

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 490

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1  
2 RELATING TO THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES; AMEND-  
3 ING SECTION 54-1401, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMI-  
4 NAL HISTORY CHECKS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
5 54-1718, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMINAL HISTORY  
6 CHECKS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1729A,  
7 IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMINAL HISTORY CHECKS;  
8 AMENDING SECTION 54-1807A, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
9 CRIMINAL HISTORY CHECKS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
10 SECTION 54-1810, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMINAL  
11 HISTORY CHECKS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
12 54-1810A, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMINAL HISTORY  
13 CHECKS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1811,  
14 IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMINAL HISTORY CHECKS AND  
15 TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-2012, IDAHO CODE, TO  
16 REVISE PROVISIONS REGARDING CRIMINAL HISTORY CHECKS AND TO MAKE TECHNICAL  
17 CORRECTIONS; AMENDING SECTION 54-2108, IDAHO CODE, TO REVISE PRO-  
18 VISIONS REGARDING CRIMINAL HISTORY CHECKS; AMENDING SECTION 54-2912,  
19 IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMINAL HISTORY CHECKS AND  
20 TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-2913, IDAHO CODE,  
21 TO REVISE PROVISIONS REGARDING CRIMINAL HISTORY CHECKS AND TO MAKE A  
22 TECHNICAL CORRECTION; AMENDING SECTION 54-3405, IDAHO CODE, TO PROVIDE  
23 FOR THE SUBMISSION OF A FINGERPRINT-BASED CRIMINAL HISTORY BACKGROUND  
24 CHECK AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-3405A,  
25 IDAHO CODE, TO PROVIDE FOR THE SUBMISSION OF A FINGERPRINT-BASED CRIM-  
26 INAL HISTORY BACKGROUND CHECK; AMENDING SECTION 54-3405B, IDAHO CODE,  
27 TO PROVIDE FOR THE SUBMISSION OF A FINGERPRINT-BASED CRIMINAL HIS-  
28 TORY BACKGROUND CHECK AND TO MAKE A TECHNICAL CORRECTION; AMENDING  
29 SECTION 54-3405C, IDAHO CODE, TO PROVIDE FOR THE SUBMISSION OF A FINGER-  
30 PRINT-BASED CRIMINAL HISTORY BACKGROUND CHECK AND TO MAKE A TECHNICAL  
31 CORRECTION; AMENDING SECTION 54-4106, IDAHO CODE, TO REVISE PROVISIONS  
32 REGARDING CRIMINAL HISTORY CHECKS AND TO MAKE TECHNICAL CORRECTIONS;  
33 AMENDING SECTION 54-4126, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
34 CRIMINAL HISTORY CHECKS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
35 SECTION 54-4132, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMI-  
36 NAL HISTORY CHECKS; AMENDING SECTION 54-5106, IDAHO CODE, TO REVISE  
37 PROVISIONS REGARDING CRIMINAL HISTORY CHECKS, TO REMOVE A PROVISION RE-  
38 GARDING AN EFFECTIVE DATE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
39 SECTION 54-5405, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMINAL  
40 HISTORY CHECKS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION  
41 54-5406, IDAHO CODE, TO REVISE PROVISIONS REGARDING CRIMINAL HISTORY  
42 CHECKS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-2604,  
43 IDAHO CODE, TO AUTHORIZE THE ADMINISTRATOR OF THE DIVISION OF OCCUPA-  
44 TIONAL AND PROFESSIONAL LICENSES TO REQUIRE CRIMINAL BACKGROUND CHECKS  
45 OF APPLICANTS FOR PROFESSIONAL LICENSES AND TO MAKE A TECHNICAL COR-

1 RECTION; AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDITION OF  
 2 A NEW SECTION 67-9411A, IDAHO CODE, TO AUTHORIZE THE ADMINISTRATOR OF  
 3 THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES TO REQUIRE AP-  
 4 PPLICANTS FOR PROFESSIONAL LICENSES TO PROVIDE CERTAIN INFORMATION AND  
 5 FINGERPRINTS FOR THE PURPOSES OF CONDUCTING CRIMINAL HISTORY AND BACK-  
 6 GROUND CHECKS; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND  
 7 PROVIDING AN EFFECTIVE DATE.

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

9 SECTION 1. That Section 54-1401, Idaho Code, be, and the same is hereby  
 10 amended to read as follows:

11 54-1401. PURPOSE -- LICENSE REQUIRED -- REPRESENTATION TO THE PUB-  
 12 LIC. In order to safeguard the public health, safety and welfare, it is in  
 13 the public interest to regulate and control nursing in the state of Idaho, to  
 14 promote quality health care services, to prohibit unqualified and dishon-  
 15 est persons from practicing nursing, and to protect against acts or conduct  
 16 ~~which~~ that may endanger the health and safety of the public.

17 (1) License required. It shall be unlawful for any person to practice  
 18 nursing or offer to practice nursing unless that person is duly licensed pur-  
 19 suant to this chapter.

20 (2) Representation to the public. Only a person who holds a valid and  
 21 current license to practice registered nursing in this state or a party  
 22 state pursuant to sections 54-1408 and 54-1418, Idaho Code, may use the title  
 23 "nurse," "registered nurse," "graduate nurse" or "professional nurse" or  
 24 the abbreviation "R.N." "RN" or any other designations, titles or abbrevia-  
 25 tions to indicate that the person is practicing nursing in this state. Only a  
 26 person who holds a valid and current license to practice practical nursing in  
 27 this state or a party state pursuant to sections 54-1407 and 54-1418, Idaho  
 28 Code, may use the title "nurse," "licensed practical nurse," or the abbrevi-  
 29 ation "L.P.N." "LPN" or any other designations, titles or abbreviations to  
 30 indicate that the person is practicing nursing in this state.

31 (3) All applicants for original licensure and for license reinstatement  
 32 shall submit to a fingerprint-based criminal history check ~~of both the~~  
 33 ~~Idaho central criminal database and the federal bureau of investigation~~  
 34 ~~criminal history database.~~ All such applicants shall submit a full set  
 35 ~~of their fingerprints and any relevant fees directly to the Idaho board of~~  
 36 ~~nursing for forwarding to the appropriate law enforcement agency for pro-~~  
 37 ~~cessing.~~ Criminal background reports received by the board from the Idaho  
 38 state police and the federal bureau of investigation shall be used only for  
 39 licensing decisions and handled and disposed of in a manner consistent with  
 40 requirements imposed by the Idaho state police and the federal bureau of  
 41 investigation in accordance with section 67-9411A, Idaho Code.

42 SECTION 2. That Section 54-1718, Idaho Code, be, and the same is hereby  
 43 amended to read as follows:

44 54-1718. LICENSURE AND DISCIPLINE. (1) The board of pharmacy shall be  
 45 responsible for the control and regulation of the practice of pharmacy in  
 46 this state, including but not limited to the following:

1 (a) The licensing by examination or by reciprocity of applicants who  
 2 are qualified to engage in the practice of pharmacy under the provisions  
 3 of this chapter;

4 (b) The renewal of licenses to engage in the practice of pharmacy;

5 (c) The determination and issuance of standards for recognition and ap-  
 6 proval of schools and colleges of pharmacy whose graduates shall be el-  
 7 igible for licensure in this state, and the specification and enforce-  
 8 ment of requirements for practical training, including internship;

9 (d) The enforcement of the provisions of this chapter relating to the  
 10 conduct or competence of pharmacists practicing in this state, and the  
 11 suspension, revocation or restriction of licenses to practice phar-  
 12 macy; and

13 (e) The regulation of the training, qualifications and employment of  
 14 pharmacist interns.

15 (2) The board of pharmacy shall require the following applicants to  
 16 submit to a fingerprint-based criminal history check ~~of the Idaho central~~  
 17 ~~criminal history database and the federal bureau of investigation criminal~~  
 18 ~~history database in accordance with section 67-9411A, Idaho Code:~~

19 (a) Original applicants for a certificate, unless exempted by board  
 20 rule; and

21 (b) Applicants for reinstatement of a certificate.

