

HEALTH & WELFARE COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2013 Legislative Session

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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS

DOCKET NO. 16-0506-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution, or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 56-202(b), 56-203(2), 56-204A, 56-1004A, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520 and 39-5604, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The text of the pending fee rule increasing the cost of a Department criminal history and background check is being amended in accordance with Section 67-5227, Idaho Code. Based on the implementation of the fee increase over an extended amount of time, and a discount for automated fingerprint processing, these rules are being amended to clarify the fee increase is up to \$70. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the July 4, 2012, Idaho Administrative Bulletin, [Vol. 12-7, pages 98 and 99](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 56-1004A, Idaho Code:

The fee amount for a Department fingerprint-based criminal history and background check was increased by \$15.00.

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

The Department's original fiscal impact statement for additional costs to the Department for State Fiscal Year (SFY) 2013 was estimated to be approximately \$36,000 from state general funds. However, due to a phase-in implementation over a one-year period and a discount for automated fingerprint processing, the fiscal impact to state general funds for this rule change is less than \$10,000.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Fernando Castro, at (208) 332-7999.

DATED this 7th day of November, 2012.

Tamara Prisock
DHW - Administrative Rules Unit
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
phone: (208) 334-5500; fax: (208) 334-6558
e-mail: dhwrules@dhw.idaho.gov

**THE FOLLOWING NOTICE WAS PUBLISHED WITH
THE TEMPORARY AND PROPOSED RULE**

EFFECTIVE DATE: The effective date of the temporary rule is **July 1, 2012**.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-203(2), 56-204A, 56-1004A, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520 and 39-5604, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 18, 2012.

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

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

These rules are being amended to update the cost of the Department's criminal history and background check. The fee amount is based on increased costs for services provided by the Idaho State Police (ISP). ISP increased their costs to the Department by \$15 per check. Section 56-1004A, Idaho Code, states that applicants are responsible for the cost of these checks unless otherwise provided by Department rules. The total fee amount will be phased in over a period of time. The Department will only increase its costs when ISP increases its fees.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (b), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

In order to protect children and vulnerable adults, the Department requires certain providers and others to pass a criminal history and background check. Statutes require an applicant for a criminal history check to cover the cost of the check which was increased for services provided by ISP.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

The fee amount for a Department fingerprint-based criminal history and background check is being increased by \$15. The fee increase for the temporary rule is needed to avoid immediate danger to children and vulnerable adults the Department is responsible for protecting.

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

Based on an estimate of 24,000 background checks, the annual amount of additional costs to the Department for State Fiscal Year (SFY) 2013 will be \$360,000. Of that amount, approximately \$36,000 may be paid with state general fund money.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the Department is required under Section 56-1004A, Idaho Code, to have an applicant cover the cost of a criminal history check which is being increased for ISP services. It was not feasible to conduct negotiated rulemaking because this action was necessary to meet statutory requirements.

INCORPORATION BY REFERENCE: No materials are being incorporated by reference into these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Fernando Castro, at (208) 332-7999.

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 July 25, 2012.

DATED this 10th day of May, 2012.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 16-0506-1201

050. FEES AND COSTS FOR CRIMINAL HISTORY AND BACKGROUND CHECKS.

The fee for a Department fingerprint-based criminal history and background check is fifty-five up
to seventy dollars (~~\$55~~70) for an individual. The applicant is responsible for the cost of the
criminal history and background check except where otherwise provided by Department rules.

~~(4-9-09)~~()

IDAPA 22 - BOARD OF MEDICINE

22.01.02 - RULES OF THE BOARD OF MEDICINE FOR THE REGISTRATION OF EXTERNS, INTERNS, AND RESIDENTS

DOCKET NO. 22-0102-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-1806 (2) and (11), 54-1806A, 54-1812, 54-1813 (2) and 54-1814, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The reasons for adopting this pending rule includes updating and clarifying the registration process, enhancing definitions, delimiting duration of registration and improving the registration fee schedule to minimize costs for issuance and renewal of registrations. There is no change between the text of the proposed rule and the text of the pending rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 510 through 515](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1806 and 54-1807, Idaho Code: The registration fee schedule was modified to include a renewal fee that shall be no more than twenty five (\$25) to facilitate delimiting the duration of the registration.

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

**THE FOLLOWING NOTICE WAS PUBLISHED
WITH THE PROPOSED FEE RULE**

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-1806 (2) and (11), 54-1806A, 54-1812, 54-1813 (2) and 54-1814, Idaho Code.

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

Tuesday - October 23, 2012 - 1:00 to 2:00 p.m.
Idaho State Board of Medicine Conference Room 1755 Westgate Drive, Suite 140, Boise, ID

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

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

The purpose of this proposed rulemaking includes updating and clarifying the registration process; enhancing definitions, delimiting duration of registration and improving the registration fee schedule to minimize costs for issuance and renewal of registrations.

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

Authority for imposition of fees is found in Sections 54-1806 and 54-1806A (4), Idaho Code.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted. The Board received input and comments from its constituents and

licensees.

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: For assistance on technical questions concerning the proposed rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

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 October 24, 2012.

DATED this 21st of August, 2012.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 22-0102-1201

006. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The central office of the Board of Medicine will be in Boise, Idaho. The Board's mailing address, unless otherwise indicated, will be Idaho State Board of Medicine, P.O. Box 83720, Boise, Idaho 83720-0058. The Board's street address is 1755 Westgate Drive, Suite 140, Boise, Idaho 83704. The telephone number of the Board is (208) 327-7000. The Board's facsimile (FAX) number is (208) 327-7005. The Board's web site is www.bom.state.id.us idaho.gov. The Board's office hours for filing documents are 8 a.m. to 5 p.m. MST. (3-26-08)()

007. FILING OF DOCUMENTS -- NUMBER OF COPIES.

All documents in rulemaking or contested case proceedings must be filed with the office of the Board. The original and ~~ten~~ one (1) electronic ~~copies~~ of all documents must be filed with the office of the Board. (3-26-08)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. ~~Acceptable Post Graduate Training Program.~~ A post graduate medical training program or course of medical study which has been approved by the Accreditation Council for Graduate Medical Education (ACGME) or American Osteopathic Association. Acceptable School of Medicine. A medical school or college of osteopathic medicine located within the United States accredited by the Liaison Committee on Medical Education (LCME), Joint Committee of the Association of American Medical Colleges (AAMC) and the American Medical Association (AMA) or the American Osteopathic Association (AOA). (3-26-08)()

~~02. **Acceptable Training Program.** A medical training program or course of medical study which has been approved by the Liaison Committee for Medical Education (LCME), Council on Medical Education or American Osteopathic Association.~~ **Acceptable International School of Medicine.** An international medical school located outside the United States or Canada which meets the standards for medical educational facilities set forth in Subsection 051.02, provides the scope and content of the education and coursework that are equivalent to acceptable schools of medicine located within the United States or Canada and satisfies the Educational Commission for Foreign Medical Graduates' (ECFMG) requirements to provide direct verification and certification status of its international medical graduates. (3-26-08)()

~~03. **Acceptable Post Graduate Training Program.** A post graduate medical training program or course of medical study which has been approved by the Accreditation Council for Graduate Medical Education (ACGME) or American Osteopathic Association.~~ **Acceptable Training Program.** A medical training program or course of medical study which has been approved by the Liaison Committee for Medical Education (LCME), Council on Medical Education or American Osteopathic Association (AOA). (3-26-08)()

04. Acceptable Post Graduate Training Program. A post graduate medical training program or course of medical study which has been approved by the Accreditation Council for Graduate Medical Education (ACGME) or American Osteopathic Association (AOA). ()

045. Accreditation Council for Graduate Medical Education (ACGME). A nationally recognized accrediting authority responsible for accreditation of post-Doctor of Medicine medical training programs within the United States or its successor. (3-26-08)

056. Alternate Supervising Physician. A physician currently licensed to practice medicine and surgery or licensed to practice osteopathic medicine and surgery in Idaho who has been designated by the supervising physician and approved by the Board who is responsible for the direction and supervision of the extern, intern, or resident in the temporary absence of the supervising physician. (3-26-08)

067. Board. The Idaho State Board of Medicine. (3-15-78)

078. Educational Commission for Foreign Medical Graduates (ECFMG). A nationally recognized non-profit organization that certifies international medical graduates who seek to enter United States residency and fellowship programs and conducts the Clinical Skills Assessment (CSA) or its successor. (3-26-08)

089. Extern or Student. A bona fide student enrolled in an acceptable school of medicine as defined in IDAPA 22.01.01, "Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho," Subsection 010.01 or 010.02, who has not received his degree. (3-26-08)()

~~0910.~~ **0910. Intern or Resident.** Any person who has completed a course of study at an acceptable school of medicine as defined in IDAPA 22.01.01, "Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho," Subsection 010.01 or 010.02, **but is not yet licensed to practice medicine** and who is enrolled in an acceptable postgraduate medical training program. (3-26-08)()

101. Liaison Committee on Medical Education (LCME). An internationally recognized accrediting authority, sponsored by the Association of American Medical Colleges and the American Medical Association, for medical education programs leading to a Doctor of Medicine degree in United States and Canadian medical schools or its successor. (3-26-08)

112. Original Certificate or Document. An original document itself or a certified copy thereof issued by the agency or institution and mailed or delivered directly from the source to the Board or a Board approved credential verification service. (3-26-08)

123. Person. A natural, living human individual. (3-26-08)

134. Supervising Physician. A physician approved by the Board who holds a current active license to practice medicine and surgery or osteopathic medicine and surgery in Idaho, in good standing with no restrictions upon or actions taken against his license, who signs the application for registration of a extern, intern or resident, and who is responsible for the direction and supervision of their activities. (3-26-08)

