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LEGISLATURE OF THE STATE OF IDAHO
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AN ACT

1 RELATING TO PROFESSIONS, VOCATIONS, AND BUSINESSES; AMENDING SECTION
2 26-2227, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A
3 DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT; AMENDING
4 SECTION 30-907, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE
5 THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT;
6 AMENDING SECTION 33-1208, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE
7 AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED
8 RELEVANT; AMENDING SECTION 38-1218, IDAHO CODE, TO REMOVE OBSOLETE
9 LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE
10 DETERMINED RELEVANT; AMENDING SECTION 41-327, IDAHO CODE, TO REMOVE
11 OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE
12 MUST BE DETERMINED RELEVANT; AMENDING SECTION 41-915, IDAHO CODE, TO
13 REVISE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST
14 BE DETERMINED RELEVANT; AMENDING SECTION 41-1016, IDAHO CODE, TO RE-
15 VISE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE
16 DETERMINED RELEVANT; AMENDING SECTION 41-1104, IDAHO CODE, TO REMOVE
17 OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE
18 MUST BE DETERMINED RELEVANT; AMENDING SECTION 41-5811, IDAHO CODE, TO
19 REVISE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST
20 BE DETERMINED RELEVANT; AMENDING SECTION 50-1604, IDAHO CODE, TO REMOVE
21 OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE
22 MUST BE DETERMINED RELEVANT; AMENDING SECTION 54-206, IDAHO CODE, TO
23 REVISE A DEFINITION; AMENDING SECTION 54-219, IDAHO CODE, TO REMOVE
24 OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE
25 MUST BE DETERMINED RELEVANT; AMENDING SECTION 54-608, IDAHO CODE, TO
26 REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OF-
27 FENSE MUST BE DETERMINED RELEVANT; AMENDING SECTION 54-712, IDAHO CODE,
28 TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL
29 OFFENSE MUST BE DETERMINED RELEVANT; AMENDING SECTION 54-915, IDAHO
30 CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING
31 CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT; AMENDING SECTION 54-923,
32 IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALI-
33 FYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT; AMENDING SECTION
34 54-1116, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A
35 DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT; AMENDING
36 SECTION 54-1413, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE
37 THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT;
38 AMENDING SECTION 54-1510, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND
39 PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELE-
40 VANT; AMENDING SECTION 54-1726, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE
41 AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED
42 RELEVANT; AMENDING SECTION 54-1844, IDAHO CODE, TO REVISE A DEFINITION;
43 AMENDING SECTION 54-1910, IDAHO CODE, TO REVISE LANGUAGE AND PROVIDE
44 THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT;
45

1 AMENDING SECTION 54-2508, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND
2 PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELE-
3 VANT; AMENDING SECTION 54-2819, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE
4 AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED
5 RELEVANT; AMENDING SECTION 54-3112, IDAHO CODE, TO REMOVE OBSOLETE
6 LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DE-
7 TERMINED RELEVANT; AMENDING SECTION 54-3211, IDAHO CODE, TO REMOVE OB-
8 SOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST
9 BE DETERMINED RELEVANT; AMENDING SECTION 54-3510, IDAHO CODE, TO REMOVE
10 OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE
11 MUST BE DETERMINED RELEVANT; AMENDING SECTION 54-3804, IDAHO CODE,
12 TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALIFYING CRIMI-
13 NAL OFFENSE MUST BE DETERMINED RELEVANT; AMENDING SECTION 54-4013,
14 IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A DISQUALI-
15 FYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT; AMENDING SECTION
16 54-4711, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A
17 DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT; AMENDING
18 SECTION 54-4805, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SEC-
19 TION 54-4806, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT
20 A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT; AMENDING
21 SECTION 54-5303, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION
22 54-5408, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE THAT A DIS-
23 QUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT; AND AMENDING
24 SECTION 67-5309, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND PROVIDE
25 THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DETERMINED RELEVANT.

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

27 SECTION 1. That Section 26-2227, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 26-2227. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) An applica-
30 tion for a license may be denied or, after notice and the opportunity for a
31 hearing, a license may be suspended or revoked by the director if he finds
32 that facts or conditions exist which would have justified the director in re-
33 fusing to grant a license had such facts or conditions been known to exist at
34 the time the license was issued, or that the licensee or the applicant, or any
35 officer, member, owner, manager or agent of a licensee or applicant:

36 (a) Has violated any provision of this act, the federal fair debt col-
37 lection practices act, 15 U.S.C. section 1692, et seq., as amended, or
38 any rule or order of the director under this act;

39 (b) Is not legally qualified to do business in this state;

40 (c) Has failed to retain a natural person with three (3) years of ex-
41 perience related to the type of business conducted by the licensee un-
42 der this act to supervise each office from which business activities are
43 conducted under this act;

44 (d) Has failed, refused or neglected to pay or remit to any creditor
45 client the agreed portion of any sum collected by the applicant or li-
46 censee on any bill, claim, account or other indebtedness entrusted to
47 such applicant or licensee for collection;

- 1 (e) Has failed to return to a debtor an amount that was not owed on his
- 2 debt;
- 3 (f) Has made a material misstatement in the application for such li-
- 4 cense or renewal;
- 5 (g) Has obtained or attempted to obtain a license or renewal by fraud or
- 6 misrepresentation;
- 7 (h) Has misappropriated or converted to his own use or improperly with-
- 8 held moneys collected or held for any other person, except that a col-
- 9 lection agency licensee may convert into business funds his portion of
- 10 any moneys collected on behalf of a creditor client, pursuant to a writ-
- 11 ten agreement with the creditor client and in compliance with this act;
- 12 (i) Has falsely represented himself as a licensee for the purpose of so-
- 13 liciting for or representing any business covered in this act;
- 14 (j) Has been convicted of, or a court of competent jurisdiction has en-
- 15 tered a withheld judgment for ~~any felony, or for a misdemeanor~~ a crime
- 16 that is determined relevant in accordance with 67-9411(1), Idaho Code,
- 17 including a crime involving financial wrongdoing or moral turpitude;
- 18 (k) Has had a license substantially equivalent to a license under this
- 19 act issued by another state revoked, suspended or denied; or
- 20 (l) Demonstrates a lack of fitness to engage in business activities au-
- 21 thorized for a licensee under this act.
- 22 (2) The director may, after notice and the opportunity for a hearing,
- 23 impose upon any licensee, or person required to be licensed under this act, a
- 24 civil penalty of not more than five thousand dollars (\$5,000) for each viola-
- 25 tion of this act.
- 26 (3) The director may, after notice and the opportunity for a hearing,
- 27 impose upon a licensee, or person required to be licensed under this act, any
- 28 sanction authorized by this section if the director finds that an agent of
- 29 the licensee, or person required to be licensed under this act, has violated
- 30 any provision of this act.
- 31 (4) The director may, in his discretion, and by an order issued in ac-
- 32 cordance with chapter 52, title 67, Idaho Code, prohibit a licensee from us-
- 33 ing an individual as an agent if the individual has violated any provision of
- 34 this act, or any similar statute or rule of another state.
- 35 (5) Any denial, suspension or revocation of any license issued under
- 36 this act shall be governed by chapter 52, title 67, Idaho Code.

37 SECTION 2. That Section 30-907, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 30-907. DIRECTOR'S ISSUANCE OR DENIAL OF LICENSE. (1) The director
40 shall receive and act upon all applications for licenses to engage in busi-
41 ness as an escrow agency under this chapter. If the director finds that all
42 requirements of statute and rule have been met and all applicable fees paid,
43 and the applicant is not otherwise unqualified for licensure, the director
44 shall issue a license to the applicant.

45 (2) An application for a license as an escrow agency shall be in writ-
46 ing and filed with the director in such form as is prescribed by the direc-
47 tor, shall include such information as the director may reasonably require,
48 and shall be verified on oath by the applicant. Such information shall be up-

1 dated and filed with the director as necessary to keep the information cur-
2 rent. The application for licensure shall be accompanied by an application
3 fee of three hundred fifty dollars (\$350). When an application for licensure
4 is denied or withdrawn, the director shall retain all fees paid by the appli-
5 cant.

6 (3) An application for an escrow agency license under this chapter may
7 be denied if the director finds that:

8 (a) The escrow agency's business was or will be formed for any business
9 other than legitimate escrow services, or proposes to use a name that is
10 misleading or in conflict with the name of an existing licensee;

11 (b) Any incorporator, officer, director, member, general partner, em-
12 ployee or agent of the escrow agency applicant has been:

13 ~~(i) Convicted of, or received a withheld judgment for, any~~
14 ~~felony; or~~

15 ~~(ii) Convicted of, or received a withheld judgment for, a misde-~~
16 ~~meanor involving dishonesty or moral turpitude; or~~

17 ~~(iii) Committed any crime or act involving dishonesty, fraud or~~
18 ~~deceit, which crime or act is substantially related to the qual-~~
19 ~~ifications, functions, or duties of a person engaged in an escrow~~
20 ~~business or which crime is otherwise determined relevant in accor-~~
21 ~~dance with 67-9411(1), Idaho Code;~~

22 (c) There is no natural person possessing a minimum of three (3) years
23 of supervisory experience in relation to an escrow business supervising
24 each escrow agency office;

25 (d) The applicant or any officer, director, member, general partner,
26 employee or agent of the applicant has demonstrated lack of fitness to
27 transact escrow business;

28 (e) The applicant has made any false statement of a material fact in the
29 application for a license; or

30 (f) The applicant, any officer, director, member, general partner or
31 any person owning or controlling, directly or indirectly, ten percent
32 (10%) or more of the outstanding equity securities of the applicant has
33 violated any provision of this chapter or rules promulgated thereunder,
34 or any similar regulatory scheme in this state or in any foreign juris-
35 diction.

36 SECTION 3. That Section 33-1208, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 33-1208. REVOCATION, SUSPENSION, DENIAL, OR PLACE REASONABLE CONDI-
39 TIONS ON CERTIFICATE -- GROUNDS. 1. The professional standards commission
40 may deny, revoke, suspend, or place reasonable conditions on any certificate
41 issued or authorized under the provisions of section 33-1201, Idaho Code,
42 upon any of the following grounds:

43 a. Gross neglect of duty;

44 b. Incompetency;

45 c. Breach of the teaching contract;

46 d. Making any material statement of fact in the application for a cer-
47 tificate, which the applicant knows to be false;

- 1 e. Revocation, suspension, denial or surrender of a certificate in an-
- 2 other state for any reason constituting grounds for revocation in this
- 3 state;
- 4 f. Conviction, finding of guilt, withheld judgment or suspended sen-
- 5 tence, in this or any other state of a crime ~~involving moral turpitude~~
- 6 crime that is determined relevant in accordance with 67-9411(1), Idaho
- 7 Code;
- 8 g. Conviction, finding of guilt, withheld judgment, or suspended sen-
- 9 tence in this state or any other state for the delivery, manufacture or
- 10 production of controlled substances or simulated controlled substances
- 11 as those terms are defined in section 37-2701, Idaho Code;
- 12 h. A guilty plea or a finding of guilt, notwithstanding the form of the
- 13 judgment or withheld judgment in this or any other state, of the crime
- 14 of involuntary manslaughter, section 18-4006 2. or section 18-4006 3.,
- 15 Idaho Code;
- 16 i. Any disqualification which would have been sufficient grounds for
- 17 refusing to issue or authorize a certificate, if the disqualification
- 18 existed or had been known at the time of its issuance or authorization;
- 19 j. Willful violation of any professional code or standard of ethics or
- 20 conduct, adopted by the state board of education;
- 21 k. The kidnapping of a child, section 18-4503, Idaho Code;
- 22 l. Conviction, finding of guilt, withheld judgment, or suspended sen-
- 23 tence, in this state or any other state of any ~~felony~~ crime that is de-
- 24 termined relevant in accordance with 67-9411(1), Idaho Code, the com-
- 25 mission of which renders the certificated person unfit to teach or oth-
- 26 erwise perform the duties of the certificated person's position.
- 27 2. The professional standards commission shall permanently revoke any
- 28 certificate issued or authorized under the provisions of section 33-1201,
- 29 Idaho Code, and shall deny the application for issuance of a certificate of
- 30 a person who pleads guilty to or is found guilty of, notwithstanding the form
- 31 of the judgment or withheld judgment, any of the following felony offenses
- 32 against a child:
 - 33 a. The aggravated assault of a child, section 18-905, Idaho Code, or the
 - 34 assault with intent to commit a serious felony against a child, section
 - 35 18-909, Idaho Code.
 - 36 b. The aggravated battery of a child, section 18-907, Idaho Code, or the
 - 37 battery with intent to commit a serious felony against a child, section
 - 38 18-911, Idaho Code.
 - 39 c. The injury or death of a child, section 18-1501, Idaho Code.
 - 40 d. The sexual abuse of a child under sixteen (16) years of age, section
 - 41 18-1506, Idaho Code.
 - 42 e. The ritualized abuse of a child under eighteen (18) years of age,
 - 43 section 18-1506A, Idaho Code.
 - 44 f. The sexual exploitation of a child, section 18-1507, Idaho Code.
 - 45 g. Lewd conduct with a child under the age of sixteen (16) years, sec-
 - 46 tion 18-1508, Idaho Code.
 - 47 h. The sexual battery of a minor child sixteen (16) or seventeen (17)
 - 48 years of age, section 18-1508A, Idaho Code.
 - 49 i. The sale or barter of a child for adoption or other purposes, section
 - 50 18-1511, Idaho Code.