22 ~~Each applicant shall submit a completed ten (10) finger fingerprint card or~~  
 23 ~~scan to the board of pharmacy at the time of application and shall pay the~~  
 24 ~~cost of the criminal history check.~~

25 SECTION 3. That Section 54-1729A, Idaho Code, be, and the same is hereby  
 26 amended to read as follows:

27 54-1729A. WHOLESALE DRUG DISTRIBUTOR -- LICENSURE. (1) In addition  
 28 to meeting federal requirements, every business entity that engages in the  
 29 wholesale distribution of prescription drugs in or into Idaho must be li-  
 30 censed by the board as a wholesale distributor except:

31 (a) Manufacturers distributing their own federal food and drug ad-  
 32 ministration-approved drugs and devices, including distribution of  
 33 prescription drug samples by manufacturers' representatives and in-  
 34 traccompany sales, meaning any transaction or transfer between any  
 35 division, subsidiary, parent, or affiliated or related company under  
 36 common ownership and control of a corporate entity or any trans-  
 37 fer between colicensees of a colicensed product, unless particular re-  
 38 quirements are deemed necessary and appropriate following rulemaking;

39 (b) An entity that donates prescription drugs, when conducted in accor-  
 40 dance with sections 54-1760 through 54-1765, Idaho Code;

41 (c) A pharmacy distributing in accordance with section 54-1732, Idaho  
 42 Code; and

43 (d) Persons selling, purchasing, distributing, trading, or transfer-  
 44 ring a prescription drug for emergency medical reasons.

45 (2) The board shall not issue a wholesale distributor license to an  
 46 applicant unless the board determines that the designated representative  
 47 meets the following qualifications:

48 (a) Is actively involved in and aware of the actual daily operation of  
 49 the wholesale distributor; and

1 (b) Is physically present at the facility of the applicant during regu-  
2 lar business hours, except when the absence of the designated represen-  
3 tative is authorized, including but not limited to sick leave and vaca-  
4 tion leave.

5 (3) All applicant-designated representatives shall submit to a fin-  
6 gerprint-based criminal history check ~~of the Idaho central criminal history~~  
7 ~~database and the federal bureau of investigation criminal history database.~~  
8 ~~Each applicant shall submit a completed ten (10) finger fingerprint card~~  
9 ~~or scan to the board of pharmacy at the time of application and shall pay~~  
10 ~~the cost of the criminal history check in accordance with section 67-9411A,~~  
11 ~~Idaho Code.~~

12 (4) A wholesale distributor shall have adequate processes in place for  
13 monitoring purchase activity of customers and identifying suspicious order-  
14 ing patterns that indicate potential diversion or criminal activity related  
15 to controlled substances such as orders of unusual size, orders deviating  
16 substantially from a normal pattern, orders for drugs that are outside of the  
17 prescriber's scope of practice, or orders of unusual frequency.

18 (5) The board may adopt rules to approve an accreditation body to eval-  
19 uate a wholesaler's operations to determine compliance with professional  
20 standards and any other applicable laws and to perform inspections of each  
21 facility and location where wholesale distribution operations are conducted  
22 by the wholesaler.

23 SECTION 4. That Section 54-1807A, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 54-1807A. PHYSICIAN ASSISTANTS -- PHYSICIAN ASSISTANT ADVISORY COM-  
26 MITTEE. (1) Physician assistants must be licensed by the board prior to the  
27 commencement of activities ~~which that~~ may involve the practice of medicine  
28 in this state. The licensure requirements for physician assistants shall  
29 include passage of an examination acceptable to the board and submission of  
30 a completed application to the board on forms furnished by the board. All  
31 applicants for original licensure as a physician assistant shall submit to  
32 a fingerprint-based criminal history check ~~of the Idaho central criminal~~  
33 ~~database and the federal bureau of investigation criminal history database.~~  
34 ~~Each applicant shall submit a full set of the applicant's fingerprints on~~  
35 ~~forms supplied by the board which shall be forwarded by the board to the Idaho~~  
36 ~~department of law enforcement and to the federal bureau of investigation~~  
37 ~~identification division. The board shall fix a license fee in accordance~~  
38 ~~with section 67-9411A, Idaho Code. All physician assistants shall renew~~  
39 ~~their licenses annually or biannually.~~

40 (2) A physician assistant may practice at a licensed health care facil-  
41 ity, a facility with a credentialing and privileging system, a physician-  
42 owned facility or practice, or another facility or practice allowed by this  
43 chapter. A physician assistant shall collaborate with, consult with, or re-  
44 fer to the appropriate member of the facility health care team as indicated  
45 by: the condition of the patient; the education, experience, and competence  
46 of the physician assistant; and the community standard of care. The degree  
47 and nature of collaboration shall be determined by the facility or practice  
48 in which the physician assistant works and shall be set forth in facility by-  
49 laws or procedures for facilities that have credentialing and privileging

1 systems or in a written collaborative practice agreement for all other fa-  
2 cilities and practices. Such provisions may provide for collaborative over-  
3 sight to be provided by the employer, group, hospital service, or the cre-  
4 dentialing and privileging systems of a licensed facility, but at a mini-  
5 mum shall require a physician assistant to collaborate with one (1) or more  
6 physicians licensed pursuant to this chapter. Such physicians need not be  
7 identified individually in the facility bylaws or procedures or collabora-  
8 tive practice agreement if more than one (1) physician works in the facility  
9 or practice. A physician assistant is responsible for the care provided by  
10 the physician assistant and is responsible for obtaining professional lia-  
11 bility insurance if the physician assistant is not covered by the facility  
12 or practice in which the physician assistant works. A physician assistant  
13 may be employed by nonphysician health care providers if the physician as-  
14 sistant has a written collaborative practice agreement with one (1) or more  
15 physicians licensed pursuant to this chapter. Both the physician assistant  
16 and the physician who are parties to a collaborative practice agreement must  
17 comply with all requirements of this chapter and board rules. The collabora-  
18 tive practice agreement shall be provided to the board upon request.

19 (3) A physician assistant or a group of physician assistants may inde-  
20 pendently own a medical practice in this state provided that each physician  
21 assistant has a collaborative practice agreement in place with a physician  
22 licensed under this chapter. The collaborative practice agreement shall  
23 specify that the physician assistant must collaborate with, consult with,  
24 or refer to the collaborating physician or another appropriate physician  
25 as indicated by: the condition of the patient; the education, experience,  
26 and competence of the physician assistant; and the community standard of  
27 care. Both the physician assistant and the physician who are parties to the  
28 collaborative practice agreement must comply with all requirements of this  
29 chapter and board rules. The collaborative practice agreement shall be pro-  
30 vided to the board upon request. Each physician assistant must be licensed,  
31 registered or certified as a physician assistant in any state, territory  
32 or jurisdiction of the United States for at least two (2) years before the  
33 physician assistant may independently own a practice in this state.

34 (4) The facility or practice and each collaborating physician are re-  
35 sponsible for ensuring that the medical services performed by the physician  
36 assistant are within the physician assistant's scope of education, experi-  
37 ence, and competence. Each collaborating physician shall collaborate with  
38 the physician assistant on the performance of only those medical services  
39 for which the collaborating physician has training and experience.

40 (5) A physician assistant advisory committee is hereby established as  
41 follows:

42 (a) The physician assistant advisory committee shall consist of five  
43 (5) members appointed by the board. Four (4) members shall be physician  
44 assistants who are residents in this state and engaged in the active  
45 practice of medicine in this state, and one (1) member shall be a public  
46 member. Whenever a term of a member of the advisory committee expires  
47 or becomes vacant, the board shall give consideration to recommenda-  
48 tions made by professional organizations of physician assistants and  
49 physicians, ~~and~~ or by any individual residing in the state. The board  
50 may remove any committee member for misconduct, incompetency or neglect

1 of duty after giving the member a written statement of the charges and  
 2 an opportunity to be heard thereon. The executive director of the Idaho  
 3 state board of medicine shall serve as the executive director to the  
 4 physician assistant advisory committee.