011. -- 015. (RESERVED)

016. REQUIREMENTS FOR REGISTRATION OF EXTERNS, INTERNS, AND RESIDENTS.

01. Residence. No period of residence in Idaho shall be required of any applicant, however, each applicant for registration must be legally able to work and live in the United States. Original documentation of lawful presence in the United States must be provided upon request only. The Board shall refuse to issue a registration or renew a registration if the applicant is not lawfully present in the United States. (3-26-08)

02. English Language. Each applicant shall speak, write, read, understand and be understood in the English language. Evidence of proficiency in the English language must be provided upon request only. (3-26-08)

03. Application. Each extern, intern or resident intending to commence activities in the state of Idaho which may involve activities constituting the practice of medicine, must submit a completed registration application to the Board on forms furnished by the Board and be issued a registration certificate prior to the commencement of any such activities. Any diploma or other document required to be submitted to the Board which is not in the English language must be accompanied by a certified translation thereof into English. The application form shall be verified and shall require the following information: (3-26-08)

a. Personal identification information and the educational background of the extern, intern or resident including his college education, medical school education and any postgraduate training programs; (3-26-08)

b. The disclosure of any criminal convictions, criminal charges, medical disciplinary actions or medical malpractice actions, whatever the outcome, involving the extern, intern, or resident; ~~(3-15-78)~~()

c. A complete description of the program or course of study in the acceptable training program or acceptable post graduate training program the applicant intends to follow, including documentation of the liability coverage to be provided to the applicant; (3-26-08)

d. The name and address of the supervising physician and alternate supervising physician and the location of the program or course of study; (3-15-78)

e. The signature by the supervising physician and alternate supervising physician by which they acknowledge and accept responsibility for the activities of the extern, intern, or resident; (3-15-78)

f. An original certificate or document confirming ECFMG certification of the international medical graduate; ~~and~~ (~~3-26-08~~)()

~~g. Such other information as the Board deems relevant in reviewing the registration application.~~ A copy of the applicant's birth certificate or current passport; and (~~3-15-78~~)()

h. Such other information as the Board deems relevant in reviewing the registration application. ()

017. GENERAL PROVISIONS FOR REGISTRATION.

01. Character. The Board may refuse to issue or renew registration ~~or to renew registration~~ if it finds that the applicant has engaged in conduct prohibited by Section 54-1814, Idaho Code; provided the Board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. (~~3-26-08~~)()

02. No Action on Application. An application upon which the applicant takes no further action will be held for no longer than one (1) year. (3-26-08)

03. Registration Certificate. Upon approval of the registration application, the Board may issue a registration certificate which shall set forth the period during which the registrant may engage in activities which may involve the practice of medicine. Each registration shall be issued for a period of not less than one (1) ~~day or more than three (3) years~~ and shall set forth its expiration date on the face of the certificate. Each registration shall identify the supervising physician and alternate supervising physician. Each registrant shall notify the Board in writing of any change of the supervising physician, alternate supervising physician or the program or course of study fourteen (14) days prior to any such change. If the Board deems the intern or resident qualified, and if the course study requires, the Board may additionally certify on the registration certificate that the intern or resident is qualified to write prescriptions for Class III through Class V scheduled medications. (~~3-26-08~~)()

04. Termination of Registration. The registration of an extern, intern or resident may be terminated, suspended or made conditional by the Board on the grounds set forth in Section 54-1814, Idaho Code, and under the procedures set forth in Section 54-1806A, Idaho Code. (3-15-78)

05. ~~Extension~~ Annual Renewal of Registration. Each registration ~~may~~ shall be ~~extended one (1) time and may be extended prior to its expiration date upon approval of a written request to the Board~~ renewed annually prior to its expiration date. ~~Any r~~Registrations not ~~extended~~ renewed by ~~their~~ its expiration date shall be canceled. ~~(3-26-08)~~()

06. Notification of Change. ~~Externs, interns and residents must~~ Each registrant shall notify the Board in writing of any adverse action or termination, whatever the outcome, from any training program or post graduate training program and any name changes within ~~thirty~~ fourteen (~~30~~14) days of such event. ~~(3-26-08)~~()

07. Disclosure. It shall be the responsibility of each registrant to ensure that every patient is aware of the fact that such extern, intern and resident is currently enrolled in a training program or post graduate training program and under the supervision of a licensed physician. This disclosure requirement can be fulfilled by the use of name tags, correspondence, oral statements or such other procedures that under the involved circumstances adequately advise the patient of the education and training of the extern, intern and resident. (3-26-08)

018. FEES.

01. Registration Fee. The nonrefundable registration issuance fee shall be no more than twenty-five dollars (\$25). ~~(3-26-08)~~()

02. Annual Renewal of Registration Fee. The nonrefundable registration annual renewal fee shall be no more than twenty-five dollars (\$25). ()

023. Other. Administrative fees for services, including photocopying and review of records shall be billed on the basis of time and charges. ~~(3-15-78)~~()

IDAPA 22 - BOARD OF MEDICINE

22.01.03 - RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS

DOCKET NO. 22-0103-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section(s) 54-1806 (2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The reasons for adoption of this pending rule are required to assure the public health, safety and welfare in Idaho by the licensure and regulation of physician assistants and to comply with the recommendations of the FBI and local law enforcement pursuant to a review of the Board's fingerprint reporting security procedures. There is no change between the text of the proposed rule and the text of the pending rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, **Vol. 12- 10, pages 493 through 495.**

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-1806 and 54-1867(4), Idaho Code:

Addition of the provision for a temporary license mandated a establishing an issuance fee, which may be prorated pursuant to Section 54-1808, Idaho Code and shall be no more than one hundred eighty dollars (\$180).

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th day of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

**THE FOLLOWING NOTICE WAS PUBLISHED
WITH THE PROPOSED FEE RULE**

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-1806(2), Idaho Code.

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

Tuesday - October 23, 2012 - 1:00 to 2:00 p.m.

**Idaho State Board of Medicine
Conference Room
1755 Westgate Drive, Suite 140, Boise, ID**

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

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

The substance and purpose of this rule change is to require applicants to provide a copy of a birth certificate or passport with their application to document lawful presence in the United States, provide for temporary licensure while awaiting fingerprint-based criminal history check results and compensating the Physician Assistant Advisory Committee members according to Section 59-509(n), Idaho Code, to avoid tax consequences.

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

Addition of the provision for a temporary license mandated establishing an issuance fee, which may be prorated pursuant to Section 54-1808, Idaho Code, and shall be no more than one hundred eighty dollars (\$180). Authority for imposition of fees is found in Sections 54-1806 and 54-18067(4), Idaho Code.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted. The Board also received input and comments from its constituents and licensees.

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: For assistance on technical questions concerning the proposed rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

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 October 24, 2012.

DATED this 21st of August, 2012.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 22-0103-1201

022. TEMPORARY LICENSE.

Temporary licenses may be issued exclusively to those applicants who appear to be eligible after submission of completed applications for active physician assistant licenses but such licenses subject to pending results of fingerprint-based criminal history checks of the Idaho central criminal database and the Federal Bureau of Investigation criminal history database. The temporary license shall be valid from the date of issuance to the next regular meeting of the Board, unless extended by the Board upon extenuating circumstances. ()

023. -- 025. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

051. FEES -- LICENSE ISSUANCE, RENEWAL, CANCELLATION AND REINSTATEMENT.

All licenses to practice as a physician assistant or graduate physician assistant shall be issued for a period of not more than five (5) years. All licenses shall expire on the expiration date printed on

the face of the certificate and shall become invalid after that date unless renewed. The Board shall collect a fee for each renewal year. The failure of any person to renew his license shall not deprive such person of the right to renewal, except as provided for herein and Title 67, Chapter 52, Idaho Code. All Fees are nonrefundable. ~~(3-16-04)~~()

01. Licensure Fee. The fee for initial licensure shall be no more than two hundred fifty dollars (\$250) for a physician assistant and graduate physician assistant. (4-9-09)

02. License Renewal Fee. The Board shall collect a fee of no more than one hundred fifty dollars (\$150) for each renewal year of a license. (4-9-09)

03. License Cancellation. (3-16-04)

a. Failure to renew a license to practice as a physician assistant and pay the renewal fee shall cause the license to be canceled. However, such license can be renewed up to two (2) years following cancellation by payment of past renewal fees, plus a penalty fee of fifty dollars (\$50). After two (2) years, an initial application for licensure with payment of the appropriate fee shall be filed with the Board. In addition, the Board may require evidence of an educational update and close supervision to assure safe and qualified performance. (4-9-09)

b. Failure to renew a license to practice as a graduate physician assistant and pay the renewal fee shall cause the license to be canceled. However, such license can be renewed up to six (6) months following cancellation by payment of the past renewal fee, plus a penalty fee of no more than one hundred dollars (\$100). After six (6) months, an original application for licensure with payment of the appropriate fee shall be filed with the Board. (4-9-09)

