IN THE SENATE

SENATE BILL NO. 1351

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO OCCUPATIONAL LICENSING REFORM; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 94, TITLE 67, IDAHO CODE, TO PROVIDE FOR THE CREATION OF AN OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE, TO PROVIDE FOR UNIVERSAL LICENSURE, TO PROVIDE FOR CERTAIN INQUIRIES REGARDING THE POTENTIAL IMPACT OF A CRIMINAL CONVICTION, AND TO ESTABLISH PROVISIONS REGARDING THE EVALUATION OF CRIMINAL CONVICTIONS WITH RESPECT TO MORAL CHARACTER REQUIREMENTS; AMENDING SECTION 26-2227, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 30-907, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 33-1208, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 38-1218, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-327, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-915, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 41-1016, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 41-1104, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 41-5811, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 50-1604, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-206, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 54-219, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-608, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-712, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-915, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-923, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT; AMENDING SECTION 54-1116, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE THAT A DISQUALIFYING CRIMINAL OFFENSE MUST BE DEEMED RELEVANT, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
54-1128, Idaho Code, to provide a correct code reference and to make a technical correction; amending Section 54-1413, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make a technical correction; amending Section 54-1510, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make technical corrections; amending Section 54-1726, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make technical corrections; amending Section 54-1844, Idaho Code, to revise a definition and to make a technical correction; amending Section 54-1910, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make technical corrections; amending Section 54-2103, Idaho Code, to revise a definition and to make technical corrections; amending Section 54-2508, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make technical corrections; amending Section 54-2819, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make technical corrections; amending Section 54-2916a, Idaho Code, to revise a provision regarding eligibility requirements; amending Section 54-3112, Idaho Code, to remove obsolete language and to provide that a disqualifying criminal offense must be deemed relevant; amending Section 54-3211, Idaho Code, to remove obsolete language and to provide that a disqualifying criminal offense must be deemed relevant; amending Section 54-3510, Idaho Code, to remove obsolete language and to provide that a disqualifying criminal offense must be deemed relevant; amending Section 54-3804, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make technical corrections; amending Section 54-4013, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make technical corrections; amending Section 54-4711, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make a technical correction; amending Section 54-4805, Idaho Code, to remove obsolete language and to make a technical correction; amending Section 54-4806, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make technical corrections; amending Section 54-5303, Idaho Code, to revise a definition; amending Section 54-5307, Idaho Code, to revise a provision regarding qualifications; amending Section 54-5408, Idaho Code, to remove obsolete language, to provide that a disqualifying criminal offense must be deemed relevant, and to make a technical correction; and amending Section 67-5309, Idaho Code, to remove obsolete language and to provide that a disqualifying criminal offense must be deemed relevant.

Be It Enacted by the Legislature of the State of Idaho:
SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW CHAPTER**, to be known and designated as Chapter 94, Title 67, Idaho Code, and to read as follows:

CHAPTER 94

**OCCUPATIONAL LICENSING REFORM ACT**

67-9408. OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE. (1) In order to establish oversight of occupational and professional licensure and related issues in Idaho, there is hereby established an occupational and professional licensure review committee.

(2) The committee shall consist of eight (8) members, with four (4) members from the senate, one (1) of whom shall be cochair of the committee, and four (4) members from the house of representatives, one (1) of whom shall be cochair of the committee. Members from the senate shall be appointed by the president pro tempore of the senate, and members from the house of representatives shall be appointed by the speaker of the house of representatives. No more than three (3) members from the senate and no more than three (3) members from the house of representatives shall be from the same political party. Appointments to the committee shall be for the term of office of the member appointed. Any vacancy shall be filled in a manner consistent with the appointment procedure set forth in this subsection, except the appointment shall be for the remainder of the unexpired term. A committee member may be reappointed to the committee.

(3) In addition to conducting sunrise reviews as set forth in this section, the committee is authorized to study and review occupational licensing and certification laws in general in order to determine, as applicable, how the legislature may be able to ease occupational licensing barriers while still protecting the public health and safety. The committee shall meet as often as may be necessary for the proper performance of its duties upon the call of the cochairs.

(4) The committee shall operate for three (3) years and shall make a report to the first regular session of the sixty-seventh Idaho legislature in 2023. The legislature may take subsequent action to extend the duration of the committee or to make it permanent.

(5) Beginning January 1, 2021, the committee shall conduct a sunrise review upon request that a lawful profession or occupational group that is not licensed become licensed. For purposes of this section, a profession or occupation becoming "licensed" means adding a requirement that a person must hold a license, certificate, registration, permit, or other authorization issued by a licensing authority to engage in such profession or occupation. Sunrise review by the committee shall be required prior to the introduction of any proposed legislation that a lawful profession or occupational group that is not licensed become licensed; provided, however, that a germane committee of the legislature later considering such proposed legislation shall not be bound by the recommendation of the committee. The sunrise review process shall be as follows:

(a) The legislative services office shall prepare and publish an application form to be approved by the committee and used for the sunrise review process.
(b) A requestor shall, prior to the introduction of any proposed legis-
islation, submit the application for sunrise review to the legislative
services office. The application shall be submitted by May 1 for review
and processing prior to the next regular legislative session.
(c) In addition to any other information requested by the committee or
staff, the application shall include a copy of the applicant's proposed
draft legislation and a description of:
   (i) The requestor's identity and relationship to the profession
   or occupational group;
   (ii) Why licensing or other regulation of the profession or occup-
pation is necessary to protect against present, recognizable, and
   sufficient harm to the health, safety, or welfare of the public to
   warrant the regulation proposed;
   (iii) Why the proposed licensing or other regulation is the least
   restrictive regulation necessary to protect against present, rec-
  ognizable, and sufficient harm to the health, safety, or welfare
   of the public to warrant the regulation proposed;
   (iv) Why the public cannot be effectively protected by other
   means;
   (v) Whether the overall cost-effectiveness and economic impact
   of the proposed regulation, including the direct and indirect
   costs to consumers, will be outweighed by the benefits of the pro-
   posed licensing or other regulation;
   (vi) Whether the proposed licensing or other regulation will have
   an unreasonably negative effect on job creation, job retention, or
   wages in the state or will place unreasonable restrictions on the
   ability of individuals who seek to practice or who are practicing a
   given profession or occupation to continue to practice or to find
   employment; and
   (vii) Any other relevant information.
(d) With respect to an application timely received by the legislative
services office by May 1:
   (i) By August 1, the legislative services office shall submit a
   report with factual analysis to the committee and the applicant.
   Such report shall be made available to the public. Such report
   shall verify the contents of an application and submitted informa-
   tion and address any other related factual matters, but shall not
   contain a recommendation.
   (ii) By October 1, the committee shall review such application and
   submitted information and the associated report prepared by the
   legislative services office, along with any other relevant informa-
   tion, and hold a public hearing on such application.
   (iii) By November 1, the committee shall prepare a written rec-
   ommendation as to whether a requested occupation or profession
   should be licensed in the manner set forth in the application and
   shall deliver such recommendation to the president pro tempore
   of the senate and the speaker of the house of representatives for
   subsequent delivery to the appropriate germane committee chair-
persons. Such written recommendation may include nonmandatory
   suggestions as to how the application, including the proposed
legislation, may be improved. An applicant receiving such suggestions shall be encouraged to follow the recommended suggestions of the committee before offering the legislation for introduction during the next legislative session.

67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall establish a procedure for the issuance of licensure to a person who:
   (a) Possesses current, valid, and unrestricted licensure in another state, district, or territory of the United States; and
   (b) Demonstrates competency in the profession or occupation through methods determined by the licensing board or commission.

(2) Each applicant for universal licensure under this section must apply to the applicable licensing authority for relevant licensure. An applicant under this section shall be subject to the laws regulating the person's practice in Idaho and is subject to the applicable licensing authority's jurisdiction. For purposes of this section, the term "licensure" means a license, certificate, registration, permit, or other authorization to practice a profession or occupation.

(3) To determine whether an applicant for universal licensure who possesses the licensure requirements established in subsection (1) of this section is otherwise qualified for licensure under Idaho law, a licensing authority shall require an applicant to complete an application, submit supporting materials, and undergo the same background checks as required of other applicants for licensure.

(4) In addition to the requirements set forth in this section, if it administers an examination as part of the application requirements, a licensing authority may require an applicant to take and pass all or a portion of such examination as may be necessary to demonstrate competence to practice in Idaho.

(5) An applicant for universal licensure shall pay all applicable fees and shall be subject to all applicable requirements related to maintaining licensure as established by the licensing authority.

(6) A licensing authority may, at its discretion, compare the authorized scope of practice in the state, or states, where the applicant currently holds licensure to the authorized scope of practice in Idaho. If such licensing authority determines that the authorized scope of practice in Idaho is broader than the scope of practice authorized in the state, or states, where the applicant currently holds licensure, such licensing authority may, instead of issuing a denial on the basis of the difference in scope of practice, issue a limited license to such applicant pending completion of the additional education, training, and any other requirements determined necessary by the licensing authority. A limited license issued under this section shall restrict the applicant's practice in Idaho to the scope of practice authorized in the state where the applicant holds prior licensure until such time that the applicant satisfies the education, training, or other requirements deemed necessary by the licensing authority for a limited period of time necessary for an applicant to meet the qualifications for a full license.

(7) This section shall not restrict a person who is a member of a profession or occupation covered by an applicable interstate licensure compact
or applicable reciprocity agreement from seeking licensure pursuant to this section. In such a situation, a person may apply for universal licensure under this section or may apply for licensure pursuant to the terms of the applicable licensure compact or reciprocity agreement. A licensing authority may promulgate applicable rules if necessary to implement the provisions of this section.

(8) Each licensing authority shall promulgate applicable rules if necessary to implement the provisions of this section.

67-9410. INQUIRY REGARDING THE POTENTIAL IMPACT OF A CRIMINAL CONVICTION. (1) An individual who has been convicted of a criminal offense may request, at any time, that a licensing authority opine as to whether the individual's criminal conviction could disqualify the individual from obtaining a license, certificate, registration, permit, or other authorization to practice a profession or occupation issued or conferred by the licensing authority. An individual making such an inquiry shall include details of the individual's criminal record and any payment required by the licensing authority. A licensing authority may charge a fee of no more than twenty-five dollars ($25.00) for each inquiry made under this section to reimburse the costs it incurs in issuing the opinion.

(2) No later than sixty (60) days after receiving an inquiry under this section, the licensing authority shall inform the individual whether, based on the criminal record information submitted, the individual is disqualified from receiving or holding the license about which the individual inquired.

(3) A licensing authority shall not be bound by an opinion issued under this section if it later determines that the facts and circumstances submitted in the individual's inquiry were not complete and accurate, that the individual's criminal background is different than described in the inquiry, that a subsequent criminal offense or other relevant conduct occurred after the inquiry was submitted, or that a change in law or regulation requires a different determination.

67-9411. EVALUATION OF CRIMINAL CONVICTIONS. (1) A licensing authority shall not deny a license, certificate, registration, permit, or other authorization to practice a profession or occupation to an applicant on the basis of such applicant having a prior conviction of a crime, unless such conviction is currently relevant to the applicant's fitness to engage in such profession or occupation as determined by the licensing authority. The licensing authority shall make its determination based on consideration of the following factors:

(a) The nature and seriousness of the crime for which the individual was convicted;
(b) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;
(c) The passage of time since the commission of the crime;
(d) Any evidence of rehabilitation or treatment undertaken by the individual; and
(e) Any other relevant factor.
(2) A licensing authority shall not deny a license, certificate, registration, permit, or other authorization to practice a profession or occupation to an applicant on the basis of vague or generic terminology related to a criminal conviction, including but not limited to "moral turpitude" or "moral character." Where such terms appear in code or rule with respect to a criminal conviction, a licensing authority shall conduct a relevancy evaluation pursuant to subsection (1) of this section.