5 (b) Members will serve a term of three (3) years and terms will be stag-  
 6 gered. Members may serve two (2) successive terms. The committee shall  
 7 elect a chairman from its membership. The committee shall meet as often  
 8 as necessary to fulfill its responsibilities. Members will be compen-  
 9 sated according to section 59-509(p), Idaho Code.

10 (c) The physician assistant advisory committee shall not have author-  
 11 ity to revoke licenses or impose limitations or conditions on licenses  
 12 issued pursuant to this chapter. The committee has authority to make  
 13 recommendations to the board. The board shall make all final decisions  
 14 with respect thereto.

15 (d) The physician assistant advisory committee shall work in the fol-  
 16 lowing areas in conjunction with and make recommendations to the board  
 17 and shall perform other duties and functions assigned to it by the  
 18 board, including:

19 (i) Evaluating the qualifications of applicants for licensure  
 20 and registration;

21 (ii) Performing investigations of misconduct and making recom-  
 22 mendations regarding discipline;

23 (iii) Maintaining a list of currently licensed physician assis-  
 24 tants and graduate physician assistants in this state; and

25 (iv) Advising the board on rule changes necessary to license and  
 26 regulate physician assistants and graduate physician assistants  
 27 in this state.

28 SECTION 5. That Section 54-1810, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 54-1810. PHYSICIAN LICENSURE BY WRITTEN EXAMINATION. Any person seek-  
 31 ing to be licensed to practice medicine or osteopathic medicine as a physi-  
 32 cian in this state must successfully complete the following requirements be-  
 33 fore a license will be issued:

34 (1) Each applicant must submit a completed written application to the  
 35 board on forms furnished by the board, which shall require proof of gradu-  
 36 ation from a medical school acceptable to the board and successful comple-  
 37 tion of a postgraduate training program acceptable to the board. The appli-  
 38 cation shall require a fingerprint-based criminal history check of the Idaho  
 39 central criminal database and the federal bureau of investigation criminal  
 40 history database. Each applicant must submit a full set of the applicant's  
 41 fingerprints on forms supplied by the board which shall be forwarded to the  
 42 Idaho state police and the federal bureau of investigation identification  
 43 division for this purpose or for the purpose of qualifying an applicant for  
 44 an expedited license as the state of principal license as provided in section  
 45 54-1847, Idaho Code. The board shall not disseminate data acquired from a  
 46 fingerprint-based criminal history check except as allowed by law in accor-  
 47 dance with section 67-9411A, Idaho Code.

48 (2) Each applicant must pass an examination conducted by or acceptable  
 49 to the board ~~which~~ that shall thoroughly test the applicant's fitness to

1 practice medicine. If an applicant fails to pass any step of the examination  
2 on two (2) separate occasions, the applicant may be required to be inter-  
3 viewed, evaluated, or examined by the board.

4 (3) The board may require an applicant to be personally interviewed by  
5 the board or a designated committee of the board. Such an interview shall be  
6 limited to a review of the applicant's qualifications and professional cre-  
7 dentials.

8 SECTION 6. That Section 54-1810A, Idaho Code, be, and the same is hereby  
9 amended to read as follows:

10 54-1810A. PHYSICIAN ASSISTANT LICENSURE. Any person seeking to be li-  
11 censed to practice medicine as a physician assistant in this state must suc-  
12 cessfully complete the following requirements before a license will be is-  
13 sued:

14 (1) Each applicant must submit a completed written application to the  
15 board on forms furnished by the board, which shall require proof of a college  
16 baccalaureate degree from a nationally accredited school and completion of  
17 a physician assistant training program acceptable to the board and accred-  
18 ited by the accreditation review commission on education for physician as-  
19 sistants;

20 (2) Each applicant must submit proof of current certification by the  
21 national commission on certification of physician assistants or a similar  
22 certifying agency approved by the board; and

23 (3) ~~The application shall require a fingerprint-based criminal history~~  
24 ~~check of the Idaho central criminal database and the federal bureau of inves-~~  
25 ~~tigation criminal history database. Each applicant must submit a full set of~~  
26 ~~the applicant's fingerprints on forms supplied by the board, which shall be~~  
27 ~~forwarded to the Idaho state police and the federal bureau of investigation~~  
28 ~~identification division for this purpose. The board shall not disseminate~~  
29 ~~data acquired from a fingerprint-based criminal history check except as al-~~  
30 ~~lowed by law in accordance with section 67-9411A, Idaho Code.~~

31 SECTION 7. That Section 54-1811, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 54-1811. PHYSICIAN LICENSURE BY ENDORSEMENT. Any person seeking to be  
34 licensed to practice medicine as a physician in this state who is licensed to  
35 practice medicine in another state must successfully complete the following  
36 requirements before a license to practice medicine will be issued:

37 (1) Each applicant must submit a completed written application to  
38 the board on forms furnished by the board, which shall require proof that  
39 the applicant holds a valid, unrevoked, unsuspended license to practice  
40 medicine, or osteopathic medicine in a state, territory or district of the  
41 United States or Canada, and the applicant demonstrates that he possesses  
42 the requisite qualifications to provide the same standard of health care as  
43 provided by licensed physicians in this state. The board may require fur-  
44 ther examination to establish such qualifications. An applicant with any  
45 disciplinary action, including past, pending, or confidential, by any board  
46 of medicine, licensing authority, medical society, professional society,

1 hospital, medical school, or institution staff in any state, territory,  
2 district, or country is not eligible for licensure by endorsement.

3 (2) The application shall require a fingerprint-based criminal history  
4 ~~check of the Idaho central criminal database and the federal bureau of inves-~~  
5 ~~tigation criminal history database. Each applicant must submit a full set~~  
6 ~~of the applicant's fingerprints on forms supplied by the board which shall be~~  
7 ~~forwarded to the Idaho state police and the federal bureau of investigation~~  
8 ~~identification division for this purpose or for the purpose of qualifying an~~  
9 ~~applicant for an expedited license as the state of principal license as pro-~~  
10 ~~vided in section 54-1847, Idaho Code. The board shall not disseminate data~~  
11 ~~acquired from a fingerprint-based criminal history check except as allowed~~  
12 ~~by law in accordance with section 67-9411A, Idaho Code.~~

13 (3) The board may require an applicant to be personally interviewed by  
14 the board or a designated committee of the board. The interview shall be lim-  
15 ited to a review of the applicant's qualifications and professional creden-  
16 tials.

17 SECTION 8. That Section 54-2012, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 54-2012. MINIMUM REQUIREMENTS FOR AN INDIVIDUAL PRIMARY IDAHO LI-  
20 CENSE. (1) Requirements for all individual primary licenses. Unless a  
21 qualification is waived or modified by the commission for good cause and  
22 upon special consideration, and except as provided in section 54-2015, Idaho  
23 Code, each person seeking a primary Idaho real estate license as a salesper-  
24 son, associate broker or designated broker shall meet all of the following  
25 minimum qualifications:

26 (a) Be an individual;

27 (b) Be eighteen (18) years of age or older;

28 (c) Furnish satisfactory proof that the applicant graduated from an ac-  
29 credited high school or its equivalent or holds a certificate of general  
30 education;

31 (d) Not have had a real estate or other professional or occupational  
32 license suspended or surrendered, or the renewal refused, for a disci-  
33 plinary violation involving fraud, misrepresentation or dishonest or  
34 dishonorable dealing<sub>7</sub> in Idaho or any other jurisdiction<sub>7</sub> within five

35 (5) years immediately prior to the date the application for license is  
36 submitted to the commission;

37 (e) Not have had a real estate or other professional or occupational li-  
38 cense revoked for a disciplinary violation involving fraud, misrepre-  
39 sentation or dishonest or dishonorable dealing<sub>7</sub> in Idaho or any other  
40 jurisdiction; provided that, after a period of five (5) years from the  
41 date the license was revoked, the applicant may make a written request  
42 to the commission for an exemption review to determine the applicant's  
43 suitability for licensure, which the commission shall determine in ac-  
44 cordance with the following:

45 (i) The exemption review shall consist of a review of any docu-  
46 ments relating to the disciplinary action that resulted in the li-  
47 cense revocation and any supplemental information provided by the  
48 applicant ~~bearing upon~~ regarding his suitability for licensure.