04. Inactive License. (3-16-04)

a. A person holding a current license issued by the Board to practice as a physician assistant may be issued, upon written application provided by the Board and payment of required fees to the Board, an inactive license on the condition that he will not engage in the provision of patient services as a physician assistant in this state. An initial inactive license fee of no more than one hundred fifty dollars (\$150) shall be collected by the Board. (3-16-04)

b. Inactive licenses shall be issued for a period of not more than five (5) years and such licenses shall be renewed upon payment of an inactive license renewal fee of no more than one hundred dollars (\$100) for each renewal year. The inactive license certificate shall set forth its date of expiration. (3-16-04)

c. An inactive license may be converted to an active license to practice as a physician assistant upon written application and payment of required conversion fees of no more than one hundred fifty dollars (\$150) to the Board. The applicant must account for the time during which an inactive license was held and document continuing competence. The Board may, in its discretion, require a personal interview to evaluate the applicant's qualifications. In addition, the Board may require evidence of an educational update and close supervision to assure safe and qualified performance. (3-16-04)

05. Volunteer License. (4-9-09)

a. License. Upon completion of an application and verification of qualifications, the Board may issue a volunteer license to a physician assistant who is retired from active practice for the purpose of providing physician assistant service to people who, due to age, infirmity, handicap, indigence or disability, are unable to receive regular medical treatment. (4-9-09)

b. Retired Defined. A physician assistant previously holding a license to practice as a physician assistant in Idaho or another state shall be considered retired if, prior to the date of the application for a volunteer's license, he has: (4-9-09)

i. Allowed his license with active status to expire with the intent of ceasing active practice as a physician assistant for remuneration; or (4-9-09)

ii. Converted his active license to an inactive status with the intention of ceasing to actively practice physician assistant for remuneration; or (4-9-09)

iii. Converted his license with active or inactive status to a license with retirement or similar status that proscribed the active practice as a physician assistant. (4-9-09)

c. Eligibility. A physician assistant whose license has been restricted, suspended, revoked surrendered, resigned, converted, allowed to lapse or expire as the result of disciplinary action or in lieu of disciplinary action shall not be eligible for a volunteer license. The volunteer license cannot be converted to a license with active, inactive or temporary status. (4-9-09)

d. Application. The application for a volunteer license shall include the requirements listed in Section 021 of these rules and: (4-9-09)

i. Verification that the applicant held an active physician assistant license in good standing in Idaho or another state within five (5) years of the date of application for a volunteer license. (4-9-09)

ii. The Board may at its discretion issue a volunteer license to a physician assistant who has not held an active license in good standing for greater than five (5) years if the applicant has completed an examination acceptable to the Board that demonstrates the applicant possesses the knowledge and skills required to practice as a physician assistant. (4-9-09)

06. Temporary Licensure Fee. The fee for temporary licensure, which may be prorated pursuant to Section 54-1808, Idaho Code, shall be no more than one hundred eighty dollars (\$180). ()

IDAPA 22 - BOARD OF MEDICINE

22.01.13 - RULES FOR THE LICENSURE OF DIETITIANS

DOCKET NO. 22-0113-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-3505(2), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule:

The reasons for adopting this pending rule include providing the Board's website and E-mail address, provision for severability, provisions for denial or refusal to renew, suspension or revocation of a license and amending the Fee schedule according to future administration costs for change in license status. Amending the Fee Schedule may also be necessary to balancing the Board's future budget. There is no change between the text of the proposed rule and the text of the pending rule.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, page 506 through 509](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is imposed pursuant to Sections 54-1806 and 54-3509(2), Idaho Code: There will be no increase in fees at this time. The Idaho State Board of Medicine and Dietetic Licensure Board approved of amending the Fee schedule in anticipation of rising administrative costs.

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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 30th day of November, 2012.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140, Boise, ID
PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

**THE FOLLOWING NOTICE WAS PUBLISHED
WITH THE PROPOSED FEE RULE**

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-3505(2), Idaho Code.

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

Tuesday - October 23, 2012 - 1:00 to 2:00 p.m.
Idaho State Board of Medicine Conference Room 1755 Westgate Drive, Suite 140, Boise, ID

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

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

The substance and purpose of these proposed Rule changes include providing the Board's website and E-mail address, provision for severability, provisions for denial or refusal to renew a license, the suspension or revocation of a license and it amends the fee schedule based on future administration costs for change in license status. Amending the fee schedule may also be necessary to balancing the Board's future budget.

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

The Idaho State Board of Medicine and Dietetic Licensure Board approved of amending the Fee schedule in anticipation of rising administrative costs. Authority for imposition of fees is found in Sections 54-1806 and 54-3509(2), Idaho Code.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted. The Board also received input and comments from its constituents and licensees.

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: For assistance on technical questions concerning the proposed rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

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 October 24, 2012.

DATED this 21st of August, 2012.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 22-0113-1201

006. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The central office of the Board of Medicine will be in Boise, Idaho. (4-2-03)

01. Address. The Board's mailing address, unless otherwise indicated, will be Idaho State Board of Medicine, Statehouse Mail, Boise, Idaho 83720. The Board's street address is 1755 Westgate Drive, Suite 140, Boise, Idaho 83704. (4-2-03)

02. Telephone. The telephone number of the Board is (208) 327-7000. (4-2-03)

03. FAX. The Board's facsimile (FAX) number is (208) 327-7005. (4-2-03)

04. Office Hours. The Board's office hours for filing documents are 8 a.m. to 5 p.m. MST. (4-2-03)

05. Website. The Board's website is bom.idaho.gov. ()

007. FILING OF DOCUMENTS -- NUMBER OF COPIES.

All documents in rulemaking or contested case proceedings must be filed with the office of the Board. The original and ~~ten~~ **one** (1) **electronic** ~~copies~~ of all documents must be filed with the office of the Board. (3-16-04)()

008. SEVERABILITY.

The sections and subsections of these administrative rules are presumed severable unless specifically provided to the contrary. If any rule, or part thereof, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion. ()

~~008.~~—009. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

032. DENIAL OR REFUSAL TO RENEW, SUSPENSION OR REVOCATION OF LICENSE.

01. Disciplinary Authority. A new or renewal application may be denied or a license may be suspended or revoked by the Board, and every person licensed pursuant to Title 54, Chapter 35, Idaho Code and these rules is subject to ~~discipline~~ disciplinary actions or probationary conditions pursuant to the procedures and powers established by and set forth in Section 54-3710, Idaho Code, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General,” and IDAPA 22.01.07, “Rules of Practice and Procedure of the Board of Medicine.” ~~(4-2-03)~~()

02. Grounds for Discipline. In addition to the grounds set forth in Section 54-3510, Idaho Code, applicants may be refused licensure and licensees are subject to discipline upon the following grounds, including but not limited to: (12-28-94)

a. Being guilty of unprofessional conduct, including the provision of care which fails to meet the standard of care provided by other qualified licensees within the state of Idaho. (12-28-94)

b. Violating any provisions of this act or any of the rules promulgated by the Board under the authority of the act. (12-28-94)

c. Being convicted of a crime which may or would have a direct and adverse bearing on the licensee’s ability to practice dietetics; ()

d. Demonstrating a manifest incapacity to carry out the functions of the licensee’s ability to practice dietetics or deemed unfit by the Board to practice dietetics; ()

e. Using any controlled substance or alcohol which may or would have a direct and adverse bearing on the licensee’s ability to practice dietetics; ()

f. Misrepresenting educational or experience attainments; ()

g. Failing to maintain adequate dietetic records. Adequate dietetic records mean legible records that contain subjective information, an evaluation or report of objective findings,

assessment or diagnosis, and the plan of care; ()

h. Failure to monitor and be responsible for the activities of the provisionally licensed graduate dietitian; ()

i. Employing, directing or supervising the unlicensed practice of dietetics; ()

j. Practicing in an area of dietetics for which the licensee is not trained; ()

k. Commission of any act of sexual contact, misconduct, exploitation or intercourse with a patient or former patient or related to the licensee's practice of dietetics; ()

l. Failing to report to the Board any known act or omission of a licensee, applicant, or any other person, that violates any of the rules promulgated by the Board under the authority of the act; ()

m. Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding, investigation or other legal action; ()

n. Failure to obey federal and local laws and rules governing the practice of dietetics;
or ()

o. Failure to be lawfully present in the United States. ()

033. -- 040. (RESERVED)

041. FEES.

Actual fees shall be set to reflect costs of Board administration. (12-28-94)

01. Initial/Provisional Licensure and Examination Fee. The fee for initial licensure and examination shall be no more than ~~eighty one hundred fifty~~ dollars (\$~~81~~50). (~~4-2-03~~)()

02. Renewal Fee. The annual renewal fee shall be no more than ~~forty-five one hundred~~ dollars (\$~~45~~100). (~~12-28-94~~)()

03. Reinstatement Fee. The reinstatement fee for a lapsed license shall be the annual renewal fee for each year of the two (2) years not licensed plus a fee of no more than ~~thirty-five~~ fifty dollars (\$~~35~~0). Lapsed licenses not reinstated after two (2) years shall be canceled. (~~12-28-94~~)()

04. Inactive Fee. The fee for inactive licensure shall be no more than ~~twenty-five~~ fifty dollars (\$~~25~~0). (~~12-28-94~~)()

05. Inactive to Active License Fee. An inactive license may be converted to an active license by application to the Board and payment of required fees. (4-2-03)

a. The fee for converting an inactive license to an license shall be a fee of **no more than ~~thirty-five~~ fifty** dollars (\$~~350~~) and the annual renewal fee for each year not actively licensed minus inactive fees previously paid. ~~(4-2-03)~~()

b. Before the license will be converted, the applicant must account for the time during which an inactive license was held. The Board, in its discretion, may require a personal interview. (4-2-03)

06. Application Fees and Refunds. Necessary fees shall accompany applications. Fees shall not be refundable. (4-2-03)

07. Extraordinary Expenses. In situations where the processing of an application **or a change in status** requires extraordinary expenses, the Board will charge the applicant with reasonable fees to cover all ~~or part of~~ the extraordinary expenses. ~~(4-2-03)~~()

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.23.01 - RULES OF THE SPEECH AND HEARING SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1201 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-2910, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 591 through 597](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-2912, 54-2913, 54-2914, 54-2915, and 54-2916, Idaho Code:

The Board is establishing a reduced renewal fee for an inactive license.