SECTION 2. That Section 26-2227, Idaho Code, be, and the same is hereby amended to read as follows:

26-2227. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) An application for a license may be denied or, after notice and the opportunity for a hearing, a license may be suspended or revoked by the director if he finds that facts or conditions exist which would have justified the director in refusing to grant a license had such facts or conditions been known to exist at the time the license was issued, or that the licensee or the applicant, or any officer, member, owner, manager or agent of a licensee or applicant:
(a) Has violated any provision of this act, the federal fair debt collection practices act, 15 U.S.C. section 1692 et seq., as amended, or any rule or order of the director under this act;
(b) Is not legally qualified to do business in this state;
(c) Has failed to retain a natural person with three (3) years of experience related to the type of business conducted by the licensee under this act to supervise each office from which business activities are conducted under this act;
(d) Has failed, refused or neglected to pay or remit to any creditor client the agreed portion of any sum collected by the applicant or licensee on any bill, claim, account or other indebtedness entrusted to such applicant or licensee for collection;
(e) Has failed to return to a debtor an amount that was not owed on his debt;
(f) Has made a material misstatement in the application for such license or renewal;
(g) Has obtained or attempted to obtain a license or renewal by fraud or misrepresentation;
(h) Has misappropriated or converted to his own use or improperly withheld moneys collected or held for any other person, except that a collection agency licensee may convert into business funds his portion of any moneys collected on behalf of a creditor client, pursuant to a written agreement with the creditor client and in compliance with this act;
(i) Has falsely represented himself as a licensee for the purpose of soliciting for or representing any business covered in this act;
(j) Has been convicted of, or a court of competent jurisdiction has entered a withheld judgment for any felony, or for a misdemeanor, a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, including a crime involving financial wrongdoing or moral turpitude;
(k) Has had a license substantially equivalent to a license under this act issued by another state revoked, suspended or denied; or
(1) Demonstrates a lack of fitness to engage in business activities au-
1.thorized for a licensee under this act.
2. (2) The director may, after notice and the opportunity for a hearing, 3. impose upon any licensee, or person required to be licensed under this act, a 4. civil penalty of not more than five thousand dollars ($5,000) for each viola-
5. tion of this act.
6. (3) The director may, after notice and the opportunity for a hearing, 7. impose upon a licensee, or person required to be licensed under this act, any 8. sanction authorized by this section if the director finds that an agent of 9. the licensee, or person required to be licensed under this act, has violated 10. any provision of this act.
11. (4) The director may, in his discretion and by an order issued in ac-
12. cordance with chapter 52, title 67, Idaho Code, prohibit a licensee from us-
13. ing an individual as an agent if the individual has violated any provision of 14. this act, or any similar statute or rule of another state.
15. (5) Any denial, suspension or revocation of any license issued under 16. this act shall be governed by chapter 52, title 67, Idaho Code.

SECTION 3. That Section 30-907, Idaho Code, be, and the same is hereby 18. amended to read as follows:

30-907. DIRECTOR'S ISSUANCE OR DENIAL OF LICENSE. (1) The director 19. shall receive and act upon all applications for licenses to engage in busi-
20. ness as an escrow agency under this chapter. If the director finds that all 21. requirements of statute and rule have been met and all applicable fees paid, 22. and the applicant is not otherwise unqualified for licensure, the director 23. shall issue a license to the applicant.
24. (2) An application for a license as an escrow agency shall be in writ-
25. ing and filed with the director in such form as is prescribed by the direc-
26. tor, shall include such information as the director may reasonably require, 27. and shall be verified on oath by the applicant. Such information shall be up-
28. dated and filed with the director as necessary to keep the information cur-
29. rent. The application for licensure shall be accompanied by an application 30. fee of three hundred fifty dollars ($350). When an application for licensure 31. is denied or withdrawn, the director shall retain all fees paid by the appli-
32. cant.
33. (3) An application for an escrow agency license under this chapter may 34. be denied if the director finds that:
35. (a) The escrow agency's business was or will be formed for any business 36. other than legitimate escrow services, or proposes to use a name that is 37. misleading or in conflict with the name of an existing licensee;
38. (b) Any incorporator, officer, director, member, general partner, em-
39. ployee, or agent of the escrow agency applicant has been:
40. (i) Convicted of, or received a withheld judgment for, any 41. felony; or
42. (ii) Convicted of, or received a withheld judgment for, a misde-
43. meanor involving dishonesty or moral turpitude; or
44. (iii) Committed any crime or act involving dishonesty, fraud or 45. deceit, which crime or act is substantially related to the qual-
46. ifications, functions, or duties of a person engaged in an escrow
business or which crime is otherwise deemed relevant in accordance
with section 67-9411(1), Idaho Code;

(c) There is no natural person possessing a minimum of three (3) years
of supervisory experience in relation to an escrow business supervising
each escrow agency office;
(d) The applicant or any officer, director, member, general partner,
employee or agent of the applicant has demonstrated lack of fitness to
transact escrow business;
(e) The applicant has made any false statement of a material fact in the
application for a license; or
(f) The applicant, any officer, director, member, general partner or
any person owning or controlling, directly or indirectly, ten percent
(10%) or more of the outstanding equity securities of the applicant has
violated any provision of this chapter or rules promulgated thereunder,
or any similar regulatory scheme in this state or in any foreign juris-
diction.

SECTION 4. That Section 33-1208, Idaho Code, be, and the same is hereby
amended to read as follows:

33-1208. REVOCA TION, SUSPENSION, DENIAL, OR PLACE REASONABLE CONDI-
TIONS ON CERTIFICATE -- GROUNDS. 1. The professional standards commission
may deny, revoke, suspend, or place reasonable conditions on any certificate
issued or authorized under the provisions of section 33-1201, Idaho Code,
upon any of the following grounds:
   a. Gross neglect of duty;
   b. Incompetency;
   c. Breach of the teaching contract;
   d. Making any material statement of fact in the application for a cer-
tificate which the applicant knows to be false;
   e. Revocation, suspension, denial or surrender of a certificate in an-
other state for any reason constituting grounds for revocation in this
state;
   f. Conviction, finding of guilt, withheld judgment or suspended sen-
tence in this or any other state of a crime involving moral turpitude
that is deemed relevant in accordance with section 67-9411(1), Idaho
Code;
   g. Conviction, finding of guilt, withheld judgment, or suspended sen-
tence in this state or any other state for the delivery, manufacture or
production of controlled substances or simulated controlled substances
as those terms are defined in section 37-2701, Idaho Code;
   h. A guilty plea or a finding of guilt, notwithstanding the form of the
judgment or withheld judgment, in this or any other state of the crime
of involuntary manslaughter, section 18-4006 2. or section 18-4006 3.,
Idaho Code;
   i. Any disqualification which would have been sufficient grounds
for refusing to issue or authorize a certificate, if the disqualifica-
tion existed or had been known at the time of its issuance or authoriza-
tion;
   j. Willful violation of any professional code or standard of ethics or
conduct adopted by the state board of education;
k. The kidnapping of a child, section 18-4503, Idaho Code;

1. Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state of any felony crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person's position.

2. The professional standards commission shall permanently revoke any certificate issued or authorized under the provisions of section 33-1201, Idaho Code, and shall deny the application for issuance of a certificate of a person who pleads guilty to or is found guilty of, notwithstanding the form of the judgment or withheld judgment, any of the following felony offenses against a child:

a. The aggravated assault of a child, section 18-905, Idaho Code, or the assault with intent to commit a serious felony against a child, section 18-909, Idaho Code.

b. The aggravated battery of a child, section 18-907, Idaho Code, or the battery with intent to commit a serious felony against a child, section 18-911, Idaho Code.

c. The injury or death of a child, section 18-1501, Idaho Code.

d. The sexual abuse of a child under sixteen (16) years of age, section 18-1506, Idaho Code.

e. The ritualized abuse of a child under eighteen (18) years of age, section 18-1506A, Idaho Code.

f. The sexual exploitation of a child, section 18-1507, Idaho Code.

g. Lewd conduct with a child under the age of sixteen (16) years, section 18-1508, Idaho Code.

h. The sexual battery of a minor child sixteen (16) or seventeen (17) years of age, section 18-1508A, Idaho Code.

i. The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.

j. The murder of a child, section 18-4003, Idaho Code, or the voluntary manslaughter of a child, section 18-4006 1., Idaho Code.

k. The kidnapping of a child, section 18-4502, Idaho Code.

l. The importation or exportation of a juvenile for immoral purposes, section 18-5601, Idaho Code.

m. The abduction of a person under eighteen (18) years of age for prostitution, section 18-5610, Idaho Code.

n. The rape of a child, section 18-6101, Idaho Code.

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

3. The professional standards commission may investigate and follow the procedures set forth in section 33-1209, Idaho Code, for any allegation of inappropriate conduct as defined in this section 1. by a holder of a certificate whether or not the holder has surrendered his certificate without a hearing or failed to renew his certificate. In those cases where the holder of a certificate has surrendered or failed to renew his certificate and it was found that inappropriate conduct occurred, the commission shall record
such findings in the permanent record of the individual and shall deny the
issuance of a teaching certificate.

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

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

SECTION 5. That Section 38-1218, Idaho Code, be, and the same is hereby
amended to read as follows:

38-1218. REVOCA TION OR SUSPENSION OF CERTIFICATE. The board shall
have power to (1) revoke the certificate of registration or, (2) to suspend
the certificate of registration, for a period of time not exceeding two (2)
years, of any registrant who is found guilty of:
(a) The practice of any fraud or deceit in obtaining a certificate of
registration;
(b) Gross negligence, incompetency, habitual intemperance, insanity,
conviction of a felony, moral turpitude crime that is deemed relevant in ac-
cordance with section 67-9411(1), Idaho Code, or misconduct in the practice
of professional scaling as a registered professional scaler.

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

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

The time and place for said hearing shall be fixed by the board and a copy
of the charges, together with a notice of the time and place of hearing, shall
be personally served on, or mailed to the last known address of, such regis-
trant, at least thirty (30) days before the date fixed for the hearing. At
any hearing, the accused registrant shall have the right to appear person-
ally and by counsel to cross-examine witnesses in his own defense.

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

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

SECTION 6. That Section 41-327, Idaho Code, be, and the same is hereby
amended to read as follows:

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

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

(a) Is in unsound condition, or in such condition or using such methods and practices in the conduct of its business, as to render its further transaction of insurance in this state hazardous or injurious to its policyholders or to the public.

(b) Has failed, after written request therefor by the director, to remove or discharge an officer or director who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude that is otherwise deemed relevant in accordance with section 67-9411(1), Idaho Code.

(c) With such frequency as to indicate its general business practice in this state, has without just cause refused to pay claims arising under coverages provided by its policies, whether the claim is in favor of an insured or is in favor of a third person with respect to the liability of an insured to such third person, or, with like frequency, without just cause compels insureds or claimants to accept less than the amount due them or to employ attorneys or to bring suit against the insurer or such an insured to obtain full payment or settlement of such claims.

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

(e) Refuses to be examined, or if its directors, officers, employees, or representatives refuse to submit to examination relative to its affairs, or to produce its accounts, records, and files for examination by the director when required, or refuses to perform any legal obligation relative to the examination.

(f) Has failed to pay any final judgment rendered against it in this state upon any policy, bond, recognizance, or undertaking issued or guaranteed by it, within thirty (30) days after the judgment became final, or within thirty (30) days after time for taking an appeal has expired, or within thirty (30) days after dismissal of an appeal before final determination, whichever date is the later date.

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

SECTION 7. That Section 41-915, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) Is in an unsound financial condition;
(b) Is using such methods or practices in the conduct of its business so as to render its further transaction of business in this state hazardous or injurious to insured persons or the public; or

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

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

(a) Has violated any lawful rule or order of the director or any provision of title 41, Idaho Code;

(b) Has refused to be examined or to produce its accounts, records and files for examination, or if any individual responsible for the conduct of affairs of the administrator, including members of the board of directors, board of trustees, executive committee or other governing board or committee, the principal officers in the case of a corporation or the partners or members in the case of a partnership, association or limited liability company, any shareholder or member holding directly or indirectly ten percent (10%) or more of the voting stock, voting securities or voting interest of the administrator and any other person who exercises control or influence over the affairs of the administrator, has refused to give information with respect to its affairs or has refused to perform any other legal obligation as to an examination, when required by the director;

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

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

(e) Or any of the individuals responsible for the conduct of its affairs, including members of the board of directors, board of trustees, executive committee or other governing board or committee, the principal officers in the case of a corporation or the partners or members in the case of a partnership, association or limited liability company, any shareholder or member holding directly or indirectly ten percent (10%) or more of its voting stock, voting securities or voting interest and any other person who exercises control or influence over its affairs, has been convicted of, or has entered a plea of guilty or nolo contendere to any felony, or to a misdemeanor that evidences bad moral character, crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, or that evidences dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public without regard to whether adjudication was withheld; or

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

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

(a) The administrator is insolvent or impaired;
(b) A proceeding for receivership, conservatorship, rehabilitation or other delinquency proceeding regarding the administrator has been commenced in any state;
(c) The financial condition or business practices of the administrator otherwise pose an imminent threat to the public health, safety or welfare of the residents of this state; or
(d) A final order suspending or revoking the administrator's license in its home state has been entered.
(4) If the director finds that one (1) or more grounds exist for the suspension or revocation of a license issued under the provisions of this chapter, the director may, in lieu of or in addition to suspension or revocation, impose an administrative penalty upon the administrator pursuant to section 41-117, Idaho Code.