1 The commission may, at its discretion, grant an interview of the  
2 applicant.

3 (ii) During the review, the commission shall consider the follow-  
4 ing factors and evidence:

- 5 1. The severity or nature of the disciplinary violation for  
6 which the applicant's license was revoked;
- 7 2. The period of time that has passed since the disciplinary  
8 violation occurred;
- 9 3. The existence, number and pattern of any other misconduct  
10 for which the applicant has been disciplined;
- 11 4. The circumstances surrounding the disciplinary viola-  
12 tion that would help the commission determine the risk of  
13 repetition;
- 14 5. The relationship of the disciplinary violation to the li-  
15 censed practice of real estate; and
- 16 6. The applicant's activities since the disciplinary vio-  
17 lation under review, such as employment, education, partic-  
18 ipation in treatment, payment of restitution or any other  
19 factors that may be evidence of current rehabilitation.

20 (iii) The applicant shall bear the burden of establishing his cur-  
21 rent suitability for licensure.

22 (f) Not have been convicted of or completed any sentence of confinement  
23 for or on account of any misdemeanor involving fraud, misrepresenta-  
24 tion or dishonest or dishonorable dealing, in a state or federal court,  
25 within five (5) years immediately prior to the date the application for  
26 license is submitted to the commission;

27 (g) Not have been convicted of any felony in a state or federal court  
28 or convicted by military general court-martial; provided that, after a  
29 period of five (5) years from the date the person was convicted or com-  
30 pleted any term of probation, sentence or confinement or period of pa-  
31 role, whichever is later, the applicant may make written request to the  
32 commission for an exemption review to determine the applicant's suit-  
33 ability for licensure, which the commission shall determine in accor-  
34 dance with the following:

35 (i) The exemption review shall consist of a review of any docu-  
36 ments relating to the felony and any supplemental information pro-  
37 vided by the applicant ~~bearing upon~~ regarding his suitability for  
38 licensure. The commission may, at its discretion, grant an inter-  
39 view of the applicant.

40 (ii) During the review, the commission shall consider the follow-  
41 ing factors or evidence:

- 42 1. The severity or nature of the felony;
- 43 2. The period of time that has passed since the felony under  
44 review;
- 45 3. The number or pattern of felonies or other similar inci-  
46 dents;
- 47 4. The circumstances surrounding the crime that would help  
48 determine the risk of repetition;
- 49 5. The relationship of the crime to the licensed practice of  
50 real estate; and

1           6. The applicant's activities since the crime under review,  
2           such as employment, education, participation in treatment,  
3           payment of restitution or any other factors that may be evi-  
4           dence of current rehabilitation.

5           (iii) The applicant shall bear the burden of establishing his cur-  
6           rent suitability for licensure.

7           (h) Complete all prelicense education requirements as provided for in  
8           section 54-2022, Idaho Code, for a salesperson's or broker's license;

9           (i) Pass the commission-approved real estate licensing exam for a sales  
10          or broker license in the time and manner stated in section 54-2014,  
11          Idaho Code, and pay the required exam fees;

12          (j) Be fingerprinted for the purpose of a national criminal history  
13          check to determine whether the applicant is qualified for licensure ~~and~~  
14          ~~pay all fees associated with the fingerprinting and background check~~  
15          ~~services in accordance with section 67-9411A, Idaho Code.~~ If the fin-  
16          gerprints are returned to the commission as illegible, the applicant  
17          shall, upon request from the commission, be fingerprinted again and  
18          file the new fingerprints with the commission;

19          (k) Sign and file with the commission an irrevocable consent to ser-  
20          vice, appointing the commission's executive director to act as the li-  
21          censee's agent, upon whom all judicial and other process or legal no-  
22          tices directed to such licensee may be served, and consenting that any  
23          lawful process against the licensee that is served upon the executive  
24          director shall be of the same legal force and validity as if served upon  
25          the licensee and that the authority shall continue in force ~~so~~ as long  
26          as any liability remains outstanding in this state. Upon receipt of any  
27          such process or notice, the executive director shall immediately mail a  
28          copy of the same by certified mail to the last known address of the li-  
29          censee. All licensees shall provide the commission a full and current  
30          mailing address and shall notify the commission in writing of any change  
31          in mailing address within ten (10) business days of the change;

32          (l) If licensing as an active salesperson or associate broker, provide  
33          the name and physical address of the main business location of the des-  
34          ignated broker with whom the applicant will be licensed, and the signa-  
35          ture of that broker; or, if licensing as a designated broker, provide  
36          the name and physical address of the main business location. No Idaho  
37          sales associate may be licensed under or associated with more than one  
38          (1) Idaho broker at a time;

39          (m) Submit a properly completed application and all license, applica-  
40          tion and other fees listed in section 54-2020, Idaho Code, or as other-  
41          wise required by statute or rule; and

42          (n) Provide satisfactory proof of meeting the mandatory errors and  
43          omissions insurance requirement for real estate licensees as stated in  
44          section 54-2013, Idaho Code.

45          (2) Additional requirements for broker and associate broker licenses.  
46          Applicants seeking a primary Idaho license as a broker or associate broker  
47          shall meet the additional following qualifications:

48          (a) Provide satisfactory evidence of having been actively engaged, on a  
49          full-time basis, for two (2) years as a licensed real estate salesperson  
50          within the last five (5) years immediately prior to the date upon which

1 the individual makes application. Such evidence shall demonstrate the  
 2 productiveness of the licensed activity to have been generally commensurate  
 3 with that of other licensees practicing in a similar capacity. Listings, sales,  
 4 options or other licensed activities may be considered by the commission in  
 5 determining whether the applicant meets this qualification.  
 6

7 (i) A broker or associate broker applicant may be required to furnish  
 8 a report of listings and sales accomplished by the applicant during two (2) or  
 9 more years within the last five (5) years of licensure immediately prior to  
 10 the application date;

11 (ii) This report shall be certified as correct by the broker or brokers with  
 12 whom the applicant has been associated; ~~provided,~~ however, that upon  
 13 preapproval by the commission, the applicant may verify that the report is  
 14 correct in an alternative manner;

15 (iii) The broker experience requirement may be modified or reduced, in whole  
 16 or in part, at the discretion of the commission, based ~~upon~~ on the  
 17 applicant's educational background, or experience in related or affiliated  
 18 business activities;

19 (iv) The commission in its discretion may make such additional investigation  
 20 and inquiry relative to the applicant as it shall deem advisable;  
 21

22 (b) Designate a physical office location and a business name. The commission  
 23 may refuse to issue a license to any person if the business name is the same  
 24 as that of any person whose license has been suspended or revoked or is so  
 25 similar as to be easily confused with another licensee's name by members of  
 26 the general public. However, nothing in this paragraph shall restrict an  
 27 individual from obtaining a license in his or her own legal name.  
 28

29 (c) If currently licensed in Idaho as a salesperson and applying for a  
 30 license as an Idaho broker or associate broker, the individual shall submit  
 31 a new fingerprint card for processing in accordance with section 67-9411A,  
 32 Idaho Code, and pay associated fees.

33 SECTION 9. That Section 54-2108, Idaho Code, be, and the same is hereby  
 34 amended to read as follows:

35 54-2108. CRIMINAL BACKGROUND CHECKS FOR LICENSURE. (1) All applicants  
 36 for licensure or certification, or for reinstatement after the license or  
 37 certification has lapsed pursuant to section 54-2112(3), Idaho Code, must  
 38 submit to a fingerprint-based criminal history check ~~of the Idaho central  
 39 criminal database and the federal bureau of investigation criminal history  
 40 database~~ in accordance with section 67-9411A, Idaho Code.