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:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at 208 334-3233.

DATED this 29th day of October, 2012.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945 fax

THE FOLLOWING NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-2910, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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

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

The Speech & Hearing Services Licensure Board is changing its rules to establish an inactive license status and to add a reduced fee. This implements the law and provides a licensee the benefit of a lower fee if the licensee is not practicing. The rule changes to the qualifications for speech-language pathologists clarify the supervised experience requirement. The rule changes to the provisional permit section clarify the permit requirements and limitations for each licensure category.

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

The board is establishing a reduced renewal fee for an inactive license.

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 resulting from this rulemaking:

There is no impact on general funds. The impact on dedicated funds will depend on the number of licensees who choose to convert active licenses to inactive licenses.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed rules were discussed at scheduled noticed board meetings.

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: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at 208 334-3233.

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 October 24, 2012.

DATED this 30th day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-2301-1201

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application Fee - Thirty dollars (\$30). (3-30-06)

02. Original License Fee. The original license fee is one hundred dollars (\$100) to be accompanied by the completed application. (3-30-06)

03. Examination/Reexamination Fee. Examination fee shall be that charged by the examination provider plus an administration fee of fifty dollars (\$50) when the examination is administered by the Board. (3-30-06)

04. Provisional Permit. Provisional permit fee is one hundred dollars (\$100). (3-30-06)

05. Annual Renewal Fee. Annual renewal fee is one hundred twenty-five dollars (\$125). (3-29-10)

06. Annual Renewal Fee for Inactive License. Annual renewal fee is sixty-five dollars (\$65). ()

067. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license or examination fees for unexcused applicants. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

201. -- 2094. (RESERVED)

205. INACTIVE STATUS (RULE 205).

01. Request for Inactive Status. Each person requesting an inactive status during the renewal of their active license must submit a written request and pay the established fee. ()

02. Inactive License Status. ()

a. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho. ()

b. Inactive license renewal notices and licenses will be marked “Inactive.” ()

c. When the licensee desires active status, the licensee must show acceptable fulfillment of continuing education requirements for the previous twelve (12) months and submit a fee equivalent to the difference between the inactive and active renewal fee. ()

d. Licensees shall not practice or supervise in Idaho as an Audiologist, Speech-Language Pathologist, Speech-Language Pathologist Aide, Speech-Language Pathologist Assistant, or Hearing Aid Dealer and Fitter while on inactive status. ()

206. -- 209. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

220. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST LICENSURE (RULE 220).

All applicants for licensure as a speech-language pathologist must comply with the following education, experience, and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Graduate Program Requirement. A master's or doctoral degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board and includes a supervised academic clinical practicum. (4-2-08)()

02. Examination. Pass an examination in speech-language pathology given by PRAXIS or other examination as may be approved by the Board. (4-2-08)

03. Supervised Experience. Meet Satisfactorily complete the supervised academic clinical practicum and supervised postgraduate experience approved by the Board and defined in Subsections 220.03.a. through 221.03.d. (4-2-08)()

a. One thousand two hundred sixty (1260) hours of experience gained under the supervision of a licensed speech-language pathologist in no less than thirty-six (36) weeks of full-

time (Thirty-five (35) hours per week) experience or the equivalent part-time experience and in no more than forty-eight (48) months. ()

b. One thousand ten (1010) hours of experience must be in direct client contact. ()

c. There must be at least six (6) hours of on-site observations of direct client contact each quarter. ()

d. The nature of the supervision and contact must allow for immediate feedback and can be conducted using audio/visual, in person, electronic means, or telephone. ()

(BREAK IN CONTINUITY OF SECTIONS)

450. PROVISIONAL PERMIT: FITTING AND DEALING HEARING AIDS (RULE 450).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit ~~in the following instances:~~ to allow a person to engage in fitting and dealing hearing aids provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a hearing aid dealer and fitter or audiologist under this chapter. ~~(3-29-10)~~()

~~**a.** To allow a person to engage in the practice of audiology or speech-language pathology while completing either the required postgraduate experience or a comparable experience as part of a doctoral program in audiology; or~~ (3-29-10)

~~**b.** To allow a person to engage in fitting and dealing hearing aids.~~ (3-29-10)

~~**c.** The holder of a provisional permit may practice only while under the supervision of a person fully licensed under this chapter.~~ (3-29-10)

02. Adequate Personal Contact -- Requirements. (3-30-06)

a. The supervisor and provisional permit holder must make personal contact ~~in person~~ each work day to review any assignments, client contacts, ~~diagnoses, therapies,~~ and hearing aid fittings for the first sixty (60) days of employment. The nature of the supervision and contact must allow for immediate feedback and includes audio/visual, in person, or telephone contacts. ~~(4-2-08)~~()

b. After the first sixty (60) days of employment, personal contact ~~in person,~~ described in Subsection 450.02.a., must be made no less than once in each calendar week throughout the remaining period of the permit. ~~(3-29-10)~~()

c. In the event a permit holder fails the licensing examination two (2) consecutive times, and is eligible to maintain a permit, the supervisor and permit holder must reinstate contact

in person each work day as set forth in Subsection 450.02.a. (3-29-10)

~~d. All client and supervisor contacts shall be recorded in the permit holder's quarterly report.~~ (3-30-06)

03. Supervisor -- Responsibilities -- Restrictions. (3-30-06)

~~a. The supervisor must be familiar with Section 54-2905 and 54-2907, Idaho Code.~~ (3-29-10)

ba. The supervisor is responsible for all practice and ~~the ethical~~ conduct of each permit holder under supervision. (3-30-06)()

eb. A supervisor may not supervise more than two (2) permit holders at a time. (3-29-10)

ec. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. The supervisor and the permit holder shall be required to work within the same facility. (3-29-10)

ed. The supervisor must provide the permit holder with adequate training and client contact necessary to prepare for the required examination. (3-30-06)

fe. The supervisor of a hearing aid dealer and fitter permit holder must record with the Board a plan of training that encompasses all ~~ten~~ sections covered in the license examination. The plan must be accepted and approved by the Board or its agent prior to issuance of the permit. The supervisor shall document, by the quarterly report, the permit holder's progress. (3-29-10)()

gf. A supervisor may terminate his supervision of a permit holder by a written notice to the ~~Bureau~~ **Board** and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (3-30-06)()

04. Application -- Quarterly Reports. (3-30-06)

a. Application for permit must include completed application, examination fee, permit fee, supervisor statement and plan of training and supervision. (3-30-06)

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date of the third licensure examination following the original application. (3-30-06)

c. ~~Eighteen~~ **Twenty-four** (~~18~~**24**) months is the maximum time allowed for any combination of new or renewed permits. (3-30-06)()

d. Every permit holder must submit a quarterly report of his activities on forms

furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit ~~to practice audiology or a permit to engage in the dealing and fitting of hearing aids~~ will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include: (3-29-10)()

i. Log of client and supervisor contacts ~~as specified in Subsection 450.02.d. of these rules~~ **shall be included in each quarterly report.** (3-29-10)()

ii. Supervisor's statement of completion of training assignments by permit holder as specified in Subsection 450.03.f. (3-29-10)

iii. Copy of test results for all persons tested by the permit holder whether or not a sale occurred. (3-30-06)

iv. Copy of hearing aid order for all fittings including specifications of instruments ordered. Hearing aid dealers and fitters ~~and audiologists~~ must provide a copy of hearing aid order. (3-29-10)()

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. ~~A new permit may be applied for in accordance with Subsection 450.03.a.~~ (3-29-10)()

05. Exemptions. (3-30-06)

a. A permit holder who ~~possesses the Certificate of Clinical Competence in Audiology from American Speech-Language-Hearing Association (ASHA) or who~~ is Board Certified by National Board for Certification in Hearing Instrument Sciences (NBC-HIS) shall be exempt from Subsections 450.02.a., 450.03.d., and 450.03.f. from the date of issuance of the permit until the date of the next offered licensing examination. (3-29-10)()

b. Failure of the licensing examination or failure to take the next offered licensing examination rescinds this exemption. (3-30-06)

451. -- 499. (RESERVED)

460. PROVISIONAL PERMIT: SPEECH-LANGUAGE PATHOLOGY (RULE 460).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in the practice of speech-language pathology while completing the required postgraduate experience provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a speech-language pathologist under this chapter: ()

02. Supervisor -- Responsibilities -- Restrictions. ()

a. The supervisor is responsible for all practice and conduct of each permit holder under their supervision. ()

b. A supervisor may not supervise more than two (2) permit holders at a time. ()

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. ()

d. A supervisor may terminate his supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. ()

e. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. All supervised activities shall occur in the state of Idaho. ()

03. Application and Quarterly Reports. ()

a. Application for permit must include completed application, application and permit fee, official transcripts from the college or university, PRAXIS scores if available, supervisor statement and plan of training and supervision. ()

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the combination of all permits shall not exceed forty-eight (48) months following the original application. ()

c. Forty-eight (48) months is the maximum time allowed for any combination of new or renewed permits. ()

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. Supplemental attachments to be submitted with this form include: ()

i. Log of client and supervisor contacts shall be included in each quarterly report. ()

ii. Supervisor's statement of completion of training assignments by permit holder. ()

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. ()