SECTION 8. That Section 41-1016, Idaho Code, be, and the same is hereby amended to read as follows:

41-1016. ADMINISTRATIVE PENALTY -- SUSPENSION, REVOCATION, REFUSAL OF LICENSE. (1) The director may impose an administrative penalty not to exceed one thousand dollars ($1,000), for deposit in the general fund of the state of Idaho, and may suspend for not more than twelve (12) months or may revoke or refuse to issue or continue any license issued under this chapter, chapter 27, title 41, Idaho Code (title insurance), chapter 11, title 41, Idaho Code (adjusters), or chapter 12, title 41, Idaho Code (surplus lines brokers), if the director finds that as to the licensee or applicant any one (1) or more of the following causes or violations exist:
(a) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
(b) Violating any provision of title 41, Idaho Code, department rule, subpoena or order of the director or of another state's insurance director;
(c) Obtaining or attempting to obtain a license through misrepresentation or fraud;
(d) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;
(e) Misrepresenting the terms of an actual or proposed insurance contract or application for insurance or misrepresenting any fact material to any insurance transaction or proposed transaction;
(f) Being convicted of or pleading guilty to any felony, or to a misdemeanor which evidences bad moral character, a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, or that evidences dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public;
(g) Admitting or being found to have committed any insurance unfair trade practice or fraud;
(h) Using fraudulent, coercive or dishonest practices, or demonstrating incompetence, untrustworthiness or financial irresponsibility, or being a source of injury and loss to the public or others, in the conduct of business in this state or elsewhere;
(i) Having an insurance license denied, suspended or revoked in any other state, province, district or territory;

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

(k) Improperly using notes or any other reference material to complete an examination for an insurance license;

(l) Knowingly accepting insurance business from an individual who is not licensed;

(m) Failing to comply with an administrative or court order imposing a child support obligation, provided however, that nothing in this provision shall be deemed to abrogate or modify chapter 14, title 7, Idaho Code;

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

(o) In the case of a bail agent, compensating or agreeing to compensate any incarcerated person to influence or encourage another incarcerated person or other incarcerated persons to engage the bail agent's services or the services of the bail agent's company or of other bail agents employed by such bail company. For purposes of this subsection, compensating any incarcerated person shall include providing payment in any form to any person, organization or entity designated by the incarcerated person to receive such payment.

(2) The director shall, without hearing, suspend for not more than twelve (12) months, or shall revoke or refuse to continue any license issued under this chapter to a nonresident where:

(a) The director has received a final order of suspension, revocation or refusal to continue from the insurance regulatory official or court of jurisdiction of the licensee's home state; or

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

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

(ii) Otherwise nonrenewed by the nonresident and remains nonrenewed for a period greater than ninety (90) days beyond its expiration date, and without notice to the director of relicensing as a resident in another state.

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

(3) The license of a business entity may be suspended, revoked or refused if the director finds that the violation of an individual licensee, who is registered to or acting on behalf of the business entity, was known or should have been known by one (1) or more of the owners, officers or managers acting on behalf of the business entity and that the violation was not reported to the director and no corrective action was taken.

(4) In addition to or in lieu of any applicable denial, suspension or revocation of a license, a person may, after hearing, be subject to a civil fine or administrative penalty pursuant to subsection (1) of this section or any other applicable section.
(5) The director shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by title 41, Idaho Code, against any person who is under investigation for or charged with a violation of title 41, Idaho Code, or department rule, even if the person's license or registration has been surrendered or has lapsed by operation of law, or if the person has never been licensed.

SECTION 9. That Section 41-1104, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) Must be a natural person not less than twenty-one (21) years of age.
(b) Must be trustworthy, and be of good character and reputation as to morals, integrity, and financial responsibility, and must not have been convicted of a felony or any crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
(c) Must be a salaried employee of a licensed adjuster, or must have had experience or special education or training as to the investigation and settlement of loss of claims under insurance contracts of sufficient duration and extent reasonably to satisfy the director as to his competence to fulfill the responsibilities of an adjuster.
(d) If required by the director, must pass a written examination to test his knowledge of the duties and responsibilities of an adjuster and of matters involved in transactions under an adjuster's license. The examination shall be subject to the same applicable provisions as apply pursuant to title 41, Idaho Code, to examinations for license as insurance agent.

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

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

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

(a) Providing incorrect, misleading, incomplete or materially untrue information in the license application;
(b) Violating any insurance laws, or violating any rule, regulation, subpoena or order of the department or of another state's insurance department;
(c) Obtaining or attempting to obtain a license through misrepresentation or fraud;
(d) Improperly withholding, misappropriating or converting any moneys or properties received in the course of doing insurance business;
(e) Intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;
(f) Having been convicted of a felony, or a misdemeanor or which crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, or that evidences bad moral character, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public;
(g) Having admitted to or been found to have committed any insurance unfair trade practice or insurance fraud;
(h) Using fraudulent, coercive or dishonest practices; or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;
(i) Having an insurance license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;
(j) Forging another's name to an application for insurance or to any document related to an insurance transaction;
(k) Cheating, including improperly using notes or any other reference material, to complete an examination for an insurance license;
(l) Knowingly accepting insurance business from an individual who is not licensed but who is required to be licensed by the department;
(m) Failing to comply with an administrative or court order imposing a child support obligation, provided however, that nothing in this provision shall be deemed to abrogate or modify chapter 14, title 7, Idaho Code; or
(n) Failing to pay state income tax or comply with any administrative or court order directing payment of state income tax.

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

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

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

SECTION 11. That Section 50-1604, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) The governing body of each city, having created a civil service com-

mission, shall provide a job description for each civil service position of the city and shall determine and establish the standards and qualifications therefor to be met by each applicant before appointment.

(3) Any applicant who, while in good standing, voluntarily terminated his or her employment with the agency with whom an appointment is sought may, upon written request to and approval from the appointing officer and in ac-

cording with the written policy of the civil service commission, be rehired without taking an examination, provided:

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

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

(4) All incumbents and applicants thereafter appointed shall hold of-

fice, place, position or employment only during good behavior, and any such person may be removed, discharged, suspended without pay, demoted, reduced in rank, deprived of vacation privileges or other special privileges for any of the following reasons, subject to the determination of the facts in each case by the commission:

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

(b) Dishonesty, intemperance, immoral conduct, insubordination, dis-

courteous treatment of the public or a fellow employee, or any other act of omission or commission tending to injure the public service; willful failure on the part of the employee to properly conduct himself, or any other willful violation of the civil service rules and regulations;

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

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

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

(f) Conviction of a felony or a misdemeanor involving moral turpitude crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

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

SECTION 12. That Section 54-206, Idaho Code, be, and the same is hereby amended to read as follows:
54-206. DEFINITIONS. As used in this chapter:

(1) "AICPA" means the American institute of certified public accountants.

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

(3) "Attest" means providing the following professional services:
(a) Any audit or other engagement to be performed in accordance with the statements on auditing standards;
(b) Any review of a financial statement to be performed in accordance with the statements on standards for accounting and review services;
(c) Any examination of prospective financial information to be performed in accordance with the statements on standards for attestation engagements;
(d) Any engagement to be performed in accordance with the standards of the PCAOB; and
(e) Any examination, review or agreed-upon procedures engagement to be performed in accordance with the statements on standards for attestation engagements, other than an examination described in paragraph (c) of this subsection.

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

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

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

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

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

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

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

(11) "Good moral character" means lack of a history of dishonest deal-
ings or a felony act conviction of a crime that is deemed relevant in ac-
cordance with section 67-9411(1), Idaho Code.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 13. That Section 54-219, Idaho Code, be, and the same is hereby amended to read as follows:

54-219. LICENSE -- RESTRICTION, REVOCATION, SUSPENSION OR DENIAL -- CAUSES -- COST RECOVERY -- ADMINISTRATIVE PENALTIES. (1) After notice and opportunity for hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for cause shown, the board may revoke, suspend, refuse to renew, administratively penalize, reprimand, restrict or place on probation the holder of a certificate or license, or refuse to issue any certificate or any license to an applicant, for any one (1) of the following causes:
(a) Any false statement with the intent to mislead or deceive the board or its members in connection with any application; or, cheating or any attempt to cheat in an examination.
(b) Fraud or deceit in obtaining or renewing a certificate or license to practice as a certified public accountant or licensed public accountant under the provisions of this chapter.
(c) Dishonesty, fraud or gross negligence in the performance of professional services as a licensee or individual granted privileges under section 54-227, Idaho Code, or in the filing of or failure to file his own income tax returns.
(d) Violation of any provision of this chapter, or any rule adopted by the board under authority granted by this chapter, or an order of the board directed specifically to the licensee.
(e) Conviction of or a guilty plea to a felony crime under the laws of any state or country that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
(f) Conviction of or a guilty plea to any crime involving moral turpitude, an element of which is dishonesty or fraud, under the laws of any state or country, notwithstanding the form of the judgment or withheld judgment.
(g) Representing oneself as a certified public accountant or licensed public accountant during any period in which the license of the person so practicing has been suspended or revoked by the board.
(h) Cancellation, revocation, suspension or refusal to renew or grant a license or privileges under section 54-227, Idaho Code, for disciplinary reasons by any other state for any cause.
(i) Practicing as a certified public accountant or licensed public accountant under a false or assumed name; provided, however, this paragraph shall have no application to practicing as a certified public accountant or licensed public accountant under the name of a firm, when such style or name is in conformity with a type or form approved by the rules of the board.
(j) Habitual use of drugs or intoxicants to such a degree as to render the licensee unreliable and unfit to practice as a certified public accountant or licensed public accountant.
(k) Suspension or revocation of the right to practice before any agency of the United States government or of the state of Idaho, for any cause other than failure to pay a registration or similar fee.

(1) Having been declared mentally incompetent by a court of competent jurisdiction; provided, however, that when a person's license shall have been revoked or suspended for this cause, such license shall be reinstated by the board when said disability is judicially removed.

(m) Representing oneself as qualified or authorized to practice as a certified public accountant or licensed public accountant in this state without holding a current, valid, unrevoked and unsuspended certificate and license or privileges under section 54-227, Idaho Code.

(n) Performance of any fraudulent act while holding a certificate, license, permit or privileges under this chapter.

(o) Any conduct reflecting adversely upon the licensee's fitness to perform services while a licensee, or individual granted privileges under section 54-227, Idaho Code.

(2) The expenses, including attorney's fees, incurred by the board for any or all proceedings initiated against a person for violation of any of the provisions of this chapter may be charged against such person by the board, upon the finding of a violation of this chapter, in addition to any administrative penalties which may be levied by the board against such person. Administrative penalties levied by the board shall not exceed two thousand five hundred dollars ($2,500) per violation.

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

(a) A peer review conducted in such fashion as the board may specify;

(b) Preissuance review;

(c) Satisfactory completion of such continuing professional education programs or examinations as the board may specify; and

(d) Other similar remedies.

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

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

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

(1) Found guilty by a court of competent jurisdiction of a felony or any offense involving moral turpitude or crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

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

(3) Found by the board to be in violation of any provision of this chapter or the rules promulgated pursuant thereto;
(4) Found by the board to have used fraud or deception in the procuring of any license;
(5) Found by the board to have had any action, including denial of a license or the voluntary surrender of or voluntary limitation on a license, taken against the licensee by any peer review body, any health care institution, any professional medical society or association or any court, law enforcement or governmental agency;
(6) Found by the board to have been unethical, unprofessional or dishonorable in the practice of healing the sick; or
(7) Found by the board to have failed to comply with an order issued by the board.