- 1 j. The murder of a child, section 18-4003, Idaho Code, or the voluntary
- 2 manslaughter of a child, section 18-4006 1., Idaho Code.
- 3 k. The kidnapping of a child, section 18-4502, Idaho Code.
- 4 l. The importation or exportation of a juvenile for immoral purposes,
- 5 section 18-5601, Idaho Code.
- 6 m. The abduction of a person under eighteen (18) years of age for pros-
- 7 titution, section 18-5610, Idaho Code.
- 8 n. The rape of a child, section 18-6101, Idaho Code.

9 The general classes of felonies listed in subsection 2. of this section
10 shall include equivalent laws of federal or other state jurisdictions. For
11 the purpose of this subsection, "child" means a minor or juvenile as defined
12 by the applicable state or federal law.

13 3. The professional standards commission may investigate and follow
14 the procedures set forth in section 33-1209, Idaho Code, for any allegation
15 of inappropriate conduct as defined in this section, by a holder of a cer-
16 tificate whether or not the holder has surrendered his certificate without a
17 hearing or failed to renew his certificate. In those cases where the holder
18 of a certificate has surrendered or failed to renew his certificate and it
19 was found that inappropriate conduct occurred, the commission shall record
20 such findings in the permanent record of the individual and shall deny the
21 issuance of a teaching certificate.

22 4. Any person whose certificate may be or has been revoked, suspended
23 or denied under the provisions of this section shall be afforded a hearing
24 according to the provisions of section 33-1209, Idaho Code.

25 5. The professional standards commission may deny the issuance of a
26 certificate for any reason that would be a ground for revocation or suspen-
27 sion.

28 SECTION 4. That Section 38-1218, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 38-1218. REVOCATION OR SUSPENSION OF CERTIFICATE. The board shall
31 have power to (1) revoke the certificate of registration or, (2) to suspend
32 the certificate of registration for a period of time not exceeding two (2)
33 years, of any registrant who is found guilty of:

34 (a) The practice of any fraud or deceit in obtaining a certificate of
35 registration;

36 (b) Gross negligence, incompetency, habitual intemperance, insanity,
37 conviction of a ~~felony, moral turpitude~~ crime that is determined relevant
38 in accordance with 67-9411(1), Idaho Code, or misconduct in the practice of
39 professional scaling as a registered professional scaler.

40 Any person may prefer charges, based on any of the above grounds,
41 against any registrant. Such charges shall be in writing, and shall be sworn
42 to by the person making them and shall be filed with the secretary of the
43 board.

44 All charges, unless dismissed by the board as unfounded or trivial,
45 shall be heard by the board as soon as possible but not to exceed three (3)
46 months after the date on which they shall have been preferred.

47 The time and place for said hearing shall be fixed by the board and a copy
48 of the charges, together with a notice of the time and place of hearing, shall

1 be personally served on, or mailed to the last known address of, such regis-
2 trant, at least thirty (30) days before the date fixed for the hearing. At
3 any hearing, the accused registrant shall have the right to appear person-
4 ally and by counsel, to cross-examine witnesses in his own defense.

5 If, after such hearing, three (3) or more members of the board vote in
6 favor of finding the accused guilty, the board shall revoke or suspend, as
7 herein provided, the certificate of registration of such registered profes-
8 sional scaler.

9 In addition to the foregoing, provisions contained in chapter 52, title
10 67, Idaho Code, shall also apply.

11 SECTION 5. That Section 41-327, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 41-327. ADMINISTRATIVE PENALTY -- SUSPENSION OR REVOCATION OF CER-
14 TIFICATE OF AUTHORITY -- DISCRETIONARY AND SPECIAL GROUNDS. (1) The director
15 may, in his discretion, impose an administrative penalty not to exceed five
16 thousand dollars (\$5,000), for deposit in the general fund of the state of
17 Idaho, or refuse to continue or suspend or revoke an insurer's certificate of
18 authority if he finds after a hearing thereon that the insurer has violated
19 or failed to comply with any lawful order of the director, or any provision of
20 this code other than those for which suspension or revocation is mandatory.

21 (2) The director shall suspend or revoke an insurer's certificate of
22 authority on any of the following grounds if he finds after a hearing thereon
23 that the insurer:

24 (a) Is in unsound condition, or in such condition or using such methods
25 and practices in the conduct of its business, as to render its further trans-
26 action of insurance in this state hazardous or injurious to its policyhold-
27 ers or to the public.

28 (b) Has failed, after written request therefor by the director, to re-
29 move or discharge an officer or director who has been convicted of any crime
30 involving fraud, dishonesty, or ~~like moral turpitude~~ that is otherwise de-
31 termined relevant in accordance with 67-9411(1), Idaho Code.

32 (c) With such frequency as to indicate its general business practice in
33 this state, has without just cause refused to pay claims arising under cov-
34 erages provided by its policies, whether the claim is in favor of an insured
35 or is in favor of a third person with respect to the liability of an insured
36 to such third person, or, with like frequency, without just cause compels in-
37 sureds or claimants to accept less than the amount due them or to employ at-
38 torneys or to bring suit against the insurer or such an insured to obtain full
39 payment or settlement of such claims.

40 (d) Is affiliated with and under the same general management, or inter-
41 locking directorate, or ownership as another insurer which transacts direct
42 insurance in this state without having a certificate of authority therefor,
43 except as permitted under this code.

44 (e) Refuses to be examined, or if its directors, officers, employees,
45 or representatives refuse to submit to examination relative to its affairs,
46 or to produce its accounts, records, and files for examination by the direc-
47 tor when required, or refuse to perform any legal obligation relative to the
48 examination.

1 (f) Has failed to pay any final judgment rendered against it in this
2 state upon any policy, bond, recognizance, or undertaking issued or guar-
3 anteed by it, within thirty (30) days after the judgment became final, or
4 within thirty (30) days after time for taking an appeal has expired, or
5 within thirty (30) days after dismissal of an appeal before final determi-
6 nation, whichever date is the later.

7 (3) The director may, in his discretion and without advance notice or
8 a hearing thereon, immediately suspend the certificate of authority of any
9 insurer as to which proceedings for receivership, conservatorship, rehabil-
10 itation, or other delinquency proceedings, have been commenced in any state
11 by the public insurance supervisory official of such state.

12 SECTION 6. That Section 41-915, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 41-915. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1)
15 The license of an administrator shall be denied, suspended or revoked if the
16 director finds that the administrator:

17 (a) Is in an unsound financial condition;

18 (b) Is using such methods or practices in the conduct of its business so
19 as to render its further transaction of business in this state hazardous
20 or injurious to insured persons or the public; or

21 (c) Has failed to pay any judgment rendered against it in this state
22 within sixty (60) days after the judgment has become final.

23 (2) The director may deny, suspend or revoke the license of an adminis-
24 trator if the director finds that the administrator:

25 (a) Has violated any lawful rule or order of the director or any provi-
26 sion of title 41, Idaho Code;

27 (b) Has refused to be examined or to produce its accounts, records and
28 files for examination, or if any individual responsible for the con-
29 duct of affairs of the administrator, including members of the board of
30 directors, board of trustees, executive committee or other governing
31 board or committee, the principal officers in the case of a corporation
32 or the partners or members in the case of a partnership, association or
33 limited liability company, any shareholder or member holding directly
34 or indirectly ten percent (10%) or more of the voting stock, voting se-
35 curities or voting interest of the administrator and any other person
36 who exercises control or influence over the affairs of the administra-
37 tor, has refused to give information with respect to its affairs or has
38 refused to perform any other legal obligation as to an examination, when
39 required by the director;

40 (c) Has, without just cause, refused to pay proper claims or perform
41 services arising under its contracts or has, without just cause, caused
42 covered individuals to accept less than the amount due them or caused
43 covered individuals to employ attorneys or bring suit against the ad-
44 ministrator to secure full payment or settlement of such claims;

45 (d) Fails, at any time, to meet any qualification for which issuance
46 of the license could have been refused had the failure then existed and
47 been known to the director;

1 (e) Or any of the individuals responsible for the conduct of its af-
2 fairs, including members of the board of directors, board of trustees,
3 executive committee or other governing board or committee, the prin-
4 cipal officers in the case of a corporation or the partners or members
5 in the case of a partnership, association or limited liability com-
6 pany, any shareholder or member holding directly or indirectly ten
7 percent (10%) or more of its voting stock, voting securities or voting
8 interest and any other person who exercises control or influence over
9 its affairs, has been convicted of, or has entered a plea of guilty or
10 nolo contendere to any ~~felony, or to a misdemeanor that evidences bad~~
11 ~~moral character~~ crime that is determined relevant in accordance with
12 67-9411(1), Idaho Code, or that evidences dishonesty, a lack of in-
13 tegrity and financial responsibility, or an unfitness and inability to
14 provide acceptable service to the consuming public without regard to
15 whether adjudication was withheld; or

16 (f) Is under suspension or revocation in another state.

17 (3) The director may, in his discretion and without advance notice or
18 hearing, immediately suspend the license of an administrator if the director
19 finds that one (1) or more of the following circumstances exist:

20 (a) The administrator is insolvent or impaired;

21 (b) A proceeding for receivership, conservatorship, rehabilitation or
22 other delinquency proceeding regarding the administrator has been com-
23 menced in any state;

24 (c) The financial condition or business practices of the administrator
25 otherwise pose an imminent threat to the public health, safety or wel-
26 fare of the residents of this state; or

27 (d) A final order suspending or revoking the administrator's license in
28 its home state has been entered.

29 (4) If the director finds that one (1) or more grounds exist for the sus-
30 pension or revocation of a license issued under the provisions of this chap-
31 ter, the director may, in lieu of or in addition to suspension or revocation,
32 impose an administrative penalty upon the administrator pursuant to section
33 41-117, Idaho Code.

34 SECTION 7. That Section 41-1016, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 41-1016. ADMINISTRATIVE PENALTY -- SUSPENSION, REVOCATION, REFUSAL
37 OF LICENSE. (1) The director may impose an administrative penalty not to
38 exceed one thousand dollars (\$1,000), for deposit in the general fund of the
39 state of Idaho, and may suspend for not more than twelve (12) months or may
40 revoke or refuse to issue or continue any license issued under this chapter,
41 chapter 27, title 41, Idaho Code (title insurance), chapter 11, title 41,
42 Idaho Code (adjusters), or chapter 12, title 41, Idaho Code (surplus lines
43 brokers), if the director finds that as to the licensee or applicant any one
44 (1) or more of the following causes or violations exist:

45 (a) Providing incorrect, misleading, incomplete or materially untrue
46 information in the license application;

- 1 (b) Violating any provision of title 41, Idaho Code, department rule,
2 subpoena or order of the director or of another state's insurance direc-
3 tor;
- 4 (c) Obtaining or attempting to obtain a license through misrepresenta-
5 tion or fraud;
- 6 (d) Improperly withholding, misappropriating or converting any moneys
7 or properties received in the course of doing insurance business;
- 8 (e) Misrepresenting the terms of an actual or proposed insurance con-
9 tract or application for insurance or misrepresenting any fact material
10 to any insurance transaction or proposed transaction;
- 11 (f) Being convicted of or pleading guilty to ~~any felony, or to a misde-~~
12 ~~meanor which evidences bad moral character,~~ a crime that is determined
13 relevant in accordance with 67-9411(1), Idaho Code or that evidences
14 dishonesty, a lack of integrity and financial responsibility, or an
15 unfitness and inability to provide acceptable service to the consuming
16 public;
- 17 (g) Admitting or being found to have committed any insurance unfair
18 trade practice or fraud;
- 19 (h) Using fraudulent, coercive or dishonest practices, or demonstrat-
20 ing incompetence, untrustworthiness or financial irresponsibility, or
21 being a source of injury and loss to the public or others, in the conduct
22 of business in this state or elsewhere;
- 23 (i) Having an insurance license denied, suspended or revoked in any
24 other state, province, district or territory;
- 25 (j) Forging another's name on an application for insurance or on any
26 document related to an insurance transaction;
- 27 (k) Improperly using notes or any other reference material to complete
28 an examination for an insurance license;
- 29 (l) Knowingly accepting insurance business from an individual who is
30 not licensed;
- 31 (m) Failing to comply with an administrative or court order imposing a
32 child support obligation, provided however, that nothing in this pro-
33 vision shall be deemed to abrogate or modify chapter 14, title 7, Idaho
34 Code;
- 35 (n) Failing to pay state income tax or to comply with any administrative
36 or court order directing payment of state income tax; or
- 37 (o) In the case of a bail agent, compensating or agreeing to compen-
38 sate any incarcerated person to influence or encourage another incar-
39 cerated person or other incarcerated persons to engage the bail agent's
40 services or the services of the bail agent's company or of other bail
41 agents employed by such bail company. For purposes of this subsection,
42 compensating any incarcerated person shall include providing payment
43 in any form to any person, organization or entity designated by the in-
44 carcerated person to receive such payment.
- 45 (2) The director shall, without hearing, suspend for not more than
46 twelve (12) months, or shall revoke or refuse to continue any license issued
47 under this chapter to a nonresident where:
 - 48 (a) The director has received a final order of suspension, revocation
49 or refusal to continue from the insurance regulatory official or court
50 of jurisdiction of the licensee's home state; or

1 (b) A nonresident no longer has a license in the licensee's home state
2 because the home state license was:

3 (i) Voluntarily surrendered for any reason except relicensing as
4 a resident in another state; or

5 (ii) Otherwise nonrenewed by the nonresident and remains nonre-
6 newed for a period greater than ninety (90) days beyond its expira-
7 tion date, and without notice to the director of relicensing as a
8 resident in another state.