461. -- 469. (RESERVED)

470. PROVISIONAL PERMIT: AUDIOLOGY (RULE 470).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in the practice of audiology while completing either the required postgraduate experience or a comparable experience as part of a doctoral program in audiology provided that the holder of a provisional permit may practice only while under the supervision of a person licensed to practice audiology under this chapter. ()

02. Supervisor -- Responsibilities -- Restrictions. ()

a. The supervisor is responsible for all practice and conduct of each permit holder under his supervision. ()

b. A supervisor may not supervise more than two (2) permit holders at a time. ()

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. ()

d. A supervisor may terminate the supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. ()

e. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. All supervised activities shall occur in the state of Idaho. ()

03. Application -- Quarterly Reports. ()

a. Application for permit must include completed application, permit fee, official transcripts from a college or university, documentation of having passed the approved examination, supervisor statement and plan of training and supervision. ()

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date from original application. ()

c. Twenty-four (24) months is the maximum time allowed for any combination of new or renewed permits. ()

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the person holding a permit to practice audiology will be indicated on the quarterly report forms

supplied by the Bureau. Supplemental attachments to be submitted with this form include: ()

i. Log of client and supervisor contacts shall be included in the quarterly report. ()

ii. Supervisor's statement of completion of training assignments by permit holder as specified in these rules. ()

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the permit may be revoked. A new permit may be applied for in accordance with these rules. ()

471. -- 499. (RESERVED)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.27.01 - RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

DOCKET NO. 24-2701-1201 (FEE RULE - NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-4007, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

The pending rule is being adopted as proposed with the exception of two changes to the new section 300 and one change to Appendix B. Based on comments received the Board has amended 300.03 and 04 to clarify the examination qualification and the waiver of requirements based upon the grandfathering provision in the Act. Appendix B, Standard VI was amended to clarify that a Licensee may not engage in sexual conduct or a relationship with a client before twelve months after termination of the Licensee/client relationship. The Board determined that twelve months is more consistent with other professions.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 601 through 613](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4008, Idaho Code:

The proposed rules establish fees which will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the Board of Massage Therapy to administer the act. Since all self-governing boards are required to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees. The fees included are: application fee of \$50; license fee of \$75; annual renewal fee of \$75; endorsement fee of \$75.00; duplicate license fee of \$10; and reinstatement fee of \$25.

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:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 15th day of November, 2012.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
700 W State
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945 fax

**THE FOLLOWING NOTICE WAS PUBLISHED
WITH THE PROPOSED FEE RULE**

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-4007, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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

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

The 2012 legislature passed Senate Bill 1295 which created the State Board of Massage Therapy. These proposed rules are necessary in order to implement the provisions of Title 54, Chapter 40, Idaho Code.

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

The Board is establishing fees for application, original license, annual renewal, endorsement, duplicate license, and reinstatement.

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 resulting from this rulemaking:

The State Board of Massage Therapy's proposed rules establish fees that will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the Board of Massage Therapy to administer the provisions of the statute. Since all self-governing boards are expected to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the 2012 legislature passed Senate Bill 1295 which created the State Board of Massage Therapy. The proposed rules are necessary in order to implement the provisions of Title 54, Chapter 40, Idaho Code. The proposed rules were discussed at scheduled noticed board meetings.

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: For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at 208 334-3233.

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 October 24, 2012.

DATED this 30th day of August, 2012.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-2701-1201

IDAPA 24
TITLE 27
CHAPTER 01

24.27.01 - RULES OF THE IDAHO STATE BOARD OF MASSAGE THERAPY

000. LEGAL AUTHORITY.

These rules are hereby prescribed and established pursuant to the authority vested in the Idaho State Board of Massage Therapy by the provisions of Section 54-4007, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. The rules shall be cited as IDAPA 24.27.01, “Rules of the Idaho State Board of Massage Therapy.” ()

02. Scope. These rules implement the purposes and intent of Title 54, Chapter 40, Idaho Code, to regulate the profession of massage therapy in the interest of the public health, safety, and welfare. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, the Board may have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. ()

003. ADMINISTRATIVE APPEAL.

Administrative appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

004. INCORPORATION BY REFERENCE.

These rules do not incorporate by reference a document other than those sections of the Idaho Code so referenced. ()

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

01. Street Address. The office of the Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. ()

02. Office Hours. The office is open between the hours of 8:00 a.m. and 5:00 p.m., Mountain Time, each day except Saturdays, Sundays and holidays. ()

03. Mailing Address. The mailing address of the Board is PO Box 83720, Boise, Idaho 83720-0063. ()

04. Telephone Number. The telephone number of the Board is (208) 334-3233.()

05. E-mail Address. The Board’s e-mail address is mas@ibol.idaho.gov. ()

06. Facsimile. The Board’s fax number is (208) 334-3945. ()

07. Electronic Address. The Board’s official website can be found at <http://www.ibol.idaho.gov>. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein are subject to and in compliance with the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. The records associated with the Board are subject to the

provisions of the Public Records Act. ()

007. OPEN MEETINGS.

This Board operates pursuant to the Idaho Open Meetings Law, Title 67, Chapter 23, Sections 40 through 47 inclusive, Idaho Code. ()

008. -- 009. (RESERVED)

010. DEFINITIONS.

01. Approved Massage Program. A massage therapy program conducted by an entity which is registered with the Idaho State Board of Education pursuant to Chapter 24, Title 33, Idaho Code, or with a comparable authority in another state, and which meets the entry-level educational requirements as set forth in Section 600 of these rules. ()

02. Board. Idaho State Board of Massage Therapy as created in Section 54-4006, Idaho Code. ()

03. Bureau. Idaho Bureau of Occupational Licenses as created in Section 67-2602, Idaho Code. ()

04. Clinical Work. Supervised, hands-on training in a classroom setting. ()

05. Code of Ethics. The Idaho Code of Ethics for Massage Therapy attached to these rules as Appendix A. ()

06. CPR. Cardiopulmonary resuscitation. ()

07. Standards of Practice. The Standards of Practice of Massage Therapy attached to these rules as Appendix B. ()

011. UPDATE OF RECORDS.

The licensure applicant or licensee is responsible for keeping his or her records updated with the Bureau. All changes including, but not limited to, changes in the manner in which the applicant or licensee is represented to the public, such as name changes and change of address, must be reported to the Bureau within thirty (30) days. The most recent mailing address on file with the Bureau will be used for purposes of all written communication with a licensee including, but not limited to, notification of renewal and notices related to complaints or disciplinary actions. ()

012. -- 099. (RESERVED)

100. ORGANIZATION AND OPERATIONS OF THE BOARD.

01. Meetings. The Board shall meet at least annually and at other such times and places as designated by the Chairman or upon the written request of any three (3) members of the Board. ()

a. A minimum of three (3) Board members shall constitute a quorum and shall be

required for the transaction of business. A majority vote of the quorum present at a meeting shall be considered the action of the Board as a whole. ()

b. The Chairman shall be a voting member. ()

02. Organization. At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. ()

a. The Chairman shall, when present, preside at all meetings, appoint with the consent of the Board all committees, and shall otherwise perform all duties pertaining to the office of Chairman. ()

b. The Bureau shall act as an agent of the Board and shall be the official keeper of all records of the Board. The Bureau shall provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. ()

101. -- 199. (RESERVED)

200. APPLICATION.

01. Filing an Application. Applicants for licensure shall submit a complete application, verified under oath, to the Board at its official address. The application shall be on the forms approved by the Board and submitted together with the appropriate fee(s) and supporting documentation. ()

02. Supplemental Documents. The applicant must provide or facilitate the provision of any supplemental third party documents that may be required under the qualifications for the license being sought. ()

03. Applications Must Be Complete. Applications shall not be considered complete until all required information, documents, and fees are received by the Board. ()

04. Lack of Activity. If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon a thirty (30) day written notice, unless good cause is demonstrated to the Board. ()

250. FEES.

Fees are established in accordance with Section 54-4008, Idaho Code, as follows: ()

01. Application Fee. Application fee is fifty dollars (\$50). ()

02. Original License Fee. Original license fee is seventy-five dollars (\$75). ()

03. Annual Renewal Fee. Annual renewal fee is seventy-five dollars (\$75). ()

04. License by Endorsement Fee. License by endorsement fee is seventy-five dollars

(\$75). ()

05. Duplicate License Fee. Duplicate license fee is ten dollars (\$10). ()

06. Reinstatement Fee. Reinstatement fee is twenty-five dollars (\$25). ()

07. Examination Fee. The fee for those examinations administered by a third party administrator shall be that fee determined by the administrator, and shall be paid directly to the administrator by the applicant. ()

08. Refund of Fees. All fees are non-refundable except that, if a license is not issued, the license fee will be refunded. ()

300. REQUIREMENTS FOR ORIGINAL LICENSURE.

The Board may grant a license to an applicant for licensure who completes an application as set forth in Section 200 of these rules and meets the following general, education, and examination requirements: ()

01. General. ()

a. An applicant must provide evidence of being at least eighteen (18) years of age. ()

b. An applicant must certify that he/she has not been found guilty, convicted, received a withheld judgment, or suspended sentence for a felony or a crime involving moral turpitude, or if the applicant has been found guilty, convicted, received a withheld judgment, or suspended sentence for such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

c. An applicant must certify that he/she has not been convicted of a crime under any municipal, state, or federal narcotic or controlled substance law, or if the applicant has been convicted of such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

d. An applicant must certify that he/she or his/her license has not been subject to any disciplinary action by a regulatory entity in another state, territory or country including, but not limited to, having an application for licensure denied. If the applicant or his/her license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

