provocative language and/or pictures to advertise or promote their business.
2. Display/discuss a schedule of fees in advance of the session that is clearly understood by the client or potential client.
3. Make financial arrangements in advance that are clearly understood by, and safeguard the best interests of, the client or consumer.

Standard V: Roles and Boundaries

In his/her professional role the licensee shall:

1. Not participate in client relationships that could impair professional judgment or result in exploitation of the client.

Standard VI: Prevention of Sexual Misconduct

In his/her professional role the licensee shall:

1. Not engage in any behavior that sexualizes, or appears to sexualize, the client/licensee relationship.
2. Not participate in a sexual relationship or sexual conduct with the client, whether consensual or otherwise, from the beginning of the client/licensee relationship and for a minimum of six (6) months after the termination of the client/licensee relationship.
3. In the event that the client initiates sexual behavior, clarify the purpose of the therapeutic session and, if such conduct does not cease, terminate or refuse the session.

COST/BENEFIT ANALYSIS FORM

Idaho Bureau of Occupational Licenses

Docket Number: 24-2701-1201

Agency Contact: Tana Cory

Phone: (208) 334-3233

Date Analysis Completed: 9/6/12

IDAPA Chapter Number and Title: IDAPA 24.27.01, "Rules of the Idaho State Board of Massage Therapy"

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:

Establishing Fees

Section 54-4008, Idaho Code allows for the setting of fees collected for applications, original licenses, annual renewals, endorsement, duplicate licenses and reinstatement. The Board's proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. Rule 250 is being created to set fees that will be used by the Board of Massage Therapy to administer the act. Since all self-governing boards are required to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.