41 ~~(2) For purposes of complying with this section, each such applicant  
 42 must:~~

43 ~~(a) Submit to the board a full set of the applicant's fingerprints for  
 44 forwarding to the Idaho state police for appropriate processing by the  
 45 Idaho state police and the federal bureau of investigation; and~~

46 ~~(b) Submit to the board for forwarding to the Idaho state police and the  
 47 federal bureau of investigation the full amount of the processing fees  
 48 charged by such agencies.~~

1       ~~(3)~~ (2) This section shall apply to individuals only. This section  
2 shall not apply to entities applying for a certificate as a certified eu-  
3 thanasia agency.

4       SECTION 10. That Section 54-2912, Idaho Code, be, and the same is hereby  
5 amended to read as follows:

6       54-2912. QUALIFICATIONS FOR LICENSURE -- AUDIOLOGIST. (1) To be eli-  
7 gible for licensure by the board as an audiologist, the applicant shall:

8       (a) File a written application with the board on forms prescribed and  
9 furnished by the board. A nonrefundable application fee shall accom-  
10 pany the completed written application. Such fees shall be established  
11 by the administrative rules of the board and shall be in such amounts as  
12 are reasonable and necessary for the proper execution and enforcement  
13 of this chapter;

14       (b) Provide documentation satisfactory to the board that the applicant  
15 possesses a master's or doctoral degree with emphasis in audiology or  
16 not less than seventy-five (75) semester credit hours of post-baccalau-  
17 reate study that culminates in a doctoral or other recognized degree  
18 from a nationally accredited school for audiology with a curriculum  
19 acceptable to the board;

20       (c) Pass an examination in audiology approved by the board;

21       (d) Meet the current supervised academic clinical practicum and super-  
22 vised postgraduate professional experience approved by the board;

23       ~~(e) Submit a full set of the applicant's fingerprints on forms supplied~~  
24 ~~by the board that shall be utilized to obtain to a fingerprint-based~~  
25 ~~criminal history background check from the Idaho state police and the~~  
26 ~~federal bureau of investigation in accordance with section 67-9411A,~~  
27 Idaho Code; and

28       (f) Have never had a license for audiology revoked as part of disci-  
29 plinary action from this or any other state and shall not be found by the  
30 board to have engaged in conduct prohibited by section 54-2923, Idaho  
31 Code, provided however, the board may take into consideration the reha-  
32 bilitation of the applicant and other mitigating circumstances.

33       (2) The applicant shall disclose on his written application:

34       (a) Any criminal conviction or charge, other than minor traffic infrac-  
35 tions, against the applicant;

36       (b) Any disciplinary action taken against the applicant by any profes-  
37 sional regulatory agency, including any agency within ~~the~~ this state or  
38 any other state; and

39       (c) Any denial of registration or licensure by any state or district  
40 regulatory body.

41       (3) The board may require an applicant to be personally interviewed by  
42 the board or a designated committee of the board. The interview shall be lim-  
43 ited to a review of the applicant's qualifications and professional creden-  
44 tials.

45       SECTION 11. That Section 54-2913, Idaho Code, be, and the same is hereby  
46 amended to read as follows:

1 54-2913. QUALIFICATIONS FOR LICENSURE -- SPEECH-LANGUAGE PATHOLO-  
 2 GIST. (1) To be eligible for licensure as a speech-language pathologist, the  
 3 applicant shall:

4 (a) File a written application with the board on forms prescribed and  
 5 furnished by the board. A nonrefundable application fee shall accom-  
 6 pany the completed written application. Such fees shall be established  
 7 by the administrative rules of the board and shall be in such amounts as  
 8 are reasonable and necessary for the proper execution and enforcement  
 9 of this chapter;

10 (b) Provide documentation satisfactory to the board that the applicant  
 11 possesses a master's or doctoral degree from a nationally accredited  
 12 school of speech-language pathology with a curriculum acceptable to the  
 13 board;

14 (c) Pass an examination in speech-language pathology approved by the  
 15 board;

16 (d) Meet the current supervised academic clinical practicum and super-  
 17 vised postgraduate professional experience approved by the board;

18 (e) ~~Submit a full set of the applicant's fingerprints on forms supplied~~  
 19 ~~by the board that shall be utilized to obtain to~~ a fingerprint-based  
 20 criminal history background check ~~from the Idaho state police and the~~  
 21 ~~federal bureau of investigation~~ in accordance with section 67-9411A,  
 22 Idaho Code; and

23 (f) Have never had a license for speech-language pathology revoked as  
 24 part of disciplinary action from this or any other state and shall not  
 25 be found by the board to have engaged in conduct prohibited by section  
 26 54-2923, Idaho Code, provided however, the board may take into consid-  
 27 eration the rehabilitation of the applicant and other mitigating cir-  
 28 cumstances.

29 (2) The applicant shall disclose on his written application:

30 (a) Any criminal conviction or charge, other than minor traffic infrac-  
 31 tions, against the applicant;

32 (b) Any disciplinary action taken against the applicant by any profes-  
 33 sional regulatory agency, including any agency within ~~the~~ this state or  
 34 any other state; and

35 (c) Any denial of registration or licensure by any state or district  
 36 regulatory body.

37 (3) The board may require an applicant to be personally interviewed by  
 38 the board or a designated committee of the board. The interview shall be lim-  
 39 ited to a review of the applicant's qualifications and professional creden-  
 40 tials.

41 SECTION 12. That Section 54-3405, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43 54-3405. QUALIFICATIONS FOR LICENSURE. (1) Licensure as a "licensed  
 44 professional counselor" shall be restricted to persons who have:

45 (a) Have not been convicted, found guilty, or received a withheld judg-  
 46 ment or a suspended sentence in this state or in any other state of a  
 47 crime that is deemed relevant in accordance with section 67-9411(1),  
 48 Idaho Code, ~~and who have~~;

1 (b) Have submitted to a fingerprint-based criminal history background  
 2 check in accordance with section 67-9411A, Idaho Code; and

3 (c) Have successfully completed each of the following requirements:

4 ~~(a)~~ (i) A master's degree or higher in counseling or a related  
 5 field of study, as approved by the board, ~~which that~~ includes com-  
 6 pletion of a practicum of supervised clinical contact as defined  
 7 by rule;

8 ~~(b)~~ (ii) An examination, if required by the board's rules; and

9 ~~(c)~~ (iii) One thousand (1,000) hours of supervised experience in  
 10 counseling acceptable to the board.

11 (2) A license will not be ~~allowed~~ issued to an individual whose license,  
 12 certification or registration has been revoked or suspended in this or any  
 13 other state and in this or any other related field. Such an individual may  
 14 not be licensed under this chapter unless the period of revocation or sus-  
 15 pension has been completed and the board has conducted a competency review  
 16 and determined that an acceptable degree of rehabilitation has been accom-  
 17 plished.

18 SECTION 13. That Section 54-3405A, Idaho Code, be, and the same is  
 19 hereby amended to read as follows:

20 54-3405A. QUALIFICATIONS FOR LICENSURE. Licensure as a "licensed  
 21 clinical professional counselor" shall be restricted to persons who ~~have~~  
 22 ~~successfully completed each of the following requirements:~~

23 (1) Hold a valid licensed professional counselor license in good stand-  
 24 ing;

25 (2) Document two thousand (2,000) hours of direct client contact expe-  
 26 rience under supervision in no less than a two (2) year period as set forth in  
 27 this chapter and the rules of the board-;

28 ~~Successful completion of~~ Successfully complete a written examina-  
 29 tion as approved by the board and defined in rules of the board-; and

30 (4) Submit to a fingerprint-based criminal history background check in  
 31 accordance with section 67-9411A, Idaho Code.

32 SECTION 14. That Section 54-3405B, Idaho Code, be, and the same is  
 33 hereby amended to read as follows:

34 54-3405B. QUALIFICATIONS FOR LICENSURE. (1) In addition to such other  
 35 information as the board may require by rule, each applicant for licensure as  
 36 a licensed associate marriage and family therapist shall:

37 (a) Hold a master's degree or higher in marriage and family therapy or a  
 38 related field of study as approved by the board and complete a practicum  
 39 of supervised clinical contact with individuals, couples, families and  
 40 other systems as part of the graduate program and as defined by rule;

41 (b) Submit an application in the form prescribed by the board;

42 (c) Pay the fee determined by the board by rule; ~~and~~

43 (d) Provide evidence satisfactory to the board of having successfully  
 44 passed an examination approved by the board and defined by rule-; and

45 (e) Submit to a fingerprint-based criminal history background check in  
 46 accordance with section 67-9411A, Idaho Code.