02. Education. Each applicant shall: ()

a. Certify that he/she has obtained a high school diploma or the equivalent; and ()

b. Present evidence satisfactory to the Board of having successfully completed an approved massage program as defined in Section 010 of these rules. ()

03. Examination. *Each applicant shall also present* evidence satisfactory to the Board of having successfully passed an approved examination. ()

04. Waiver of Requirements. Until July 1, 2014, the Board may waive the requirements of *Subsections 300.02 and 300.03 of these rules* and issue a license to any applicant who meets one (1) of the following requirements: ()

a. Completion of a minimum of five hundred (500) hours of supervised classroom and hands-on instruction relating to massage therapy; ()

b. Completion of at least three hundred (300) hours of formal training in massage therapy as determined by the Board, and has practiced massage therapy for at least five (5) hours per week on average for at least three (3) years prior to the date of application; ()

c. Completion of at least two hundred (200) hours of formal training in massage therapy, as determined by the Board, and has practiced massage therapy for at least five (5) hours per week on average for at least five (5) years prior to the date of application; ()

d. Active membership in good standing as a massage therapist for a period of at least twelve (12) months of a national professional massage association or organization that offers professional liability insurance; or ()

e. Successful passage of a nationally recognized competency examination in massage therapy that is approved by the Board. The passage of this exam may have occurred prior to the effective date of these rules. ()

301. -- 304. (RESERVED)

305. APPROVED EXAMINATIONS.

Approved examinations shall be the following examinations or another nationally recognized competency examination in massage therapy that is approved by the Board. ()

01. Approved Examinations. ()

a. Massage and Bodywork Licensing Examination (MBLEx) as administered by the Federation of State Massage Therapy Boards (FSMTB); ()

b. National Certification Examination for Therapeutic Massage and Bodywork (NCETMB) as administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB); ()

c. National Certification Examination for Therapeutic Massage (NCETM) as administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB); and ()

d. Other nationally recognized competency examinations in massage therapy that are approved by the Board. A written request for approval must be submitted to the Board together with supporting documentation as may be requested by the Board. ()

02. Successful Passage. A passing score, or successful passage of the exam, will be determined by the entity administering the exam. ()

03. Date of Exam. The passage of the exam may have occurred prior to the effective date of these rules. ()

306. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE.

An applicant who or whose license has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony or crime involving moral turpitude, has a conviction for any crime under any municipal, state, or federal narcotic or controlled substance law, or has been subject to discipline in another state, territory or country must submit with his application a written statement and any supplemental information establishing his current suitability for licensure. ()

01. Consideration of Factors and Evidence. The Board shall consider the following factors or evidence: ()

a. The severity or nature of the crime or discipline; ()

b. The period of time that has passed since the crime or discipline under review; ()

c. The number or pattern of crimes or discipline or other similar incidents; ()

d. The circumstances surrounding the crime or discipline that would help determine the risk of repetition; ()

e. The relationship of the crime or discipline to the practice of massage therapy; ()

f. The applicant's activities since the crime or discipline under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation; and ()

g. Any other information regarding rehabilitation or mitigating circumstances. ()

02. Interview. The Board may, at its discretion, grant an interview of the applicant. ()

03. Applicant Bears the Burden. The applicant shall bear the burden of establishing his current suitability for licensure. ()

307. -- 309. (RESERVED)

310. REQUIREMENTS FOR LICENSURE BY ENDORSEMENT.

The Board may grant a license to an applicant for licensure by endorsement who completes an application as set forth in Section 200 and meets the following requirements: ()

01. Holds a Current License. The applicant must be the holder of a current active license or certificate in good standing in the profession, and at the level for which a license is being sought, issued by the authorized regulatory entity in another state. The state must have licensing or certification requirements substantially equivalent to or higher than those required for new applicants in Idaho. The certification of licensure or certification must be received by the Board from the issuing agency; ()

02. Has Not Been Disciplined. The applicant or his/her license must have not been voluntarily surrendered, revoked, or suspended by any regulatory entity. The Board may consider an applicant who, or whose license, has been restricted, denied, sanctioned, or otherwise disciplined. If the applicant or his/her license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules; ()

03. Is of Good Moral Character. The applicant must not have been found guilty, convicted, received a withheld judgment, or suspended sentence for any felony or any crime involving moral turpitude. If the applicant has been found guilty, convicted, received a withheld judgment, or suspended sentence for such a crime the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules; and ()

04. Has Not Been Convicted of a Drug Offense. The applicant must not have been convicted of any crime under any municipal, state, or federal narcotic or controlled substance law. If the applicant has been convicted of such a crime, the applicant must submit a written statement of suitability for licensure as set forth in Section 306 of these rules. ()

311. -- 399. (RESERVED)

400. RENEWAL OR EXPIRATION OF LICENSE.

A license expires on the license holder's birth date. The individual must annually renew the license before the license holder's birth date. Licenses not so renewed will be immediately cancelled in accordance with Section 67-2614, Idaho Code. ()

01. Renewal. A license must be renewed before it expires by submitting a complete application for renewal on forms approved by the Board together with the renewal fee. As part of a complete renewal application, the licensee will attest to completion of the required continuing education pursuant to Section 500 of these rules. False attestation of satisfaction of the continuing education requirements on a renewal application shall subject the licensee to disciplinary action, including revocation. ()

02. Reinstatement. A license that has been cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. ()

a. Within five (5) years of cancellation, an applicant seeking reinstatement must submit to the Board evidence that the applicant has completed the required continuing education together with a complete renewal application and appropriate fee(s). ()

i. The applicant must submit evidence of completion of continuing education hours

totaling the hours required at the time of cancellation and for each year the license was cancelled. ()

ii. The applicant must pay a reinstatement fee as set forth in Section 250 of these rules in addition to the renewal fee for each year the license was cancelled. ()

b. After five (5) years of cancellation, the applicant will be treated as a new applicant, and application shall be made on the same forms and in the same manner as an application for an original license in accordance with Section 200 of these rules. ()

401. -- 499. (RESERVED)

500. CONTINUING EDUCATION.

All licensees must comply with the following continuing education requirements: ()

01. Requirement. Beginning with the second renewal of their license, a licensee shall be required to complete a minimum of six (6) hours of continuing education (which shall include 1.0 hour in ethics) within the preceding twelve (12) months that meet the requirements in Sections 501, 502 and 503 of these rules. ()

a. An hour is defined as fifty (50) minutes out of each sixty (60) minute segment. ()

b. Continuing education credit will only be given for actual time in attendance or for the time spent participating in the educational activity. ()

c. The educational course setting may include a classroom, conference, seminar, on-line or a virtual classroom. ()

d. If the licensee completes two (2) or more courses having substantially the same content during any one (1) renewal period, the licensee will only receive continuing education credit for one (1) of the courses. ()

02. Documentation. Each licensee shall maintain documentation verifying continuing education course attendance and curriculum, or completion of the educational activity for a period of five (5) years from the date of completion. This documentation will be subject to audit by the Board. ()

a. Documented evidence of meeting the continuing education course requirement shall be in the form of a certificate or letter from the sponsoring entity that includes verification of attendance by the licensee, the title of the activity, the subject material covered, the dates and number of hours credited, and the presenter's full name and professional credentials. Documented evidence of completing a continuing education activity shall be in such form as to document both completion and date of the activity. ()

b. A licensee must submit the verification documentation to the Board, if requested by the Board. In the event a licensee fails to provide the Board with acceptable documentation of the hours attested to on the renewal application, the licensee may be subject to disciplinary action.

()

03. Waiver. The Board may waive the requirements of this rule for reasons of individual hardship, including health or other good cause. The licensee should request the waiver in advance of renewal and must provide any information requested by the Board to assist in substantiating hardship cases. This waiver is granted at the sole discretion of the Board. ()

04. Carryover of Continuing Education Hours. Continuing education hours not claimed in the current renewal year may be claimed in the next renewal year. A maximum of six (6) hours may be carried forward from the immediately preceding year, and may not be carried forward more than one renewal year. ()

05. Exemption. A licensee is exempt from the continuing education requirements under this Section for the period between the initial issuance of the original license and the first expiration date of that license. ()

501. APPROVAL OF CONTINUING EDUCATION COURSES.

Approved continuing education courses shall be those courses and programs that meet the requirements of these rules, and are approved, sponsored, or provided by the following entities or organizations, or otherwise approved by the Board: ()

01. A College or University. Accredited by a nationally recognized accrediting agency as recognized by the United States Secretary of Education; ()

02. Federal, State or Local Governmental Entities; and ()

03. National and State Massage Therapy Associations. ()

04. Provider Course Approval. Other courses may be approved by the Board based upon documentation submitted by a continuing education provider. Requests for approval of courses made by the provider must be submitted on a form approved by the Board that includes: ()

a. The nature and subject of the course and its relevancy to the practice of massage therapy; ()

b. The name of instructor(s) and their qualifications; ()

c. The date, time and location of the course; ()

d. The specific agenda for the course; ()

e. The number of continuing education hours requested; ()

f. The procedures for verification of attendance; and ()

g. Other information as may be requested by the Board. ()

h. Upon review of all information requested, the Board may deny any request for a course that does not meet the requirements of Idaho law or rule. Board approval of a course shall be granted for a period not to exceed five (5) years, or until the course materials or instructors are changed, whichever may occur first. ()

05. Licensee Course Approval. Other courses may be approved by the Board based upon documentation submitted by the licensee. All requests for approval must be made to the Board in writing and include the nature and subject of the course and its relevancy to the practice of massage therapy, name of instructor(s) and their qualifications, date, time and location of the course, and procedures for verification of attendance. ()