9 If cause under this provision exists after the expiration of the twelve
10 (12) months, successive suspensions may be imposed by the director without
11 hearing.

12 (3) The license of a business entity may be suspended, revoked or re-
13 fused if the director finds that the violation of an individual licensee,
14 who is registered to or acting on behalf of the business entity, was known
15 or should have been known by one (1) or more of the owners, officers or man-
16 agers acting on behalf of the business entity and that the violation was not
17 reported to the director and no corrective action was taken.

18 (4) In addition to or in lieu of any applicable denial, suspension or
19 revocation of a license, a person may, after hearing, be subject to a civil
20 fine or administrative penalty pursuant to subsection (1) of this section or
21 any other applicable section.

22 (5) The director shall retain the authority to enforce the provisions
23 of and impose any penalty or remedy authorized by title 41, Idaho Code,
24 against any person who is under investigation for or charged with a violation
25 of title 41, Idaho Code, or department rule, even if the person's license or
26 registration has been surrendered or has lapsed by operation of law, or if
27 the person has never been licensed.

28 SECTION 8. That Section 41-1104, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 41-1104. QUALIFICATIONS FOR ADJUSTER'S LICENSE. (1) Except as pro-
31 vided in subsection (2) of this section, the director shall not issue,
32 continue, or permit to exist any license as an adjuster as to any person not
33 qualified therefor as follows:

34 (a) Must be a natural person not less than twenty-one (21) years of age.

35 (b) Must be trustworthy, and be of good character and reputation as to
36 morals, integrity, and financial responsibility, and must not have been
37 convicted of a ~~felony or of any crime involving moral turpitude~~ that is
38 determined relevant in accordance with 67-9411(1), Idaho Code.

39 (c) Must be a salaried employee of a licensed adjuster, or must have had
40 experience or special education or training as to the investigation and
41 settlement of loss of claims under insurance contracts of sufficient
42 duration and extent reasonably to satisfy the director as to his compe-
43 tence to fulfill the responsibilities of an adjuster.

44 (d) If required by the director, must pass a written examination to test
45 his knowledge of the duties and responsibilities of an adjuster and of
46 matters involved in transactions under an adjuster's license. The ex-
47 amination shall be subject to the same applicable provisions as apply

1 pursuant to title 41, Idaho Code, to examinations for license as insur-
2 ance agent.

3 (2) A firm or corporation, whether or not organized under the laws of
4 this state, may be licensed as an adjuster if each individual who is to ex-
5 ercise the license powers in this state is separately licensed, or is named
6 in the firm or corporation license, and is qualified as for an individual li-
7 cense as adjuster under subsection (1) of this section. An additional full
8 license fee shall be paid as to each individual in excess of one (1) so named
9 in the firm or corporation license to exercise its powers.

10 SECTION 9. That Section 41-5811, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 41-5811. LICENSE DENIAL, NONRENEWAL OR REVOCATION. (1) The department
13 may place on probation, suspend, revoke or refuse to issue or renew a pub-
14 lic adjuster's license or may levy a civil penalty in accordance with section
15 41-1016, Idaho Code, or any combination of actions, for any one (1) or more of
16 the following causes:

17 (a) Providing incorrect, misleading, incomplete or materially untrue
18 information in the license application;

19 (b) Violating any insurance laws, or violating any rule, regulation,
20 subpoena or order of the department or of another state's insurance de-
21 partment;

22 (c) Obtaining or attempting to obtain a license through misrepresenta-
23 tion or fraud;

24 (d) Improperly withholding, misappropriating or converting any moneys
25 or properties received in the course of doing insurance business;

26 (e) Intentionally misrepresenting the terms of an actual or proposed
27 insurance contract or application for insurance;

28 (f) Having been convicted of a felony, or a misdemeanor which crime that
29 is determined relevant in accordance with 67-9411(1), Idaho Code, or
30 that evidences bad moral character, dishonesty, a lack of integrity and
31 financial responsibility, or an unfitness and inability to provide ac-
32 ceptable service to the consuming public;

33 (g) Having admitted to or been found to have committed any insurance un-
34 fair trade practice or insurance fraud;

35 (h) Using fraudulent, coercive or dishonest practices; or demonstrat-
36 ing incompetence, untrustworthiness or financial irresponsibility in
37 the conduct of business in this state or elsewhere;

38 (i) Having an insurance license, or its equivalent, denied, suspended
39 or revoked in any other state, province, district or territory;

40 (j) Forging another's name to an application for insurance or to any
41 document related to an insurance transaction;

42 (k) Cheating, including improperly using notes or any other reference
43 material, to complete an examination for an insurance license;

44 (l) Knowingly accepting insurance business from an individual who is
45 not licensed but who is required to be licensed by the department;

46 (m) Failing to comply with an administrative or court order imposing a
47 child support obligation, provided however, that nothing in this pro-

1 vision shall be deemed to abrogate or modify chapter 14, title 7, Idaho
2 Code; or

3 (n) Failing to pay state income tax or comply with any administrative or
4 court order directing payment of state income tax.

5 (2) The license of a business entity may be suspended, revoked or re-
6 fused if the department finds, after hearing, that an individual licensee's
7 violation was known or should have been known by one (1) or more of the
8 partners, officers or managers acting on behalf of the business entity and
9 the violation was neither reported to the department nor corrective action
10 taken.

11 (3) In addition to or in lieu of any applicable denial, suspension or
12 revocation of a license, a person may, after hearing, be subject to a civil
13 fine or administrative penalty according to section 41-1016, Idaho Code.

14 (4) The department shall retain the authority to enforce the provisions
15 of and impose any penalty or remedy authorized by this chapter and title 41,
16 Idaho Code, against any person who is under investigation for or charged with
17 a violation of this chapter or title 41, Idaho Code, even if the person's li-
18 cense or registration has been surrendered or has lapsed by operation of law.

19 SECTION 10. That Section 50-1604, Idaho Code, be, and the same is hereby
20 amended to read as follows:

21 50-1604. EXAMINATIONS -- QUALIFICATIONS OF APPLICANTS -- REQUIRES --
22 CAUSES FOR REMOVAL, DISCHARGE OR SUSPENSION OF INCUMBENTS. (1) Except as
23 provided in subsection (3) of this section, all applicants for places of
24 employment in the classified civil service shall be subject to examination,
25 which shall be public competitive and free and shall be held at such times
26 and places as the civil service commission shall from time to time determine.
27 Such examinations shall be for the purpose of determining the qualifications
28 of applicants for positions and shall be practical and shall fairly test the
29 fitness of the persons examined to discharge the duties of the position to
30 which they seek appointment.

31 (2) The governing body of each city, having created a civil service com-
32 mission, shall provide a job description for each civil service position of
33 the city and shall determine and establish the standards and qualifications
34 therefor to be met by each applicant before appointment.

35 (3) Any applicant who, while in good standing, voluntarily terminated
36 his or her employment with the agency with whom an appointment is sought may,
37 upon written request to and approval from the appointing officer and in ac-
38 cordance with the written policy of the civil service commission, be rehired
39 without taking an examination provided:

40 (a) The applicant is otherwise qualified for the position; and

41 (b) The written request for rehire is physically delivered, mailed or
42 electronically transferred to the appointing officer within such time
43 as provided by the written policy of the civil service commission.

44 (4) All incumbents and applicants thereafter appointed shall hold of-
45 fice, place, position or employment only during good behavior, and any such
46 person may be removed, discharged, suspended without pay, demoted, reduced
47 in rank, deprived of vacation privileges or other special privileges for any

1 of the following reasons, subject to the determination of the facts in each
2 case by the commission:

3 (a) Incompetency, inefficiency or inattention to, or dereliction of
4 duty;

5 (b) Dishonesty, intemperance, immoral conduct, insubordination, dis-
6 courteous treatment of the public or a fellow employee, or any other act
7 of omission or commission tending to injure the public service; willful
8 failure on the part of the employee to properly conduct himself, or any
9 other willful violation of the civil service rules and regulations;

10 (c) Mental or physical unfitness for the position which the employee
11 holds;

12 (d) Dishonest, disgraceful, immoral or prejudicial conduct;

13 (e) Drunkenness or use of intoxicating liquors, narcotics, or any other
14 habit forming drug, liquid or preparation to such extent that the use
15 thereof interferes with the efficiency or mental or physical fitness of
16 the employee or which prevents the employee from properly performing
17 the functions and duties of any position under civil service;

18 (f) Conviction of a ~~felony or a misdemeanor involving moral turpitude~~
19 crime that is determined relevant in accordance with 67-9411(1), Idaho
20 Code;

21 (g) Any other act or failure to act, which in the judgment of the civil
22 service commissioners is sufficient to show the offender to be an un-
23 suitable and unfit person to be employed in the public service.

24 SECTION 11. That Section 54-206, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 54-206. DEFINITIONS. As used in this chapter:

27 (1) "AICPA" means the American institute of certified public accoun-
28 tants.

29 (2) "Applicant" means any person having the requisite qualifications
30 who makes application to the board for examination, or for initial issuance
31 or renewal or reinstatement of a license under the provisions of this chap-
32 ter.

33 (3) "Attest" means providing the following professional services:

34 (a) Any audit or other engagement to be performed in accordance with the
35 statements on auditing standards;

36 (b) Any review of a financial statement to be performed in accordance
37 with the statements on standards for accounting and review services;

38 (c) Any examination of prospective financial information to be per-
39 formed in accordance with the statements on standards for attestation
40 engagements;

41 (d) Any engagement to be performed in accordance with the standards of
42 the PCAOB; and

43 (e) Any examination, review or agreed-upon procedures engagement to be
44 performed in accordance with the statements on standards for attesta-
45 tion engagements, other than an examination described in paragraph (c)
46 of this subsection.

47 (4) "Board" means the Idaho state board of accountancy.

1 (5) "Certificate" means that document issued by the board upon original
2 approval of licensure. The original certificate does not constitute licen-
3 sure and a person cannot represent himself or herself as a licensee unless a
4 current and valid annual license has been issued by the board.

5 (6) "Certified public accountant" or "CPA" means any person who holds a
6 valid, unrevoked and unsuspended license under the provisions of chapter 2,
7 title 54, Idaho Code, or an equivalent provision of the laws of another state
8 designating said person as a certified public accountant.

9 (7) "Client" means the person or entity that agrees with a licensee or
10 licensee's employer to receive any professional services with or without
11 compensation and shall include all affiliates and related entities in the
12 financial statements of an attest or compilation engagement.

13 (8) "Compilation" means a service performed in accordance with state-
14 ments on standards for accounting and review services that presents, in
15 the form of historical or prospective financial statements, information
16 that is the representation of management or owners without undertaking to
17 express any assurance on the statements. The term "compilation" does not in-
18 clude financial statements accompanied by the language set forth in section
19 54-226(3), Idaho Code, whether used by a licensee or by a person not licensed
20 under this chapter, as long as the financial statements are not accompanied
21 by any other language of assurance or disclaimer.

22 (9) "Financial statements" means a presentation of historical or
23 prospective financial data, which may include accompanying notes, intended
24 to communicate an entity's economic resources or obligations at a point in
25 time, or the changes therein for a period of time, in accordance with a com-
26 prehensive basis of accounting.

27 (10) "Firm" means a proprietorship, partnership, professional corpora-
28 tion, professional limited liability company, or any other form of profes-
29 sional organization permitted by Idaho law, registered under the require-
30 ments of section 54-214, Idaho Code.

