

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

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - State Board of Podiatry:
IDAPA 24.11.01 - Rules of the State Board of Podiatry (Docket No. 24-1101-1301) - **Fee Rule**.

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10/21/2013. 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

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: Bureau of Occupational Licenses - State Board of Podiatry

IDAPA 24.11.01 - Rules of the State Board of Podiatry (Docket No. 24-1101-1301) - **Fee Rule**

The Bureau of Occupational Licenses, on behalf of the State Board of Podiatry, submits notice of proposed fee rulemaking.

The proposed rule changes are as follows:

- (1) Updates the edition of a code of ethics document that is incorporated by reference;
- (2) Eliminates the requirement that applications for licensure be filed within a certain time frame;
- (3) Eliminates the requirement that applicants for licensure provide documentation of high school graduation;
- (4) Clarifies the required examination for licensure and the required passing grade;
- (5) Effective January 1, 2015, increases the continuing education requirements for licensure by endorsement applicants and for Idaho licensed podiatrists;
- (6) Eliminates general provisions that require Board meetings take place on a certain date;
- (7) Provides that the failure of a licensee to provide proof of continuing education compliance upon request of the Board is grounds for disciplinary action;
- (8) Allows for carryover of continuing education hours; and
- (9) Provides an exemption to continuing education requirements based on individual hardship at the discretion of the Board.

The fee rule changes are as follows:

- (1) Eliminates a \$25.00 administrative fee;
- (2) Eliminates a re-exam fee; and

(3) Provides for a refund of a license fee if a license is not issued.

In regards to the proposed fee rule, we note that Section 54-606, Idaho Code, requires the \$25.00 administration fee and requires that the Board establish by rule a reexamination fee. Therefore, regardless of whether the Board eliminates the administration fee in rule, this fee will still be required by statute. Moreover, the Board's rule will be out of compliance with the governing statute if it eliminates the re-exam fee.

The Bureau states that there is no negative fiscal impact on the state general fund as a result from this rulemaking.

The Board's proposed fee rule changes are not consistent with Idaho Code. The Board's other proposed rule changes are authorized pursuant to Section 54-605, Idaho Code.

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

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Bureau of Occupational Licenses

Agency Contact: Cherie Simpson Phone: 208 334-3233

Date: August 21, 2013

IDAPA, Chapter and Title Number and Chapter Name:

24-11-01 – TITLE 54, CHAPTER 6 – RULES OF THE STATE BOARD OF
PODIATRY

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: 24-1101-1301

STATEMENT OF ECONOMIC IMPACT:

Rule 300 is being amended to remove fees associated with the Idaho examination and clarify refunds.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.11.01 - RULES OF THE STATE BOARD OF PODIATRY

DOCKET NO. 24-1101-1301 (FEE RULE)

NOTICE OF RULEMAKING - PROPOSED RULE

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

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board is amending its rules to correct terminology to update the code of ethics version that is incorporated by reference, to update the examination rules since the Board no longer gives the examination, and to update the application process. It is also clarifying the fee section. Finally, the continuing education requirement is being amended to increase the continuing education requirement from 12 hours to 15 hours after 1/1/2015, to allow carryover of hours and for a special exemption.

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

Rule 300 is being amended to remove fees associated with the Idaho examination and clarify refunds.

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 rules being amended are simple in nature and were discussed in a noticed open meeting of the Board.

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:

The Board has adopted the American Podiatric Medical Association's Code of Ethics as published by the American Podiatric Medical Association. They are updating to the version dated March 2013.

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 23, 2013.

DATED this 21st day of August, 2013.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P.O. Box 83720
Boise, ID 83720-0063
Ph: 208 334-3233; Fax: 208 334-3945

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-1101-1301

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled American Podiatric Medical Association's Code of Ethics as published by the American Podiatric Medical Association, dated ~~April~~ March 2008~~13~~ and referenced in Section 500, is herein incorporated by reference and is available ~~from~~ for review at the Board's office and on the Board's web site at http://www.ibol.idaho.gov. ~~(3-29-10)()~~

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS AND STANDARDS (RULE 10).