SECTION 15. That Section 54-712, Idaho Code, be, and the same is hereby amended to read as follows:

54-712. DISCIPLINE BY THE BOARD -- GROUNDS. Any license or permit issued under the provisions of this chapter shall be subject to restriction, suspension, revocation or other discipline pursuant to the provisions of sections 54-707 and 54-713, Idaho Code, if the board finds that the licensee:
1. Has been convicted, found guilty, received a withheld judgment or suspended sentence in this or any other state of a felony or a crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code;
2. Used false, fraudulent or forged statements or documents, diplomas or credentials in connection with any licensing or other requirements of this chapter or misrepresented or concealed a material fact in obtaining licensing, renewal or reinstatement;
3. Practiced chiropractic under a false or assumed name in this or any other state;
4. Advertised the practice of chiropractic in a false, misleading or deceptive manner;
5. Knowingly aided or abetted any person to practice chiropractic who is not authorized to practice chiropractic as provided in this chapter or failed to adequately supervise auxiliary staff who have contact with patients which creates or results in an unreasonable risk of harm to the patient;
6. Is unable to obtain or renew a license to practice chiropractic, or whose license to practice chiropractic has been restricted, revoked or suspended by any other state, territory or district of the United States or foreign jurisdiction; a certified copy of the order shall be conclusive evidence of any restriction, revocation or suspension of a license;
7. Failed to safeguard the confidentiality of chiropractic records or other chiropractic information pertaining to identifiable clients, except as required or authorized by law;
8. Practiced chiropractic when a license pursuant to this chapter is suspended, revoked, or inactive due to failure to renew the annual license within the time and manner required by the board;
9. Refused to divulge to the board, upon demand, the means, method, device or instrumentality used in the treatment of a disease, injury, ailment, or infirmity;
(10) Has engaged in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the licensee by the patient;

(11) Has committed any act which constitutes a felony or has committed any act which constitutes a crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

(12) Is unable to practice chiropractic with reasonable skill and safety by reason of:
(a) Mental illness; or
(b) Physical illness including, but not limited to, physical deterioration which adversely affects cognitive, motor or perceptive skills; or
(c) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substances which impair ability; or
(d) Having a communicable, contagious or infectious disease which endangers the health of patients;

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

(14) Promoted unnecessary or inefficacious treatment, procedures, devices or services or practiced in an incompetent or negligent manner resulting in or creating an unreasonable risk of harm; or

(15) Has violated any provision of this act or any rule promulgated by the board for the administration or enforcement of this act, interfered with the board's conduct of investigations, hearings or any other matters relating to discipline including, but not limited to, misrepresenting facts, attempting to influence witnesses or failing to answer subpoenas, or otherwise failed to cooperate with the board in the fulfillment of its duties.

SECTION 16. That Section 54-915, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) Is of good moral character and has not pled guilty to or been convicted of any felony, or of any misdemeanor involving moral turpitude a crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code, unless the person demonstrates that he has been sufficiently rehabilitated to warrant the public trust;

(2) Shall, for dentistry, have successfully completed the course of study in dentistry, and graduated and received a degree of doctor of dental surgery or doctor of dental medicine from a dental school accepted and approved by the board;

(3) Shall, for dental therapy, have:
(a) Successfully completed a course of study in dental therapy;
(b) Graduated from a dental therapy school accredited by the commission on dental accreditation of the American dental association, provided that such school has been accepted and approved by the board; and
(c) Completed five hundred (500) hours of supervised clinical practice
under the direct supervision of a dentist;
(4) Shall, for dental hygiene, have successfully completed the course
of study in dental hygiene, and received a degree from a dental hygiene
school accepted and approved by the board;
(5) Shall, for dentistry, dental therapy, and dental hygiene, pass the
examinations provided for in section 54-918, Idaho Code.

SECTION 17. That Section 54-923, Idaho Code, be, and the same is hereby
amended to read as follows:

54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other
evidence of qualification and right to practice dentistry, a dental special-
yalty, dental therapy, or dental hygiene, and a license, may be revoked
by the board whenever it shall be shown to the board that the holder of such
certificate or other evidence of qualification, right to practice or license
has been convicted of a felony, or of a misdemeanor involving moral turpitude
crime that is deemed relevant in accordance with section 67-9411(1), Idaho
Code, whether such conviction shall have occurred before or after qualifica-
tion, or accrual of such right, or the issuance of such certificate or other
evidence of qualification, or of such license. A person licensed to practice
dentistry, a dental specialty, dental therapy, or dental hygiene who is con-
victed of a felony in any jurisdiction shall notify the board within thirty
(30) days of conviction by submitting a copy of the judgment of conviction to
the board.

SECTION 18. That Section 54-1116, Idaho Code, be, and the same is hereby
amended to read as follows:

54-1116. DENIAL, SUSPENSION, OR REVOCATION OF LICENSES -- GROUNDS --
PROBATION. The board may refuse to issue or may refuse to renew or may suspend
or may revoke any license, or may place the holder thereof on a term of proba-
tion, after proper hearing, upon finding that the holder of such license com-
mittet any of the following acts or omissions:
(1) Conviction of a crime involving moral turpitude that is deemed rel-
evant in accordance with section 67-9411(1), Idaho Code.

(2) Conviction of a felony.
(3) Unprofessional conduct, which is hereby defined to include:
(a) Misrepresentation or fraud in the conduct of mortician or funeral
director services;
(b) False or misleading advertising as the holder of a license for the
practice of mortician or funeral director services; advertising or us-
ing the name of a person who is not an employee of the establishment in
connection with that of any establishment;
(c) Solicitation of dead human bodies by the licensee, his agents, as-
sistants or employees, whether such solicitation occurs before death or
after death; provided, that this shall not be deemed to prohibit general
advertising;
(d) Employment by the licensee of persons known as "cappers," or
"steerers," or "solicitors," or other such persons to solicit or obtain
agreements with the public for the performance of mortician services;
(e) Employment, directly or indirectly, of any resident trainee, agent, assistant, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular mortician, funeral director or establishment;
(f) The direct or indirect payment, or offer of payment, of a commission by the licensee, his agents, assistants, or employees for the purpose of securing business;
(g) Gross immorality;
(h) Aiding or abetting an unlicensed person to practice mortician or funeral director services;
(i) Using profane, indecent or obscene language in the presence of a dead human body, or within the immediate hearing of the family or relatives of a deceased, whose body has not yet been interred or otherwise disposed of;
(j) Violation of any of the provisions of this chapter;
(k) Violation of any state law, or municipal or county ordinance, or rule authorized under this chapter affecting the handling, custody, care, processing or transportation of dead human bodies;
(l) Fraud or misrepresentation in obtaining or renewing a license;
(m) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to the custody thereof;
(n) Solicitation or acceptance, directly or indirectly, of a request, before need, for an agreement to provide mortician services or funeral supplies at a price less than that offered by such person to others at time of need;
(o) Violation of any statutes of any state having to do with prearrangement or prefinancing of mortician services or funeral supplies.

SECTION 19. That Section 54-1128, Idaho Code, be, and the same is hereby amended to read as follows:

54-1128. VIOLATIONS CONSTITUTING MISDEMEANORS -- EXCEPTIONS -- ENFORCEMENT. Any person who knowingly violates any provision of this chapter, or any licensee under this chapter who shall commit an act of unprofessional conduct as defined and designated under the provisions of subsection (32) of section 54-1116, Idaho Code, except subsections paragraphs (g) and (I) thereof, shall be guilty of a misdemeanor unless such conduct is punishable as a felony elsewhere under the law. It shall be the duty of the board of morticians to see that the provisions of this chapter are properly administered and enforced throughout the state, and all peace officers and prosecuting attorneys shall aid in their several capacities in discharge of these duties.

SECTION 20. That Section 54-1413, Idaho Code, be, and the same is hereby amended to read as follows:

54-1413. DISCIPLINARY ACTION. (1) Grounds for discipline. The board shall have the power to refuse to issue, renew or reinstate a license issued pursuant to this chapter and may revoke, suspend, place on probation, repri-
mand, limit, restrict, condition or take other disciplinary action against
the licensee as it deems proper, upon a determination by the board that
the licensee engaged in conduct constituting any one (1) of the following
grounds:
   (a) Made, or caused to be made, a false, fraudulent or forged state-
ment or representation in procuring or attempting to procure a license
to practice nursing;
   (b) Practiced nursing under a false or assumed name;
   (c) Is convicted of a felony or of any offense involving moral turpitude
crime that is deemed relevant in accordance with section 67-9411(1),
Idaho Code;
   (d) Is or has been grossly negligent or reckless in performing nursing
functions;
   (e) Habitually uses alcoholic beverages or drugs as defined by rule;
   (f) Is physically or mentally unfit to practice nursing;
   (g) Violates the provisions of this chapter or rules and standards of
conduct and practice as may be adopted by the board;
   (h) Otherwise engages in conduct of a character likely to deceive,
defraud or endanger patients or the public, which includes, but is not
limited to, failing or refusing to report criminal conduct or other con-
duct by a licensee that endangers patients;
   (i) Has been disciplined by a nursing regulatory authority in any ju-
risdiction. A certified copy of the order entered by the jurisdiction
shall be prima facie evidence of such discipline;
   (j) Failure to comply with the terms of any board order, negotiated set-
tlement or probationary agreement of the board, or to pay fines or costs
assessed in a prior disciplinary proceeding;
   (k) Engaging in conduct with a patient that is sexual, sexually ex-
plorative, sexually demeaning or may reasonably be interpreted as
sexual, sexually exploitative or sexually demeaning; or engaging in
conduct with a former patient that is sexually exploitative or may
reasonably be interpreted as sexually exploitative. It would not be a
violation under this subsection for a nurse to continue a sexual rela-
tionship with a spouse or individual of majority if a consensual sexual
relationship existed prior to the establishment of the nurse-patient
relationship; or
   (l) Failure to comply with the requirements of the abortion complica-
tions reporting act, chapter 95, title 39, Idaho Code.
   (2) Separate offense. Each day an individual violates any of the provi-
sions of this chapter or rules and standards of conduct and practice as may be
adopted by the board shall constitute a separate offense.
   (3) Proceedings.
      (a) The executive director shall conduct such investigations and ini-
tiate such proceedings as necessary to ensure compliance with this
section. The board may accept the voluntary surrender of a license
from any nurse under investigation and accordingly enter an order re-
voking or suspending such license and/or imposing such conditions,
limitations, or restrictions on the practice of any such nurse as may
be appropriate in the discretion of the board. Otherwise, every person
subject to disciplinary proceedings shall be afforded an opportunity
for hearing after reasonable notice. All proceedings hereunder shall be in accordance with chapter 52, title 67, Idaho Code.

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

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

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

(4) Probation/subsequent review. Any order of the board entered under this section may be withheld or suspended for a probationary period to be fixed by the board upon such terms and conditions as may be appropriate in order to regulate, monitor and/or supervise the practice of nursing by the licensee subject to such order for the prescribed probationary period. Any order of the board entered under this section may be withdrawn, reversed, modified or amended upon a showing by the person subject to the order that the grounds for discipline no longer exist or that he is rehabilitated, qualified and competent to practice nursing and that he is not likely to violate this chapter or rules adopted hereunder in the future.

(5) Reporting investigative information.

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

(b) The executive director of the board may, in the administration of this chapter, share information and otherwise cooperate with government regulatory and law enforcement agencies.

SECTION 21. That Section 54-1510, Idaho Code, be, and the same is hereby amended to read as follows:

54-1510. REVOCATION OF LICENSES -- GROUNDS. Every license issued under the provisions of this chapter shall be subject to suspension, revocation or other discipline upon any of the following grounds pursuant to the
procedures set forth in chapter 52, title 67, Idaho Code. All hearings conducted pursuant to this section, whether before the board or a hearing officer, shall be held in Ada county unless otherwise designated by the board.

(1) Fraud or deception in procuring license.

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

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

(4) Gross incompetency.

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

(a) Mental illness;

(b) Physical illness including, but not limited to, physical deterioration which adversely affects cognitive, motor or perceptive skills;

(c) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substances which impair ability; or

(d) Having a communicable, contagious or infectious disease which endangers the health of patients.

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

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

(8) Obtaining of any fee or compensation by fraud, deceit or misrepresentation.