31 (11) "Good moral character" means lack of a history of dishonest deal-
32 ings or a ~~felonious act~~ conviction of a crime that is determined relevant in
33 accordance with 67-9411(1), Idaho Code.

34 (12) "License" means that authorization issued by the board upon origi-
35 nal approval and on an annual basis permitting a qualified person to practice
36 as a certified public accountant or licensed public accountant in the state
37 of Idaho.

38 (13) "Licensed public accountant" or "LPA" means any person who holds a
39 valid, unrevoked and unsuspended license under the provisions of chapter 2,
40 title 54, Idaho Code, designating said person as a licensed public accoun-
41 tant.

42 (14) "Licensee" means the holder of a current valid license.

43 (15) "Member" means a person who has been admitted to membership in a
44 firm that is organized as a limited liability company.

45 (16) "PCAOB" means the public company accounting oversight board.

46 (17) "Peer review" means a board-approved study, appraisal or review of
47 one (1) or more aspects of the professional work of a licensee or firm that
48 performs attest services or issues compilation reports, by a person or per-
49 sons licensed under this chapter or by another state and who are independent
50 of the licensee or firm being reviewed.

1 (18) "Permit" means a permit to practice as a firm issued under corre-
2 sponding provisions of the laws of other states.

3 (19) "Person" means any natural living person.

4 (20) "Professional services" means services arising out of or related
5 to the specialized knowledge or skills associated with certified public ac-
6 countants or licensed public accountants.

7 (21) "Report," when used with reference to financial statements, means
8 an opinion or other form of language that states or implies assurance as to
9 the reliability of any financial statements and that also includes or is ac-
10 companied by any statement or implication that the person or firm issuing it
11 has special knowledge or competence in accounting or auditing. Such a state-
12 ment or implication of special knowledge or competence may arise from use by
13 the issuer of the report of names or titles indicating that the person or firm
14 is an accountant or auditor, or from the language of the report itself. The
15 term "report" includes any form of language that disclaims an opinion when
16 such form of language is conventionally understood to imply any positive as-
17 surance as to the reliability of the financial statements referred to or spe-
18 cial competence on the part of the person or firm issuing such language; and
19 it includes any other form of language that is conventionally understood to
20 imply such assurance or special knowledge or competence.

21 (22) "State" means any state of the United States, the District of Co-
22 lumbia, Puerto Rico, the U.S. Virgin Islands, Commonwealth of the Northern
23 Mariana Islands and Guam; except that "this state" means the state of Idaho.

24 (23) "Substantial equivalency" or "substantially equivalent" means a
25 determination by the board that the education, examination and experience
26 requirements contained in the statutes and administrative rules of another
27 jurisdiction are comparable to or exceed the education, examination and ex-
28 perience requirements for CPAs contained in this chapter or that an indi-
29 vidual licensee's education, examination and experience qualifications are
30 comparable to or exceed the education, examination and experience require-
31 ments for CPAs contained in this chapter.

32 SECTION 12. That Section 54-219, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 54-219. LICENSE -- RESTRICTION, REVOCATION, SUSPENSION OR DENIAL --
35 CAUSES -- COST RECOVERY -- ADMINISTRATIVE PENALTIES. (1) After notice and
36 opportunity for hearing in accordance with the provisions of chapter 52, ti-
37 tle 67, Idaho Code, for cause shown, the board may revoke, suspend, refuse to
38 renew, administratively penalize, reprimand, restrict or place on probation
39 the holder of a certificate or license, or refuse to issue any certificate or
40 any license to an applicant, for any one (1) of the following causes:

41 (a) Any false statement with the intent to mislead or deceive the board
42 or its members in connection with any application; or, cheating or any
43 attempt to cheat in an examination.

44 (b) Fraud or deceit in obtaining or renewing a certificate or license to
45 practice as a certified public accountant or licensed public accountant
46 under the provisions of this chapter.

47 (c) Dishonesty, fraud or gross negligence in the performance of pro-
48 fessional services as a licensee or individual granted privileges under

- 1 section 54-227, Idaho Code, or in the filing or failure to file his own
2 income tax returns.
- 3 (d) Violation of any provision of this chapter, or any rule adopted by
4 the board under authority granted by this chapter, or an order of the
5 board directed specifically to the licensee.
- 6 (e) Conviction of or a guilty plea to a ~~felony~~ crime under the laws of
7 any state or country that is determined relevant in accordance with
8 67-9411 (1), Idaho Code.
- 9 (f) Conviction of or a guilty plea to any crime ~~involving moral turpi-~~
10 ~~tude~~, an element of which is dishonesty or fraud, under the laws of any
11 state or country, notwithstanding the form of the judgment or withheld
12 judgment.
- 13 (g) Representing oneself as a certified public accountant or licensed
14 public accountant during any period in which the license of the person
15 so practicing has been suspended or revoked by the board.
- 16 (h) Cancellation, revocation, suspension or refusal to renew or grant
17 a license or privileges under section 54-227, Idaho Code, for disci-
18 plinary reasons by any other state for any cause.
- 19 (i) Practicing as a certified public accountant or licensed public ac-
20 countant under a false or assumed name; provided, however, this para-
21 graph shall have no application to practicing as a certified public ac-
22 countant or licensed public accountant under the name of a firm, when
23 such style or name is in conformity with a type or form approved by the
24 rules of the board.
- 25 (j) Habitual use of drugs or intoxicants to such a degree as to render
26 the licensee unreliable and unfit to practice as a certified public ac-
27 countant or licensed public accountant.
- 28 (k) Suspension or revocation of the right to practice before any agency
29 of the United States government or of the state of Idaho, for any cause
30 other than failure to pay a registration or similar fee.
- 31 (l) Having been declared mentally incompetent by a court of competent
32 jurisdiction; provided, however, that when a person's license shall
33 have been revoked or suspended for this cause, such license shall be
34 reinstated by the board when said disability is judicially removed.
- 35 (m) Representing oneself as qualified or authorized to practice as a
36 certified public accountant or licensed public accountant in this state
37 without holding a current, valid, unrevoked and unsuspended certifi-
38 cate and license or privileges under section 54-227, Idaho Code.
- 39 (n) Performance of any fraudulent act while holding a certificate, li-
40 cense, permit or privileges under this chapter.
- 41 (o) Any conduct reflecting adversely upon the licensee's fitness to
42 perform services while a licensee, or individual granted privileges
43 under section 54-227, Idaho Code.
- 44 (2) The expenses, including attorney's fees, incurred by the board for
45 any or all proceedings initiated against a person for violation of any of the
46 provisions of this chapter may be charged against such person by the board,
47 upon the finding of a violation of this chapter, in addition to any admin-
48 istrative penalties which may be levied by the board against such person.
49 Administrative penalties levied by the board shall not exceed two thousand
50 five hundred dollars (\$2,500) per violation.

1 (3) In lieu of or in addition to any remedy specifically provided, the
2 board may require of a licensee or a firm:

- 3 (a) A peer review conducted in such fashion as the board may specify;
- 4 (b) Preissuance review;
- 5 (c) Satisfactory completion of such continuing professional education
6 programs or examinations as the board may specify; and
- 7 (d) Other similar remedies.

8 (4) In any action brought under the provisions of this chapter, ev-
9 idence of the commission of a single act prohibited in this chapter shall
10 be sufficient to justify a suspension, revocation, fine, administrative
11 penalty, restriction, reprimand, injunction, restraining order, conviction
12 or any other remedy authorized in this chapter. Evidence of a general course
13 of conduct shall not be required.

14 SECTION 13. That Section 54-608, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 54-608. GROUNDS FOR SUSPENSION, DENIAL, REFUSAL TO RENEW OR REVOCATION
17 OF LICENSE. No license may be issued, and a license previously issued
18 may be suspended, revoked or otherwise disciplined, if the person applying
19 or the person licensed is:

- 20 (1) Found guilty by a court of competent jurisdiction of a ~~felony or any~~
21 ~~offense involving moral turpitude~~ crime that is determined relevant in ac-
22 cordance with 67-9411(1), Idaho Code;
- 23 (2) Found by the board to be a repeated and excessive abuser of any drug,
24 including alcohol, or any controlled substance;
- 25 (3) Found by the board to be in violation of any provision of this chap-
26 ter 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 li-
30 cense or the voluntary surrender of or voluntary limitation on a license,
31 taken against the licensee by any peer review body, any health care institu-
32 tion, any professional medical society or association or any court, law en-
33 forcement or governmental agency;
- 34 (6) Found by the board to have been unethical, unprofessional or dis-
35 honorable in the practice of healing the sick; or
- 36 (7) Found by the board to have failed to comply with an order issued by
37 the board.

38 SECTION 14. That Section 54-712, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 54-712. DISCIPLINE BY THE BOARD -- GROUNDS. Any license or permit is-
41 sued under the provisions of this chapter shall be subject to restriction,
42 suspension, revocation or other discipline pursuant to the provisions of
43 sections 54-707 and 54-713, Idaho Code, if the board finds that the licensee:

- 44 (1) Has been convicted, found guilty, received a withheld judgment or
45 suspended sentence in this or any other state of a ~~felony or a crime involving~~

- 1 ~~moral turpitude~~ that is determined relevant in accordance with 67-9411(1),
2 Idaho Code;
- 3 (2) Used false, fraudulent or forged statements or documents, diplo-
4 mas or credentials in connection with any licensing or other requirements of
5 this chapter or misrepresented or concealed a material fact in obtaining li-
6 censing, renewal or reinstatement;
- 7 (3) Practiced chiropractic under a false or assumed name in this or any
8 other state;
- 9 (4) Advertised the practice of chiropractic in a false, misleading or
10 deceptive manner;
- 11 (5) Knowingly aided or abetted any person to practice chiropractic
12 who is not authorized to practice chiropractic as provided in this chapter
13 or failed to adequately supervise auxiliary staff who have contact with
14 patients which creates or results in an unreasonable risk of harm to the
15 patient;
- 16 (6) Is unable to obtain or renew a license to practice chiropractic, or
17 whose license to practice chiropractic has been restricted, revoked or sus-
18 pended by any other state, territory or district of the United States or for-
19 eign jurisdiction; a certified copy of the order shall be conclusive evi-
20 dence of any restriction, revocation or suspension of a license;
- 21 (7) Failed to safeguard the confidentiality of chiropractic records or
22 other chiropractic information pertaining to identifiable clients, except
23 as required or authorized by law;
- 24 (8) Practiced chiropractic when a license pursuant to this chapter is
25 suspended, revoked, or inactive due to failure to renew the annual license
26 within the time and manner required by the board;
- 27 (9) Refused to divulge to the board, upon demand, the means, method, de-
28 vice or instrumentality used in the treatment of a disease, injury, ailment,
29 or infirmity;
- 30 (10) Has engaged in any conduct which constitutes an abuse or exploita-
31 tion of a patient arising out of the trust and confidence placed in the li-
32 censee by the patient;
- 33 (11) Has committed any act which constitutes ~~a felony or has committed~~
34 ~~any act which constitutes a crime involving moral turpitude~~ that is deter-
35 mined relevant in accordance with 67-9411(1), Idaho Code;
- 36 (12) Is unable to practice chiropractic with reasonable skill and
37 safety by reason of:
- 38 (a) Mental illness; or
39 (b) Physical illness including, but not limited to, physical deterio-
40 ration which adversely affects cognitive, motor or perceptive skills;
41 or
42 (c) Habitual or excessive use or abuse of drugs defined in law as con-
43 trolled substances, alcohol, or any other substances which impair abil-
44 ity; or
45 (d) Having a communicable, contagious or infectious disease which en-
46 dangers the health of patients;
- 47 (13) Has violated the standard of care or code of ethics as adopted by
48 the board or misrepresented or committed fraud in any aspect of the business
49 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 15. 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~~ a crime
18 that is determined relevant in accordance with 67-9411(1), Idaho Code, un-
19 less the person demonstrates that he has been sufficiently rehabilitated to
20 warrant the public trust;

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

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

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

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

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

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

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

37 SECTION 16. That Section 54-923, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other
40 evidence of qualification and right to practice dentistry, a dental spe-
41 cialty, dental therapy, or dental hygiene, and a license, may be revoked
42 by the board whenever it shall be shown to the board that the holder of such
43 certificate or other evidence of qualification, right to practice or license
44 has been convicted of a ~~felony, or of a misdemeanor involving moral turpitude~~
45 crime that is determined relevant in accordance with 67-9411(1), Idaho Code,
46 whether such conviction shall have occurred before or after qualification,

1 or accrual of such right, or the issuance of such certificate or other evi-
2 dence of qualification, or of such license. A person licensed to practice
3 dentistry, a dental specialty, dental therapy, or dental hygiene who is con-
4 victed of a felony in any jurisdiction shall notify the board within thirty
5 (30) days of conviction by submitting a copy of the judgment of conviction to
6 the board.