502. CONTINUING EDUCATION ACTIVITIES.

The following educational activities shall qualify for continuing education as set forth: ()

01. Teaching a Course For The First Time, Not to Exceed Six Hours. A report must be submitted, including the name of the course, course outline, qualifications for teaching, number of hours taught, number of participants taught, date and location of the training. ()

02. Publishing Articles or Books. The hours awarded as determined at the discretion of the Board. ()

03. Self Study. Using books, audio tapes, video tapes, DVD's, research materials, professional publications, online sources, and/or other electronic sources/methods documented by a type-written two-page report summarizing the study content. ()

503. CONTENT OF CONTINUING EDUCATION.

The content of continuing education activities and course content must be germane to the practice of massage therapy as defined in Section 54-4002, Idaho Code, and courses in ethics must also be specific to legal issues, law, standards of practice, or ethics. ()

01. Continuing Education. Content germane to the practice of massage therapy includes, but is not limited to: ()

a. Applications of massage and bodywork therapy for specific needs, conditions, or client populations. ()

b. Client assessment protocols, skills for client record keeping, strategies for interfacing with other health care providers. ()

c. Use of external agents such as water, light, sound, heat, cold, or topical applications of plant or mineral-based substances. ()

d. Body-centered or somatic psychology, psychophysiology, or interpersonal skills which may include communication skills, boundary functions, dual relationships, transference, counter-transference, and projection. ()

e. Standards of practice, professional ethics, or state laws. ()

- f. Strategies for the marketing of massage and bodywork therapy practices. ()
- g. Theory or practice of ergonomics as applied to therapists or clients. ()
- h. Hygiene, methods of infectious disease control, organization and management of the treatment environment. ()
- i. Body sciences, which may include anatomy, physiology, kinesiology or pathology, as they apply to massage therapy. ()
- j. Certified CPR or first aid training. ()

504. -- 599. (RESERVED)

600. EDUCATIONAL PROGRAM STANDARDS.

Approved educational programs shall be those programs conducted by an entity that meet the definition in Section 010 and that consist of a minimum of five hundred (500) hours of in-class supervised hours of coursework and clinical work that meets the following entry-level educational standards: ()

01. Coursework Content and Hours. Coursework must include the following content areas and minimum hours: ()

- a. Two hundred (200) hours in massage and bodywork assessment, theory, and application; ()
- b. One hundred twenty-five (125) hours in body systems including anatomy, physiology, and kinesiology; ()
- c. Forty (40) hours in pathology; ()
- d. Twenty-five (25) hours in business and ethics; and ()

02. Clinical Work. A minimum of one hundred ten (110) hours must be clinical work. ()

- a. Students shall not be permitted to render any clinical services to clients until students have completed at least twenty percent (20%) of the required hours of instruction. ()
- b. All clinical services shall be performed under the supervision of a person fully licensed. ()

700. SCOPE OF PRACTICE.

All licensees shall practice in a competent manner consistent with their level of education, training, and experience. ()

701. -- 799. (RESERVED)

750. STANDARDS OF PRACTICE.

All licensees shall comply with the Idaho Standards of Practice for Massage Therapy as approved by the Board and attached as Appendix B. ()

800. CODE OF ETHICS.

All licensees shall comply with the Code of Ethics for Massage Therapy as approved by the Board and attached to these rules as Appendix A. ()

801. -- 899. (RESERVED)

900. DISCIPLINE.

If the Board determines that grounds for discipline exist for violations of Title 54, Chapter 40, Idaho Code, violations of these rules, or both, it may impose disciplinary sanctions against the licensee including, without limitation, any or all of the following: ()

01. Refuse License. Refuse to issue, renew, or reinstate a license; ()

02. Revoke License. Revoke or suspend the licensee's license(s); ()

03. Restrict License. Condition, restrict, or limit the licensee's practice, license, or both; ()

04. Administrative Fine. Impose an administrative fine not to exceed one thousand dollars (\$1,000) for each violation of the Board's laws or rules; and ()

05. Licensee Costs. Order a licensee to pay the costs and fees incurred by the Board in the investigation, prosecution, or both, of the licensee for violation(s) of the Board's laws, rules, or both. ()

901. -- 999. (RESERVED)

IDAHO BOARD OF MASSAGE THERAPY CODE OF ETHICS -- APPENDIX A

Preamble: This Code of Ethics is a summary statement of the standards of conduct that define ethical practice of massage therapy. All licensees are responsible for maintaining and promoting ethical practice.

A licensee shall:

1. Conduct all business and professional activities honestly and within their scope of practice and all applicable legal and regulatory requirements.

2. Inform clients of the limitations of the licensee's practice, the limitations of massage therapy, and the contraindications for massage therapy.

3. Refer the client to other professionals or services if the treatment or service is beyond the licensee's scope of practice.
4. Not engage in any sexual conduct, sexual activities, or sexualizing behavior involving a client, even if the client attempts to sexualize the relationship. Sexual activity includes any verbal and/or nonverbal behavior for the purpose of soliciting, receiving, or giving sexual gratification.
5. Be truthful in advertising and marketing, and not misrepresent services, charges for services, credentials, training, experience or results.
6. Safeguard the confidentiality of all client information, unless disclosure is requested by the client in writing or as allowed or required by law.
7. Obtain informed and voluntary consent from clients.
8. Allow a client the right to refuse, modify or terminate treatment regardless of prior consent given.
9. Provide draping and treatment in a way that ensures the safety, comfort, and privacy of the client.
10. Possess the right to refuse to treat any person or part of the body.
11. Refuse any gifts or benefits that are intended to influence a referral, decision, treatment or the professional relationship between the licensee and the client.
12. Report to the Idaho Board of Massage Therapy any unlicensed practice of massage therapy, and any evidence indicating unethical, incompetent or illegal acts committed by a licensee or individual.
13. Do no harm to the physical, mental, and emotional well being of clients.

**IDAHO BOARD OF MASSAGE THERAPY STANDARDS OF PRACTICE --
APPENDIX B**

Standard I: Professionalism

In his/her professional role the licensee shall:

1. Cooperate with any Board investigation regarding any alleged violation of the Massage Therapy law or rules.
2. Use professional verbal, nonverbal, and written communications.
3. Provide an environment that is safe for the client and which meets all legal

requirements for health and safety.

4. Use standard precautions to ensure professional hygienic practices and maintain a level of personal hygiene appropriate for practitioners in the therapeutic setting.
5. Wear clothing that is clean and professional.
6. Obtain voluntary and informed consent from the client, or written informed consent from client's legal guardian, prior to initiating the treatment plan.
7. If applicable, conduct an accurate needs assessment, develop a plan of care with the client, and update the plan as needed.
8. Use appropriate draping to protect the client's physical and emotional privacy. When clients remain dressed for seated massage or sports massage, draping is not required.
9. Not practice under the influence of alcohol, drugs, or any illegal substances, with the exception of legal or prescribed dosage of medication which does not impair the licensee.

Standard II: Legal and Ethical Requirements

In his/her professional role the licensee shall:

1. Maintain accurate and complete client billing and records. Client Records includes notes written by a licensee and kept in a separate client file that indicates the date of the session, areas of complaint as stated by client, and observations made and actions taken by the licensee.
2. Report within thirty (30) days to the Idaho Board of Massage Therapy any felony or misdemeanor criminal convictions of the licensee.

Standard III: Confidentiality

In his/her professional role the licensee shall:

1. Protect the confidentiality of the client's identity in conversations, all advertisements, and any and all other matters unless disclosure of identifiable information is requested or permitted by the client in writing or is required or allowed by law.
2. Protect the interests of clients who are minors or clients who are unable to give voluntary and informed consent by securing written informed consent from an appropriate third party or guardian.
3. Solicit only information that is relevant or reasonable to the professional relationship.
4. Maintain the client files for a minimum period of seven (7) years.

5. Store and dispose of client files in a secure manner.

Standard IV: Business Practices

In his/her professional role the licensee shall:

1. Not use sensational, sexual, or provocative language and/or pictures to advertise or promote their business.
2. Display/discuss a schedule of fees in advance of the session that is clearly understood by the client or potential client.
3. Make financial arrangements in advance that are clearly understood by, and safeguard the best interests of, the client or consumer.

Standard V: Roles and Boundaries

In his/her professional role the licensee shall:

1. Not participate in client relationships that could impair professional judgment or result in exploitation of the client.

Standard VI: Prevention of Sexual Misconduct

In his/her professional role the licensee shall:

1. Not engage in any behavior that sexualizes, or appears to sexualize, the client/licensee relationship.
2. Not participate in a sexual relationship or sexual conduct with the client, whether consensual or otherwise, from the beginning of the client/licensee relationship and for a minimum of *twelve (12)* months after the termination of the client/licensee relationship.
3. In the event that the client initiates sexual behavior, clarify the purpose of the therapeutic session and, if such conduct does not cease, terminate or refuse the session.

IDAPA 27 - BOARD OF PHARMACY
27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY
DOCKET NO. 27-0101-1205 (FEE RULE)
NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2013 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending fee rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-1717, 54-1720 and 54-1743, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change:

A detailed summary of the reason for adopting this rulemaking is set forth in the initial proposed rulemaking. The original text of the proposed rule was published in the October 3, 2012 Idaho Administrative Bulletin, [Vol. 12-10, pages 665 through 679](#). The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin.

