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1 THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE SUBSTANTIALLY RELEVANT TO
2 THE PRACTICE OF MASSAGE THERAPY; AMENDING SECTION 54-4711, IDAHO CODE,
3 TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL
4 OFFENSE MUST BE SUBSTANTIALLY RELEVANT TO THE PRACTICE OF ACUPUNCTURE;
5 AMENDING SECTION 54-4806, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND
6 PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE SUBSTANTIALLY
7 RELEVANT TO THE PROFESSION OF ATHLETE AGENCY; AMENDING SECTION 54-5303,
8 IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFY-
9 ING CRIMINAL OFFENSE MUST BE SUBSTANTIALLY RELEVANT TO ONE'S ABILITY TO
10 PRACTICE OR OPERATE AS A LIQUEFIED PETROLEUM GAS DEALER; AND AMENDING
11 SECTION 54-5408, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE
12 THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE SUBSTANTIALLY RELEVANT TO
13 ONE'S ABILITY TO PRACTICE IN A DRIVING BUSINESS.

14 Be It Enacted by the Legislature of the State of Idaho:

15 SECTION 1. That Section 54-608, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-608. GROUNDS FOR SUSPENSION, DENIAL, REFUSAL TO RENEW OR REVOCATION
18 OF LICENSE. No license may be issued, and a license previously issued
19 may be suspended, revoked or otherwise disciplined, if the person applying
20 or the person licensed is:

21 (1) Found guilty by a court of competent jurisdiction of a felony or any
22 offense involving moral turpitude that is substantially relevant to the duties and responsibilities of the practice of podiatry;

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24 (2) Found by the board to be a repeated and excessive abuser of any drug,
25 including alcohol, or any controlled substance;

26 (3) Found by the board to be in violation of any provision of this chapter or the rules promulgated pursuant thereto;

27 (4) Found by the board to have used fraud or deception in the procuring
28 of any license;

29 (5) Found by the board to have had any action, including denial of a license or the voluntary surrender of or voluntary limitation on a license, taken against the licensee by any peer review body, any health care institution, any professional medical society or association or any court, law enforcement or governmental agency;

30 (6) Found by the board to have been unethical, unprofessional or dishonorable in the practice of healing the sick; or

31 (7) Found by the board to have failed to comply with an order issued by
32 the board.
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39 SECTION 2. That Section 54-712, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 54-712. DISCIPLINE BY THE BOARD -- GROUNDS. Any license or permit issued under the provisions of this chapter shall be subject to restriction, suspension, revocation or other discipline pursuant to the provisions of sections 54-707 and 54-713, Idaho Code, if the board finds that the licensee:
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1 (1) Has been convicted, found guilty, received a withheld judgment or
2 suspended sentence in this or any other state of a felony or a crime involving
3 ~~moral turpitude~~ that is substantially relevant to the duties and responsi-
4 bilities of chiropractic practice;

5 (2) Used false, fraudulent or forged statements or documents, diplo-
6 mas or credentials in connection with any licensing or other requirements of
7 this chapter or misrepresented or concealed a material fact in obtaining li-
8 censing, renewal or reinstatement;

9 (3) Practiced chiropractic under a false or assumed name in this or any
10 other state;

11 (4) Advertised the practice of chiropractic in a false, misleading or
12 deceptive manner;

13 (5) Knowingly aided or abetted any person to practice chiropractic
14 who is not authorized to practice chiropractic as provided in this chapter
15 or failed to adequately supervise auxiliary staff who have contact with
16 patients which creates or results in an unreasonable risk of harm to the
17 patient;

18 (6) Is unable to obtain or renew a license to practice chiropractic, or
19 whose license to practice chiropractic has been restricted, revoked or sus-
20 pended by any other state, territory or district of the United States or for-
21 eign jurisdiction; a certified copy of the order shall be conclusive evi-
22 dence of any restriction, revocation or suspension of a license;

23 (7) Failed to safeguard the confidentiality of chiropractic records or
24 other chiropractic information pertaining to identifiable clients, except
25 as required or authorized by law;

26 (8) Practiced chiropractic when a license pursuant to this chapter is
27 suspended, revoked, or inactive due to failure to renew the annual license
28 within the time and manner required by the board;

29 (9) Refused to divulge to the board, upon demand, the means, method, de-
30 vice or instrumentality used in the treatment of a disease, injury, ailment,
31 or infirmity;

32 (10) Has engaged in any conduct which constitutes an abuse or exploita-
33 tion of a patient arising out of the trust and confidence placed in the li-
34 censee by the patient;

35 (11) Has committed any act which constitutes a felony or has committed
36 any act which constitutes a crime involving moral turpitude;

37 (12) Is unable to practice chiropractic with reasonable skill and
38 safety by reason of:

39 (a) Mental illness; or

40 (b) Physical illness including, but not limited to, physical deterio-
41 ration which adversely affects cognitive, motor or perceptive skills;
42 or

43 (c) Habitual or excessive use or abuse of drugs defined in law as con-
44 trolled substances, alcohol, or any other substances which impair abil-
45 ity; or

46 (d) Having a communicable, contagious or infectious disease which en-
47 dangers the health of patients;

48 (13) Has violated the standard of care or code of ethics as adopted by
49 the board or misrepresented or committed fraud in any aspect of the business
50 or practice of chiropractic;

1 (14) Promoted unnecessary or inefficacious treatment, procedures, de-
2 vices or services or practiced in an incompetent or negligent manner result-
3 ing in or creating an unreasonable risk of harm; or

4 (15) Has violated any provision of this act or any rule promulgated by
5 the board for the administration or enforcement of this act, interfered with
6 the board's conduct of investigations, hearings or any other matters relat-
7 ing to discipline including, but not limited to, misrepresenting facts, at-
8 tempting to influence witnesses or failing to answer subpoenas, or otherwise
9 failed to cooperate with the board in the fulfillment of its duties.