7 SECTION 17. That Section 54-1116, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 54-1116. DENIAL, SUSPENSION, OR REVOCATION OF LICENSES -- GROUNDS --
10 PROBATION. The board may refuse to issue or may refuse to renew or may suspend
11 or may revoke any license, or may place the holder thereof on a term of proba-
12 tion, after proper hearing, upon finding that the holder of such license com-
13 mitted any of the following acts or omissions:

14 (1) Conviction of a crime ~~involving moral turpitude~~ crime that is de-
15 termined relevant in accordance with 67-9411(1), Idaho Code.

16 (2) ~~Conviction of a felony.~~

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

18 (a) Misrepresentation or fraud in the conduct of mortician or funeral
19 director services;

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

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

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

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

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

39 (g) Gross immorality;

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

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

46 (j) Violation of any of the provisions of this chapter;

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

14 SECTION 18. That Section 54-1413, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 54-1413. DISCIPLINARY ACTION. (1) Grounds for discipline. The board
17 shall have the power to refuse to issue, renew or reinstate a license issued
18 pursuant to this chapter and may revoke, suspend, place on probation, reprimand,
19 limit, restrict, condition or take other disciplinary action against
20 the licensee as it deems proper, upon a determination by the board that
21 the licensee engaged in conduct constituting any one (1) of the following
22 grounds:

- 23 (a) Made, or caused to be made, a false, fraudulent or forged state-
- 24 ment or representation in procuring or attempting to procure a license
- 25 to practice nursing;
- 26 (b) Practiced nursing under a false or assumed name;
- 27 (c) Is convicted of a ~~felony or of any offense involving moral turpitude~~
- 28 crime that is determined relevant in accordance with 67-9411(1), Idaho
- 29 Code;
- 30 (d) Is or has been grossly negligent or reckless in performing nursing
- 31 functions;
- 32 (e) Habitually uses alcoholic beverages or drugs as defined by rule;
- 33 (f) Is physically or mentally unfit to practice nursing;
- 34 (g) Violates the provisions of this chapter or rules and standards of
- 35 conduct and practice as may be adopted by the board;
- 36 (h) Otherwise engages in conduct of a character likely to deceive,
- 37 defraud or endanger patients or the public, which includes, but is not
- 38 limited to, failing or refusing to report criminal conduct or other con-
- 39 duct by a licensee that endangers patients;
- 40 (i) Has been disciplined by a nursing regulatory authority in any ju-
- 41 risdiction. A certified copy of the order entered by the jurisdiction
- 42 shall be prima facie evidence of such discipline;
- 43 (j) Failure to comply with the terms of any board order, negotiated set-
- 44 tlement or probationary agreement of the board, or to pay fines or costs
- 45 assessed in a prior disciplinary proceeding;
- 46 (k) Engaging in conduct with a patient that is sexual, sexually ex-
- 47 ploitative, sexually demeaning or may reasonably be interpreted as
- 48 sexual, sexually exploitative or sexually demeaning; or engaging in

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

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

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

12 (3) Proceedings.

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

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

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

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

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

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

6 (5) Reporting investigative information.

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

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

15 SECTION 19. That Section 54-1510, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-1510. REVOCATION OF LICENSES -- GROUNDS. Every license issued un-
18 der the provisions of this chapter shall be subject to suspension, revoca-
19 tion or other discipline upon any of the following grounds pursuant to the
20 procedures set forth in chapter 52, title 67, Idaho Code. All hearings con-
21 ducted pursuant to this section, whether before the board or a hearing offi-
22 cer, shall be held in Ada county unless otherwise designated by the board.

23 (1) Fraud or deception in procuring license.

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

32 (3) Having been convicted or having received a withheld judgment or
33 suspended sentence in this or any other state of a ~~felony~~, a crime involving
34 moral turpitude that is determined relevant in accordance with 67-9411(1),
35 Idaho Code, or any act related to the qualifications, functions or duties of
36 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.

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 de-
35 termined relevant in accordance with 67-9411(1), Idaho Code.

36 SECTION 20. That Section 54-1726, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 54-1726. GROUNDS FOR DISCIPLINE. (1) The board of pharmacy may refuse
39 to issue or renew, or may suspend, revoke or restrict the license or regis-
40 tration of any person, pursuant to the procedures set forth in chapter 52,
41 title 67, Idaho Code, upon one (1) or more of the following grounds:

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

44 (b) Incapacity of a nature that prevents a pharmacist from engaging in
45 the practice of pharmacy with reasonable skill, competence and safety
46 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 crime that is determined relevant in accordance
5 with 67-9411(1), Idaho Code;

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

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

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

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

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

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

23 SECTION 21. That Section 54-1844, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 54-1844. DEFINITIONS. As used in this compact:

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

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

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

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

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

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

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

46 (8) "Member board" means a state agency in a member state that acts in
47 the sovereign interests of the state by protecting the public through licen-

1 sure, regulation and education of physicians as directed by the state gov-
2 ernment.

3 (9) "Member state" means a state that has enacted the compact.

4 (10) "Offense" means a ~~felony, gross misdemeanor or crime of moral~~
5 ~~turpitude~~ crime that is determined relevant in accordance with 67-9411(1),
6 Idaho Code.

7 (11) "Physician" means any person who:

8 (a) Is a graduate of a medical school accredited by the liaison commit-
9 tee on medical education, the commission on osteopathic college accred-
10 itation or a medical school listed in the international medical educa-
11 tion directory or its equivalent;

12 (b) Passed each component of the United States medical licensing exam-
13 ination (USMLE) or the comprehensive osteopathic medical licensing ex-
14 amination (COMLEX-USA) within three (3) attempts, or any of its prede-
15 cessor examinations accepted by a state medical board as an equivalent
16 examination for licensure purposes;

17 (c) Successfully completed graduate medical education approved by the
18 accreditation council for graduate medical education or the American
19 osteopathic association;

20 (d) Holds specialty certification or a time-unlimited specialty cer-
21 tificate recognized by the American board of medical specialties or the
22 American osteopathic association's bureau of osteopathic specialists;

23 (e) Possesses a full and unrestricted license to engage in the practice
24 of medicine issued by a member board;

25 (f) Has never been convicted or received adjudication, deferred ad-
26 judication, community supervision or deferred disposition for any
27 offense by a court of appropriate jurisdiction;

28 (g) Has never held a license authorizing the practice of medicine sub-
29 jected to discipline by a licensing agency in any state, federal or fore-
30 eign jurisdiction, excluding any action related to nonpayment of fees
31 related to a license;

32 (h) Has never had a controlled substance license or permit suspended
33 or revoked by a state or the United States drug enforcement administra-
34 tion; and

35 (i) Is not under active investigation by a licensing agency or law en-
36 forcement authority in any state, federal or foreign jurisdiction.

37 (12) "Practice of medicine" means the clinical prevention, diagnosis or
38 treatment of human disease, injury or condition requiring a physician to ob-
39 tain and maintain a license in compliance with the medical practice act of a
40 member state.

41 (13) "Rule" means a written statement by the interstate commission pro-
42 mulgated pursuant to section 54-1853, Idaho Code, that is of general appli-
43 cability, implements, interprets, or prescribes a policy or provision of the
44 compact or an organizational, procedural or practice requirement of the in-
45 terstate commission, and has the force and effect of statutory law in a mem-
46 ber state, and includes the amendment, repeal, or suspension of an existing
47 rule.

48 (14) "State" means any state, commonwealth, district or territory of
49 the United States.

1 (15) "State of principal license" means a member state where a physi-
2 cian holds a license to practice medicine and which has been designated as
3 such by the physician for purposes of registration and participation in the
4 compact.

5 SECTION 22. That Section 54-1910, Idaho Code, be, and the same is hereby
6 amended to read as follows:

7 54-1910. EXAMINATIONS, QUALIFICATIONS AND APPLICATIONS. Under such
8 rules as the board may adopt, the administrator shall have the power and
9 authority to investigate, classify, and to qualify applicants for licenses
10 under this chapter, by written or oral examinations, or both.

11 The qualifications to be required of an applicant by the board are as
12 follows:

13 (a) Such degree of experience, and such general knowledge of the build-
14 ing, safety, health and lien laws of the state, and of the rudimentary ad-
15 ministrative principles of the contracting business, as may be deemed neces-
16 sary by the board for the safety and protection of the public. The applicant
17 if an individual may qualify as to the aforementioned experience and knowl-
18 edge by personal appearance or by the appearance of his responsible managing
19 employee, and if a copartnership or corporation, limited liability company,
20 limited liability partnership and any other combination or organization, by
21 the appearance of the responsible managing officer or member of the person-
22 nel of such applicant. If the person qualifying by examination as to expe-
23 rience and knowledge shall, for any reason whatsoever, cease to be connected
24 with the licensee to whom the license is issued, such licensee shall so no-
25 tify the administrator in writing within ten (10) days from such cessation.
26 If such notice is given, the license shall remain in force for a reasonable
27 length of time, to be determined by rules of the board. If such licensee
28 fails to so notify the administrator within said ten (10) day period, then
29 at the end of such ten (10) day period, the license of such licensee shall be
30 automatically suspended. A suspended license shall be reinstated upon the
31 filing with the administrator of an affidavit executed by the licensee or a
32 member of the suspended firm, to the effect that the individual originally
33 examined for the firm has been replaced by another individual who has been
34 qualified by examination as herein provided, and who shall not have had a li-
35 cense suspended or revoked, nor have been connected with any licensee who has
36 had a license suspended or revoked for reasons that should preclude him from
37 personally qualifying as to good character as herein required of an appli-
38 cant.

39 (b) The possession by the applicant of good character. Lack of charac-
40 ter may be established by showing any of the following:

41 (1) That the applicant has committed or done any act which, if committed
42 or done by any licensed contractor, would be grounds for the suspension
43 or revocation of a contractor's license; or

44 (2) That the applicant has committed or done any act involving dis-
45 honesty, fraud or deceit whereby the applicant has been benefited or
46 whereby some injury has been sustained by another; or

47 (3) That the applicant bears a bad reputation for honesty and in-
48 tegrity; or

1 (4) That the applicant has been convicted of a ~~felony~~ crime that is de-
2 termined relevant in accordance with 67-9411(1), Idaho Code.

3 (c) That he has never been refused a license or had a license revoked for
4 reasons that would preclude the granting of the license applied for.

5 (d) No license shall be issued to a corporation, copartnership, limited
6 liability company, limited liability partnership or other combination or
7 organization if any responsible officer of such corporation, or other com-
8 bination or organization, or any member of such copartnership does not meet
9 the qualifications required of an applicant other than those qualifications
10 relating to knowledge and experience.

11 (e) To obtain an original license under this chapter, the applicant
12 shall submit to the administrator, on such forms as the administrator shall
13 prescribe, accompanied by the required fee for the class of license applied
14 for, and in accordance with such rules as may be deemed necessary and adopted
15 by the board in order to carry out the foregoing provisions of this section,
16 a sworn written application for such license, containing the statement that
17 applicant desires the issuance of a license under the terms of this chap-
18 ter. The information contained in such application forms shall include a
19 complete statement of the general nature of applicant's contracting busi-
20 ness, and stating concisely applicant's experience and qualifications as a
21 contractor; the value and character of contract work completed and for whom
22 performed during the three (3) year period prior to filing the application;
23 a general description of applicant's machinery and equipment; a complete
24 financial statement which may include a letter from applicant's bonding
25 company stating the amount of the applicant's bonding capability per project
26 and in the aggregate, on such forms and disclosing such information as shall
27 be required by the administrator, together with such additional information
28 as may be required by the administrator to determine the applicant's fit-
29 ness for a license under this chapter. The application shall contain, if
30 by an individual, the individual's name, social security number and busi-
31 ness address; if by a copartnership, its business address and the names and
32 addresses of all partners; and if by a corporation, association, limited
33 liability company, limited liability partnership or other organization, its
34 business address and the names and addresses of the president, vice presi-
35 dent, secretary, and chief construction managing officers, or responsible
36 managing employee. A request for a licensing class higher than that for
37 which the applicant qualifies must go to the administrator for review and may
38 be approved up to the bond limit. A final appeal of a decision of the adminis-
39 trator may be made to the board.

40 SECTION 23. That Section 54-2508, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 54-2508. LICENSE -- APPLICATION THEREFOR -- TYPE AND NUMBER OF RACES
43 -- FEE PER DAY -- REFUND -- CANCELLATION -- HEARING -- SIMULCAST PURSE MONEYS
44 FUND. It shall be unlawful for any person to hold any race meet in this state
45 without having first obtained and having in force and effect a license issued
46 by the commission as in this chapter provided. Every person making appli-
47 cation for a license to hold a race meet, under the provisions of this chap-
48 ter, shall file an application with the commission which shall set forth the

1 time, place and number of days such will continue, an agreement with a horse-
2 men's group as the term "horsemen's group" is defined in section 54-2502,
3 Idaho Code, and such other information as the commission may require. The
4 agreement shall be reached voluntarily or pursuant to binding arbitration
5 in conformance with chapter 9, title 7, Idaho Code, and shall address, but
6 not be limited to, number of live race days and percentage of the live race
7 and simulcast handle that is dedicated to the live horse race purse struc-
8 ture. In addition, the agreement shall provide that all simulcast purse mon-
9 eys that are accrued as required by the horsemen's agreement be held in the
10 simulcast purse moneys fund created pursuant to the provisions of this sec-
11 tion. Race days agreed upon shall be submitted to the Idaho racing commis-
12 sion for its approval.

