

TITLE 54  
PROFESSIONS, VOCATIONS, AND BUSINESSES  
CHAPTER 42  
IDAHO RESIDENTIAL CARE ADMINISTRATORS ACT

54-4201. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Residential Care Facility Administrators Act."

[54-4201, added 1990, ch. 304, sec. 1, p. 834; am. 2000, ch. 274, sec. 133, p. 870; am. 2003, ch. 201, sec. 4, p. 532.]

54-4202. DEFINITIONS. As used in this chapter:

(1) "Board" means the board of examiners of residential care facility administrators of the state of Idaho.

(2) "Examiner" means a member of the board of examiners of residential care facility administrators of the state of Idaho.

(3) "Executive secretary" means the secretary of the board of examiners of residential care facility administrators of the state of Idaho.

(4) "Practice of residential care facility administration" means that planning, organizing, directing and control of the operation of a residential care facility.

(5) "Provisional permit" means a temporary permit issued to a provisional residential care facility administrator under the provisions of this chapter.

(6) "Provisional residential care facility administrator" means an individual who has been issued a permit as such under the provisions of this chapter.

(7) "Residential care facility" means a residential or assisted living facility or residence, however named, operated on either a profit or non-profit basis for the purpose of providing necessary supervision, personal assistance, meals and lodging to three (3) or more elderly, developmentally disabled, physically disabled and/or mentally ill adults not related to the owner.

(8) "Residential care facility administrator" means any individual responsible for planning, organizing, directing and controlling the operation of a residential care facility, or who in fact performs such functions, whether or not such functions are shared by one (1) or more other persons, and who is licensed under the provisions of this chapter.

[54-4202, added 1990, ch. 304, sec. 1, p. 834; am. 2000, ch. 274, sec. 134, p. 870; am. 2003, ch. 201, sec. 5, p. 532.]

54-4203. FACILITY SUPERVISION BY LICENSED ADMINISTRATOR REQUIRED -- PRACTICE BY UNLICENSED PERSON PROHIBITED -- PROVISIONAL LICENSE. Effective July 1, 1991, no residential care facility in the state shall be operated unless it is under the supervision of a person who holds a currently valid residential care facility administrator's license, or provisional permit, issued pursuant to this chapter. No person shall practice or offer to practice residential care facility administration in this state or use any title, sign, card or device to indicate that he is a residential care facility administrator unless such person is duly licensed or holds a current provisional permit as required by this chapter.

[54-4203, added 1990, ch. 304, sec. 1, p. 835; am. 2000, ch. 274, sec. 135, p. 871; am. 2003, ch. 201, sec. 6, p. 532.]

54-4204. BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS. (1) There is hereby created in the department of self-governing agencies a board of examiners of residential care facility administrators that shall consist of five (5) members and be composed of two (2) residential care facility administrators, duly licensed and registered under this chapter, one (1) member shall be selected from any other profession or agency or institution concerned with the care of persons requiring assistance with the daily activities of living, one (1) licensed nurse from the nursing profession and one (1) member representative of the public at large; but no more than two (2) of the members of the board shall be officials or full-time employees of state or local governments. All members of the board shall be citizens of the United States or shall have declared their intent to become citizens of the United States and shall be residents of this state.

(2) The term of office for each member of the board shall be three (3) years, and all board members shall serve at the pleasure of the governor.

(3) (a) Appointments to the board shall be made by the governor who may consider recommendations for appointment to the board from any organized and generally recognized group concerned with residential care facility administration and from any individual residing in this state. Each member of the board shall hold office until his successor is duly appointed and qualified. Dismissals shall be by the governor, for reasonable cause.

(b) Members of the board shall be compensated as provided in section [59-509](#)(1), Idaho Code.

(4) The board shall elect annually from its membership a chairman and vice chairman. The board shall hold two (2) or more meetings each year. A majority of the board membership shall constitute a quorum.

(5) The board shall exercise its powers and perform its duties and functions specified by this chapter.

(6) The board may, by written agreement, authorize the bureau of occupational licenses, or other appropriate body as provided by law, as agent to act in its interest.

[54-4204, added 1990, ch. 304, sec. 1, p. 835; am. 2000, ch. 274, sec. 136, p. 871; am. 2003, ch. 201, sec. 7, p. 533; am. 2011, ch. 77, sec. 1, p. 162; am. 2016, ch. 340, sec. 41, p. 961.]

