

Dear Senators VANORDEN, Zuiderveld, Wintrow, and
Representatives VANDER WOUDE, Erickson, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - Naturopathic Health Care, Board of:
IDAPA 24.40.01 - Rules for the Board of Naturopathic Health Care (New Chapter, Fee Rule) -
Proposed Rule (Docket No. 24-4001-2301).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 10/19/2023. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/16/2023.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondoff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee
FROM: Senior Legislative Drafting Attorney - Jill Randolph
DATE: October 2, 2023
SUBJECT: Division of Occupational and Professional Licenses - Naturopathic Health Care, Board of

IDAPA 24.40.01 - Rules for the Board of Naturopathic Health Care (New Chapter, Fee Rule) - Proposed Rule (Docket No. 24-4001-2301)

Summary and Stated Reasons for the Rule

Division of Occupational and Professional Licenses - Board of Naturopathic Health Care submit notice of proposed rulemaking at IDAPA 24.40.01. The Board of Naturopathic Health Care was created by S1330 of 2022. No rules have been previously submitted to the Legislature for the Board of Naturopathic Health Care. The proposed rule creates a new chapter related to the licensure of naturopathic doctors and registration of naturopaths, including approved examinations and requirements for continuing education. The proposed fee rule establishes an initial fee and an annual renewal fee for both licensure of naturopathic doctors and registration of naturopaths.

Negotiated Rulemaking / Fiscal Impact

The agency states that negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 5, 2023 edition of the Idaho Administrative Bulletin. There is no anticipated negative fiscal impact to the General Fund.

Statutory Authority

This rulemaking appears to be authorized pursuant to Chapter 59, Title 54, Idaho Code.

cc: Division of Occupational and Professional Licenses - Naturopathic Health Care, Board of
Katie Stuart

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Kristin Ford, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.40.01 – RULES FOR THE BOARD OF NATUROPATHIC HEALTH CARE

DOCKET NO. 24-4001-2301 (NEW CHAPTER, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 54-5904, 54-5909, 67-2614, 67-9406 and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

| |
|--|
| Thursday, September 14, 2023, 10:00 a.m. MT |
| Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714 |
| Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/ |

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is being presented to address legislative changes made through Senate Bill 1330 during the 2022 legislative session. The legislative changes, which went into effect on July 1, 2022, resulted in the creation of a new statutory chapter: Chapter 59, Title 54, Idaho Code. They also included the creation of a new licensure authority, the Naturopathic Health Care Board, new licensure and registration types, and authority for the board to promulgate rules related to the new naturopathic license and naturopathic registration. In conjunction with stakeholders, the proposed rule is an effort to give effect and meaning to the statutory changes.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The fees for licenses and registrations as designated in Rule 400 of these proposed rules are authorized in Sections 54-5904 and 54-5909, Idaho Code. The fee for licensure, both initial and annual renewal, is set at \$400. The fee for registration, both initial and annual renewal, is set at \$250.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-4001-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pp.98-99](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Katie Stuart, Bureau Chief, at (208) 577-2489. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2023.

DATED this 4th day of August, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-4001-2301
(New Chapter)

24.40.01 – RULES FOR THE BOARD OF NATUROPATHIC HEALTH CARE

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-5904 and 54-5909(4), Idaho Code. ()

001. SCOPE.

These rules govern the practice of licensed naturopathic doctors and registered naturopaths in Idaho. ()

002. -- 099. (RESERVED)

100. LICENSURE.

01. Approved Examination. The Naturopathic Doctors Licensing Examination (NDLEX) administered by the National Board of Naturopathic Examiners, or a naturopathic competency examination administered by the American Naturopathic Medical Certification Board. ()

02. Continuing Education. To renew, licensees must complete, during the prior licensing period, and retain proof of completion of twenty (20) hours of continuing education germane to health care. To renew, registrants must complete, during the prior registration period, and retain proof of completion of twelve (12) hours of continuing education germane to health care. ()

101. -- 399. (RESERVED)

400. FEES.

| <u>FEE TYPE</u> | <u>INITIAL</u> | <u>ANNUAL RENEWAL</u> |
|---------------------|----------------|-----------------------|
| <u>Licensure</u> | <u>\$400</u> | <u>\$400</u> |
| <u>Registration</u> | <u>\$250</u> | <u>\$250</u> |

()

401. --999. **(RESERVED)**

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Division of Occupational and Professional Licenses

Agency Contact: Michael Hyde **Phone:** (208) 332-7133

Date: 8/4/2023

IDAPA, Chapter and Title Number and Chapter Name:

24.40.01 – Rules for the Board of Naturopathic Health Care

Fee Rule Status: x **Proposed** **Temporary**

Rulemaking Docket Number: 24-4001-2301

STATEMENT OF ECONOMIC IMPACT: This rulemaking imposes fees for the newly created licensure and registration of naturopathic health care practitioners. Because this is a new rule chapter, these fees have not previously been submitted to and reviewed by the Idaho Legislature. There are no additional fees beyond those charged for the newly created licensure and registration, and this rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

The following is a specific description of the fees or charges:

400. FEES.

| FEE TYPE | INITIAL | ANNUAL RENEWAL |
|-----------------|----------------|-----------------------|
| Licensure | \$400 | \$400 |
| Registration | \$250 | \$250 |