

Dear Senators HEIDER, Nuxoll, Bock, and  
Representatives WOOD, Perry, Rusche:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the  
State Board of Medicine - Dietitians:

IDAPA 22.01.13 - Rules for the Licensure of Dietitians (Docket No. 22-0113-1301) – **Temporary  
and Proposed.**

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 10/21/2013. 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 11/19/2013.

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

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee  
**FROM:** Principal Legislative Research Analyst - Brooke Brouman  
**DATE:** October 01, 2013  
**SUBJECT:** State Board of Medicine - Dietitians

IDAPA 22.01.13 - Rules for the Licensure of Dietitians (Docket No. 22-0113-1301) -- **Temporary and Proposed**

The State Board of Medicine submits notice of temporary and proposed rulemaking, which includes the following rule changes:

- (1) Identifies the new name of the accrediting agency for dietetic educational programs; and
- (2) Provides a correct code citation.

The Board states that the Governor has found that temporary adoption of the rule is appropriate in order to protect the public health, safety or welfare.

The Board's temporary and proposed rule is authorized pursuant to the provisions of Section 54-3505, Idaho Code.

cc: State Board of Medicine  
Nancy M. Kerr, Executive Director

## IDAPA 22 - BOARD OF MEDICINE

### 22.01.13 - RULES FOR THE LICENSURE OF DIETITIANS

#### DOCKET NO. 22-0113-1301

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

**EFFECTIVE DATE:** The effective date of the temporary rule is August 28, 2013.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-3503 and 54-3505, 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 16, 2013.

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

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The supporting reasons and purposes for adopting this temporary rule are to identify the new the name of the accrediting agency for dietetic educational programs and correct the erroneous citation of Section 54-3710, Idaho Code, to the correct citation of section 54-3505, Idaho Code.

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

The temporary adoption of the rule is appropriate to acknowledge the new name of the accrediting agency for dietetic education programs from American Dietetic Association to Academy of Nutrition and Dietetics and correct an erroneous citation. Protection of the public health, safety, or welfare.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: None.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A. There will be no impact on the general fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because there are no issues due to the facts that only the name of the accrediting agency for dietetic educational programs has been changed and an erroneous citation will be corrected.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule and how an electronic copy can be obtained or, if otherwise unavailable, where copyrighted or other proprietary materials may be obtained: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000 or visit the Board's website at: [www.bom.idaho.gov](http://www.bom.idaho.gov).

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 23, 2013.

DATED this 22nd day of August, 2013.

Nancy M. Kerr, Executive Director  
Idaho State Board of Medicine  
1755 Westgate Drive, Ste. 140, Boise, ID  
PO Box 83720  
Boise, ID 83720-0058  
Phone: (208) 327-7000  
Fax: (208) 327-7005

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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT OF  
DOCKET NO. 22-0113-1301**

**021. APPLICATION FOR LICENSURE.**

**01. Application.** Each applicant for licensure shall submit a completed written application to the board on forms prescribed by the board, together with the application fee. The application shall be verified and under oath and shall require the following information: (12-28-94)

**a.** A certificate of successful completion of a program approved by the [American Dietetic Association Academy of Nutrition and Dietetics or its successor](#) and a certificate of successful completion of a dietetic internship or preprofessional program approved or accredited by the [American Dietetic Association Academy of Nutrition and Dietetics or its successor](#); (~~12-28-94~~)(8-28-13)T

**b.** The disclosure of any criminal conviction or charges against the applicant other than minor traffic offenses; (12-28-94)

**c.** The disclosure of any disciplinary action against the applicant by any state professional regulatory agency or professional organization; (12-28-94)

**d.** The disclosure of the denial of registration or licensure by any state or district regulatory body; (12-28-94)

**e.** Not less than two (2) certificates of recommendation from persons having personal knowledge of the applicant's character; (12-28-94)

**f.** Two (2) unmounted photographs of the applicant, no larger than three inches by four inches (3" x 4") (head and shoulders), taken not more than one (1) year prior to the date of the application; (12-28-94)

**g.** A copy of any registration by the Commission on Dietetic Registration, if applicable; (12-28-94)

**h.** A copy of examination results or the application to write the qualifying exam and the date the examination is scheduled; (4-2-03)

**i.** Such other information as deemed necessary for the Board to identify and evaluate the applicant's credentials; and (4-2-03)

**j.** A Provisional License Dietitian/Monitor Affidavit, if applicable. (4-2-03)

**02. Personal Interview.** The Board may, at its discretion, require the applicant to appear for a personal interview. (12-28-94)

**(BREAK IN CONTINUITY OF SECTIONS)**

**032. DENIAL OR REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE.**

**01. Disciplinary Authority.** A new or renewal application may be denied or a license may be suspended or revoked by the Board, and every person licensed pursuant to Title 54, Chapter 35, Idaho Code and these rules is subject to disciplinary actions or probationary conditions pursuant to the procedures and powers established by and set forth in Section 54-~~3710~~3505, Idaho Code, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," and IDAPA 22.01.07, "Rules of Practice and Procedure of the Board of Medicine."

~~(3-27-13)~~(8-28-13)T