10 SECTION 3. That Section 54-915, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 54-915. QUALIFICATIONS REQUIRED FOR DENTIST, DENTAL THERAPIST, OR
13 DENTAL HYGIENIST LICENSURE. No person hereafter shall be eligible for licen-
14 sure to practice dentistry, dental therapy, or dental hygiene in this state
15 unless the applicant:

16 (1) Is of good moral character and has not pled guilty to or been con-
17 victed of any felony, or of any misdemeanor ~~involving moral turpitude that~~
18 is substantially relevant to the duties and responsibilities of the practice
19 of dentistry, dental therapy, or dental hygiene, unless the person demon-
20 strates that he has been sufficiently rehabilitated to warrant the public
21 trust;

22 (2) Shall, for dentistry, have successfully completed the course of
23 study in dentistry, and graduated and received a degree of doctor of dental
24 surgery or doctor of dental medicine from a dental school accepted and ap-
25 proved by the board;

26 (3) Shall, for dental therapy, have:

27 (a) Successfully completed a course of study in dental therapy;

28 (b) Graduated from a dental therapy school accredited by the commis-
29 sion on dental accreditation of the American dental association, pro-
30 vided that such school has been accepted and approved by the board; and

31 (c) Completed five hundred (500) hours of supervised clinical practice
32 under the direct supervision of a dentist;

33 (4) Shall, for dental hygiene, have successfully completed the course
34 of study in dental hygiene, and received a degree from a dental hygiene
35 school accepted and approved by the board;

36 (5) Shall, for dentistry, dental therapy, and dental hygiene, pass the
37 examinations provided for in section 54-918, Idaho Code.

38 SECTION 4. That Section 54-923, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other
41 evidence of qualification and right to practice dentistry, a dental spe-
42 cialty, dental therapy, or dental hygiene, and a license, may be revoked
43 by the board whenever it shall be shown to the board that the holder of such
44 certificate or other evidence of qualification, right to practice or license
45 has been convicted of a felony, or of a misdemeanor ~~involving moral turpi-~~
46 tude that is substantially relevant to the duties and responsibilities of

1 the practice of dentistry, a dental specialty, dental therapy, or dental
2 hygiene, whether such conviction shall have occurred before or after qual-
3 ification, or accrual of such right, or the issuance of such certificate or
4 other evidence of qualification, or of such license. A person licensed to
5 practice dentistry, a dental specialty, dental therapy, or dental hygiene
6 who is convicted of a felony in any jurisdiction shall notify the board
7 within thirty (30) days of conviction by submitting a copy of the judgment of
8 conviction to the board.

9 SECTION 5. That Section 54-1116, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 54-1116. DENIAL, SUSPENSION, OR REVOCATION OF LICENSES -- GROUNDS --
12 PROBATION. The board may refuse to issue or may refuse to renew or may suspend
13 or may revoke any license, or may place the holder thereof on a term of proba-
14 tion, after proper hearing, upon finding that the holder of such license com-
15 mitted any of the following acts or omissions:

16 (1) Conviction of a crime involving moral turpitude that is substan-
17 tially relevant to the duties and responsibilities of the practice of mortici-
18 an or funeral director services.

19 (2) Conviction of a felony.

20 (3) Unprofessional conduct, which is hereby defined to include:

21 (a) Misrepresentation or fraud in the conduct of mortician or funeral
22 director services;

23 (b) False or misleading advertising as the holder of a license for the
24 practice of mortician or funeral director services; advertising or us-
25 ing the name of a person who is not an employee of the establishment in
26 connection with that of any establishment;

27 (c) Solicitation of dead human bodies by the licensee, his agents, as-
28 sistants or employees, whether such solicitation occurs before death or
29 after death; provided, that this shall not be deemed to prohibit general
30 advertising;

31 (d) Employment by the licensee of persons known as "cappers," or
32 "steerers," or "solicitors," or other such persons to solicit or obtain
33 agreements with the public for the performance of mortician services;

34 (e) Employment directly or indirectly, of any resident trainee, agent,
35 assistant, employee, or other person, on part or full time, or on com-
36 mission, for the purpose of calling upon individuals or institutions
37 by whose influence dead human bodies may be turned over to a particular
38 mortician, funeral director or establishment;

39 (f) The direct or indirect payment, or offer of payment, of a commission
40 by the licensee, his agents, assistants, or employees for the purpose of
41 securing business;

42 (g) Gross immorality;

43 (h) Aiding or abetting an unlicensed person to practice mortician or
44 funeral director services;

45 (i) Using profane, indecent or obscene language in the presence of a
46 dead human body, or within the immediate hearing of the family or rel-
47 atives of a deceased, whose body has not yet been interred or otherwise
48 disposed of;

- 1 (j) Violation of any of the provisions of this chapter;
- 2 (k) Violation of any state law, or municipal or county ordinance, or
- 3 rule authorized under this chapter affecting the handling, custody,
- 4 care, processing or transportation of dead human bodies;
- 5 (l) Fraud or misrepresentation in obtaining or renewing a license;
- 6 (m) Refusing to promptly surrender the custody of a dead human body
- 7 upon the express order of the person lawfully entitled to the custody
- 8 thereof;
- 9 (n) Solicitation or acceptance, directly or indirectly, of a request,
- 10 before need, for an agreement to provide mortician services or funeral
- 11 supplies at a price less than that offered by such person to others at
- 12 time of need;
- 13 (o) Violation of any statutes of any state having to do with prearrange-
- 14 ment or prefinancing of mortician services or funeral supplies.

15 SECTION 6. That Section 54-1413, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-1413. DISCIPLINARY ACTION. (1) Grounds for discipline. The board
18 shall have the power to refuse to issue, renew or reinstate a license issued
19 pursuant to this chapter and may revoke, suspend, place on probation, reprimand,
20 limit, restrict, condition or take other disciplinary action against
21 the licensee as it deems proper, upon a determination by the board that
22 the licensee engaged in conduct constituting any one (1) of the following
23 grounds:

- 24 (a) Made, or caused to be made, a false, fraudulent or forged state-
- 25 ment or representation in procuring or attempting to procure a license
- 26 to practice nursing;
- 27 (b) Practiced nursing under a false or assumed name;
- 28 (c) Is convicted of a felony or of any offense involving ~~moral turpi-~~
- 29 ~~tude~~ that is substantially relevant to the duties and responsibilities
- 30 of the practice of nursing;
- 31 (d) Is or has been grossly negligent or reckless in performing nursing
- 32 functions;
- 33 (e) Habitually uses alcoholic beverages or drugs as defined by rule;
- 34 (f) Is physically or mentally unfit to practice nursing;
- 35 (g) Violates the provisions of this chapter or rules and standards of
- 36 conduct and practice as may be adopted by the board;
- 37 (h) Otherwise engages in conduct of a character likely to deceive,
- 38 defraud or endanger patients or the public, which includes, but is not
- 39 limited to, failing or refusing to report criminal conduct or other con-
- 40 duct by a licensee that endangers patients;
- 41 (i) Has been disciplined by a nursing regulatory authority in any ju-
- 42 risdiction. A certified copy of the order entered by the jurisdiction
- 43 shall be prima facie evidence of such discipline;
- 44 (j) Failure to comply with the terms of any board order, negotiated set-
- 45 tlement or probationary agreement of the board, or to pay fines or costs
- 46 assessed in a prior disciplinary proceeding;
- 47 (k) Engaging in conduct with a patient that is sexual, sexually ex-
- 48 ploitative, sexually demeaning or may reasonably be interpreted as