1 (2) A license will not be ~~allowed~~ issued to an individual whose license,  
 2 certification or registration has been revoked or suspended in this or any  
 3 other state and in this or any other related field. Such an individual may  
 4 not be licensed under this chapter unless the period of revocation or sus-  
 5 pension has been completed and the board has conducted a competency review  
 6 and determined that an acceptable degree of rehabilitation has been accom-  
 7 plished.

8 SECTION 15. That Section 54-3405C, Idaho Code, be, and the same is  
 9 hereby amended to read as follows:

10 54-3405C. QUALIFICATIONS FOR LICENSURE. (1) In addition to such other  
 11 information as the board may require by rule, each applicant for licensure as  
 12 a licensed marriage and family therapist shall:

13 (a) Hold a master's degree or higher in marriage and family therapy or a  
 14 related field of study as approved by the board and complete a practicum  
 15 of supervised clinical contact with individuals, couples, families and  
 16 other systems as part of the graduate program and as defined by rule;

17 (b) Document postgraduate supervised experience in marriage and family  
 18 therapy acceptable to the board as defined by rule;

19 (c) Submit an application in the form prescribed by the board;

20 (d) Pay the fee determined by the board by rule; ~~and~~

21 (e) Provide evidence satisfactory to the board of having successfully  
 22 passed an examination approved by the board and defined by rule; ~~and~~

23 (f) Submit to a fingerprint-based criminal history background check in  
 24 accordance with section 67-9411A, Idaho Code.

25 (2) A license will not be ~~allowed~~ issued to an individual whose license,  
 26 certification or registration has been revoked or suspended in this or any  
 27 other state and in this or any other related field. Such an individual may  
 28 not be licensed under this chapter unless the period of revocation or sus-  
 29 pension has been completed and the board has conducted a competency review  
 30 and determined that an acceptable degree of rehabilitation has been accom-  
 31 plished.

32 SECTION 16. That Section 54-4106, Idaho Code, be, and the same is hereby  
 33 amended to read as follows:

34 54-4106. REAL ESTATE APPRAISERS -- REAL ESTATE APPRAISER BOARD --  
 35 POWERS AND DUTIES -- COMPENSATION. (1) There is hereby created in the di-  
 36 vision of occupational and professional licenses a real estate appraiser  
 37 board, hereinafter referred to as the "board," which shall administer the  
 38 provisions of this chapter. The board shall consist of five (5) members to be  
 39 appointed by and to serve at the pleasure of the governor as follows:

40 (a) One (1) real estate appraiser from the northern district consisting  
 41 of the counties of Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah,  
 42 Boundary, Shoshone, Kootenai and Bonner; one (1) real estate appraiser  
 43 from the southeastern district consisting of the counties of Lemhi,  
 44 Butte, Clark, Fremont, Jefferson, Madison, Teton, Bonneville, Bingham,  
 45 Caribou, Bear Lake, Franklin, Oneida, Power and Bannock; one (1) real  
 46 estate appraiser from the southwestern district consisting of the coun-  
 47 ties of Owyhee, Elmore, Ada, Canyon, Boise, Gem, Payette, Washington,

1 Adams and Valley; one (1) real estate appraiser from the south central  
 2 district consisting of the counties of Blaine, Camas, Cassia, Custer,  
 3 Gooding, Jerome, Lincoln, Minidoka and Twin Falls; and one (1) public  
 4 member from the state at large;

5 (b) The governor shall appoint the members of the board, four (4) of  
 6 whom shall be real estate appraisers with not less than five (5) years'  
 7 experience in the real estate appraisal business in Idaho and one (1) of  
 8 whom shall be a member of the public with an interest in the rights of  
 9 consumers of real estate appraisal services. Each regular appointment,  
 10 other than an appointment to fill an unexpired term, shall be for a term  
 11 of four (4) years and each board member shall hold office until a succes-  
 12 sor is appointed and qualified. Upon the death, resignation or removal  
 13 of any member of the board, the governor shall appoint a qualified per-  
 14 son to fill the unexpired term. Appointments to fill any vacancy other  
 15 than that resulting from the expiration of a term shall be made for the  
 16 unexpired term;

17 (c) The board shall call a meeting ~~not less than one (1) time~~ at least  
 18 once annually to organize and to elect a chairman. Thereafter, the  
 19 chairman may call meetings of the board whenever he deems it advisable,  
 20 but if he refuses to call a meeting upon written demand of the other four  
 21 (4) members of the board, then such members may call such meeting. Rea-  
 22 sonable notice shall be given in writing by mail of such meeting.

23 (2) The board shall have, in addition to the powers conferred elsewhere  
 24 in this chapter, the following powers and duties:

25 (a) To authorize, by written agreement, the division of occupational  
 26 and professional licenses to act as its agent in its interest;

27 (b) To adopt, pursuant to the administrative procedure act, such rules  
 28 as the board, in its discretion, deems necessary for the administra-  
 29 tion and enforcement of this chapter, and any such rules deemed neces-  
 30 sary by the board to keep the Idaho real estate appraisers act in compli-  
 31 ance with federal law, rule, regulation or policy;

32 (c) To conduct investigations into violations of the provisions of this  
 33 chapter;

34 (d) To receive applications for and issue licenses or certificates to  
 35 real estate appraisers pursuant to this chapter;

36 (e) To hold meetings, hearings and examinations at such places and at  
 37 such times as it shall designate;

38 (f) To collect, deposit and disburse application and other fees, as re-  
 39 quired by this chapter or federal law;

40 (g) To maintain a register of all state-licensed or state-certified  
 41 residential and state-certified general real estate appraisers;

42 (h) To censure a state-licensed or state-certified appraiser or sus-  
 43 pend or revoke appraisal licenses or certificates as provided in this  
 44 chapter, subject to the provisions of the Idaho administrative proce-  
 45 dure act, chapter 52, title 67, Idaho Code;

46 (i) To adopt rules governing the registration and limitations of real  
 47 estate appraiser trainees; and

48 (j) To require new applicants to submit to a satisfactory finger-  
 49 print-based criminal history check ~~of the Idaho central criminal data-~~  
 50 ~~base and the federal bureau of investigation criminal history database~~



1 ~~and to collect fees from applicants for the costs of such background~~  
2 ~~check in accordance with section 67-9411A, Idaho Code.~~

3 (3) Each member of the board of real estate appraisers shall be compen-  
4 sated as provided in section 59-509(m), Idaho Code.

5 SECTION 17. That Section 54-4126, Idaho Code, be, and the same is hereby  
6 amended to read as follows:

7 54-4126. OWNERSHIP REQUIREMENTS -- CONTROLLING PERSONS. (1) No AMC  
8 shall be registered in this state if the AMC is owned in whole or in part,  
9 directly or indirectly, by any person who has had an appraiser license or  
10 certificate refused, denied, canceled, surrendered in lieu of revocation,  
11 or revoked in any state for substantive cause, as determined by the appropri-  
12 ate state appraiser certifying and licensing agency. An AMC is not barred  
13 from registration in this state if the license or certificate of the ap-  
14 praiser with an ownership interest was not revoked for a substantive cause  
15 and has been reinstated by the state or states in which the appraiser was  
16 licensed or certified.

17 (2) No AMC shall be registered in this state if any natural person ~~that~~  
18 who owns more than ten percent (10%) of the ~~appraisal management company~~ AMC:

19 (a) Is determined by the board to not be in compliance with all minimum  
20 federal requirements; or

21 (b) Fails to submit to a background investigation, including a finger-  
22 print-based criminal history check, ~~carried out by the board~~ in accor-  
23 dance with section 67-9411A, Idaho Code.