(9) Employing, either directly or indirectly, any suspended or unlicensed optometrist to do optometric work.

(10) Advertising the practice of optometry in a false, misleading or deceptive manner.

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

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

(13) For willfully permitting or allowing or causing a person who is not a licensed optometrist or a licensed physician or surgeon to use the optometrist's prescription or optometric finding to fit contact lenses upon a person or member of the public.
(14) For violation of any of the provisions of this chapter or the rules or code of ethics made and promulgated by the state board of optometry, as authorized in section 54-1509, Idaho Code.

(15) For willfully attempting to violate, directly or indirectly, conspiring to violate, or assisting or participating in or abetting the violation of any of the provisions of this chapter or the rules or code of ethics made, prescribed or promulgated by the state board of optometry pursuant to the authority granted in this chapter.

(16) Having engaged in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the licensee by the patient.

(17) Having committed any act which constitutes a felony or has committed any act which constitutes a crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code.

SECTION 22. That Section 54-1726, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

(i) Any felony crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code;

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

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

(d) Fraud or intentional misrepresentation by a licensee in securing the issuance or renewal of a license; and

(e) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license, or falsely using the title of pharmacist; and

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

(2) Nonresident licensees and registrants shall be held accountable to the board for violations by its agents and employees and subject to the same grounds for discipline and penalties for their actions as set forth herein.
SECTION 23. That Section 54-1844, Idaho Code, be, and the same is hereby amended to read as follows:

54-1844. DEFINITIONS. As used in this compact:
(1) "Bylaws" means those bylaws established by the interstate commission pursuant to section 54-1853, Idaho Code, for its governance, or for directing and controlling its actions and conduct.
(2) "Commissioner" means the voting representative appointed by each member board pursuant to section 54-1853, Idaho Code.
(3) "Conviction" means a finding by a court that an individual is guilty of a criminal offense through adjudication, or entry of a guilty or equivalent plea to the charge by the offender. Evidence of an entry of a conviction of a criminal offense by the court shall be considered final for purposes of disciplinary action by a member board.
(4) "Expedited license" means a full and unrestricted medical license granted by a member state to an eligible physician through the process set forth in the compact.
(5) "Interstate commission" means the interstate commission created pursuant to section 54-1853, Idaho Code.
(6) "License" means authorization by a state for a physician to engage in the practice of medicine, which would be unlawful without the authorization.
(7) "Medical practice act" means laws and rules governing the practice of allopathic and osteopathic medicine within a member state.
(8) "Member board" means a state agency in a member state that acts in the sovereign interests of the state by protecting the public through licensure, regulation and education of physicians as directed by the state government.
(9) "Member state" means a state that has enacted the compact.
(10) "Offense" means a felony, gross misdemeanor or crime of moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
(11) "Physician" means any person who:
(a) Is a graduate of a medical school accredited by the liaison committee on medical education, the commission on osteopathic college accreditation or a medical school listed in the international medical education directory world directory of medical schools or its equivalent;
(b) Passed each component of the United States medical licensing examination (USMLE) or the comprehensive osteopathic medical licensing examination (COMLEX-USA) within three (3) attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;
(c) Successfully completed graduate medical education approved by the accreditation council for graduate medical education or the American osteopathic association;
(d) Holds specialty certification or a time-unlimited specialty certificate recognized by the American board of medical specialties or the American osteopathic association's bureau of osteopathic specialists;
(e) Possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;
(f) Has never been convicted or received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction;

(g) Has never held a license authorizing the practice of medicine subject to discipline by a licensing agency in any state, federal or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license; and

(h) Has never had a controlled substance license or permit suspended or revoked by a state or the United States drug enforcement administration; and

(i) Is not under active investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction.

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

(13) "Rule" means a written statement by the interstate commission promulgated pursuant to section 54-1853, Idaho Code, that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact or an organizational, procedural or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

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

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

SECTION 24. That Section 54-1910, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(a) Such degree of experience, and such general knowledge of the building, safety, health and lien laws of the state, and of the rudimentary administrative principles of the contracting business, as may be deemed necessary by the board for the safety and protection of the public. The applicant if an individual may qualify as to the aforementioned experience and knowledge by personal appearance or by the appearance of his responsible managing employee, and if a copartnership or corporation, limited liability company, limited liability partnership and any other combination or organization, by the appearance of the responsible managing officer or member of the personnel of such applicant. If the person qualifying by examination as to experience and knowledge shall, for any reason whatsoever, cease to be connected with the licensee to whom the license is issued, such licensee shall so no-
tify the administrator in writing within ten (10) days from such cessation. If such notice is given, the license shall remain in force for a reasonable length of time, to be determined by rules of the board. If such licensee fails to so notify the administrator within said ten (10) day period, then at the end of such ten (10) day period, the license of such licensee shall be automatically suspended. A suspended license shall be reinstated upon the filing with the administrator of an affidavit executed by the licensee or a member of the suspended firm, to the effect that the individual originally examined for the firm has been replaced by another individual who has been qualified by examination as herein provided, and who shall not have had a li-
cense suspended or revoked, nor have been connected with any licensee who has had a license suspended or revoked for reasons that should preclude him from personally qualifying as to good character as herein required of an appli-
cant.

(b) The possession by the applicant of good character. Lack of charac-
ter may be established by showing any of the following:
(1) That the applicant has committed or done any act which, if committed or done by any licensed contractor, would be grounds for the suspension or revocation of a contractor's license; or
(2) That the applicant has committed or done any act involving dis-
honesty, fraud or deceit whereby the applicant has been benefited or whereby some injury has been sustained by another; or
(3) That the applicant bears a bad reputation for honesty and in-
tegrity; or
(4) That the applicant has been convicted of a felony crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
(c) That he has never been refused a license or had a license revoked for reasons that would preclude the granting of the license applied for.
(d) No license shall be issued to a corporation, copartnership, limited liability company, limited liability partnership or other combination or organization if any responsible officer of such corporation, or other com-
bination or organization, or any member of such copartnership does not meet the qualifications required of an applicant other than those qualifications relating to knowledge and experience.
(e) To obtain an original license under this chapter, the applicant shall submit to the administrator, on such forms as the administrator shall prescribe, accompanied by the required fee for the class of license applied for, and in accordance with such rules as may be deemed necessary and adopted by the board in order to carry out the foregoing provisions of this section, a sworn written application for such license, containing the statement that the applicant desires the issuance of a license under the terms of this chapter. The information contained in such application forms shall include a complete statement of the general nature of the applicant's contracting business, and stating concisely the applicant's experience and qualifica-
tions as a contractor; the value and character of contract work completed and for whom performed during the three (3) year period prior to filing the application; a general description of the applicant's machinery and equip-
ment; a complete financial statement which may include a letter from the applicant's bonding company stating the amount of the applicant's bonding capability per project and in the aggregate, on such forms and disclosing
such information as shall be required by the administrator, together with such additional information as may be required by the administrator to determine the applicant's fitness for a license under this chapter. The application shall contain, if by an individual, the individual's name, social security number and business address; if by a copartnership, its business address and the names and addresses of all partners; and if by a corporation, association, limited liability company, limited liability partnership or other organization, its business address and the names and addresses of the president, vice president, secretary, and chief construction managing officers, or responsible managing employee. A request for a licensing class higher than that for which the applicant qualifies must go to the administrator for review and may be approved up to the bond limit. A final appeal of a decision of the administrator may be made to the board.

SECTION 25. That Section 54-2103, Idaho Code, be, and the same is hereby amended to read as follows:

54-2103. DEFINITIONS. As used in this chapter:
(1) "Accredited continuing education activity" means a provider and course, seminar, scientific program or any other activity approved by the board or its designees for continuing education credit.
(2) "Accredited or approved school of veterinary medicine" means any veterinary college or division of a university or college inside or outside the United States or Canada that offers the degree of doctor of veterinary medicine, veterinary medicine doctor, or its equivalent and is accredited or approved by the council on education of the American veterinary medical association or other accrediting agency or association approved by the board.
(3) "Allied health professional" means a person holding a current active license, in good standing, in any state to practice one (1) of the healing arts including, but not limited to, medicine, dentistry, osteopathy, chiropractic, acupuncture and podiatry.
(4) "Anesthetized" means any condition of general anesthesia, caused by the administration of a drug or combination of drugs in sufficient quantity to produce a state of unconsciousness or disassociation and blocked response to a given pain or alarm stimulus.
(5) "Animal" means any animal other than man and includes fowl, birds, fish and reptiles, wild or domestic, living or dead.
(6) "Assistant" means any individual, other than a certified veterinary technician or a licensed veterinarian, who is utilized by a licensed veterinarian to assist in the performance of acts pertaining to the practice of veterinary medicine.
(7) "Board" means the state board of veterinary medicine.
(8) "Certified euthanasia agency" or "CEA" means a law enforcement agency, an animal control agency or a society for the prevention of cruelty to animals, which has been inspected and certified by the committee on humane euthanasia or the board.
(9) "Certified euthanasia technician" or "CET" means a person employed by a certified euthanasia agency who is instructed and certified by the committee on humane euthanasia or the board as defined in the rules of the board, but not to include an individual employed as a technician by animal research laboratories.
(10) "Certified veterinary technician" means a person who has fulfilled the certification requirements prescribed by board rule and has been certified by the board to practice veterinary technology in this state.

(11) "Consultation" means a deliberation between two (2) or more veterinarians concerning the diagnosis of a disease or the proper management of the case.

(12) "Credit hour" means fifty (50) minutes of participation in an accredited continuing education activity.

(13) "Dentistry" is the practice of veterinary medicine and means the application or use of any instrument or device to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury, disease or other condition of an animal's tooth, gum or related tissue. Dentistry includes, but is not limited to:

(a) "Preventive dental procedures" including, but not limited to, the removal of calculus, soft deposits, plaque, stains, and floating to shape the teeth above the gum line or the smoothing, filing or polishing of tooth surfaces above the gum line; and

(b) "Operative dentistry/oral surgery" or any other dental procedure that invades the hard or soft oral tissue including a procedure that alters the structure of one (1) or more teeth, or repairs damaged and diseased teeth, or the deliberate extraction of one (1) or more teeth.

(14) "Direct supervision" means the supervising veterinarian is on the premises where the animal is being treated, is quickly and easily available, and the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires.

(15) "Discipline" means board action including, but not limited to:

(a) Refusing to issue, renew or reinstate a license, permit or certification to practice as a licensed veterinarian, a certified veterinary technician, a certified euthanasia agency or a certified euthanasia technician;

(b) Denial, revocation, suspension, sanction, probation or voluntary surrender of a license, permit or certification to practice as a licensed veterinarian, a certified veterinary technician, a certified euthanasia agency or a certified euthanasia technician;

(c) The ability to enter into consent agreements and negotiated settlements with licensed veterinarians, certified veterinary technicians, certified euthanasia agencies and certified euthanasia technicians;

(d) The ability to bring an administrative or civil action against any person in or outside of this state who practices veterinary medicine, veterinary technology or who performs euthanasia within this state.

(16) "Emergency" means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life.

(17) "Emergency veterinary facility" means any facility with the primary function of receiving, treating, and monitoring emergency patients during its specified hours of operation or that displays to the public any sign, card, or advertisement that indicates it is an emergency veterinary clinic or hospital. An emergency veterinary facility may be an independent after-hours service, an independent twenty-four (24) hour service, or it may be part of a full-service veterinary medical facility.
(18) "Committee on humane euthanasia" means a committee established by the board for the purposes of training, examining, certifying and inspecting certified euthanasia agencies and certified euthanasia technicians.

(19) "Extra label use" means the actual or intended use of a human or veterinary drug in an animal in a manner that is not in accordance with the drug's labeling.

(20) "Floating" means shaping the posterior (cheek) teeth and the incisors (cutting teeth) in horses, mules and donkeys through the use of hand floats, rasps, burs, mechanical files or other file-like instruments to restore balance, allow more efficient mastication, and reduce pain and trauma to the periodontal tissues.

(21) "Herd," "litter," or "flock" of animals means animals managed as a group for purposes including, but not limited to, breeding, sale, show or food production.

(22) "Immediate supervision" means the supervising veterinarian is in the immediate area, in audible and visual range of the animal patient and the person treating the patient, and the animal has been examined by the supervising veterinarian as acceptable veterinary medical practice requires.