13 No person who has been convicted of any crime ~~involving moral turpitude~~
14 that is determined relevant in accordance with 67-9411(1), Idaho Code shall
15 be issued a license of any kind, nor shall any license be issued to any person
16 who has violated the terms or provisions of this chapter, or any of the rules
17 of the commission, or who has failed to pay any of the fees, taxes or moneys
18 required under the provisions of this chapter.

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

23 The license issued shall specify the kind and character of the race
24 meets to be held, the number of days the race meet shall continue and the num-
25 ber of races per day. For those licensees or facilities that have had a total
26 race handle from both live races and simulcast races exceeding five million
27 dollars (\$5,000,000) during the last calendar year in operation, the number
28 of races per day shall not be less than eight (8), and the number of days of
29 racing shall not be less than forty-six (46) unless otherwise agreed by the
30 licensee and the horsemen's group. Provided however, the number of days of
31 racing shall not be less than fifteen (15) and the number of days of racing
32 shall be approved by the Idaho racing commission. For those licensees or fa-
33 cilities that have had a total race handle from both live races and simulcast
34 races of five million dollars (\$5,000,000) or less during the last calendar
35 year in operation, the number of races per day shall not be less than six (6)
36 and the number of days of racing shall not be less than two (2). The licensee
37 shall pay in advance of the scheduled race meet to the state treasurer a fee
38 of not less than twenty-five dollars (\$25.00) for each day of racing, which
39 fees shall be placed in the public school income fund of the state of Idaho.
40 Provided, that if unforeseen obstacles arise, which prevent the holding,
41 or completion of any race meet, the license fee held may be refunded the li-
42 censee, if the commission deems the reason for failure to hold or complete
43 the race meet sufficient. Any unexpired license held by any person who vio-
44 lates any of the provisions of this chapter, pursuant thereto, or who fails
45 to pay to the commission any and all sums required under the provisions of
46 this chapter, shall be subject to cancellation and revocation by the commis-
47 sion. Such cancellation shall be made only after a summary hearing before
48 the commission, of which three (3) days' notice in writing shall be given the
49 licensee, specifying the grounds for the proposed cancellation, and at which

1 hearing the licensee shall be given an opportunity to be heard in opposition
2 to the proposed cancellation.

3 The simulcast purse moneys fund is hereby created in the state treasury.
4 Moneys in the fund shall consist of all simulcast purse moneys that are ac-
5 crued as required by horsemen's agreements. Moneys in the fund are hereby
6 perpetually appropriated to the Idaho state racing commission for distri-
7 bution pursuant to the provisions of horsemen's agreements and rules of the
8 commission. The commission is authorized to promulgate rules providing for
9 the receipt, deposit, withdrawal and distribution of such moneys. The state
10 treasurer shall invest idle moneys in the fund and any interest received on
11 those investments shall be returned to the fund.

12 SECTION 24. That Section 54-2819, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 54-2819. DISCIPLINE. (1) Grounds for discipline. The board shall have
15 the power to deny any application for or renewal of a certificate of regis-
16 tration or to revoke, suspend or otherwise discipline any registrant or reg-
17 istration issued pursuant to this chapter and to limit or restrict the prac-
18 tice of any registrant upon a determination by the board that the person:

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

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

23 (c) Was convicted of, found guilty, received a withheld judgment or
24 suspended sentence in this or any other state of action constituting a
25 ~~felony or of a crime involving moral turpitude~~ that is determined rele-
26 vant in accordance with 67-9411(1), Idaho Code; or

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

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

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

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

38 (a) All proceedings hereunder shall be in accordance with chapter 52,
39 title 67, Idaho Code, and the Idaho rules of administrative procedure of
40 the attorney general (IDAPA 04.11.01).

41 (b) Hearings shall be conducted by the board or by persons appointed by
42 the board to conduct hearings and receive evidence.

43 (3) Probation. Any order of the board entered under this section may be
44 withheld or suspended for a probationary period to be fixed by the board upon
45 such terms and conditions as may be appropriate in order to regulate, monitor
46 or supervise the practice of geology by the registrant subject to such order
47 for the prescribed probationary period.

1 (4) Subsequent review. Any order of the board entered under this sec-
2 tion may be withdrawn, reversed, modified or amended upon a showing by the
3 person subject to the order that the grounds for discipline no longer ex-
4 ist or that he is rehabilitated, qualified and competent to practice profes-
5 sional geology and that he is not likely to violate the provisions of this
6 section or rules adopted hereunder in the future.

7 (5) Costs and fees. The board may, pursuant to an order of discipline
8 or as a condition to withdrawal, reversal, modification or amendment of the
9 order, require the person to pay all or part of the costs and fees incurred by
10 the board in proceedings upon which the order was entered.

11 (6) Administrative fines. The board may, pursuant to an order of disci-
12 pline, require the payment of an administrative fine not to exceed one thou-
13 sand dollars (\$1,000) for each violation of the provisions of this section or
14 rules adopted hereunder.

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

17 54-3112. SUSPENSION AND REVOCATION OF TEMPORARY PERMIT OR CERTIFI-
18 CATE. The board may refuse to issue, refuse to renew, suspend, revoke, or
19 otherwise sanction a temporary permit or certified shorthand reporter cer-
20 tificate for any of the following reasons:

21 (1) Conviction of a ~~felony or a misdemeanor involving moral turpitude~~
22 crime that is determined relevant in accordance with 67-9411(1), Idaho Code.
23 The record of conviction, or a certified copy thereof, shall be prima facie
24 evidence of conviction in such cases.

25 (2) Fraud or misrepresentation resorted to in obtaining a certificate
26 thereunder.

27 (3) Fraud, dishonesty, corruption, willful violation of duty, gross
28 incompetence in practice or unprofessional conduct in performing services
29 as a certified shorthand reporter.

30 (4) Persistent failure to perform duties.

31 (5) Any physical or mental disability materially interfering with the
32 performance of duties.

33 (6) The violation of the provisions of this chapter or rules, or any
34 ethical codes as may be adopted by the board.

35 SECTION 26. That Section 54-3211, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 54-3211. REFUSAL TO ISSUE, REFUSAL TO RENEW, SUSPENSION OR REVOCATION
38 OF LICENSE -- UNPROFESSIONAL CONDUCT. The board may refuse to issue, refuse
39 to renew, may suspend, or may revoke any license issued under this chapter,
40 or take other disciplinary action, upon proof, after a hearing, that the per-
41 son has engaged in "unprofessional conduct." The words "unprofessional con-
42 duct" as relating to persons licensed under this chapter are defined to in-
43 clude but are not limited to:

44 (1) Conviction of a ~~felony, or of any offense involving moral turpitude~~
45 crime that is determined relevant in accordance with 67-9411(1), Idaho Code.

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

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

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

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

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

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

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

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

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

20 54-3510. GROUNDS FOR DISCIPLINE. The board, in accordance with the
21 requirements of chapter 52, title 67, Idaho Code, may, upon recommendation
22 of the licensure board, refuse to issue a license or permit, refuse to renew
23 a license or permit, or may suspend, restrict or revoke a license or permit,
24 under such conditions as the board may determine, if the licensee, permittee
25 or applicant for license:

26 (1) ~~Has been convicted of a felony or crime involving moral turpitude,~~
27 ~~or has entered a plea of guilty to, or been found guilty of, the commission of~~
28 ~~a felony or a crime involving moral turpitude~~ that is determined relevant in
29 accordance with 67-9411(1), Idaho Code;

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

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

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

35 (5) Engaged in the practice of dietetics in a manner that does not meet
36 the generally accepted standards for the practice of dietetics within the
37 state of Idaho;

38 (6) Divided fees or gifts or agreed to split or divide fees or gifts re-
39 ceived for professional services with any person, institution or corpora-
40 tion in exchange for a referral;

41 (7) Failed to maintain the confidentiality of medical records or other
42 medical information pertaining to identifiable patients, except as required
43 or authorized by law;

44 (8) Engaged in any conduct that constitutes an abuse or exploitation of
45 a patient arising out of the trust and confidence placed in the dietitian by
46 the patient;

47 (9) Failed to supervise the activities of a provisionally licensed di-
48 etitian;

- 1 (10) Continued to practice as a dietitian when a license pursuant to
- 2 this chapter was suspended, revoked or inactive;
- 3 (11) Practiced as a dietitian in violation of a voluntary restriction or
- 4 terms of probation pursuant to this chapter;
- 5 (12) Continued to practice as a dietitian when registration by the CDR
- 6 or its successor organization was not renewed or was suspended or revoked; or
- 7 (13) Failed to comply with a board order.

8 SECTION 28. That Section 54-3804, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-3804. DENIAL, SUSPENSION, OR REVOCATION OF LICENSES -- GROUNDS --
11 PROBATION. The board may refuse to issue or may refuse to renew or may suspend
12 or may revoke any license, or may place the holder thereof on a term of proba-
13 tion, after proper hearing, upon finding that the holder of such license com-
14 mitted any of the following acts or omissions:

- 15 (1) Conviction of, being found guilty of, pleading guilty to or receiv-
16 ing withheld judgment for a crime involving moral turpitude that is deter-
17 mined relevant in accordance with 67-9411 (1), Idaho Code.
- 18 ~~(2) Conviction of, being found guilty of, pleading guilty to or receiv-~~
19 ~~ing withheld judgment for a felony.~~
- 20 ~~(3) Unprofessional conduct, which is hereby defined to include:~~
 - 21 (a) Misrepresentation or fraud in the conduct of cemetery services;
 - 22 (b) False or misleading advertising as a holder of a license for the ad-
 - 23 vertising or using the name of an unlicensed person in connection with
 - 24 that of any cemetery establishment;
 - 25 (c) Employment directly or indirectly, of any resident trainee, agent,
 - 26 assistant, employee, or other person, on part or full time, or on com-
 - 27 mission, for the purpose of calling upon individuals or institutions
 - 28 by whose influence dead human bodies may be turned over to a particular
 - 29 cemetery establishment;
 - 30 (d) Gross immorality;
 - 31 (e) Aiding or abetting an unlicensed person to engage in practice as a
 - 32 cemeterian;
 - 33 (f) Violation of any of the provisions of section 54-1116, Idaho Code.
 - 34 (g) Violation of any state law, or municipal or county ordinance, or
 - 35 regulation authorized under this act affecting the handling, custody,
 - 36 care, processing or transportation of dead human bodies;
 - 37 (h) Fraud or misrepresentation in obtaining or renewing a license;
 - 38 (i) Violation of statutes of any state having to do with prearrangement
 - 39 or prefinancing of cemetery supplies or services.

40 SECTION 29. That Section 54-4013, Idaho Code, be, and the same is hereby
41 amended to read as follows:

42 54-4013. DISCIPLINARY ACTION. The board may refuse to issue or renew
43 or otherwise discipline a license holder for any of the following:

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

- 1 (2) Practicing as a massage therapist when physical or mental abilities
2 are impaired as determined by the board;
- 3 (3) Conviction of a ~~felony~~, a crime involving moral turpitude or a crime
4 ~~under any municipal, state or federal narcotic or controlled substance law~~
5 that is determined relevant in accordance with 67-9411(1), Idaho Code, pro-
6 vided that the board has taken into consideration the rehabilitation of the
7 applicant or licensee and other mitigating circumstances;
- 8 (4) Having been adjudged mentally incompetent by a court of competent
9 jurisdiction;
- 10 (5) Engaging in any act or practice in violation of any of the provi-
11 sions of this chapter or any of the rules adopted by the board, or aiding,
12 abetting or assisting any other person in such a violation;
- 13 (6) The commission of an act of gross negligence or incompetence;
- 14 (7) Practice without a valid license;
- 15 (8) Engaging in any lewd, indecent, obscene or unlawful behavior with a
16 client;
- 17 (9) The employment of fraud, deceit, or misrepresentation when commu-
18 nicating with the general public, health care professionals or other busi-
19 ness professionals;
- 20 (10) Having had a license revoked or suspended, other disciplinary ac-
21 tion taken or an application for licensure refused, revoked or suspended by
22 the proper authorities of another state, territory or country, or omitting
23 such information from any application to the board, or failing to divulge
24 such information when requested by the board;
- 25 (11) A violation of the code of ethics or standards of practice as
26 adopted by the board; and
- 27 (12) Failure to comply with an order issued by the board.