24 (3) Each ~~appraisal management company~~ AMC applying to the board for a  
25 registration in this state shall designate one (1) controlling person that  
26 will be the main contact for all communication between the board and the  
27 ~~appraisal management company~~ AMC and notify the board of any change in the  
28 ~~appraisal management company's~~ AMC's controlling person. The controlling  
29 person designated pursuant to this subsection shall:

30 (a) Have never had a license or certificate to act as an appraiser re-  
31 fused, denied, canceled, revoked or surrendered in lieu of revocation  
32 for a substantive reason in any state, unless the person has subse-  
33 quently had the license or certificate to act as an appraiser granted or  
34 reinstated;

35 (b) Be in compliance with all minimum federal requirements, as deter-  
36 mined by the board; and

37 (c) Submit to a background investigation, including a finger-  
38 print-based criminal history check, ~~carried out by the board~~ in accor-  
39 dance with section 67-9411A, Idaho Code.

40 SECTION 18. That Section 54-4132, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 54-4132. ADDITIONAL POWERS OF THE BOARD. In addition to the powers  
43 conferred elsewhere in this chapter, the board shall have the power under  
44 this act, in relation to appraisal management companies, to:

45 (1) Authorize by written agreement the division of occupational and  
46 professional licenses to act as its agent, to act in its interest and, in its  
47 discretion, to contract with the division of occupational and professional

1 licenses for those services deemed necessary for the proper administration  
2 of this act;

3 (2) Adopt, pursuant to the administrative procedure act, rules that are  
4 consistent with the provisions of this act and are not in conflict with state  
5 or federal law that may be reasonably necessary to implement, administer and  
6 enforce the provisions of this act;

7 (3) Conduct investigations into violations of this act;

8 (4) Receive applications for and approve registration of appraisal  
9 management companies pursuant to the provisions of this act;

10 (5) Hold meetings and hearings at such times as it may designate;

11 (6) Collect, deposit and disburse application and other fees and in-  
12 come;

13 (7) Collect the actual costs and fees, including attorney's fees, in-  
14 curred by the board in the investigation and prosecution of an AMC upon the  
15 finding of a violation of this act or a rule adopted or an order issued by the  
16 board under this act. Provided, however, that the assessment of costs and  
17 fees against or in favor of a licensee under this chapter shall be governed by  
18 the provisions of section 12-117(5), Idaho Code;

19 (8) Take such action as may be necessary to enforce the provisions of  
20 this act and to regulate appraisal management companies;

21 (9) Report an AMC's violation of applicable appraisal-related laws,  
22 regulations or orders, as well as disciplinary and enforcement actions or  
23 other relevant information about an AMC's operations to state and federal  
24 agencies; and

25 (10) Require new applicants, owners or designated controlling persons  
26 for each new applicant to submit to a satisfactory fingerprint-based crimi-  
27 nal history check ~~of the Idaho central criminal database and the federal bu-~~  
28 ~~reau of investigation criminal history database~~ in accordance with section  
29 67-9411A, Idaho Code, and to collect fees from applicants for the cost of  
30 such background checks.

31 SECTION 19. That Section 54-5106, Idaho Code, be, and the same is hereby  
32 amended to read as follows:

33 54-5106. QUALIFICATIONS FOR LICENSURE. To be eligible for a license to  
34 practice as a naturopathic medical doctor in the state of Idaho, the appli-  
35 cant shall submit an application, pay the fee, and fulfill the following re-  
36 quirements:

37 (1) The applicant must be a graduate of an approved naturopathic medi-  
38 cal program as defined in this chapter-; i

39 (2) The applicant must provide proof of having received a passing grade  
40 on the naturopathic physicians licensing examinations administered by the  
41 approved national board of naturopathic examiners-; i

42 (3) The board may require an applicant to be personally interviewed by  
43 the board, the naturopathic medical board, or by a designated committee of  
44 the board. Such an interview shall be limited to a review of the applicant's  
45 qualifications and professional credentials-; and

46 (4) The application shall require a fingerprint-based criminal history  
47 check ~~of the Idaho central criminal database and the federal bureau of inves-~~  
48 ~~tigation criminal history database.~~ Each applicant must submit a full set of  
49 the applicant's fingerprints on forms supplied by the board, which shall be

1 forwarded to the Idaho state police and the federal bureau of investigation  
2 identification division for this purpose. The board shall not disseminate  
3 data acquired from a fingerprint-based criminal history check except as al-  
4 lowed by law.

5 ~~(5) This section shall take effect on July 1, 2020 in accordance with~~  
6 ~~section 67-9411A, Idaho Code.~~

7 SECTION 20. That Section 54-5405, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 54-5405. DRIVING BUSINESSES -- LICENSE REQUIREMENTS. (1) No private  
10 driver training business shall be established nor shall any existing busi-  
11 ness continue to operate unless the business applies for and obtains from the  
12 board a license that expires on the license issue date and that must be re-  
13 newed annually. The application for license shall include the name of the  
14 owner, a satisfactory fingerprint-based criminal history check ~~of the Idaho~~  
15 ~~central criminal database and the federal bureau of investigation criminal~~  
16 ~~history database,~~ in accordance with section 67-9411A, Idaho Code, the lo-  
17 cation of the business, a certificate of occupancy for a business that of-  
18 fers classroom instruction in a physical classroom location, a certificate  
19 of commercial automobile insurance, a list of licensed instructors, proof of  
20 an annual vehicle check, board-approved curriculum components and a course  
21 of instruction for students that shall include the following:

22 (a) Not less than thirty (30) hours of classroom instruction;

23 (b) Not less than six (6) hours of behind-the-wheel practice driving;  
24 and

25 (c) Not less than six (6) hours of observation.

26 (2) Any private driver training business or driving instructor li-  
27 censed pursuant to this chapter shall be exempt from the provisions of title  
28 33, Idaho Code, that regulate driver education as long as such license is  
29 current and valid and the private driver training business or driving in-  
30 structor is acting pursuant to activities that the license permits.

31 (3) Any driving business licensed pursuant to this chapter may contract  
32 with a public school to provide driver education. Any driving business that  
33 contracts with a public school to provide driver education may be allowed  
34 to use the services of any or all of the driving instructors of that driving  
35 business. Once a person has been licensed as a driving instructor, that per-  
36 son is authorized to teach in any approved driver education program.

37 (4) A driving business shall ensure that each of its employees and per-  
38 sons under its control who provide driver education to its students is at all  
39 times licensed under this chapter as a driving instructor or permitted as a  
40 driving instructor apprentice.

41 SECTION 21. That Section 54-5406, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 54-5406. DRIVING INSTRUCTORS -- REQUIREMENTS. (1) Each person apply-  
44 ing for a driving instructor license must complete an application provided  
45 by the division of occupational and professional licenses that requires the  
46 applicant to be at least twenty-one (21) years of age, and have a high school  
47 diploma or equivalent, a valid driver's license and a satisfactory driving

1 record from the jurisdiction from which the license was issued, a satisfac-  
2 tory fingerprint-based criminal history check ~~of the Idaho central criminal~~  
3 ~~database and the federal bureau of investigation criminal history database,~~  
4 in accordance with section 67-9411A, Idaho Code, a medical certificate, and  
5 any required completed coursework. Licensees shall certify that they hold a  
6 current medical certificate at the time of license renewal.

7 (2) Every new applicant for a license pursuant to this chapter shall  
8 have completed a board-approved apprenticeship training program of no fewer  
9 than thirty (30) hours of classroom instruction and fifty (50) hours of be-  
10 hind-the-wheel training. The board may waive, as a whole or either part, the  
11 apprenticeship for an applicant who holds a current, active and unrestricted  
12 equivalent instructor license from another state or who has the requisite  
13 training and experience as demonstrated in a manner established by board  
14 rule. Such applicant shall submit supporting documentation with the com-  
15 pleted application and shall meet all other requirements in this chapter and  
16 in board rule.