(23) "In good standing" means, when used in reference to an applicant for licensure or certification, that an applicant:

(a) Has not been the recipient of any administrative penalties regarding his practice of veterinary medicine including, but not limited to, fines, formal reprimands, license suspensions or revocations (except for license revocations for nonpayment of license renewal fees) or probationary limitations, or has not entered into any consent agreement or negotiated settlement that contains conditions placed by a board on his professional conduct and practice, including any voluntary surrender of a license; and

(b) Has never had his United States drug enforcement administration privileges restricted or revoked; and

(c) Is not currently under investigation by another veterinary licensing authority for acts which would provide a basis for disciplinary action in this state, as determined by the board; and

(d) Has no physical or mental impairment related to drugs or alcohol, or a finding of mental incompetence by a physician that would limit the applicant's ability to undertake the practice of veterinary medicine in a manner consistent with the safety of a patient or the public; and

(e) Has not been convicted of a felony as defined in chapter 18, Idaho Code; and

(f) Has no criminal conviction record or pending criminal charge relating to an offense, the circumstances of which substantially relate to the practice of veterinary medicine or that is deemed relevant in accordance with section 67-9411(1), Idaho Code. Applicants who have criminal conviction records or pending criminal charges shall require appropriate authorities to provide information about the record or charge directly to the board in sufficient detail to enable the board to make a determination whether the record or charge is substantially related to the practice of veterinary medicine.

(24) "Indirect supervision" means the supervising veterinarian is not on the premises but is available for immediate contact by telephone, radio or
other means, has given either written or oral instructions for treatment of
the animal patient, the animal has been examined by the supervising veteri-
narian as acceptable veterinary medical practice requires, and the animal,
if previously anesthetized, has recovered to the point of being conscious
and sternal.

(25) "Legend/prescription drug" means any drug which, under federal
law, regulation or rule, is required, prior to being distributed or deliv-
ered, to be labeled with one (1) of the following statements: "Caution: Fed-
eral law restricts this drug to be used by or on the order of a licensed vet-
erinarian," or "Caution: Federal law prohibits dispensing without a pre-
scription," or "RX Only," or a drug which is required by any applicable state
or federal law, rule or regulation to be distributed or dispensed pursuant to
a prescription only, or is restricted to use by licensed practitioners only.

(26) "Licensed veterinarian" means a person who is validly and cur-
rently licensed to practice veterinary medicine in this state.

(27) "Malpractice" means, but is not limited to:
(a) Treatment in a manner contrary to accepted veterinary practices and
with injurious results; or
(b) Any professional misconduct or unreasonable lack of professional
skill or fidelity in the performance of the professional practice of
veterinary medicine; or
(c) Failure to provide adequate supervision, except in an emergency
situation; or
(d) Allowing an unqualified individual to perform a procedure that is
part of the practice of veterinary medicine; or
(e) The negligent practice of veterinary medicine, as determined by the
standard of practice for the area, that results in injury, unnecessary
suffering or death.

(28) "Medical incompetence" means lacking in sufficient medical knowl-
edge or skills or both to a degree likely to endanger the health of patients.

(29) "Mobile clinic" means a vehicle including, but not limited to, a
camper, motor home, trailer or mobile home used as a veterinary medical fa-
cility. A mobile clinic is not required for house calls or farm calls.

(30) "On-call emergency service" means a veterinary medical facility
that is available to provide emergency veterinary services as requested if
a veterinarian is available.

(31) "Owner/Ownership" means ownership as defined by the laws of prop-
erty and ownership, chapter 1, title 55, Idaho Code, and chapter 1, title 73,
Idaho Code.

(32) "Person" means any individual, firm, partnership, association,
joint venture, cooperative and corporation, or any other group or combina-
tion acting in concert, and whether or not acting as principal, trustee,
fiduciary, receiver, or as any other kind of legal or personal representa-
tive, or as the successor in interest, assignee, agent, factor, servant,
employee, director, officer, or any other representative of such person.

(33) "Physical or mental incompetence" means the veterinarian's abil-
ity to practice veterinary medicine with reasonable skill and safety is
impaired by reason of illness, excessive use of alcohol, drugs, narcotics,
chemicals or any other substance, or as a result of any mental or physical
disability.
(34) "Practice of veterinary medicine" in this state, through telephonic, electronic or other means, regardless of the location of the veterinarian, includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine and means:
(a) To directly or indirectly diagnose, treat, correct, change, relieve or prevent animal disease, deformity, defect, injury or other physical or mental conditions including the prescribing, dispensing, delivering or administering of any drug, medicine, biologic, apparatus or technique, or the use of any obstetrical procedure or any manual or mechanical procedure for artificial insemination, for testing or examining for pregnancy, fertility evaluation, embryo transplant, grading of fresh semen, or to render advice or recommendation with regard to any of the above act described in this paragraph.
(b) To represent, directly or indirectly, publicly or privately, an ability and willingness to do any act described in paragraph (a) of this subsection.
(c) To use any title, words, abbreviations or letter in a manner or under circumstances which induce the belief that the person using them is qualified to do any act described in paragraph (a) of this subsection, except where such person is a licensed veterinarian.
(35) "Professional supervision" means the supervising veterinarian is in daily contact by telephone, radio or other means with the temporary licensee.
(36) "Referral" means the transfer of responsibility for diagnosis and treatment from the referring veterinarian to the receiving veterinarian, or from the referring veterinarian to the board-certified specialist, or from the referring veterinarian to an allied health professional.
(37) "Regular employee" means a person who performs services for the animal's owner other than, or in addition to, feeding, boarding, castrating and dehorning, but does not include independent contractors or agents.
(38) "Supervision" means the action or process of a supervising veterinarian in directing activities or a course of action for those individuals to whom activities or functions have been assigned or delegated.
(39) "Supervising veterinarian" means a licensed veterinarian utilizing the services of a temporary licensee, certified veterinary technician, veterinary technician, veterinary technician with a temporary certification, veterinary assistant, certified euthanasia technician, or as provided by rule. A supervising veterinarian shall be individually responsible and liable, regardless of the supervision provided, for all damages arising out of his own acts or omissions and for the performance of any acts and omissions pertaining to the practice of veterinary medicine that are delegated to the temporary licensee, certified veterinary technician, veterinary technician, veterinary assistant or certified euthanasia technician. Nothing herein shall be construed to deprive the board of its disciplinary authority with respect to the temporary licensees, certified veterinary technicians, veterinary technicians, veterinary assistants or certified euthanasia technicians.
(40) "Unethical or unprofessional conduct" means to knowingly engage in conduct of a character likely to deceive or defraud the public, false or mis-
leading advertising or solicitation, obtaining any fee or compensation by
fraud or misrepresentation, sharing office space and working in conjunction
with any person illegally practicing veterinary medicine, employing either
indirectly or directly an unlicensed or uncertified person to perform acts
pertaining to the practice of veterinary medicine, except as provided by law
or rule, or the violation of any law or rules adopted by the board pertain-
ing to unethical or unprofessional conduct, or that provide a code of profes-
3ional conduct to be followed and carried out by persons licensed or certi-
4fied by the board.

(41) "Unlicensed practice" means:
(a) The practice of veterinary medicine in this state, through tele-
5phonic, electronic or other means, regardless of the location of the
6veterinarian, without a valid, unexpired, unrevoked, and unsuspended
7active license or certification in this state to do so, except as pro-
8vided by law or rule; or
(b) Representing oneself oneself through offerings, advertisements
9or use of professional titles or designations as being qualified to
10practice veterinary medicine.

(42) "Veterinarian" means a person who has received a doctor's degree
in veterinary medicine from an accredited or approved school of veterinary
12medicine or as otherwise provided by law or rule.

(43) "Veterinarian on call" means a veterinarian is not present at the
14veterinary medical facility but is able to respond within a reasonable time
15to requests for emergency veterinary services.

(44) "Veterinarian on premises" means a veterinarian is present at the
17veterinary medical facility and is prepared and qualified to render veteri-
18nary services.

(45) "Veterinary medical facility" means any premises, office, unit,
20structure, mobile unit, or area utilized for the practice of veterinary
21medicine other than the premises of an owner when used for treatment of the
22owner's animal.

(46) "Veterinary technician" means a person who has graduated from a
24veterinary technology program accredited or approved by the committee on
25veterinary technician education and activities of the American veterinary
26medical association or other accrediting agency approved by the board, or a
27person who has received equivalent training as set forth in the rules of the
28board.

(47) "Veterinary technology" means the performance of services within
29the practice of veterinary medicine by a person working under the direction
30of a supervising veterinarian to perform duties that require an understand-
31ing of veterinary medicine in order to carry out the orders of the veteri-
32narian. Veterinary technology does not include prognosis, diagnosis, oper-
33ative dentistry, deliberate tooth extraction procedures or the prescribing
34of treatment or performing surgery of any kind.

SECTION 26. That Section 54-2508, Idaho Code, be, and the same is hereby
36amended to read as follows:

54-2508. LICENSE -- APPLICATION THEREFOR -- TYPE AND NUMBER OF RACES
38-- FEE PER DAY -- REFUND -- CANCELLATION -- HEARING -- SIMULCAST PURSE MONEYS
40FUND. It shall be unlawful for any person to hold any race meet in this state
without having first obtained and having in force and effect a license issued
by the commission as in this chapter provided. Every person making appli-
cation for a license to hold a race meet, under the provisions of this chap-
ter, shall file an application with the commission which shall set forth the
time, place and number of days such will continue, an agreement with a horse-
men's group as the term "horsemen's group" is defined in section 54-2502,
Idaho Code, and such other information as the commission may require. The
agreement shall be reached voluntarily or pursuant to binding arbitration
in conformance with chapter 9, title 7, Idaho Code, and shall address, but
not be limited to, number of live race days and percentage of the live race
and simulcast handle that is dedicated to the live horse race purse struc-
ture. In addition, the agreement shall provide that all simulcast purse mone-
eys that are accrued as required by the horsemen's agreement be held in the
simulcast purse moneys fund created pursuant to the provisions of this sec-
tion. Race days agreed upon shall be submitted to the Idaho state racing com-
mission for its approval.

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

All applications to hold race meets shall be submitted to the commis-
sion, which shall act upon such applications within thirty (30) days. The
commission shall be the sole judge of whether or not the race meet shall be
licensed and the number of days the meet shall continue.
The license issued shall specify the kind and character of the race
meets to be held, the number of days the race meet shall continue and the
number of races per day. For those licensees or facilities that have had a
total race handle from both live races and simulcast races exceeding five
million dollars ($5,000,000) during the last calendar year in operation, the
number of races per day shall not be less than eight (8), and the number of
days of racing shall not be less than forty-six (46) unless otherwise agreed
by the licensee and the horsemen's group. Provided however, the number of
days of racing shall not be less than fifteen (15) and the number of days of
racing shall be approved by the Idaho state racing commission. For those li-
censees or facilities that have had a total race handle from both live races
and simulcast races of five million dollars ($5,000,000) or less during the
last calendar year in operation, the number of races per day shall not be less
than six (6) and the number of days of racing shall not be less than two (2).
The licensee shall pay in advance of the scheduled race meet to the state
treasurer a fee of not less than twenty-five dollars ($25.00) for each day
of racing, which fees shall be placed in the public school income fund of the
state of Idaho. Provided, that if unforeseen obstacles arise, which that
prevent the holding or completion of any race meet, the license fee held may
be refunded to the licensee, if the commission deems the reason for failure
to hold or complete the race meet sufficient. Any unexpired license held
by any person who violates any of the provisions of this chapter, pursuant
thereto, or who fails to pay to the commission any and all sums required under
the provisions of this chapter, shall be subject to cancellation and revoca-
tion by the commission. Such cancellation shall be made only after a summary
hearing before the commission, of which three (3) days' notice in writing
shall be given the licensee, specifying the grounds for the proposed cancel-
lation, and at which hearing the licensee shall be given an opportunity to be
heard in opposition to the proposed cancellation.