54-4205. FUNCTIONS AND DUTIES OF THE BOARD -- FEE FOR LICENSE APPLICANTS -- RULES. (1) It shall be the functions and duties of such board to:

(a) Develop, impose and enforce standards consistent with this chapter which shall be met by individuals in order to receive and retain a license or permit as a residential care facility administrator. Such standards shall be designed to ensure that residential care facility administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as residential care facility administrators;

(b) Develop and apply appropriate techniques, including examinations and investigations, for determining whether an individual meets such standards;

(c) Issue licenses and permits to individuals determined, after application of such techniques, to meet such standards, and revoke or suspend licenses and permits previously issued by the board in any case where the individual holding any such license or permit is determined to have violated the provisions of this chapter;

(d) Establish and carry out procedures designed to ensure that individuals licensed as residential care facility administrators will, during any period that they serve as such, comply with the requirements of such standards;

(e) Receive, investigate and take appropriate action with respect to any charge or complaint filed with the board charging that any individual licensed as a residential care facility administrator has failed to comply with the requirements of such standards;

(f) Conduct a continuing study and investigation of residential care facility administrators to improve the standards imposed in order to obtain a license or a permit and to improve the procedures and methods for the enforcement of such standards with respect to those who have obtained a license or a permit;

(g) The board shall establish by rule a fee schedule not to exceed two hundred dollars (\$200) each for applications for licenses, provisional permits, annual renewal and applications for endorsement of a license issued by the proper authorities in another state.

(2) The board or any committee or member thereof or any hearing officer designated by such board, acting in an official capacity, shall have powers and duties as provided by law. Such board shall not be bound by the strict rules of evidence in the conduct of its proceedings but any determinations made shall be founded upon sufficient legal evidence to sustain them.

(3) The board shall also have the authority to make rules not inconsistent with law as may be necessary for the proper performance of its duties.

(4) The board shall have the authority to adopt a code of ethics for residential care facility administrators in the state which shall be adopted in compliance with [chapter 52, title 67](#), Idaho Code.

[54-4205, added 1990, ch. 304, sec. 1, p. 836; am. 2000, ch. 274, sec. 137, p. 872; am. 2003, ch. 201, sec. 8, p. 534; am. 2007, ch. 134, sec. 1, p. 393.]

54-4206. QUALIFICATIONS FOR EXAMINATION FOR LICENSE. (1) The board shall admit to the examination for licensure as a residential care facility administrator any candidate who submits the required application, pays a fee as determined by the board, submits evidence of good moral character and suitability prescribed by the board and is at least twenty-one (21) years old; and

(2) Each applicant shall submit evidence satisfactory to the board that he has successfully completed specialized courses or a program of study in the area of residential care facility administration as required and approved by the rules of the board; and

(3) Each applicant shall meet one (1) of the following combinations of education and experience:

(a) A high school diploma or equivalent and eight hundred (800) hours of on-site experience in a residential care facility under the supervision of a licensed administrator;

(b) An associate degree from an accredited college or university or equivalent and four hundred (400) hours of on-site experience in a

residential care facility under the supervision of a licensed administrator; or

(c) A bachelor's degree from an accredited college or university and two hundred (200) hours of on-site experience in a residential care facility under the supervision of a licensed administrator.

(4) A candidate who applies for examination under and pursuant to this section, but who does not otherwise meet the experience requirements provided for in subsection (3) of this section, may submit evidence satisfactory to the board that such applicant has satisfactory practical experience obtained in an internship training program in residential care facility administration as approved by the board or in a medical or health care facility as approved by the board.

[54-4206, added 1990, ch. 304, sec. 1, p. 837; am. 2000, ch. 274, sec. 138, p. 873; am. 2003, ch. 201, sec. 9, p. 535; am. 2011, ch. 92, sec. 1, p. 201.]

54-4207. SUBJECT MATTER OF EXAMINATION -- FREQUENCY. (1) The board shall determine the subjects of examinations for applicants for licensure and the scope, content, and format of such examinations. The board may approve more than one (1) examination to qualify an applicant for licensure. The examination, or examinations, of an applicant for licensure shall demonstrate an applicant's proficiency in the practice of, and knowledge of, applicable rules of health and safety within the state.

(2) Examinations shall be held at least semiannually at such times and places as the board shall designate.

[54-4207, added 1990, ch. 304, sec. 1, p. 837; am. 2000, ch. 274, sec. 139, p. 874; am. 2003, ch. 201, sec. 10, p. 536; am. 2008, ch. 93, sec. 1, p. 258.]

54-4209. LICENSURE -- RENEWAL AND REINSTATEMENT OF LICENSES. License renewal and reinstatement shall be as set forth in section [67-2614](#), Idaho Code.

[54-4209, added 1990, ch. 304, sec. 1, p. 838; am. 2000, ch. 274, sec. 141, p. 875; am. 2003, ch. 21, sec. 20, p. 89; am. 2003, ch. 201, sec. 12, p. 537; am. 2016, ch. 124, sec. 2, p. 358.]

54-4210. ENDORSEMENT OF LICENSES. The board, in its discretion, and otherwise subject to the provisions of this chapter and the rules of the board may endorse a residential care facility administrator license issued by the proper authorities of any other state upon payment of a fee and upon submission of evidence meeting such requirements as are established by the rules of the board.

[54-4210, added 1990, ch. 304, sec. 1, p. 839; am. 2000, ch. 274, sec. 142, p. 876; am. 2001, ch. 24, sec. 1, p. 29; am. 2003, ch. 201, sec. 13, p. 538.]