01. Act. The Act means Chapter 143 Idaho session Laws of 1957 codified as Chapter 6, Title 54, Idaho Code, and any amendments thereto. (7-1-93)

02. Board. The Board means the State Board of Podiatry, as prescribed in Section 54-604, Idaho Code. (7-1-93)

03. Licensure. Licensure means a license to practice podiatry in Idaho. (3-13-02)

04. Reputable School. A "reputable school" of podiatry is defined as an approved podiatry school located within the United States or Canada and designated as such by the ~~e~~Council on Podiatric Medical Education and the American Podiatric Medical Association. ~~(3-13-02)()~~

05. Bureau. The Bureau means the Bureau of Occupational Licenses, as prescribed in Sections 54-605 and 67-2602, Idaho Code. (3-13-02)

011. -- 099. (RESERVED)

100. GENERAL QUALIFICATIONS OF LICENSURE (RULE 100).

01. Residence. Residence in Idaho shall not be an eligibility requirement for licensure. (3-13-02)

02. Age. All applicants shall be at least twenty-one (21) years of age. (3-13-02)

03. Character. All applicants shall be of good moral character. (3-13-02)

04. Citizenship Requirement for Exam. Citizenship shall not be an eligibility requirement for ~~the~~ Idaho podiatry examination or licensure. All persons making application for licensure are required to be legally eligible to reside and obtain employment in the United States. ~~(3-13-02)()~~

101. -- 149. (RESERVED)

150. PRE-PROFESSIONAL EDUCATION.

All applicants shall provide ~~official documentation of graduation from an accredited high school, or its equivalent,~~ and provide official documentation of credits granted for at least two (2) full years of general college study in a college or university of recognized standing. ~~(3-13-02)()~~

(BREAK IN CONTINUITY OF SECTIONS)

200. CREDENTIALS TO BE FILED BY ALL APPLICANTS (RULE 200).

01. Application. An application for licensure shall be completed on a form approved by the board and submitted to the bureau ~~ninety (90) days before the date of the Idaho board examination.~~ (3-13-02)()

02. Certified Copy of National Board Results. A copy of the applicable National Board results which has been certified as true and correct by the examining entity. (7-1-97)

03. Photograph Requirement. All applications shall be accompanied by an unmounted passport photograph of the applicant taken not more than one (1) year prior to the date of application. (3-13-02)

04. Educational Certificate Requirement. Each applicant shall be required to provide official ~~documentation of graduation from a four (4) year high school, or the equivalent, and official~~ documentation of a collegiate education of not less than two (2) years in an accredited college or university giving instruction in letters and sciences. (3-13-02)()

05. Diploma. Certified photostatic copy of diploma granted by any college of podiatry and official certified transcripts indicating graduation from the program. (3-13-02)

06. Residency Certification Requirement. All applications shall include certification of completion of a residency as defined in Rule 152. (3-13-02)

201. -- 299. (RESERVED)

300. FEES (RULE 300).

01. Application Fee. A fee shall accompany all applications. The fee shall be two hundred dollars (\$200). (7-1-97)

02. Original License Fee. The original license fee shall be four hundred dollars (\$400). (4-9-09)

03. Written Exam Fee. The fee for examination shall be equal to that charged by the national examining entity, ~~together with an additional twenty-five (\$25) dollar administrative fee~~ and shall be paid directly to the exam provider. (3-13-02)()

04. Annual Renewal Fee. Fee for annual renewal of licenses, five hundred dollars (\$500). (3-21-12)

~~**05. Re-Exam Fee.** For candidates re-examining for the written and practical examinations or written examination only, the fee for re-examination will be four hundred dollars (\$400). For candidates re-examining for the practical only, the fee shall be two hundred dollars (\$200).~~ (3-13-02)

~~**06.5. Fee Non-Refundable.** All fees are non-refundable~~ except that if a license is not issued, the license fee will be refunded. (3-13-02)()

301. -- 399. (RESERVED)