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

SECTION 27. That Section 54-2819, Idaho Code, be, and the same is hereby
amended to read as follows:

54-2819. DISCIPLINE. (1) Grounds for discipline. The board shall have
the power to deny any application for or renewal of a certificate of regis-
tration or to revoke, suspend or otherwise discipline any registrant or reg-
istration issued pursuant to this chapter and to limit or restrict the prac-
tice of any registrant upon a determination by the board that the person:
(a) Made, or caused to be made, a false, fraudulent or forged statement,
document, credentials or representation in procuring or attempting to
procure a certificate of registration to practice geology; or
(b) Practiced geology under a false or assumed name; or
(c) Was convicted of, found guilty, received a withheld judgment or
suspended sentence in this or any other state of action constituting a
felony or of a crime involving moral turpitude that is deemed relevant
in accordance with section 67-9411(1), Idaho Code; or
(d) Violated the provisions of this chapter or rules, standards of con-
duct and practice, or any ethical codes as may be adopted by the board;
or
(e) Is or has been grossly negligent, incompetent, or reckless in the
practice of geology; or
(f) Has had a license, certificate, or registration to practice as a
professional geologist suspended or revoked in any jurisdiction. A
certified copy of the order of suspension or revocation shall be prima
facie evidence of such suspension or revocation.
(2) Proceedings. Every person subject to disciplinary proceedings
shall be afforded an opportunity for hearing after reasonable notice.
(a) All proceedings hereunder shall be in accordance with chapter 52,
title 67, Idaho Code, and the Idaho rules of administrative procedure of
the attorney general (IDAPA 04.11.01).
(b) Hearings shall be conducted by the board or by persons appointed by
the board to conduct hearings and receive evidence.
(3) Probation. Any order of the board entered under this section may be
withheld or suspended for a probationary period to be fixed by the board upon
such terms and conditions as may be appropriate in order to regulate, monitor
or supervise the practice of geology by the registrant subject to such order for the prescribed probationary period.

(4) Subsequent review. Any order of the board entered under this section may be withdrawn, reversed, modified or amended upon a showing by the person subject to the order that the grounds for discipline no longer exist or that he is rehabilitated, qualified and competent to practice professional geology and that he is not likely to violate the provisions of this section or rules adopted hereunder in the future.

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

(6) Administrative fines. The board may, pursuant to an order of discipline, require the payment of an administrative fine not to exceed one thousand dollars ($1,000) for each violation of the provisions of this section or rules adopted hereunder.

SECTION 28. That Section 54-2916A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2916A. QUALIFICATIONS FOR LICENSURE -- SIGN LANGUAGE INTERPRETER. To be eligible for licensure as a sign language interpreter, the applicant shall:

1. File a written application with the board on forms prescribed and furnished by the board. A nonrefundable application fee shall accompany the completed written application. Such fees shall be established by the administrative rules of the board and shall be in such amounts as are reasonable and necessary for the proper execution and enforcement of this chapter;

2. Provide verification acceptable to the board of the following:

(a) Good moral character;

(b) Never having had a license or certification revoked or otherwise sanctioned as part of disciplinary action from this or any other state;

(c) Never having been convicted, found guilty or received a withheld judgment for any felony crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code; and

(d) Never having been found by the board to have engaged in conduct prohibited by this chapter.

The board may take into consideration the rehabilitation of the applicant and other mitigating circumstances when considering applications for licensure.

3. Provide evidence satisfactory to the board of having successfully passed a nationally recognized competency examination approved by the board or achieved certification defined by board rule;

4. Provide educational documentation satisfactory to the board that the applicant has successfully graduated from a four (4) year course at an accredited high school or the equivalent; and

5. Provide documentation that the applicant has successfully passed an examination approved by the board.

SECTION 29. That Section 54-3112, Idaho Code, be, and the same is hereby amended to read as follows:
54-3112. SUSPENSION AND REVOCATION OF TEMPORARY PERMIT OR CERTIFICATE. The board may refuse to issue, refuse to renew, suspend, revoke, or otherwise sanction a temporary permit or certified shorthand reporter certificate for any of the following reasons:

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

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

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

(4) Persistent failure to perform duties.

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

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

SECTION 30. That Section 54-3211, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(3) Fraud or deceit in connection with services rendered as a bachelor social worker, master social worker or clinical social worker or in establishing qualifications for licensure under this chapter.

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

(5) Failing to be licensed or continuing to represent himself as licensed after the expiration of his license.

(6) Being found guilty of unprofessional conduct by the rules established by the board.

(7) Having had a license or registration to practice social work revoked, suspended or otherwise disciplined in any state, territory or county.

(8) Failing to comply with a board order entered in a disciplinary action.

(9) Failing to comply with any of the provisions of this chapter.
SECTION 31. That Section 54-3510, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

(6) Divided fees or gifts or agreed to split or divide fees or gifts received for professional services with any person, institution or corporation in exchange for a referral;

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

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

(9) Failed to supervise the activities of a provisionally licensed dietitian;

(10) Continued to practice as a dietitian when a license pursuant to this chapter was suspended, revoked or inactive;

(11) Practiced as a dietitian in violation of a voluntary restriction or terms of probation pursuant to this chapter;

(12) Continued to practice as a dietitian when registration by the CDR or its successor organization was not renewed or was suspended or revoked; or

(13) Failed to comply with a board order.

SECTION 32. That Section 54-3804, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) Conviction of, being found guilty of, pleading guilty to or receiving withheld judgment for a crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
(2) Conviction of, being found guilty of, pleading guilty to or receiving a withheld judgment for a felony.

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

(a) Misrepresentation or fraud in the conduct of cemetery services;

(b) False or misleading advertising as a holder of a license for the advertising or using the name of an unlicensed person in connection with that of any cemetery establishment;

(c) Employment, directly or indirectly, of any resident trainee, agent, assistant, employee, or other person, on part or full time, or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular cemetery establishment;

(d) Gross immorality;

(e) Aiding or abetting an unlicensed person to engage in practice as a cemeterian;

(f) Violation of any of the provisions of section 54-1116, Idaho Code;

(g) Violation of any state law, or municipal or county ordinance, or regulation authorized under this act affecting the handling, custody, care, processing or transportation of dead human bodies;

(h) Fraud or misrepresentation in obtaining or renewing a license;

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

SECTION 33. That Section 54-4013, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(3) Conviction of a felony, a crime involving moral turpitude or a crime under any municipal, state or federal narcotic or controlled substance law that is deemed relevant in accordance with section 67-9411(1), Idaho Code, provided that the board has taken into consideration the rehabilitation of the applicant or licensee and other mitigating circumstances;

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

(5) Engaging in any act or practice in violation of any of the provisions of this chapter or any of the rules adopted by the board, or aiding, abetting or assisting any other person in such a violation;

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

(7) Practicing without a valid license;

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

(9) The employment of fraud, deceit, or misrepresentation when communicating with the general public, health care professionals or other business professionals;

(10) Having had a license revoked or suspended, other disciplinary action taken or an application for licensure refused, revoked or suspended by
the proper authorities of another state, territory or country, or omitting
such information from any application to the board, or failing to divulge
such information when requested by the board;
(11) A violation of the code of ethics or standards of practice as
adopted by the board; and
(12) Failure to comply with an order issued by the board.

SECTION 34. That Section 54-4711, Idaho Code, be, and the same is hereby
amended to read as follows:

54-4711. SUSPENSION AND REVOCATION. To protect the health, safety and
welfare of the public, the board, in accordance with the requirements of
chapter 52, title 67, Idaho Code, may refuse to issue or may refuse to renew a
license, certification or permit, or may suspend or revoke a license, cer-
tification or permit, under such conditions as the board may require, if the
applicant or holder of the license, certification or permit has:
(1) Been convicted of a felonious act, or crime involving moral turpi-
tude that is deemed relevant in accordance with section 67-9411(1), Idaho
Code;
(2) Obtained or attempted to obtain the issuance or renewal of a li-
cense, certification or permit pursuant to this chapter by means of fraud,
misrepresentation or concealment of material facts;
(3) Engaged in the practice of acupuncture in a manner which does
not meet the generally accepted standards for the practice of acupuncture
within the state of Idaho;
(4) Failed to maintain the confidentiality of records or other informa-
tion pertaining to an identifiable client, except as required or authorized
by law;
(5) Engaged in any conduct that constitutes an abuse or exploitation of
a client arising out of the trust and confidence placed in the acupuncturist
by the client;
(6) Engaged in conduct that violates the provisions of this chapter,
the rules of the board or the terms of any permit issued by the board; or
(7) Failed to comply with a board order entered in a disciplinary mat-
ter.

SECTION 35. That Section 54-4805, Idaho Code, be, and the same is hereby
amended to read as follows:

54-4805. REGISTRATION AS ATHLETE AGENT -- APPLICATION -- REQUIREMENTS
-- RECIPROCAL REGISTRATION. (1) An applicant for registration as an athlete
agent shall submit an application for registration to the bureau in a form
prescribed by the bureau. The applicant must be an individual, and the ap-
application must be signed by the applicant under penalty of perjury. An ap-
application filed under this section is a public record. The application must
contain at least the following:
(a) The name and date and place of birth of the applicant and the follow-
ing contact information for the applicant:
   (i) The address of the applicant's principal place of business;
   (ii) Work and mobile telephone numbers; and
(iii) Any means of communicating electronically, including a facsimile number, electronic-mail address and personal and business or employer websites;
(b) The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, type of business organization and the nature of the business;
(c) Each social media account with which the applicant or the applicant's business or employer is affiliated;
(d) Each business or occupation in which the applicant engaged within five (5) years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration or certification held by the applicant during that time;
(e) A description of the applicant's:
   (i) Formal training as an athlete agent;
   (ii) Practical experience as an athlete agent; and
   (iii) Educational background relating to the applicant's activities as an athlete agent;
(f) The name of each student athlete for whom the applicant acted as an athlete agent within five (5) years before the date of the application or, if the individual is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team;
(g) The name and address of each person that:
   (i) Is a partner, member, officer, manager, associate or profit sharer or directly or indirectly holds an equity interest of five percent (5%) or greater of the athlete agent's business if it is not a corporation; and
   (ii) Is an officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent (5%) or greater in the corporation;
(h) A description of the status of any application by the applicant, or any person named under paragraph (g) of this subsection, for a state or federal business, professional or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal or termination of the license and any reprimand or censure related to the license;
(i) Whether the applicant, or any person named under paragraph (g) of this subsection, has pleaded guilty or no contest to; has been convicted of; entered an Alford plea for; received a withheld judgment, suspended sentence or deferred prosecution for; or has charges pending for a crime that would involve moral turpitude or be a felony if committed in this state and, if so, identification of:
   (i) The crime;
   (ii) The law enforcement agency involved; and
   (iii) If applicable, the date of the conviction and the fine or penalty imposed;
(j) Whether, within fifteen (15) years before the date of application, the applicant, or any person named under paragraph (g) of this subsection, has been a defendant or respondent in a civil proceeding, includ-
(k) Whether the applicant, or any person named under paragraph (g) of this subsection, has an unsatisfied judgment or a judgment of continuing effect, including spousal support or a domestic order in the nature of child support, that is not current at the date of the application;

(l) Whether, within ten (10) years before the date of application, the applicant, or any person named under paragraph (g) of this subsection, was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt;

(m) Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph (g) of this subsection, made a false, misleading, deceptive or fraudulent representation;

(n) Each instance in which conduct of the applicant, or any person named under paragraph (g) of this subsection, resulted in the imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student athlete or a sanction on an educational institution;

(o) Each sanction, suspension or disciplinary action taken against the applicant, or any person named under paragraph (g) of this subsection, arising out of occupational or professional conduct;

(p) Whether there has been a denial of an application for, suspension or revocation of, refusal to renew or abandonment of the registration of the applicant, or any person named under paragraph (g) of this subsection, as an athlete agent in any state;

(q) Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent;

(r) If the applicant is certified or registered by a professional league or players association:
   (i) The name of the league or association;
   (ii) The date of certification or registration and the date of expiration of the certification or registration, if any; and
   (iii) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of the certification or registration, or any reprimand or censure related to the certification or registration; and

(s) Any additional information requested by the bureau.

(2) Instead of proceeding under subsection (1) of this section, an individual registered as an athlete agent in another state may apply for registration as an athlete agent in this state by submitting to the bureau:
   (a) A copy of the application for registration in the other state;
   (b) A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury; and
   (c) A copy of the certificate of registration from the other state.

