

MINUTES
Approved by the Committee
Occupational Licensing and Certification Laws Committee
Friday, November 13, 2020
2:30 P.M.
Room WW54 for viewing.
Boise, Idaho

Cochair Lakey called the meeting to order at 2:32 p.m.; a roll call was requested - all members/staff participated via video conference.

Members present: Cochair Senator Todd Lakey and Senators Lori Den Hartog and Grant Burgoyne; Cochair Representative Gayann DeMordaunt and Representatives Julianne Young and Elaine Smith; LSO staff Make Drake, Christine Otto, and Jennifer Kish; Absent: Senator Fred Martin and Representative Randy Armstrong.

NOTE: presentations and materials distributed to members are posted to the Idaho Legislature's website: <https://legislature.idaho.gov/sessioninfo/2020/interim>; and copies of those items are on file with the Legislative Services Office located in the State Capitol.

Cochair Lakey requested a motion to approve the minutes of the October 22, 2020, meeting. **Sen. Burgoyne moved to approve the minutes of the Oct. 22 meeting; motion was seconded by Sen. Den Hartog; with the roll being called, the minutes were approved by a majority vote.**

At 2:36 p.m., Matt Drake, LSO Legislative Drafting Attorney, began discussion on [DRMDD066](#) Licensure by Endorsement - Members of the Military, Veterans, and Spouses by indicating the edits made since the last meeting.

- Cochair Lakey requested an edit to provide for disclosure of the suspension or revocation of one's license in another state *after* receiving licensure in Idaho, and also, for an explanation that such an action would affect one's Idaho licensure. Sen. Burgoyne suggested adding language in subsection (3) regarding the failure to disclose a suspension and/or revocation. Rep. Young asked for clarification as to whether an individual would receive Idaho licensure dependent on the outcome of pending proceedings in another state. Mr. Drake explained that the intent was for a professional licensing board to have the discretion whether to issue a license or not. Sen. Burgoyne suggested that a "conditional" aspect be permitted on a licensure depending on the nature of the pending proceedings.
- Sen. Den Hartog inquired about the opportunity to take a limited exam in respect to one's scope of practice (subsection (4)). Mr. Drake responded that the subsection was more about not making an exam a *requirement*, but he would work on that aspect.

At 2:48 p.m., Matt Drake reviewed the [Sunrise Review Application](#) and indicated the edits made since the last meeting. Mr. Drake reported that the web-based functionality of the application would be viable January 1, 2021, on the LSO website.

- Rep. Young suggested language be added to clarify that the review committee was more of a vetting process that would make a recommendation to the germane committee to consider or not to consider the legislation, and that it was the germane committee's responsibility as to whether the application should be recommended for adoption or not. Cochair Lakey added that the alternative - the review committee could suggest that no action be taken on the licensure - could also be the recommendation after the vetting process. Cochair DeMordaunt suggested that the word "proponent" be replaced with "applicant" throughout the application.

At 2:57 p.m., Matt Drake began discussion on [DRMDD067](#) Occupational and Professional Licensure Review Committee and indicated the edits made since the previous meeting.

- Cochair Lakey suggested to add the wording "as determined by the committee" in paragraph (5)(c); and to add a new subparagraph "(iv) No recommendation." to paragraph (5)(e). Sen. Burgoyne suggested the phrase read "in such manner as determined by the committee" for paragraph (5)(c).
- Cochair DeMordaunt wondered whether the language was setting a precedence in permitting dual reports from both parties with paragraph (5)(f). Sen. Burgoyne conceded that it may not necessarily be a requirement that needs to be outlined. Cochair Lakey and Sen. Den Hartog also agreed that paragraph (f) should be deleted.

At 3:11 p.m., Matt Drake reviewed [DRMDD072](#) Treatment of Apprenticeship Programs for Licensing Purposes and explained the edits made since the last meeting.

- Sen. Burgoyne wondered whether subsection (2) should allow for other criteria in order to receive licensure with respect to criminality, other disciplines, or other occupational regulations (i.e., general fitness). Rep. Young reminded the committee of the removal of the term "moral turpitude" and the reasoning. Cochair Lakey suggested adding phrasing such as "subject to existing licensure" to tie it to statute located elsewhere.
- Cochair DeMordaunt was conflicted about the reference to federal code in subsection (1) and suggested making it a more overt reference to federally created internships/apprenticeships. Rep. Young suggested reordering the wording to begin with "an apprenticeship program that has been approved and adopted by a licensing authority" (line 14) after "means a" (line 12); likewise, the federal reference "which may include" and then listing the federal examples. Sen. Burgoyne commented that apprenticeships should not be limited to those only with federal approval; however, licensing boards should be encouraged to endorse them if such opportunities exist. He cautioned that there needed to exist some sort of verification of apprenticeships for the protection of individuals. He proposed that a board be required to put in writing any denial of an apprenticeship's quality. Rep. Young agreed with this idea because it would be a process that the boards could endorse to vet apprenticeships. Mr. Drake wondered whether a simple reference to programs recognized by the US Department of Labor was enough without the actual code cite being included; most committee members agreed with this.
- Sen. Den Hartog felt that the language should be more direct in subsection (7). Cochair Lakey suggested "are encouraged to may consider".
- Sen. Burgoyne wondered whether the Idaho AFLCIO should be contacted regarding this legislation due to its own extensive work with apprenticeships and whether it would be appropriate to request public testimony on these topics.
- Mr. Drake cautioned that the proposed language needed to leave intact existing apprenticeships that had been vetted and proven. He also cautioned that the language had to protect individuals from participating in "bogus" programs in which nothing of value was earned at the end of the tenure. Cochair DeMordaunt noted that not every profession lent itself to apprenticeships.

At 3:52 p.m., Matt Drake discussed edits made to [DRMDD073](#) Interstate Telehealth since the previous meeting.

- Cochair Lakey inquired what entity would be responsible for disciplining an individual who violates a standard of care [section (3)]. Mr. Drake suggested that investigative authority be given to the appropriate Idaho board who would then report to the home-state provider; as to who would direct the discipline, that was the unknown at this point. Sen. Den Hartog noted that, by the nature of telehealth being distanced care, there were few of the same opportunities for malpractice or to provide a poor standard of care.
- Sen. Burgoyne felt that this topic was not in the purview of this committee because it went too far into telling a board or profession how to run its business. He discussed some problematic issues with the language and suggested that the proposed legislation should start with the standing health and welfare committees. Rep. Smith agreed that the proposed legislation should

be reviewed by the health and welfare committees, whereas, Sen. Den Hartog felt the topic was within this committee's purview due to the licensing issues.

- Cochair DeMordaunt wanted the language to clarify to patients that telehealth was up to the provider providing care in Idaho to address problems that don't meet Idaho's standard of care. She also hoped that data on telehealth's use during recent COVID isolations may shed light on the uses and misuses of the process; she requested that DOPL and/or the Department of Health and Welfare be invited to provide any data it had on telehealth to the committee for review.

The committee discussed the possibility of needing a meeting on November 30 to finalize business. With no further business, the meeting was adjourned at 4:30 p.m.