1 sexual, sexually exploitative or sexually demeaning; or engaging in
2 conduct with a former patient that is sexually exploitative or may
3 reasonably be interpreted as sexually exploitative. It would not be a
4 violation under this subsection for a nurse to continue a sexual rela-
5 tionship with a spouse or individual of majority if a consensual sexual
6 relationship existed prior to the establishment of the nurse-patient
7 relationship; or

8 (1) Failure to comply with the requirements of the abortion complica-
9 tions reporting act, chapter 95, title 39, Idaho Code.

10 (2) Separate offense. Each day an individual violates any of the provi-
11 sions of this chapter or rules and standards of conduct and practice as may be
12 adopted by the board shall constitute a separate offense.

13 (3) Proceedings.

14 (a) The executive director shall conduct such investigations and ini-
15 tiate such proceedings as necessary to ensure compliance with this
16 section. The board may accept the voluntary surrender of a license
17 from any nurse under investigation and accordingly enter an order re-
18 voking or suspending such license and/or imposing such conditions,
19 limitations, or restrictions on the practice of any such nurse as may
20 be appropriate in the discretion of the board. Otherwise, every person
21 subject to disciplinary proceedings shall be afforded an opportunity
22 for hearing after reasonable notice. All proceedings hereunder shall
23 be in accordance with chapter 52, title 67, Idaho Code.

24 (b) Hearings shall be conducted by the board or by persons appointed
25 by the board to conduct hearings and receive evidence. The board and
26 any person duly appointed by the board to conduct hearings shall have
27 all powers as are necessary and incident to orderly and effective re-
28 ceipt of evidence including, but not limited to, the power to administer
29 oaths and to compel by subpoena attendance of witnesses and production
30 of books, records and things at the hearing or at a deposition taken by a
31 party in accordance with the Idaho rules of civil procedure. Any party
32 shall be entitled to the use of subpoena upon application therefor.

33 (c) In the event any person fails to comply with a subpoena personally
34 served upon him or refuses to testify to any matter regarding which he
35 may be lawfully interrogated, the board shall petition the district
36 court in the county where such failure or refusal occurred or where
37 such person resides, to enforce such subpoena or compel such testimony.
38 Proceedings before the district court shall be for contempt in the same
39 nature as contempt of court for failure or refusal to comply with an
40 order of the court, and the court shall have the same powers to secure
41 compliance with subpoena and testimony or to impose penalties as in con-
42 tempt of court proceedings.

43 (d) The assessment of costs and attorney's fees incurred in the inves-
44 tigation and prosecution or defense of an administrative proceeding
45 against a licensee under this chapter shall be governed by the provi-
46 sions of section 12-117(5), Idaho Code.

47 (4) Probation/subsequent review. Any order of the board entered un-
48 der this section may be withheld or suspended for a probationary period to be
49 fixed by the board upon such terms and conditions as may be appropriate in or-
50 der to regulate, monitor and/or supervise the practice of nursing by the li-

1 censee subject to such order for the prescribed probationary period. Any or-
2 der of the board entered under this section may be withdrawn, reversed, mod-
3 ified or amended upon a showing by the person subject to the order that the
4 grounds for discipline no longer exist or that he is rehabilitated, quali-
5 fied and competent to practice nursing and that he is not likely to violate
6 this chapter or rules adopted hereunder in the future.

7 (5) Reporting investigative information.

8 (a) Nothing in section 74-106(8) and (9), Idaho Code, shall be con-
9 strued as limiting the authority of the board to report current
10 significant investigative information to the coordinated licensure
11 information system for transmission to states that are parties to any
12 multistate agreements or compacts regarding nurse licensure.

13 (b) The executive director of the board may, in the administration of
14 this chapter, share information and otherwise cooperate with govern-
15 ment regulatory and law enforcement agencies.

16 SECTION 7. That Section 54-1510, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 54-1510. REVOCATION OF LICENSES -- GROUNDS. Every license issued un-
19 der the provisions of this chapter shall be subject to suspension, revoca-
20 tion or other discipline upon any of the following grounds pursuant to the
21 procedures set forth in chapter 52, title 67, Idaho Code. All hearings con-
22 ducted pursuant to this section, whether before the board or a hearing offi-
23 cer, shall be held in Ada county unless otherwise designated by the board.

24 (1) Fraud or deception in procuring license.

25 (2) Practicing optometry under a false or assumed name or as a repre-
26 sentative or agent of any person, firm or corporation other than another li-
27 censed optometrist, a physician licensed to practice medicine and surgery
28 under chapter 18, title 54, Idaho Code, or a professional entity, which has
29 been incorporated under the authority of part 9, chapter 21, title 30, Idaho
30 Code, by persons licensed to practice optometry under chapter 15, title 54,
31 Idaho Code, or licensed to practice medicine and surgery under chapter 18,
32 title 54, Idaho Code.

33 (3) Having been convicted or having received a withheld judgment or
34 suspended sentence in this or any other state of a felony, a crime involving
35 moral turpitude, or any act related to the qualifications, functions or du-
36 ties of an optometrist.

37 (4) Gross incompetency.

38 (5) Inability to practice optometry with reasonable skill and safety by
39 reason of:

40 (a) Mental illness;

41 (b) Physical illness including, but not limited to, physical deterio-
42 ration which adversely affects cognitive, motor or perceptive skills;

43 (c) Habitual or excessive use or abuse of drugs defined in law as con-
44 trolled substances, alcohol, or any other substances which impair abil-
45 ity; or

46 (d) Having a communicable, contagious or infectious disease which en-
47 dangers the health of patients.

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1 (6) Failure to pay to the board or the bureau of occupational licenses
2 the annual fee and to secure a renewal license, whereupon after twenty (20)
3 days' notice by registered mail the license of such delinquent may be re-
4 voked; but the payment of such fee at or before the time of hearing, with such
5 additional sum, not exceeding twenty-five dollars (\$25.00) as may be fixed
6 by the board of optometry, shall excuse the default.