400. LICENSURE BY EXAMINATION (RULE 400).

01. Examination of Applicants. All applicants must successfully pass all parts of the ~~national board~~ American Podiatric Medical Licensing eExamination ~~given~~ developed and administered by the National Board of Podiatric Medical Examiners. (4-2-08)()

02. Passing Grade. A passing grade in all subjects examined shall be the grade as established by the ~~National Board of Podiatric Medical Examiners for the~~ examination ~~with a general average of not less than seventy percent (70%)~~ provider. (4-2-08)()

401. LICENSURE BY ENDORSEMENT (RULE 401).

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

- 01. Complete Application.** A complete application together with the required fee. (4-11-06)
- 02. Certification of License.** Certification of having maintained a current license or other authority to practice issued by a regulatory board of Podiatry in any state or territory. (4-11-06)
- 03. Credentials.** Credentials as required in Subsections 200.02 through 200.05. (3-29-10)
- 04. Examination.** Successful passage of a written licensure examination covering all those subjects noted in Section 54-606, Idaho Code. Official certification of examination must be received by the board directly from: (4-11-06)
 - a. The applicant's state or territory of licensure; or (3-15-02)
 - b. The national board of podiatric medical examiners. ~~(4-11-06)~~()
- 05. Residency.** Proof of completion of the residency requirement as set forth in Subsection 200.06 of this rule. However, if the applicant graduated from a college of podiatry prior to 1993, this requirement will be waived. (3-29-10)
- 06. Practical Experience.** Having practiced podiatry under licensure for three (3) of the last five (5) years immediately prior to the date of application. (4-11-06)
- 07. Continuing Education.** Obtained at least twelve (12) hours of continuing education during the twelve (12) months prior to the date of application. Effective January 1, 2015, obtained at least fifteen (15) hours of continuing education germane to the practice of podiatry during the twelve (12) months prior to the date of application. ~~(4-11-06)~~()
- 08. Disciplinary Action.** Has not been the subject of any disciplinary action including pending or unresolved licensure actions within the last five (5) years immediately prior to application and has never had a license to practice podiatry revoked or suspended either voluntarily or involuntarily in any jurisdiction. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

~~551. -- 599. (RESERVED)~~

~~600. GENERAL PROVISIONS (RULE 600).~~

~~Regular meetings of the board shall be the third Monday of July and at such other times as determined by the board.~~
(4-5-00)

~~601. — 699. (RESERVED)~~

700. CONTINUING EDUCATION (RULE 700).

01. Post Graduate Education Requirement for License Renewal. Each podiatrist licensed by the state of Idaho shall attend in each twelve (12) month period preceding the renewal of a license to practice podiatry in Idaho, a minimum of twelve (12) full hours of post-graduate podiatry education courses. Effective January 1, 2015, each podiatrist licensed by the state of Idaho shall attend in each twelve (12) month period preceding the renewal of a license to practice podiatry in Idaho, a minimum of fifteen (15) full hours of post-graduate podiatry education courses. No more than ~~six ten~~ (6)10 hours of continuing education may be ~~home study~~ obtained on-line. Courses must

be germane to the practice of podiatry; and ~~(4-2-08)~~()

a. Approved by the Council on Podiatric Medical Education; or (4-2-08)

b. Otherwise approved by the Board. (4-2-08)

02. Submission of License Renewal Application Form. Each licensed Idaho podiatrist will be furnished a license renewal application form by the Bureau of Occupational Licenses on which each podiatrist shall be required to certify by signed affidavit that compliance with the continuing education requirements has been met and shall submit the renewal application together with the required fees to the Bureau. (3-15-02)

03. Verification of Attendance. It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the ~~applicant~~ licensee. This verification shall be maintained by the licensee and provided to the Board upon the request of the Board or its agent. The Board will conduct random audits to monitor compliance. Failure to provide proof of meeting the continuing education upon request of the Board shall be grounds for disciplinary action. ~~(3-15-02)~~()

04. Carryover of Continuing Education Hours. Continuing education courses not claimed for credit in the current renewal year may be credited for the next renewal year. A maximum of fifteen (15) hours may be carried forward from the immediately preceding year. ()

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