54-4211. PROVISIONAL PERMITS. (1) Pending issuance of a license, the board may issue a provisional permit for a period not exceeding three (3) months, without an examination to an applicant who files a written application for a provisional permit and who is otherwise qualified and meets the

requirements of either section [54-4206](#)(2) or (3), Idaho Code, and is applying to fill a vacancy on an emergency basis.

(2) Any individual who holds a valid Idaho nursing home administrator's license and is in good standing according to the provisions of [chapter 16, title 54](#), Idaho Code, may be deemed to meet the requirements for issuance of a residential care facility administrator's license and may be issued one, upon application and payment of appropriate fees.

[54-4211, added 1990, ch. 304, sec. 1, p. 840; am. 2000, ch. 274, sec. 143, p. 876; am. 2003, ch. 201, sec. 14, p. 538; am. 2006, ch. 125, sec. 2, p. 360; am. 2012, ch. 168, sec. 1, p. 448.]

54-4212. MISDEMEANORS LISTED -- PENALTIES. (1) It shall be a misdemeanor for any person to:

(a) Sell or fraudulently obtain or furnish any license or aid or abet therein; or

(b) Practice as a residential care facility administrator under cover of any license or permit illegally or fraudulently obtained or unlawfully issued; or

(c) Practice as a residential care facility administrator or use in connection with his or her name any designation tending to imply that he or she is a residential care facility administrator unless duly licensed and registered to so practice under the provisions of this chapter; or

(d) Practice as a residential care facility administrator during the time his or her license or permit issued under the provisions of this chapter shall be suspended or revoked; or

(e) Otherwise violate any of the provisions of this chapter.

(2) Such misdemeanor shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.

[54-4212, added 1990, ch. 304, sec. 1, p. 840; am. 2000, ch. 274, sec. 144, p. 877; am. 2003, ch. 201, sec. 15, p. 539.]

54-4213. DISCIPLINARY ACTION. (1) The board may revoke or suspend, or refuse to renew, or refuse to issue, any license or permit issued under the provisions of this chapter, or may reprimand, censure or otherwise discipline the holder of a license or permit in accordance with the provisions of this section upon decision and after due hearing in any of the following cases:

(a) Upon proof that such licensee is reasonably unfit to operate a residential care facility;

(b) Upon proof of the willful or repeated violation of any of the provisions of this chapter or the rules enacted in accordance with, or of willful or repeated actions in a manner inconsistent with the health and safety of patients;

(c) Upon proof that such licensee has committed fraud or deceit in the practice of residential care facility administration or related activities or in the licensee's admission to such practice;

(d) Upon proof that such licensee has permitted the unauthorized disclosure of information relating to a resident in the residential care facility under the administration of the licensee;

(e) Conviction of, pleading guilty or nolo contendere to, or receiving a withheld judgment of, a felony or any crime involving dishonesty or the health or safety of a person;

(f) Upon proof that the administrator had a license to practice a health care profession or occupation in another state or jurisdiction and such license was suspended or revoked or the administrator has otherwise been disciplined.

(2) The board, or a hearing officer designated by it, shall have jurisdiction to hear all charges brought under the provisions of this section against residential care facility administrators, or provisional residential care facility administrators, and upon such hearings shall determine such charges upon their merits.

(3) Proceedings under this section shall be initiated by filing with the board, charges in writing and under oath. The board on its own motion may conduct an investigation and initiate charges. The procedures for notification and the hearing on such charges, unless dismissed by the board as unfounded or trivial, shall be conducted pursuant to the provisions of [chapter 52, title 67](#), Idaho Code.

[54-4213, added 1990, ch. 304, sec. 1, p. 840; am. 1993, ch. 216, sec. 92, p. 663; am. 2000, ch. 274, sec. 145, p. 877; am. 2003, ch. 201, sec. 16, p. 539; am. 2006, ch. 125, sec. 3, p. 361.]

54-4214. REISSUANCE OF REVOKED LICENSE OR PERMIT. (1) The board may, in its discretion, reissue a license or permit to any person whose license or permit has been revoked.

(2) Application for the reissuance of a license or permit shall be made in such manner as the board may direct in accordance with its rules.

[54-4214, added 1990, ch. 304, sec. 1, p. 841; am. 2003, ch. 201, sec. 17, p. 540.]

54-4215. JUDICIAL REVIEW OF BOARD ACTION. Anyone aggrieved by an action of the board may seek judicial review thereof in accordance with the provisions of [chapter 52, title 67](#), Idaho Code.

[54-4215, added 1990, ch. 304, sec. 1, p. 841; am. 1993, ch. 216, sec. 93, p. 664.]

54-4216. DISPOSITION OF RECEIPTS -- EXPENSE -- REFUND. All fees received under the provisions of this chapter shall be deposited in the state treasury to the credit of the occupational license account and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of other law notwithstanding. In no instance will the occupational license account be obligated to pay any claims which in aggregate with claims already paid exceed the income to the occupational license account which has been derived by the application of this chapter.

The money paid into the occupational license account is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this chapter.

[54-4216, added 1990, ch. 304, sec. 1, p. 841.]