7 (7) Any practice or behavior of a character likely to deceive or defraud
8 the public.

9 (8) Obtaining of any fee or compensation by fraud, deceit or misrepre-
10 sentation.

11 (9) Employing, either directly or indirectly, any suspended or unli-
12 censed optometrist to do optometric work.

13 (10) Advertising the practice of optometry in a false, misleading or de-
14 ceptive manner.

15 (11) Employment or use of what are known as "cappers" or "steerers."

16 (12) Consistently accepting referrals that violate the laws of the
17 state of Idaho.

18 (13) For willfully permitting or allowing or causing a person who is
19 not a licensed optometrist or a licensed physician or surgeon to use the op-
20 tometrist's prescription or optometric finding to fit contact lenses upon a
21 person or member of the public.

22 (14) For violation of any of the provisions of this chapter or the rules
23 or code of ethics made and promulgated by the state board of optometry, as
24 authorized in section 54-1509, Idaho Code.

25 (15) For willfully attempting to violate, directly or indirectly, con-
26 spiring to violate, or assisting or participating in or abetting the viola-
27 tion of any of the provisions of this chapter or the rules or code of ethics
28 made, prescribed or promulgated by the state board of optometry pursuant to
29 the authority granted in this chapter.

30 (16) Having engaged in any conduct which constitutes an abuse or ex-
31 ploitation of a patient arising out of the trust and confidence placed in the
32 licensee by the patient.

33 (17) Having committed any act which constitutes a felony or has commit-
34 ted any act which constitutes a crime ~~involving moral turpitude~~ that is sub-
35 stantially relevant to the duties and responsibilities of the practice of
36 optometry.

37 SECTION 8. That Section 54-1726, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 54-1726. GROUNDS FOR DISCIPLINE. (1) The board of pharmacy may refuse
40 to issue or renew, or may suspend, revoke or restrict the license or regis-
41 tration of any person, pursuant to the procedures set forth in chapter 52,
42 title 67, Idaho Code, upon one (1) or more of the following grounds:

43 (a) Unprofessional conduct as that term is defined by the rules of the
44 board;

45 (b) Incapacity of a nature that prevents a pharmacist from engaging in
46 the practice of pharmacy with reasonable skill, competence and safety
47 to the public;

1 (c) Being found guilty, convicted or having received a withheld judg-
2 ment or suspended sentence by a court of competent jurisdiction in this
3 state or any other state of one (1) or more of the following:

4 (i) Any felony;

5 (ii) Any act ~~involving moral turpitude, gross immorality or which~~
6 ~~is~~ that is substantially related to the qualifications, functions
7 or duties of a licensee; or

8 (iii) Violations of the pharmacy or drug laws of this state or
9 rules pertaining thereto, or of statutes, rules or regulations of
10 any other state, or of the federal government;

11 (d) Fraud or intentional misrepresentation by a licensee in securing
12 the issuance or renewal of a license.

13 (e) Engaging or aiding and abetting an individual to engage in the prac-
14 tice of pharmacy without a license, or falsely using the title of phar-
15 macist.

16 (f) Being found by the board to be in violation of any of the provisions
17 of this chapter, chapter 27, title 37, Idaho Code, or rules adopted pur-
18 suant to either chapter.

19 (2) Nonresident licensees and registrants shall be held accountable to
20 the board for violations by its agents and employees and subject to the same
21 grounds for discipline and penalties for their actions as set forth herein.

22 SECTION 9. That Section 54-1844, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 54-1844. DEFINITIONS. As used in this compact:

25 (1) "Bylaws" means those bylaws established by the interstate commis-
26 sion pursuant to section 54-1853, Idaho Code, for its governance, or for di-
27 recting and controlling its actions and conduct.

28 (2) "Commissioner" means the voting representative appointed by each
29 member board pursuant to section 54-1853, Idaho Code.

30 (3) "Conviction" means a finding by a court that an individual is guilty
31 of a criminal offense through adjudication, or entry of a guilty or equiva-
32 lent plea to the charge by the offender. Evidence of an entry of a conviction
33 of a criminal offense by the court shall be considered final for purposes of
34 disciplinary action by a member board.

35 (4) "Expedited license" means a full and unrestricted medical license
36 granted by a member state to an eligible physician through the process set
37 forth in the compact.

38 (5) "Interstate commission" means the interstate commission created
39 pursuant to section 54-1853, Idaho Code.

40 (6) "License" means authorization by a state for a physician to engage
41 in the practice of medicine, which would be unlawful without the authoriza-
42 tion.

43 (7) "Medical practice act" means laws and rules governing the practice
44 of allopathic and osteopathic medicine within a member state.

45 (8) "Member board" means a state agency in a member state that acts in
46 the sovereign interests of the state by protecting the public through licen-
47 sure, regulation and education of physicians as directed by the state gov-
48 ernment.

- 1 (9) "Member state" means a state that has enacted the compact.
- 2 (10) "Offense" means a felony, gross misdemeanor or crime of ~~moral~~
3 turpitude that is substantially related to the practice of medicine.
- 4 (11) "Physician" means any person who:
- 5 (a) Is a graduate of a medical school accredited by the liaison commit-
- 6 tee on medical education, the commission on osteopathic college accred-
- 7 itation or a medical school listed in the international medical educa-
- 8 tion directory or its equivalent;
- 9 (b) Passed each component of the United States medical licensing exam-
- 10 ination (USMLE) or the comprehensive osteopathic medical licensing ex-
- 11 amination (COMLEX-USA) within three (3) attempts, or any of its prede-
- 12 cessor examinations accepted by a state medical board as an equivalent
- 13 examination for licensure purposes;
- 14 (c) Successfully completed graduate medical education approved by the
- 15 accreditation council for graduate medical education or the American
- 16 osteopathic association;
- 17 (d) Holds specialty certification or a time-unlimited specialty cer-
- 18 tificate recognized by the American board of medical specialties or the
- 19 American osteopathic association's bureau of osteopathic specialists;
- 20 (e) Possesses a full and unrestricted license to engage in the practice
- 21 of medicine issued by a member board;
- 22 (f) Has never been convicted or received adjudication, deferred ad-
- 23 judication, community supervision or deferred disposition for any
- 24 offense by a court of appropriate jurisdiction;
- 25 (g) Has never held a license authorizing the practice of medicine sub-
- 26 jected to discipline by a licensing agency in any state, federal or fore-
- 27 eign jurisdiction, excluding any action related to nonpayment of fees
- 28 related to a license;
- 29 (h) Has never had a controlled substance license or permit suspended
- 30 or revoked by a state or the United States drug enforcement administra-
- 31 tion; and
- 32 (i) Is not under active investigation by a licensing agency or law en-
- 33 forcement authority in any state, federal or foreign jurisdiction.
- 34 (12) "Practice of medicine" means the clinical prevention, diagnosis or
- 35 treatment of human disease, injury or condition requiring a physician to ob-
- 36 tain and maintain a license in compliance with the medical practice act of a
- 37 member state.
- 38 (13) "Rule" means a written statement by the interstate commission pro-
- 39 mulgated pursuant to section 54-1853, Idaho Code, that is of general appli-
- 40 cability, implements, interprets, or prescribes a policy or provision of the
- 41 compact or an organizational, procedural or practice requirement of the in-
- 42 terstate commission, and has the force and effect of statutory law in a mem-
- 43 ber state, and includes the amendment, repeal, or suspension of an existing
- 44 rule.
- 45 (14) "State" means any state, commonwealth, district or territory of
- 46 the United States.
- 47 (15) "State of principal license" means a member state where a physi-
- 48 cian holds a license to practice medicine and which has been designated as
- 49 such by the physician for purposes of registration and participation in the
- 50 compact.