(3) The bureau shall issue a certificate of registration to an individual who applies for registration under subsection (2) of this section, if the bureau determines:
(a) The application and registration requirements of the other state are substantially similar to or more restrictive than this chapter; and
(b) The registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.
(4) For purposes of implementing subsection (3) of this section, the bureau shall:
(a) Cooperate with national organizations concerned with athlete agent issues, and agencies in other states that register athlete agents, to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this chapter; and
(b) Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

SECTION 36. That Section 54-4806, Idaho Code, be, and the same is hereby amended to read as follows:

54-4806. CERTIFICATE OF REGISTRATION -- ISSUANCE OR DENIAL -- RENEWAL. (1) Except as otherwise provided in subsection (2) of this section, the bureau shall issue a certificate of registration to an applicant for registration who complies with section 54-4805(1), Idaho Code.
(2) The bureau may refuse to issue a certificate of registration to an applicant for registration under section 54-4805(1), Idaho Code, if the bureau determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the bureau may consider whether the applicant has:
(a) Plead guilty or no contest to; has been convicted of; entered an Alford plea for; received a withheld judgment, suspended sentence or deferred prosecution for; or has charges pending for a crime that would involve moral turpitude or be a felony if committed in this state is deemed relevant in accordance with section 67-9411(1), Idaho Code;
(b) Made a materially false, misleading, deceptive or fraudulent representation in the application or as an athlete agent;
(c) Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;
(d) Engaged in conduct prohibited by section 54-4814, Idaho Code;
(e) Had a registration as an athlete agent suspended, revoked or denied in any state;
(f) Been refused renewal of registration as an athlete agent in any state;
(g) Engaged in conduct resulting in imposition of a sanction, suspension or declaration of ineligibility to participate in an interscholastic, intercollegiate or professional athletic event on a student-athlete or a sanction on an educational institution; or
(h) Engaged in conduct that adversely reflects on the applicant's credibility, honesty or integrity.
(3) In making a determination under subsection (2) of this section, the bureau shall consider:
(a) How recently the conduct occurred;
(b) The nature of the conduct and the context in which it occurred; and
(c) Other relevant conduct of the applicant.
(4) An athlete agent registered under subsection (1) of this section may apply to renew the registration by submitting an application for renewal in a form prescribed by the bureau. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.
(5) An athlete agent registered under section 54-4805(3), Idaho Code, may renew the registration by proceeding under subsection (4) of this section or, if the registration in the other state has been renewed, by submitting to the bureau copies of the application for renewal in the other state and the renewed registration from the other state. The bureau shall renew the registration if the bureau determines:
(a) The registration requirements of the other state are substantially similar to or more restrictive than this chapter; and
(b) The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.
(6) A certificate of registration or renewal of registration under this chapter is valid for two (2) years.

SECTION 37. That Section 54-5303, Idaho Code, be, and the same is hereby amended to read as follows:

54-5303. DEFINITIONS. (1) "Board" means the liquefied petroleum gas safety board.
(2) "Bureau" means the bureau of occupational licenses.
(3) "Department" means the department of self-governing agencies.
(4) "Good moral character" means the absence of any behavior that violates accepted standards of the community including, but not limited to:
(a) Conviction or plea of guilty to a felony or other crime involving moral turpitude that is deemed relevant in accordance with section 67-9411(1), Idaho Code;
(b) Habitual use of drugs or intoxicants to such a degree as to render a person unfit and unreliable to practice;
(c) Revocation or suspension or other restriction of any license or certificate in any state in the previous five (5) years; and
(d) Failure to pay final judgments in any state in the previous seven (7) years.
(5) "License" means a physical document issued by the bureau certifying that a person or facility has met the appropriate qualifications and has been granted the authority to practice or operate in Idaho under the provisions of this chapter.
(6) "Liquefied petroleum gas" or "LPG" or "LP-Gas" means any material that is composed predominantly of or by the mixture of any of the following hydrocarbons: propane, propylene, butanes, isobutanes and butylenes.
(7) "LPG facility" means any facility at a fixed location licensed pursuant to this chapter whose activities include selling, filling, refilling, or commercial handling or commercial storage of LPG.
(8) "LPG dealer" means any person licensed pursuant to this chapter who engages in LPG dealer practice.
(9) "LPG dealer practice" means a person engaging in the selling, filling, refilling, transporting, delivering, or commercial handling of LPG, or engaging in the installation or maintenance of systems, equipment, pipes or containers for the use or storage of LPG.
(10) "LPG code" means the liquefied petroleum gas code adopted by the national fire protection association, inc., commonly known as NFPA 58.

SECTION 38. That Section 54-5307, Idaho Code, be, and the same is hereby amended to read as follows:

54-5307. QUALIFICATIONS FOR A DEALER'S LICENSE. Except as herein otherwise provided, the following shall be considered minimum requirements for a dealer's license. All applicants shall:
(1) Provide verification acceptable to the board of:
(a) Being at least eighteen (18) years of age; and
(b) Good moral character; and
(c) Never having had a license revoked or otherwise sanctioned as part of disciplinary action from this or any other state; and
(d) Never having been convicted, found guilty, or received a withheld judgment for any felony crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code; and
(e) Never having been found by the board to have engaged in conduct prohibited by this chapter.
The board may take into consideration the rehabilitation of the applicant and other mitigating circumstances when considering applications for a license.
(2) Provide documentation satisfactory to the board that the applicant has successfully completed a certified educational training program approved by the board.
(3) Provide documentation satisfactory to the board that the applicant has successfully completed such experience as may be required by the board.
(4) Provide documentation that the applicant has successfully passed an examination approved by the board.
(5) Prior to July 1, 2006, the board may deem other education, experience, or examinations equivalent to the licensing requirements set forth in this chapter, provided that the board is satisfied, and the applicant provides documentation acceptable to the board that such applicant has:
(a) Documented experience in this state prior to July 1, 2005, in the LPG industry; and
(b) Practiced for not less than five (5) years in the field for which such applicant is applying for a license; and
(c) Applied for a license prior to July 1, 2006.

SECTION 39. That Section 54-5408, Idaho Code, be, and the same is hereby amended to read as follows:

54-5408. DISCIPLINE. (1) Grounds for discipline. The board shall have the power to deny any application for or renewal of a license or to revoke, suspend or otherwise sanction any such license issued pursuant to this chap-
ter and to limit or restrict the practice of any driving instructor or driv-
ing business upon a determination by the board that the person or business:

(a) Was convicted, found guilty, received a withheld judgment or sus-
pended sentence in this or any other state r of any action constituting
a felony or of a crime involving moral turpitude that is deemed relevant
in accordance with section 67-9411(1), Idaho Code;
(b) Violated the provisions of this chapter or rules, standards of con-
duct and practice, or any ethical codes as may be adopted by the board;
(c) Is or has been negligent or reckless in the practice of driver edu-
cation; or
(d) Has had any license, certificate or registration to work as a driv-
ing instructor or operate as a driving business suspended or revoked in
any jurisdiction. A certified copy of the order of suspension or revo-
cation shall be prima facie evidence of such suspension or revocation.
(2) Every person or business subject to disciplinary proceedings shall
be afforded an opportunity for hearing.
(a) All proceedings hereunder shall be in accordance with chapter 52,
title 67, Idaho Code.
(b) Hearings shall be conducted by the board or by persons appointed by
the board to conduct hearings and receive evidence.
(3) The board may, pursuant to an order of discipline, require the per-
son or business to pay all or part of the costs and fees incurred by the board
in proceedings upon which the order was entered.
(4) The board may, pursuant to an order of discipline, require the per-
son or business to pay an administrative fine not to exceed one thousand dol-
ars ($1,000) for each violation identified in the order.

SECTION 40. That Section 67-5309, Idaho Code, be, and the same is hereby
amended to read as follows:

67-5309. RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL
COMMISSION. The administrator of the division of human resources shall have
the power and authority to adopt, amend, or rescind such rules as may be nec-
essary for proper administration of this chapter. Such rules shall include:
(a) A rule requiring the administrator, after consulting with each de-
partment, to develop, adopt, and make effective a job classification system
for positions covered by this chapter, based upon an analysis of the duties
and responsibilities of the positions. The job classification shall include
an appropriate title for each class and a description of duties and responsi-
bilities of positions in the classes and the requirements of minimum train-
ing, experience and other qualifications suitable for the performance of du-
ties of the position.
(b) A rule describing the relevant labor markets and benchmark job
classifications used in the administrator's salary surveys.
(c) A rule requiring that all classes of positions which are common to
the departments concerned shall have the same titles, minimum requirements
and compensation ranges.
(d) A rule providing for review by the administrator of the personnel
system including classifications and compensation policies and procedures.
(e) A rule that, notwithstanding the procedure for examination and
ranking of eligibles on a register provided in subsection (f) of this sec-
tion, an agency may appoint an individual directly into an entrance or promotional probation if the division of vocational rehabilitation, Idaho commission for the blind and visually impaired or the industrial commission certifies, with the concurrence of division of human resources staff, that the individual: (1) has a disability or handicap as defined under state or federal law; (2) is qualified to perform the essential functions of a particular classified position with or without reasonable accommodation; and (3) lacks competitiveness in the examination process due to the disability or handicap. The probationary period as provided in subsection (j) of this section shall be the sole examination for such individuals.

(f) A rule requiring fair and impartial selection of appointees to all positions other than those defined as nonclassified in this chapter, on the basis of open competitive merit examinations or evaluations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces or undergoing service-connected hospitalization up to one (1) year following discharge. The application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time up until a selection has been made for any position for which the division maintains a register as a source for future job openings or for which a register is about to be established, provided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any veteran as defined in section 65-502, Idaho Code, and the widow or widower of any veteran as defined in section 65-502, Idaho Code, as long as he or she remains unmarried. Pursuant to section 65-504, Idaho Code, ten (10) points shall be added to the earned rating of any disabled veteran as defined in section 65-502, Idaho Code, the widow or widower of any disabled veteran as long as he or she remains unmarried, or the spouse of any eligible disabled veteran who cannot qualify for any public employment because of a service-connected disability. Employment registers shall be established in order of final score except that the names of all five (5) and ten (10) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating. Certification of eligibility for appointment to vacancies shall be in accordance with a formula that limits selection by the hiring department from among the twenty-five (25) top ranking available eligibles plus the names of all individuals with scores identical to the twenty-fifth ranking eligible on the register. A register with at least five (5) eligibles shall be adequate. Selective certification shall be permitted when justified by the hiring department, under rules to be made by the division defining adequate justification based on the duties and requirements of the positions. Such examina-
tions need not be held until after the rules have been adopted, the service
classified and a pay plan established, but shall be held not later than one
(1) year after departments commence participation in the personnel system.

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

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

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

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

(k) A rule concerning temporary appointments.

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

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

1. Failure to perform the duties and carry out the obligations imposed
by the state constitution, state statutes and rules of the employee's
department, or rules of the administrator or the division.
2. Inefficiency, incompetency, or negligence in the performance of duties, or job performance that fails to meet established performance standards.
3. Physical or mental incapability for performing assigned duties.
4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the employee's department.
6. Intoxication on duty.
7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.
8. Use of any influence that violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.
9. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude crime that is deemed relevant in accordance with section 67-9411(1), Idaho Code.
10. Acceptance of gifts in exchange for influence or favors given in the employee's official capacity.
11. Habitual pattern of failure to report for duty at the assigned place and time.
13. Unauthorized disclosure of confidential information from official records.
15. Misstatement or deception in the application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing the duties of the job.
17. Prohibited participation in political activities.
18. A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all employees under the personnel system. For the purposes of this rule, the state shall be considered one (1) employer.
19. Rules to provide for recruitment programs in cooperation with department heads and the employment security agency in keeping with current employment conditions and labor market trends.
20. Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.
21. Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this chapter.
22. A rule concerning "project exempt" appointments.
23. Rules relating to leave for state employees from official duties including, but not limited to, sick leave, military leave, jury duty, leaves of absence without compensation and such other forms of absence from performance of duties in the course of state employment as may be necessary.
24. A rule providing up to twenty-five percent (25%) shift differential pay based on local market practices.

(v) A rule to establish the reimbursement of moving expenses for a current or newly hired state employee.

(w) A rule to allow, at the request of the hiring agency, temporary service time to count toward fulfilling entrance probationary requirements as established in subsection (j) of this section.

(x) A rule to allow, at the request of the hiring agency, acting appointment service time to count toward fulfilling promotional probationary requirements as established in subsection (j) of this section.