28 SECTION 30. That Section 54-4711, Idaho Code, be, and the same is hereby
29 amended to read as follows:

30 54-4711. SUSPENSION AND REVOCATION. To protect the health, safety and
31 welfare of the public, the board, in accordance with the requirements of
32 chapter 52, title 67, Idaho Code, may refuse to issue or may refuse to renew a
33 license, certification or permit, or may suspend or revoke a license, cer-
34 tification or permit, under such conditions as the board may require, if the
35 applicant or holder of the license, certification or permit has:

- 36 (1) Been convicted of a ~~felonious act, or crime involving moral turpi-~~
37 tude that is determined relevant in accordance with 67-9411(1), Idaho Code;
- 38 (2) Obtained or attempted to obtain the issuance or renewal of a li-
39 cense, certification or permit pursuant to this chapter by means of fraud,
40 misrepresentation or concealment of material facts;
- 41 (3) Engaged in the practice of acupuncture in a manner which does not
42 meet the generally accepted standards for the practice of acupuncture within
43 the state of Idaho;
- 44 (4) Failed to maintain the confidentiality of records or other informa-
45 tion pertaining to an identifiable client, except as required or authorized
46 by law;

- 1 (5) Engaged in any conduct that constitutes an abuse or exploitation of
- 2 a client arising out of the trust and confidence placed in the acupuncturist
- 3 by the client;
- 4 (6) Engaged in conduct that violates the provisions of this chapter,
- 5 the rules of the board or the terms of any permit issued by the board; or
- 6 (7) Failed to comply with a board order entered in a disciplinary mat-
- 7 ter.

8 SECTION 31. That Section 54-4805, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-4805. REGISTRATION AS ATHLETE AGENT -- APPLICATION -- REQUIREMENTS
11 -- RECIPROCAL REGISTRATION. (1) An applicant for registration as an athlete
12 agent shall submit an application for registration to the bureau in a form
13 prescribed by the bureau. The applicant must be an individual, and the ap-
14 plication must be signed by the applicant under penalty of perjury. An ap-
15 plication filed under this section is a public record. The application must
16 contain at least the following:

- 17 (a) The name and date and place of birth of the applicant and the follow-
18 ing contact information for the applicant:
 - 19 (i) The address of the applicant's principal place of business;
 - 20 (ii) Work and mobile telephone numbers; and
 - 21 (iii) Any means of communicating electronically, including a fac-
22 simile number, electronic-mail address and personal and business
23 or employer websites;
- 24 (b) The name of the applicant's business or employer, if applicable,
25 including for each business or employer, its mailing address, telephone
26 number, type of business organization and the nature of the business;
- 27 (c) Each social media account with which the applicant or the appli-
28 cant's business or employer is affiliated;
- 29 (d) Each business or occupation in which the applicant engaged within
30 five (5) years before the date of the application, including self-em-
31 ployment and employment by others, and any professional or occupational
32 license, registration or certification held by the applicant during
33 that time;
- 34 (e) A description of the applicant's:
 - 35 (i) Formal training as an athlete agent;
 - 36 (ii) Practical experience as an athlete agent; and
 - 37 (iii) Educational background relating to the applicant's activi-
38 ties as an athlete agent;
- 39 (f) The name of each student athlete for whom the applicant acted as an
40 athlete agent within five (5) years before the date of the application
41 or, if the individual is a minor, the name of the parent or guardian of
42 the minor, together with the athlete's sport and last known team;
- 43 (g) The name and address of each person that:
 - 44 (i) Is a partner, member, officer, manager, associate or profit
45 sharer or directly or indirectly holds an equity interest of five
46 percent (5%) or greater of the athlete agent's business if it is
47 not a corporation; and

- 1 (ii) Is an officer or director of a corporation employing the ath-
- 2 lete agent or a shareholder having an interest of five percent (5%)
- 3 or greater in the corporation;
- 4 (h) A description of the status of any application by the applicant, or
- 5 any person named under paragraph (g) of this subsection, for a state or
- 6 federal business, professional or occupational license, other than as
- 7 an athlete agent, from a state or federal agency, including any denial,
- 8 refusal to renew, suspension, withdrawal or termination of the license
- 9 and any reprimand or censure related to the license;
- 10 (i) Whether the applicant, or any person named under paragraph (g) of
- 11 this subsection, has pleaded guilty or no contest to; has been convicted
- 12 of; entered an Alford plea for; received a withheld judgment, suspended
- 13 sentence or deferred prosecution for; or has charges pending for, a
- 14 crime ~~that would involve moral turpitude or be a felony if committed in~~
- 15 ~~this state~~ and, if so, identification of:
- 16 (i) The crime;
- 17 (ii) The law enforcement agency involved; and
- 18 (iii) If applicable, the date of the conviction and the fine or
- 19 penalty imposed;
- 20 (j) Whether, within fifteen (15) years before the date of application,
- 21 the applicant, or any person named under paragraph (g) of this subsec-
- 22 tion, has been a defendant or respondent in a civil proceeding, includ-
- 23 ing a proceeding seeking an adjudication of legal incompetence and, if
- 24 so, the date and a full explanation of each proceeding;
- 25 (k) Whether the applicant, or any person named under paragraph (g) of
- 26 this subsection, has an unsatisfied judgment or a judgment of continu-
- 27 ing effect, including spousal support or a domestic order in the nature
- 28 of child support, that is not current at the date of the application;
- 29 (l) Whether, within ten (10) years before the date of application, the
- 30 applicant, or any person named under paragraph (g) of this subsection,
- 31 was adjudicated bankrupt or was an owner of a business that was adjudi-
- 32 cated bankrupt;
- 33 (m) Whether there has been any administrative or judicial determina-
- 34 tion that the applicant, or any person named under paragraph (g) of this
- 35 subsection, made a false, misleading, deceptive or fraudulent repre-
- 36 sentation;
- 37 (n) Each instance in which conduct of the applicant, or any person named
- 38 under paragraph (g) of this subsection, resulted in the imposition of a
- 39 sanction, suspension or declaration of ineligibility to participate in
- 40 an interscholastic, intercollegiate or professional athletic event on a
- 41 student athlete or a sanction on an educational institution;
- 42 (o) Each sanction, suspension or disciplinary action taken against the
- 43 applicant, or any person named under paragraph (g) of this subsection,
- 44 arising out of occupational or professional conduct;
- 45 (p) Whether there has been a denial of an application for, suspension
- 46 or revocation of, refusal to renew or abandonment of the registration of
- 47 the applicant, or any person named under paragraph (g) of this subsec-
- 48 tion, as an athlete agent in any state;
- 49 (q) Each state in which the applicant currently is registered as an ath-
- 50 lete agent or has applied to be registered as an athlete agent;

- 1 (r) If the applicant is certified or registered by a professional
- 2 league or players association:
- 3 (i) The name of the league or association;
- 4 (ii) The date of certification or registration and the date of ex-
- 5 piration of the certification or registration, if any; and
- 6 (iii) If applicable, the date of any denial of an application for,
- 7 suspension or revocation of, refusal to renew, withdrawal of, or
- 8 termination of the certification or registration, or any reprim-
- 9 and or censure related to the certification or registration; and
- 10 (s) Any additional information requested by the bureau.
- 11 (2) Instead of proceeding under subsection (1) of this section, an in-
- 12 dividual registered as an athlete agent in another state may apply for regis-
- 13 tration as an athlete agent in this state by submitting to the bureau:
- 14 (a) A copy of the application for registration in the other state;
- 15 (b) A statement that identifies any material change in the information
- 16 on the application or verifies there is no material change in the infor-
- 17 mation, signed under penalty of perjury; and
- 18 (c) A copy of the certificate of registration from the other state.
- 19 (3) The bureau shall issue a certificate of registration to an individ-
- 20 ual who applies for registration under subsection (2) of this section, if the
- 21 bureau determines:
- 22 (a) The application and registration requirements of the other state
- 23 are substantially similar to or more restrictive than this chapter; and
- 24 (b) The registration has not been revoked or suspended and no action in-
- 25 volving the individual's conduct as an athlete agent is pending against
- 26 the individual or the individual's registration in any state.
- 27 (4) For purposes of implementing subsection (3) of this section, the
- 28 bureau shall:
- 29 (a) Cooperate with national organizations concerned with athlete agent
- 30 issues, and agencies in other states that register athlete agents, to
- 31 develop a common registration form and determine which states have laws
- 32 that are substantially similar to or more restrictive than this chap-
- 33 ter; and
- 34 (b) Exchange information, including information related to actions
- 35 taken against registered athlete agents or their registrations, with
- 36 those organizations and agencies.

37 SECTION 32. That Section 54-4806, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 54-4806. CERTIFICATE OF REGISTRATION -- ISSUANCE OR DENIAL -- RE-
40 NEWAL. (1) Except as otherwise provided in subsection (2) of this section,
41 the bureau shall issue a certificate of registration to an applicant for
42 registration who complies with section 54-4805(1), Idaho Code.

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

- 1 (a) Pled guilty or no contest to; has been convicted of; entered an
- 2 Alford plea for; received a withheld judgment, suspended sentence or
- 3 deferred prosecution for; or has charges pending for, a crime that ~~would~~
- 4 ~~involve moral turpitude or be a felony if committed in this state~~ is de-
- 5 termined relevant in accordance with 67-9411(1), Idaho Code;
- 6 (b) Made a materially false, misleading, deceptive or fraudulent rep-
- 7 resentation in the application or as an athlete agent;
- 8 (c) Engaged in conduct that would disqualify the applicant from serving
- 9 in a fiduciary capacity;
- 10 (d) Engaged in conduct prohibited by section 54-4814, Idaho Code;
- 11 (e) Had a registration as an athlete agent suspended, revoked or denied
- 12 in any state;
- 13 (f) Been refused renewal of registration as an athlete agent in any
- 14 state;
- 15 (g) Engaged in conduct resulting in imposition of a sanction, suspen-
- 16 sion or declaration of ineligibility to participate in an interscholas-
- 17 tic, intercollegiate or professional athletic event on a student ath-
- 18 lete or a sanction on an educational institution; or
- 19 (h) Engaged in conduct that adversely reflects on the applicant's cred-
- 20 itibility, honesty or integrity.
- 21 (3) In making a determination under subsection (2) of this section, the
- 22 bureau shall consider:
 - 23 (a) How recently the conduct occurred;
 - 24 (b) The nature of the conduct and the context in which it occurred; and
 - 25 (c) Other relevant conduct of the applicant.
- 26 (4) An athlete agent registered under subsection (1) of this section
- 27 may apply to renew the registration by submitting an application for renewal
- 28 in a form prescribed by the bureau. The applicant shall sign the application
- 29 for renewal under penalty of perjury and include current information on all
- 30 matters required in an original application for registration.
- 31 (5) An athlete agent registered under section 54-4805(3), Idaho Code,
- 32 may renew the registration by proceeding under subsection (4) of this sec-
- 33 tion or, if the registration in the other state has been renewed, by submit-
- 34 ting to the bureau copies of the application for renewal in the other state
- 35 and the renewed registration from the other state. The bureau shall renew
- 36 the registration if the bureau determines:
 - 37 (a) The registration requirements of the other state are substantially
 - 38 similar to or more restrictive than this chapter; and
 - 39 (b) The renewed registration has not been suspended or revoked and
 - 40 no action involving the individual's conduct as an athlete agent is
 - 41 pending against the individual or the individual's registration in any
 - 42 state.
- 43 (6) A certificate of registration or renewal of registration under this
- 44 chapter is valid for two (2) years.

45 SECTION 33. That Section 54-5303, Idaho Code, be, and the same is hereby
46 amended to read as follows:

47 54-5303. DEFINITIONS. (1) "Board" means the liquefied petroleum gas
48 safety board.

- 1 (2) "Bureau" means the bureau of occupational licenses.
- 2 (3) "Department" means the department of self-governing agencies.
- 3 (4) "Good moral character" means the absence of any behavior that vio-
- 4 lates accepted standards of the community including, but not limited to:
- 5 (a) Conviction or plea of guilty to a ~~felony or other~~ crime involving
- 6 moral turpitude that is determined relevant in accordance with
- 7 67-9411 (1), Idaho Code;
- 8 (b) Habitual use of drugs or intoxicants to such a degree as to render a
- 9 person unfit and unreliable to practice;
- 10 (c) Revocation or suspension or other restriction of any license or
- 11 certificate in any state in the previous five (5) years; and
- 12 (d) Failure to pay final judgments in any state in the previous seven
- 13 (7) years.
- 14 (5) "License" means a physical document issued by the bureau certifying
- 15 that a person or facility has met the appropriate qualifications and has been
- 16 granted the authority to practice or operate in Idaho under the provisions of
- 17 this chapter.
- 18 (6) "Liquefied petroleum gas" or "LPG" or "LP-Gas" means any material
- 19 that is composed predominantly of or by the mixture of any of the following
- 20 hydrocarbons: propane, propylene, butanes, isobutanes and butylenes.
- 21 (7) "LPG facility" means any facility at a fixed location licensed pur-
- 22 suant to this chapter whose activities include selling, filling, refilling,
- 23 or commercial handling or commercial storage of LPG.
- 24 (8) "LPG dealer" means any person licensed pursuant to this chapter who
- 25 engages in LPG dealer practice.
- 26 (9) "LPG dealer practice" means a person engaging in the selling, fill-
- 27 ing, refilling, transporting, delivering, or commercial handling of LPG, or
- 28 engaging in the installation or maintenance of systems, equipment, pipes or
- 29 containers for the use or storage of LPG.
- 30 (10) "LPG code" means the liquefied petroleum gas code adopted by the
- 31 national fire protection association, inc., commonly known as NFPA 58.