1 SECTION 10. That Section 54-2508, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-2508. LICENSE -- APPLICATION THEREFOR -- TYPE AND NUMBER OF RACES
4 -- FEE PER DAY -- REFUND -- CANCELLATION -- HEARING -- SIMULCAST PURSE MONEYS
5 FUND. It shall be unlawful for any person to hold any race meet in this state
6 without having first obtained and having in force and effect a license issued
7 by the commission as in this chapter provided. Every person making appli-
8 cation for a license to hold a race meet, under the provisions of this chap-
9 ter, shall file an application with the commission which shall set forth the
10 time, place and number of days such will continue, an agreement with a horse-
11 men's group as the term "horsemen's group" is defined in section 54-2502,
12 Idaho Code, and such other information as the commission may require. The
13 agreement shall be reached voluntarily or pursuant to binding arbitration
14 in conformance with chapter 9, title 7, Idaho Code, and shall address, but
15 not be limited to, number of live race days and percentage of the live race
16 and simulcast handle that is dedicated to the live horse race purse struc-
17 ture. In addition, the agreement shall provide that all simulcast purse mon-
18 eys that are accrued as required by the horsemen's agreement be held in the
19 simulcast purse moneys fund created pursuant to the provisions of this sec-
20 tion. Race days agreed upon shall be submitted to the Idaho racing commis-
21 sion for its approval.

22 No person who has been convicted of any crime ~~involving moral turpitude~~
23 that is substantially related to the qualification of a licensee to practice
24 or operate under this chapter shall be issued a license of any kind, nor shall
25 any license be issued to any person who has violated the terms or provisions
26 of this chapter, or any of the rules of the commission, or who has failed to
27 pay any of the fees, taxes or moneys required under the provisions of this
28 chapter.

29 All applications to hold race meets shall be submitted to the commission
30 which shall act upon such applications within thirty (30) days. The commis-
31 sion shall be the sole judge of whether or not the race meet shall be licensed
32 and the number of days the meet shall continue.

33 The license issued shall specify the kind and character of the race
34 meets to be held, the number of days the race meet shall continue and the num-
35 ber of races per day. For those licensees or facilities that have had a total
36 race handle from both live races and simulcast races exceeding five million
37 dollars (\$5,000,000) during the last calendar year in operation, the number
38 of races per day shall not be less than eight (8), and the number of days of
39 racing shall not be less than forty-six (46) unless otherwise agreed by the
40 licensee and the horsemen's group. Provided however, the number of days of
41 racing shall not be less than fifteen (15) and the number of days of racing
42 shall be approved by the Idaho racing commission. For those licensees or fa-
43 cilities that have had a total race handle from both live races and simulcast
44 races of five million dollars (\$5,000,000) or less during the last calendar
45 year in operation, the number of races per day shall not be less than six (6)
46 and the number of days of racing shall not be less than two (2). The licensee
47 shall pay in advance of the scheduled race meet to the state treasurer a fee
48 of not less than twenty-five dollars (\$25.00) for each day of racing, which
49 fees shall be placed in the public school income fund of the state of Idaho.

1 Provided, that if unforeseen obstacles arise, which prevent the holding,
2 or completion of any race meet, the license fee held may be refunded the li-
3 censee, if the commission deems the reason for failure to hold or complete
4 the race meet sufficient. Any unexpired license held by any person who vio-
5 lates any of the provisions of this chapter, pursuant thereto, or who fails
6 to pay to the commission any and all sums required under the provisions of
7 this chapter, shall be subject to cancellation and revocation by the commis-
8 sion. Such cancellation shall be made only after a summary hearing before
9 the commission, of which three (3) days' notice in writing shall be given the
10 licensee, specifying the grounds for the proposed cancellation, and at which
11 hearing the licensee shall be given an opportunity to be heard in opposition
12 to the proposed cancellation.

13 The simulcast purse moneys fund is hereby created in the state treasury.
14 Moneys in the fund shall consist of all simulcast purse moneys that are ac-
15 crued as required by horsemen's agreements. Moneys in the fund are hereby
16 perpetually appropriated to the Idaho state racing commission for distri-
17 bution pursuant to the provisions of horsemen's agreements and rules of the
18 commission. The commission is authorized to promulgate rules providing for
19 the receipt, deposit, withdrawal and distribution of such moneys. The state
20 treasurer shall invest idle moneys in the fund and any interest received on
21 those investments shall be returned to the fund.

22 SECTION 11. That Section 54-2819, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 54-2819. DISCIPLINE. (1) Grounds for discipline. The board shall have
25 the power to deny any application for or renewal of a certificate of regis-
26 tration or to revoke, suspend or otherwise discipline any registrant or reg-
27 istration issued pursuant to this chapter and to limit or restrict the prac-
28 tice of any registrant upon a determination by the board that the person:

29 (a) Made, or caused to be made, a false, fraudulent or forged statement,
30 document, credentials or representation in procuring or attempting to
31 procure a certificate of registration to practice geology; or

32 (b) Practiced geology under a false or assumed name; or

33 (c) Was convicted of, found guilty, received a withheld judgment or
34 suspended sentence in this or any other state of action constituting a
35 felony or of a crime ~~involving moral turpitude~~ that is substantially
36 related to the practice of geology; or

37 (d) Violated the provisions of this chapter or rules, standards of con-
38 duct and practice, or any ethical codes as may be adopted by the board;
39 or

40 (e) Is or has been grossly negligent, incompetent, or reckless in the
41 practice of geology; or

42 (f) Has had a license, certificate, or registration to practice as a
43 professional geologist suspended or revoked in any jurisdiction. A
44 certified copy of the order of suspension or revocation shall be prima
45 facie evidence of such suspension or revocation.