17 SECTION 22. That Section 67-2604, Idaho Code, be, and the same is hereby  
18 amended to read as follows:

19 67-2604. DUTIES OF DIVISION ADMINISTRATOR. (1) In administering the  
20 laws regulating professions, trades, and occupations within the division  
21 of occupational and professional licenses, and in addition to the authority  
22 granted to the administrator by the laws and rules of the agencies and enti-  
23 ties within the division, the administrator may:

24 (a) Revise the operating structure of the division as needed to provide  
25 efficient and appropriate services to the various professions, trades,  
26 occupations, and programs administered within the division;

27 (b) Conduct examinations to ascertain the qualifications and fitness  
28 of applicants to exercise the profession, trade, or occupation for  
29 which an examination is held;

30 (c) Pass upon the qualifications of applicants for reciprocal li-  
31 censes, certificates, registrations, and authorities;

32 (d) Prescribe rules for a fair and impartial method of examination of  
33 candidates to exercise the respective profession, trade, or occupa-  
34 tion;

35 (e) Appoint hearing officers, administer oaths, take depositions of  
36 witnesses within or without the state in the manner provided by the ad-  
37 ministrative rules adopted by the division, issue subpoenas, compel the  
38 attendance of witnesses, and assess costs and fees incurred in the in-  
39 vestigation and prosecution or defense of any certificate holder, li-  
40 censee, or registrant of the division, in accordance with the provi-  
41 sions of section 12-117(5), Idaho Code, when applicable, the contested  
42 case provisions of chapter 52, title 67, Idaho Code, and the laws and  
43 rules of the agencies within the division;

44 (f) Assess civil penalties as authorized for a violation of laws or  
45 rules, provided that any such civil penalty collected for a violation  
46 of laws or rules shall not exceed one thousand dollars (\$1,000), unless  
47 otherwise provided by statute or rule, and shall be deposited in the  
48 occupational licenses fund;

1 (g) Implement processes and promulgate rules for the administration of  
2 the chapters of those agencies assigned to the division, including but  
3 not limited to:

4 (i) The application, issuance, renewal, cancellation, and rein-  
5 statement of licenses, certificates, registrations, and permits,  
6 together with assessment of all related fees;

7 (ii) The terms by which fees may be prorated, if any; and

8 (iii) Procedures for the replacement of lost or destroyed li-  
9 censes, certificates, or registrations;

10 (h) Employ individuals, make expenditures, enter into contracts, re-  
11 quire reports, make investigations, travel, and take other actions  
12 deemed necessary;

13 (i) Collect and pay such fees as are required for criminal background  
14 checks of applicants, licensees, or registrants;

15 (j) Provide honoraria as set forth in section 59-509(p), Idaho Code;

16 (k) Require applications to be verified under oath;

17 (l) Require applicants to provide a clear and legible copy of a govern-  
18 ment-issued photo identification;

19 (m) Notwithstanding any other provisions of law, terminate an applica-  
20 tion that has not had any activity within one (1) year, unless otherwise  
21 specified in law or rule;

22 (n) Issue a license, certificate, permit, or authority only on behalf  
23 of an agency that has administrative rules approved by the legislature;

24 (o) Implement application processes that provide for clear adminis-  
25 tration of all licenses, registrations, permits, and certificates,  
26 including their status and history; and

27 (p) Establish advisory committees as needed to provide efficient and  
28 appropriate services to the various professions, trades, occupations,  
29 and programs administered within the division; and

30 (q) Require applicants to submit fingerprints in accordance with the  
31 provisions of section 67-9411A, Idaho Code, to conduct criminal back-  
32 ground checks, unless otherwise specified in law or rule.

33 (2) Notwithstanding any law governing any agency within the division,  
34 each board or commission member shall hold office until a successor has been  
35 duly appointed and qualified.

36 (3) The administrator shall administer the following provisions and  
37 shall perform such additional duties as are imposed by law: chapter 41,  
38 title 39, Idaho Code, relating to the Idaho building code; chapter 40, ti-  
39 tle 39, Idaho Code, relating to manufactured homes; chapter 43, title 39,  
40 Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code,  
41 relating to manufactured home dealer and installer licensing; chapter 25,  
42 title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10,  
43 title 54, Idaho Code, relating to electrical contractors and journeymen;  
44 chapter 19, title 54, Idaho Code, relating to public works contractors;  
45 chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; chapter  
46 45, title 54, Idaho Code, relating to public works construction management  
47 licensing; chapter 50, title 54, Idaho Code, relating to installation of  
48 heating, ventilation and air conditioning systems; chapter 80, title 39,  
49 Idaho Code, relating to uniform public school building safety; chapter 59,  
50 title 33, Idaho Code, relating to Idaho school safety and security; chapter

1 86, title 39, Idaho Code, relating to elevator safety; and chapter 22, title  
2 55, Idaho Code, relating to underground facilities damage prevention.

3 (4) For those agencies listed in subsection (3) of this section, the ad-  
4 ministrator may, in addition to those powers listed in this chapter:

5 (a) Issue registrations, licenses, and certificates;

6 (b) Charge a fee of seventy-five dollars (\$75.00) for each examination  
7 administered, unless a different fee is established in law or rule;

8 (c) Conduct hearings on proceedings to discipline, renew, or reinstate  
9 licenses, certificates, or authorities of persons exercising the re-  
10 spective profession, trade, or occupation;

11 (d) Revoke, suspend, refuse to renew, or take other disciplinary action  
12 against such licenses, certifications, or authorities; and

13 (e) Assess civil penalties as authorized for a violation of law or rule.

14 SECTION 23. That Chapter 94, Title 67, Idaho Code, be, and the same is  
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
16 ignated as Section 67-9411A, Idaho Code, and to read as follows:

17 67-9411A. FINGERPRINT CRIMINAL HISTORY AND BACKGROUND CHECK. (1) To  
18 determine the suitability of applicants for occupational and professional  
19 licensure, the administrator of the division of occupational and profes-  
20 sional licenses is authorized to require an applicant to provide information  
21 and fingerprints necessary to obtain criminal conviction history informa-  
22 tion from the Idaho state police and the federal bureau of investigation.  
23 Pursuant to section 67-3008, Idaho Code, and P.L. 92-544, the administrator  
24 shall obtain fingerprints from the applicant, which shall be submitted to  
25 the Idaho state police, bureau of criminal identification, for a criminal  
26 records check of state and national databases. The applicant shall submit  
27 a fingerprint card for processing and pay associated fees. Fingerprints  
28 and information required by this section shall be submitted in a manner as  
29 prescribed by the Idaho state police.

30 (2) The administrator of the division of occupational and profes-  
31 sional licenses is authorized to receive criminal history information from  
32 the Idaho state police and from the federal bureau of investigation for  
33 the purpose of evaluating the fitness of applicants for occupational and  
34 professional licensure. As provided by state and federal law, further dis-  
35 semination or other use of the criminal history information is prohibited.  
36 Criminal background reports received from the Idaho state police and the  
37 federal bureau of investigation shall be handled and disposed of in a manner  
38 consistent with requirements imposed by the Idaho state police and the fed-  
39 eral bureau of investigation.

40 (3) The administrator of the division of occupational and professional  
41 licenses shall review the information received from the criminal history  
42 and background check and determine whether the applicant for licensure has a  
43 criminal or other relevant record that could disqualify the individual from  
44 licensure pursuant to section 67-9411, Idaho Code. If such criminal con-  
45 viction is determined to exist, the applicant shall be informed and, unless  
46 withdrawn, the application shall be forwarded to the appropriate licensing  
47 authority for formal review. The authority to deny an application is ex-  
48 clusive to the respective licensing authority, subject to judicial review  
49 pursuant to section 67-5270, Idaho Code.

1           (4) The criminal history and background check is not the only process  
2 for determination of suitability for licensure.

3           (5) The administrator of the division of occupational and professional  
4 licenses is authorized to promulgate such rules as are necessary to carry out  
5 the provisions of this section.

6           SECTION 24. SEVERABILITY. The provisions of this act are hereby de-  
7 clared to be severable and if any provision of this act or the application  
8 of such provision to any person or circumstance is declared invalid for any  
9 reason, such declaration shall not affect the validity of the remaining por-  
10 tions of this act.

11           SECTION 25. An emergency existing therefor, which emergency is hereby  
12 declared to exist, this act shall be in full force and effect on and after  
13 July 1, 2024.