32 SECTION 34. That Section 54-5408, Idaho Code, be, and the same is hereby
33 amended to read as follows:

- 34 54-5408. DISCIPLINE. (1) Grounds for discipline. The board shall have
35 the power to deny any application for or renewal of a license or to revoke,
36 suspend or otherwise sanction any such license issued pursuant to this chap-
37 ter and to limit or restrict the practice of any driving instructor or driv-
38 ing business upon a determination by the board that the person or business:
- 39 (a) Was convicted, found guilty, received a withheld judgment or sus-
 - 40 pended sentence in this or any other state, of any action constituting a
 - 41 ~~felony or of a crime involving moral turpitude~~ that is determined rele-
 - 42 vant in accordance with 67-9411 (1), Idaho Code;
 - 43 (b) Violated the provisions of this chapter or rules, standards of con-
 - 44 duct and practice, or any ethical codes as may be adopted by the board;
 - 45 (c) Is or has been negligent or reckless in the practice of driver edu-
 - 46 cation; or
 - 47 (d) Has had any license, certificate or registration to work as a driv-
 - 48 ing instructor or operate as a driving business suspended or revoked in

1 any jurisdiction. A certified copy of the order of suspension or revo-
2 cation shall be prima facie evidence of such suspension or revocation.

3 (2) Every person or business subject to disciplinary proceedings shall
4 be afforded an opportunity for hearing.

5 (a) All proceedings hereunder shall be in accordance with chapter 52,
6 title 67, Idaho Code.

7 (b) Hearings shall be conducted by the board or by persons appointed by
8 the board to conduct hearings and receive evidence.

9 (3) The board may, pursuant to an order of discipline, require the per-
10 son or business to pay all or part of the costs and fees incurred by the board
11 in proceedings upon which the order was entered.

12 (4) The board may, pursuant to an order of discipline, require the per-
13 son or business to pay an administrative fine not to exceed one thousand dol-
14 lars (\$1,000) for each violation identified in the order.

15 SECTION 35. That Section 67-5309, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 67-5309. RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL
18 COMMISSION. The administrator of the division of human resources shall have
19 the power and authority to adopt, amend, or rescind such rules as may be nec-
20 essary for proper administration of this chapter. Such rules shall include:

21 (a) A rule requiring the administrator, after consulting with each de-
22 partment, to develop, adopt, and make effective a job classification system
23 for positions covered by this chapter, based upon an analysis of the duties
24 and responsibilities of the positions. The job classification shall include
25 an appropriate title for each class and a description of duties and responsi-
26 bilities of positions in the classes and the requirements of minimum train-
27 ing, experience and other qualifications suitable for the performance of du-
28 ties of the position.

29 (b) A rule describing the relevant labor markets and benchmark job
30 classifications used in the administrator's salary surveys.

31 (c) A rule requiring that all classes of positions which are common to
32 the departments concerned shall have the same titles, minimum requirements
33 and compensation ranges.

34 (d) A rule providing for review by the administrator of the personnel
35 system including classifications and compensation policies and procedures.

36 (e) A rule that, notwithstanding the procedure for examination and
37 ranking of eligibles on a register provided in subsection (f) of this sec-
38 tion, an agency may appoint an individual directly into an entrance or
39 promotional probation if the division of vocational rehabilitation, Idaho
40 commission for the blind and visually impaired or the industrial commission
41 certifies, with the concurrence of division of human resources staff, that
42 the individual: (1) has a disability or handicap as defined under state or
43 federal law; (2) is qualified to perform the essential functions of a par-
44 ticular classified position with or without reasonable accommodation; and
45 (3) lacks competitiveness in the examination process due to the disability
46 or handicap. The probationary period as provided in subsection (j) of this
47 section shall be the sole examination for such individuals.

1 (f) A rule requiring fair and impartial selection of appointees to all
2 positions other than those defined as nonclassified in this chapter, on the
3 basis of open competitive merit examinations or evaluations. An applica-
4 tion for an examination will be accepted after the closing date of the exam-
5 ination from a person who was serving in the armed forces or undergoing ser-
6 vice-connected hospitalization up to one (1) year following discharge. The
7 application must be submitted within one hundred twenty (120) days of sepa-
8 ration from the armed forces or hospitalization and prior to the expiration
9 of the register established as a result of the examination. A disabled vet-
10 eran may file an application at any time up until a selection has been made
11 for any position for which the division maintains a register as a source for
12 future job openings or for which a register is about to be established, pro-
13 vided he or she has not already been examined twice for the same position and
14 grade for which application is made, does not have current eligibility on
15 that register, or is not serving in a competitive position in the same grade
16 for which application is made. Examinations may be assembled or unassembled
17 and may include various examining techniques such as rating of training and
18 experience, written tests, oral interviews, recognition of professional li-
19 censing, performance tests, investigations and any other measure of ability
20 to perform the duties of the position. Examinations shall be scored objec-
21 tively. Five (5) points shall be added to the earned rating of any veteran as
22 defined in section 65-502, Idaho Code, and the widow or widower of any vet-
23 eran as defined in section 65-502, Idaho Code, as long as he or she remains
24 unmarried. Pursuant to section 65-504, Idaho Code, ten (10) points shall
25 be added to the earned rating of any disabled veteran as defined in section
26 65-502, Idaho Code, the widow or widower of any disabled veteran as long as he
27 or she remains unmarried, or the spouse of any eligible disabled veteran who
28 cannot qualify for any public employment because of a service-connected dis-
29 ability. Employment registers shall be established in order of final score
30 except that the names of all five (5) and ten (10) point preference eligi-
31 bles resulting from any merit system or civil service examination shall be
32 placed on the register in accordance with their augmented rating. Certifi-
33 cation of eligibility for appointment to vacancies shall be in accordance
34 with a formula that limits selection by the hiring department from among the
35 twenty-five (25) top ranking available eligibles plus the names of all in-
36 dividuals with scores identical to the twenty-fifth ranking eligible on the
37 register. A register with at least five (5) eligibles shall be adequate. Se-
38 lective certification shall be permitted when justified by the hiring de-
39 partment, under rules to be made by the division defining adequate justifi-
40 cation based on the duties and requirements of the positions. Such examina-
41 tions need not be held until after the rules have been adopted, the service
42 classified and a pay plan established, but shall be held not later than one
43 (1) year after departments commence participation in the personnel system.

44 (g) A rule that, whenever practicable, a vacancy in a classified posi-
45 tion shall be filled by the promotion of a qualified employee of the agency
46 in which the vacancy occurs. An interagency promotion shall be made through
47 competitive examination and all qualified state employees shall have the
48 opportunity to compete for such promotions. If an employee's name appears
49 within certifiable range on a current register for a higher class of posi-
50 tion, he shall be eligible for a transfer and promotion.

1 (h) A rule for development and maintenance of a system of service rat-
2 ings and the use of such ratings by all departments in connection with pro-
3 motions, demotions, retentions, separations and reassignments. The rule
4 shall require that an evaluation of each classified employee shall be made
5 after each two thousand eighty (2,080) hour period of credited state service
6 and that a copy of the evaluation shall be filed with the division.

7 (i) A rule prohibiting disqualification of any person from taking an
8 examination, from appointment to a position, from promotion, or from holding
9 a position because of race or national origin, color, sex, age, political or
10 religious opinions or affiliations, and providing for right of appeal.

11 (j) A rule establishing a probation period not to exceed one thousand
12 forty (1,040) hours of credited state service for all appointments and pro-
13 motions, except that peace officers as defined in section 19-5101, Idaho
14 Code, shall be subject to a probation period of two thousand eighty (2,080)
15 hours of credited state service, and for the appointing authority to pro-
16 vide the employee and the administrator a performance evaluation indicating
17 satisfactory or unsatisfactory performance not later than thirty (30) days
18 after the expiration of the probationary period. The rule shall provide that
19 if the appointing authority fails to provide a performance evaluation within
20 thirty (30) days after the expiration of the probationary period, the em-
21 ployee shall be deemed to have satisfactorily completed the probation unless
22 the appointing authority receives approval from the administrator to extend
23 the probationary period for good cause for an additional specified period
24 not to exceed one thousand forty (1,040) hours of credited state service. If
25 an employee is performing in an unsatisfactory manner during the entrance
26 probationary period, the appointing authority shall ask the employee to re-
27 sign and, if no resignation is submitted, shall terminate the employment of
28 such employee without the right of grievance or appeal.

29 (k) A rule concerning temporary appointments.

30 (l) A rule governing the employment of consultants and persons retained
31 under independent contract.

32 (m) A rule for the disciplinary dismissal, demotion, suspension or
33 other discipline of employees only for cause with reasons given in writing.
34 Such rule shall provide that any of the following reasons shall be proper
35 cause for the disciplinary dismissal, demotion or suspension of any employee
36 in the state classified service:

37 1. Failure to perform the duties and carry out the obligations imposed
38 by the state constitution, state statutes and rules of the employee's
39 department, or rules of the administrator or the division.

40 2. Inefficiency, incompetency, or negligence in the performance of
41 duties, or job performance that fails to meet established performance
42 standards.

43 3. Physical or mental incapability for performing assigned duties.

44 4. Refusal to accept a reasonable and proper assignment from an autho-
45 rized supervisor.

46 5. Insubordination or conduct unbecoming a state employee or conduct
47 detrimental to good order and discipline in the employee's department.

48 6. Intoxication on duty.

49 7. Careless, negligent, or improper use or unlawful conversion of state
50 property, equipment or funds.

- 1 8. Use of any influence that violates the principles of the merit system
- 2 in an attempt to secure a promotion or privileges for individual advan-
- 3 tage.
- 4 9. Conviction of official misconduct in office, or conviction of any
- 5 ~~felony, or conviction of any other crime involving moral turpitude~~
- 6 crime that is determined relevant in accordance with 67-9411(1), Idaho
- 7 Code.
- 8 10. Acceptance of gifts in exchange for influence or favors given in the
- 9 employee's official capacity.
- 10 11. Habitual pattern of failure to report for duty at the assigned place
- 11 and time.
- 12 12. Habitual improper use of sick leave privileges.
- 13 13. Unauthorized disclosure of confidential information from official
- 14 records.
- 15 14. Absence without leave.
- 16 15. Misstatement or deception in the application for the position.
- 17 16. Failure to obtain or maintain a current license or certificate law-
- 18 fully required as a condition for performing the duties of the job.
- 19 17. Prohibited participation in political activities.
- 20 (n) A rule to establish procedures for maintenance of a record of the
- 21 employment history and appropriate information relating to performance of
- 22 all employees under the personnel system. For the purposes of this rule, the
- 23 state shall be considered one (1) employer.
- 24 (o) Rules to provide for recruitment programs in cooperation with de-
- 25 partment heads and the employment security agency in keeping with current
- 26 employment conditions and labor market trends.
- 27 (p) Rules to establish procedures for examinations as necessary for the
- 28 purpose of maintaining current registers from which to fill employment va-
- 29 cancies.
- 30 (q) Other rules not inconsistent with the foregoing provisions of this
- 31 section as may be necessary and proper for the administration and enforce-
- 32 ment of this chapter.
- 33 (r) A rule concerning "project exempt" appointments.
- 34 (s) Rules relating to leave for state employees from official duties
- 35 including, but not limited to, sick leave, military leave, jury duty, leaves
- 36 of absence without compensation and such other forms of absence from perfor-
- 37 mance of duties in the course of state employment as may be necessary.
- 38 (t) A rule providing up to twenty-five percent (25%) shift differential
- 39 pay based on local market practices.
- 40 (u) A rule to establish guidelines for awarding employee suggestion
- 41 awards set forth in sections 59-1603 and 67-5309D, Idaho Code.
- 42 (v) A rule to establish the reimbursement of moving expenses for a cur-
- 43 rent or newly hired state employee.
- 44 (w) A rule to allow, at the request of the hiring agency, temporary ser-
- 45 vice time to count toward fulfilling entrance probationary requirements as
- 46 established in subsection (j) of this section.
- 47 (x) A rule to allow, at the request of the hiring agency, acting ap-
- 48 pointment service time to count toward fulfilling promotional probationary
- 49 requirements as established in subsection (j) of this section.