46 (2) Proceedings. Every person subject to disciplinary proceedings
47 shall be afforded an opportunity for hearing after reasonable notice.

- 1 (a) All proceedings hereunder shall be in accordance with chapter 52,
2 title 67, Idaho Code, and the Idaho rules of administrative procedure of
3 the attorney general (IDAPA 04.11.01) .
4 (b) Hearings shall be conducted by the board or by persons appointed by
5 the board to conduct hearings and receive evidence.
6 (3) Probation. Any order of the board entered under this section may be
7 withheld or suspended for a probationary period to be fixed by the board upon
8 such terms and conditions as may be appropriate in order to regulate, monitor
9 or supervise the practice of geology by the registrant subject to such order
10 for the prescribed probationary period.
11 (4) Subsequent review. Any order of the board entered under this sec-
12 tion may be withdrawn, reversed, modified or amended upon a showing by the
13 person subject to the order that the grounds for discipline no longer ex-
14 ist or that he is rehabilitated, qualified and competent to practice profes-
15 sional geology and that he is not likely to violate the provisions of this
16 section or rules adopted hereunder in the future.
17 (5) Costs and fees. The board may, pursuant to an order of discipline
18 or as a condition to withdrawal, reversal, modification or amendment of the
19 order, require the person to pay all or part of the costs and fees incurred by
20 the board in proceedings upon which the order was entered.
21 (6) Administrative fines. The board may, pursuant to an order of disci-
22 pline, require the payment of an administrative fine not to exceed one thou-
23 sand dollars (\$1,000) for each violation of the provisions of this section or
24 rules adopted hereunder.

25 SECTION 12. That Section 54-3112, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 54-3112. SUSPENSION AND REVOCATION OF TEMPORARY PERMIT OR CERTIFI-
28 CATE. The board may refuse to issue, refuse to renew, suspend, revoke, or
29 otherwise sanction a temporary permit or certified shorthand reporter cer-
30 tificate for any of the following reasons:

- 31 (1) Conviction of a felony or a misdemeanor ~~involving moral turpitude~~
32 that is substantially related to the services of a certified shorthand re-
33 porter. The record of conviction, or a certified copy thereof, shall be
34 prima facie evidence of conviction in such cases.
35 (2) Fraud or misrepresentation resorted to in obtaining a certificate
36 thereunder.
37 (3) Fraud, dishonesty, corruption, willful violation of duty, gross
38 incompetence in practice or unprofessional conduct in performing services
39 as a certified shorthand reporter.
40 (4) Persistent failure to perform duties.
41 (5) Any physical or mental disability materially interfering with the
42 performance of duties.
43 (6) The violation of the provisions of this chapter or rules, or any
44 ethical codes as may be adopted by the board.

45 SECTION 13. That Section 54-3211, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 54-3211. REFUSAL TO ISSUE, REFUSAL TO RENEW, SUSPENSION OR REVOCATION
2 OF LICENSE -- UNPROFESSIONAL CONDUCT. The board may refuse to issue, refuse
3 to renew, may suspend, or may revoke any license issued under this chapter,
4 or take other disciplinary action, upon proof, after a hearing, that the per-
5 son has engaged in "unprofessional conduct." The words "unprofessional con-
6 duct" as relating to persons licensed under this chapter are defined to in-
7 clude but are not limited to:

8 (1) Conviction of a felony, or of any offense ~~involving moral turpitude~~
9 that is substantially related to the practice of social work.

10 (2) Habitual drunkenness or addiction to habit-forming drugs, either
11 of which impairs the ability to perform his work without danger to himself or
12 the public he serves.

13 (3) Fraud or deceit in connection with services rendered as a bachelor
14 social worker, master social worker or clinical social worker or in estab-
15 lishing qualifications for licensure under this chapter.

16 (4) Aiding or abetting any person not licensed under this chapter in the
17 practice of social work in the state of Idaho.

18 (5) Failing to be licensed or continuing to represent himself as li-
19 censed after the expiration of his license.

20 (6) Being found guilty of unprofessional conduct by the rules estab-
21 lished by the board.

22 (7) Having had a license or registration to practice social work re-
23 voked, suspended or otherwise disciplined in any state, territory or county.

24 (8) Failing to comply with a board order entered in a disciplinary ac-
25 tion.

26 (9) Failing to comply with any of the provisions of this chapter.

27 SECTION 14. That Section 54-3510, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 54-3510. GROUNDS FOR DISCIPLINE. The board, in accordance with the
30 requirements of chapter 52, title 67, Idaho Code, may, upon recommendation
31 of the licensure board, refuse to issue a license or permit, refuse to renew
32 a license or permit, or may suspend, restrict or revoke a license or permit,
33 under such conditions as the board may determine, if the licensee, permittee
34 or applicant for license:

35 (1) Has been convicted of a felony or crime involving moral turpitude or
36 has entered a plea of guilty to, or been found guilty of, the commission of a
37 felony or a crime ~~involving moral turpitude~~ that is substantially related to
38 the practice of dietetics;

39 (2) Obtained a license or permit pursuant to this chapter by means of
40 fraud, misrepresentation or concealment of material facts;

41 (3) Practiced dietetics under a false or an assumed name in this or any
42 other state;

43 (4) Knowingly aided or abetted the unlicensed practice of dietetics;

44 (5) Engaged in the practice of dietetics in a manner that does not meet
45 the generally accepted standards for the practice of dietetics within the
46 state of Idaho;

- 1 (6) Divided fees or gifts or agreed to split or divide fees or gifts re-
- 2 ceived for professional services with any person, institution or corpora-
- 3 tion in exchange for a referral;
- 4 (7) Failed to maintain the confidentiality of medical records or other
- 5 medical information pertaining to identifiable patients, except as required
- 6 or authorized by law;
- 7 (8) Engaged in any conduct that constitutes an abuse or exploitation of
- 8 a patient arising out of the trust and confidence placed in the dietitian by
- 9 the patient;
- 10 (9) Failed to supervise the activities of a provisionally licensed di-
- 11 etitian;
- 12 (10) Continued to practice as a dietitian when a license pursuant to
- 13 this chapter was suspended, revoked or inactive;
- 14 (11) Practiced as a dietitian in violation of a voluntary restriction or
- 15 terms of probation pursuant to this chapter;
- 16 (12) Continued to practice as a dietitian when registration by the CDR
- 17 or its successor organization was not renewed or was suspended or revoked; or
- 18 (13) Failed to comply with a board order.

19 SECTION 15. That Section 54-3804, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 54-3804. DENIAL, SUSPENSION, OR REVOCATION OF LICENSES -- GROUNDS --
22 PROBATION. The board may refuse to issue or may refuse to renew or may suspend
23 or may revoke any license, or may place the holder thereof on a term of proba-
24 tion, after proper hearing, upon finding that the holder of such license com-
25 mitted any of the following acts or omissions:

- 26 (1) Conviction of, being found guilty of, pleading guilty to or receiv-
- 27 ing withheld judgment for a crime involving moral turpitude that is substan-
- 28 tially related to the practice of a cemeterian.
- 29 ~~(2) Conviction of, being found guilty of, pleading guilty to or receiv-~~
- 30 ~~ing withheld judgment for a felony.~~
- 31 ~~(3) Unprofessional conduct, which is hereby defined to include:~~
- 32 (a) Misrepresentation or fraud in the conduct of cemetery services;
- 33 (b) False or misleading advertising as a holder of a license for the ad-
- 34 vertising or using the name of an unlicensed person in connection with
- 35 that of any cemetery establishment;
- 36 (c) Employment directly or indirectly, of any resident trainee, agent,
- 37 assistant, employee, or other person, on part or full time, or on com-
- 38 mission, for the purpose of calling upon individuals or institutions
- 39 by whose influence dead human bodies may be turned over to a particular
- 40 cemetery establishment;
- 41 (d) Gross immorality;
- 42 (e) Aiding or abetting an unlicensed person to engage in practice as a
- 43 cemeterian;
- 44 (f) Violation of any of the provisions of section 54-1116, Idaho Code.
- 45 (g) Violation of any state law, or municipal or county ordinance, or
- 46 regulation authorized under this act affecting the handling, custody,
- 47 care, processing or transportation of dead human bodies;
- 48 (h) Fraud or misrepresentation in obtaining or renewing a license;

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1 (i) Violation of statutes of any state having to do with prearrangement
2 or prefinancing of cemetery supplies or services.

3 SECTION 16. That Section 54-4013, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-4013. DISCIPLINARY ACTION. The board may refuse to issue or renew
6 or otherwise discipline a license holder for any of the following:

7 (1) The employment of fraud, deceit or misrepresentation in obtaining
8 or attempting to obtain a license or the renewal of a license;

9 (2) Practicing as a massage therapist when physical or mental abilities
10 are impaired as determined by the board;

11 (3) Conviction of a ~~felony~~, a crime ~~involving moral turpitude or a crime~~
12 ~~under any municipal, state or federal narcotic or controlled substance law~~
13 that is substantially related to the practice of massage therapy, provided
14 that the board has taken into consideration the rehabilitation of the appli-
15 cant or licensee and other mitigating circumstances;

16 (4) Having been adjudged mentally incompetent by a court of competent
17 jurisdiction;

18 (5) Engaging in any act or practice in violation of any of the provi-
19 sions of this chapter or any of the rules adopted by the board, or aiding,
20 abetting or assisting any other person in such a violation;

21 (6) The commission of an act of gross negligence or incompetence;

22 (7) Practice without a valid license;

23 (8) Engaging in any lewd, indecent, obscene or unlawful behavior with a
24 client;

25 (9) The employment of fraud, deceit, or misrepresentation when commu-
26 nicating with the general public, health care professionals or other busi-
27 ness professionals;

28 (10) Having had a license revoked or suspended, other disciplinary ac-
29 tion taken or an application for licensure refused, revoked or suspended by
30 the proper authorities of another state, territory or country, or omitting
31 such information from any application to the board, or failing to divulge
32 such information when requested by the board;

33 (11) A violation of the code of ethics or standards of practice as
34 adopted by the board; and

35 (12) Failure to comply with an order issued by the board.

36 SECTION 17. That Section 54-4711, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 54-4711. SUSPENSION AND REVOCATION. To protect the health, safety and
39 welfare of the public, the board, in accordance with the requirements of
40 chapter 52, title 67, Idaho Code, may refuse to issue or may refuse to renew a
41 license, certification or permit, or may suspend or revoke a license, cer-
42 tification or permit, under such conditions as the board may require, if the
43 applicant or holder of the license, certification or permit has:

44 (1) Been convicted of a ~~felonious act, or crime involving moral turpi-~~
45 tude that is substantially related to the practice of acupuncture;

- 1 (2) Obtained or attempted to obtain the issuance or renewal of a li-
2 cense, certification or permit pursuant to this chapter by means of fraud,
3 misrepresentation or concealment of material facts;
- 4 (3) Engaged in the practice of acupuncture in a manner which does not
5 meet the generally accepted standards for the practice of acupuncture within
6 the state of Idaho;
- 7 (4) Failed to maintain the confidentiality of records or other informa-
8 tion pertaining to an identifiable client, except as required or authorized
9 by law;
- 10 (5) Engaged in any conduct that constitutes an abuse or exploitation of
11 a client arising out of the trust and confidence placed in the acupuncturist
12 by the client;
- 13 (6) Engaged in conduct that violates the provisions of this chapter,
14 the rules of the board or the terms of any permit issued by the board; or
- 15 (7) Failed to comply with a board order entered in a disciplinary mat-
16 ter.

17 SECTION 18. That Section 54-4806, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 54-4806. CERTIFICATE OF REGISTRATION -- ISSUANCE OR DENIAL -- RE-
20 NEWAL. (1) Except as otherwise provided in subsection (2) of this section,
21 the bureau shall issue a certificate of registration to an applicant for
22 registration who complies with section 54-4805(1), Idaho Code.

23 (2) The bureau may refuse to issue a certificate of registration to an
24 applicant for registration under section 54-4805(1), Idaho Code, if the bu-
25 reau determines that the applicant has engaged in conduct that significantly
26 adversely reflects on the applicant's fitness to act as an athlete agent. In
27 making the determination, the bureau may consider whether the applicant has:

28 (a) Pledaded guilty or no contest to; has been convicted of; entered an
29 Alford plea for; received a withheld judgment, suspended sentence or
30 deferred prosecution for; or has charges pending for, a crime that ~~would~~
31 ~~involve moral turpitude or be a felony if committed in this state that is~~
32 substantially related to the qualifications of a person to practice as
33 an athlete agent under this chapter;

34 (b) Made a materially false, misleading, deceptive or fraudulent rep-
35 resentation in the application or as an athlete agent;

36 (c) Engaged in conduct that would disqualify the applicant from serving
37 in a fiduciary capacity;

38 (d) Engaged in conduct prohibited by section 54-4814, Idaho Code;

39 (e) Had a registration as an athlete agent suspended, revoked or denied
40 in any state;

41 (f) Been refused renewal of registration as an athlete agent in any
42 state;

43 (g) Engaged in conduct resulting in imposition of a sanction, suspen-
44 sion or declaration of ineligibility to participate in an interscholas-
45 tic, intercollegiate or professional athletic event on a student ath-
46 lete or a sanction on an educational institution; or

47 (h) Engaged in conduct that adversely reflects on the applicant's cred-
48 ability, honesty or integrity.

1 (3) In making a determination under subsection (2) of this section, the
2 bureau shall consider:

- 3 (a) How recently the conduct occurred;
- 4 (b) The nature of the conduct and the context in which it occurred; and
- 5 (c) Other relevant conduct of the applicant.

6 (4) An athlete agent registered under subsection (1) of this section
7 may apply to renew the registration by submitting an application for renewal
8 in a form prescribed by the bureau. The applicant shall sign the application
9 for renewal under penalty of perjury and include current information on all
10 matters required in an original application for registration.

11 (5) An athlete agent registered under section 54-4805(3), Idaho Code,
12 may renew the registration by proceeding under subsection (4) of this sec-
13 tion or, if the registration in the other state has been renewed, by submit-
14 ting to the bureau copies of the application for renewal in the other state
15 and the renewed registration from the other state. The bureau shall renew
16 the registration if the bureau determines:

- 17 (a) The registration requirements of the other state are substantially
18 similar to or more restrictive than this chapter; and
- 19 (b) The renewed registration has not been suspended or revoked and
20 no action involving the individual's conduct as an athlete agent is
21 pending against the individual or the individual's registration in any
22 state.

23 (6) A certificate of registration or renewal of registration under this
24 chapter is valid for two (2) years.

25 SECTION 19. That Section 54-5303, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 54-5303. DEFINITIONS. (1) "Board" means the liquefied petroleum gas
28 safety board.

29 (2) "Bureau" means the bureau of occupational licenses.

30 (3) "Department" means the department of self-governing agencies.

31 (4) "Good moral character" means the absence of any behavior that vio-
32 lates accepted standards of the community including, but not limited to:

33 (a) Conviction or plea of guilty to a felony or other crime involving
34 moral turpitude that is substantially related to a person's ability to
35 practice or operate under this chapter;

36 (b) Habitual use of drugs or intoxicants to such a degree as to render a
37 person unfit and unreliable to practice;

38 (c) Revocation or suspension or other restriction of any license or
39 certificate in any state in the previous five (5) years; and

40 (d) Failure to pay final judgments in any state in the previous seven
41 (7) years.

42 (5) "License" means a physical document issued by the bureau certifying
43 that a person or facility has met the appropriate qualifications and has been
44 granted the authority to practice or operate in Idaho under the provisions of
45 this chapter.

46 (6) "Liquefied petroleum gas" or "LPG" or "LP-Gas" means any material
47 that is composed predominantly of or by the mixture of any of the following
48 hydrocarbons: propane, propylene, butanes, isobutanes and butylenes.

- 1 (7) "LPG facility" means any facility at a fixed location licensed pur-
2 suant to this chapter whose activities include selling, filling, refilling,
3 or commercial handling or commercial storage of LPG.
- 4 (8) "LPG dealer" means any person licensed pursuant to this chapter who
5 engages in LPG dealer practice.
- 6 (9) "LPG dealer practice" means a person engaging in the selling, fill-
7 ing, refilling, transporting, delivering, or commercial handling of LPG, or
8 engaging in the installation or maintenance of systems, equipment, pipes or
9 containers for the use or storage of LPG.
- 10 (10) "LPG code" means the liquefied petroleum gas code adopted by the
11 national fire protection association, inc., commonly known as NFPA 58.

12 SECTION 20. That Section 54-5408, Idaho Code, be, and the same is hereby
13 amended to read as follows:

- 14 54-5408. DISCIPLINE. (1) Grounds for discipline. The board shall have
15 the power to deny any application for or renewal of a license or to revoke,
16 suspend or otherwise sanction any such license issued pursuant to this chap-
17 ter and to limit or restrict the practice of any driving instructor or driv-
18 ing business upon a determination by the board that the person or business:
- 19 (a) Was convicted, found guilty, received a withheld judgment or sus-
20 pended sentence in this or any other state, of any action constituting a
21 felony or of a crime ~~involving moral turpitude~~ that is substantially re-
22 lated to a person's ability to practice or operate under this chapter;
 - 23 (b) Violated the provisions of this chapter or rules, standards of con-
24 duct and practice, or any ethical codes as may be adopted by the board;
 - 25 (c) Is or has been negligent or reckless in the practice of driver edu-
26 cation; or
 - 27 (d) Has had any license, certificate or registration to work as a driv-
28 ing instructor or operate as a driving business suspended or revoked in
29 any jurisdiction. A certified copy of the order of suspension or revo-
30 cation shall be prima facie evidence of such suspension or revocation.
- 31 (2) Every person or business subject to disciplinary proceedings shall
32 be afforded an opportunity for hearing.
- 33 (a) All proceedings hereunder shall be in accordance with chapter 52,
34 title 67, Idaho Code.
 - 35 (b) Hearings shall be conducted by the board or by persons appointed by
36 the board to conduct hearings and receive evidence.
 - 37 (3) The board may, pursuant to an order of discipline, require the per-
38 son or business to pay all or part of the costs and fees incurred by the board
39 in proceedings upon which the order was entered.
 - 40 (4) The board may, pursuant to an order of discipline, require the per-
41 son or business to pay an administrative fine not to exceed one thousand dol-
42 lars (\$1,000) for each violation identified in the order.