The Board of Pharmacy received public comment regarding the definition of centralized pharmacy services and subparts to the definition which are being deleted as extraneous in Paragraphs 010.09.a., b., c., d., e. and f.; a definition of remote office locations that is being added in Subsection 011.23; pharmacist licensing or registration in and into Idaho and extraneous language that is being deleted and language for a statutory exemption that is being added in Section 029; applications to practice pharmacy into Idaho and the attestation which is being deleted as unnecessary in Section 035; nonresident central drug outlet and mail services pharmacy registration and clarification which requires the addition of “central” and “mail service pharmacy” in Section 073; the independent practice of pharmacy and language that is being added and deleted to clarify in Section 320; and centralized pharmacy services and language that is being added to clarify secure files, privacy and location in Subsections 610.04, 610.07, and 610.09.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-1720 and 54-1743, Idaho Code:

The rulemaking establishes initial licensing (\$500) and annual renewal (\$250) fees for nonresident central drug outlets.

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:

Expected \$150,000 additional annual income, however, the Board will assume addition licensing, registration, and investigational costs.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Mark Johnston, R.Ph., Executive Director, at (208) 334-2356.

DATED this 30th day of November, 2012.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303

P. O. Box 83720
Boise, ID 83720-0067
Telephone: (208) 334-2356
FAX: (208) 334-3536

**THE FOLLOWING NOTICE WAS PUBLISHED
WITH THE PROPOSED FEE RULE**

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-1717, 54-1720 and 54-1743, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 17, 2012.

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

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

Rural Idaho hospitals, as well as industry, have asked for more forms of the practice of pharmacy to be allowed into Idaho by nonresidents in order to improve public safety. As an example, more hospitals would be able to obtain “after hours” centralized pharmacy services when their own pharmacists are not on duty, increasing the speed and accuracy with which institutionalized patients receive new medications. The rulemaking expands the definition of central pharmacy to central drug outlet or pharmacist; expands the definition of centralized pharmacy services; moves an adapted definition of mail service pharmacy to rule; strikes a definition no longer used; expands and establishes criteria for the statutorily authorized

pharmacist registration category; converts current out-of-state and across state lines drug outlet categories into an expanded nonresident drug outlet category and establishes registration criteria; defines when a pharmacist may be registered versus licensed; strikes extraneous language; requires all nonresident pharmacies and central drug outlets to register a PIC or director in Idaho; expands centralized pharmacy services practice standards; and reduces the requirements of a policy and procedures manual.

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

The rulemaking establishes initial licensing (\$500) and annual renewal (\$250) fees for nonresident central drug outlets, pursuant to the authority in Sections 54-1720 and 54-1743, Idaho Code.

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 resulting from this rulemaking:

Expected \$150,000 additional annual income, however, the Board will assume addition licensing, registration, and investigational costs.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 2, 2012 Idaho Administrative Bulletin, [Vol. 12-5, Page 82](#), and in the August 1, 2012 Idaho Administrative Bulletin, [Vol. 12-8, page 73](#), Docket No. 27-0101-1201.

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: For assistance on technical questions concerning the proposed rule, contact Mark Johnston, R.Ph., Executive Director, at (208) 334-2356.

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 October 24, 2012.

DATED this 5th day of September, 2012.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 27-0101-1205

010. DEFINITIONS AND ABBREVIATIONS (A -- I).

- 01. Accredited School or College of Pharmacy.** A school or college that meets the minimum standards of the ACPE and appears on its list of accredited schools or colleges of pharmacy. (3-21-12)
- 02. ACPE.** Accreditation Council for Pharmacy Education. (3-21-12)
- 03. Acute Care Hospital.** A facility in which concentrated medical and nursing care is provided by, or under the supervision of, physicians on a twenty-four (24) hour basis to inpatients experiencing acute illnesses. (3-21-12)
- 04. ADS -- Automated Dispensing and Storage.** A mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, dispensing, or distribution of drugs and that collects, controls, and maintains transaction information. (3-21-12)
- 05. CDC.** United States Department of Health and Human Services, Centers for Disease Control and Prevention. (3-21-12)
- 06. Central ~~Pharmacy~~ Drug Outlet.** A ~~resident or nonresident~~ pharmacy, ~~within the state or a registered telepharmacy across state lines with which~~ drug outlet or business entity employing or contracting pharmacists to perform centralized pharmacy services ~~have been contracted.~~ ~~(3-21-12)~~()
- 07. Central Pharmacist.** A pharmacist performing centralized pharmacy services. ()
- 08. Central Pharmacy.** A pharmacy performing centralized pharmacy services. ()
- 079. Centralized Pharmacy Services.** The processing by a ~~pharmacy~~ central drug outlet or central pharmacist of a request from another pharmacy to fill, refill, or dispense a prescription drug order, ~~or to~~ perform processing functions, ~~such as prospective drug review or provide cognitive or pharmaceutical care services.~~ Each function may be performed by the same or different persons and at the same or different locations. ~~(3-21-12)~~()
- 0810. Change of Ownership.** A change of majority ownership or controlling interest of a drug outlet licensed or registered by the Board. (3-21-12)
- 0911. Charitable Clinic or Center -- Authorized Personnel.** A person designated in writing and authorized by the qualifying charitable clinic or center's medical director or consultant pharmacist to perform specified duties within the charitable clinic or center under the supervision of a pharmacist, physician, dentist, optometrist, physician assistant, or an advanced practice professional nurse with prescriptive authority. (3-21-12)
- 102. Chart Order.** A lawful drug order for a drug or device entered on the chart or a medical record of an inpatient or resident of an institutional facility. (3-21-12)

- ~~143~~. **CME**. Continuing medical education. (3-21-12)
- ~~124~~. **COE -- Central Order Entry**. A pharmacy that processes information related to the practice of pharmacy, engages solely in centralized prescription processing but from which drugs are not dispensed, is physically located outside the institutional pharmacy of a hospital, and is part of a hospital system. (3-21-12)
- ~~135~~. **Collaborative Pharmacy Practice**. A pharmacy practice whereby one (1) or more pharmacists jointly agree to work under a protocol authorized by one (1) or more prescribers to provide patient care and DTM services not otherwise permitted to be performed by a pharmacist under specified conditions or limitations. (3-21-12)
- ~~146~~. **Collaborative Pharmacy Practice Agreement**. A written agreement between one (1) or more pharmacists and one (1) or more prescribers that provides for collaborative pharmacy practice. (3-21-12)
- ~~157~~. **Continuous Quality Improvement Program**. A system of standards and procedures to identify and evaluate quality-related events and to constantly enhance the efficiency and effectiveness of the structures and processes of a pharmacy system. (3-21-12)
- ~~168~~. **CPE**. Continuing pharmacy education. (3-21-12)
- ~~179~~. **CPEU**. Continuing pharmacy education unit. (3-21-12)
- ~~1820~~. **DEA**. United States Drug Enforcement Administration. (3-21-12)
- ~~1921~~. **Distributor**. A supplier of drugs manufactured, produced, or prepared by others to persons other than the ultimate consumer. (3-21-12)
- ~~202~~. **DME**. Durable medical equipment. (3-21-12)
- ~~213~~. **Drug Order**. A prescription drug order issued in the unique form and manner permitted for a patient or resident of an institutional facility or as permitted for other purposes by these rules. Unless specifically differentiated, rules applicable to a prescription drug order are also applicable to a drug order. (3-21-12)
- ~~224~~. **Drug Product Selection**. The act of selecting either a brand name drug product or its therapeutically equivalent generic. (3-21-12)
- ~~235~~. **Drug Product Substitution**. Dispensing a drug product other than prescribed without the express permission of the prescriber and patient. (3-21-12)
- ~~246~~. **DTM -- Drug Therapy Management**. Selecting, initiating, or modifying drug treatment pursuant to a collaborative practice agreement. (3-21-12)
- ~~257~~. **Emergency Drugs**. Drugs required to meet the immediate therapeutic needs of one (1) or more patients that are not available from any other authorized source in sufficient time to avoid risk of harm due to the delay that would result from obtaining the drugs from another

source. (3-21-12)

268. Executive Director. The Idaho State Board of Pharmacy executive director created by Sections 54-1713 and 54-1714, Idaho Code. (3-21-12)

279. FDA. United States Food and Drug Administration. (3-21-12)

2830. Flavoring Agent. An additive used in food or drugs when the additive is used in accordance with the principles of good pharmacy practices and in the minimum quantity required to produce its intended effect. (3-21-12)

2931. Floor Stock. Drugs or devices not labeled for a specific patient that are maintained at a nursing station or other department of an institutional facility, excluding the pharmacy, for the purpose of administering to patients of the facility. (3-21-12)

302. HIPAA. Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191). (3-21-12)

313. Hospital System. A hospital or hospitals and at least one (1) on-site institutional pharmacy under common ownership. A hospital system may also include one (1) or more COE pharmacies under common ownership. (3-21-12)

324. Idaho State Board of Pharmacy or Idaho Board of Pharmacy. The terms Idaho State Board of Pharmacy, Idaho Board of Pharmacy, State Board of Pharmacy, and Board of Pharmacy are deemed synonymous and are used interchangeably to describe the entity created under the authority of Title 54, Chapter 17, Idaho Code. Unless specifically differentiated, “the Board” or “Board” also means the Idaho State Board of Pharmacy. (3-21-12)

335. Individually Identifiable Health Information. Information that is a subset of health information, including demographic information, collected from an individual and that: (3-21-12)

a. Is created or received by a health care provider, health plan, employer, or health care clearinghouse; and (3-21-12)

b. Relates to the past, present, or future physical or mental health or condition of an individual; or the past, present, or future payment for the provision of health care to an individual that: (3-21-12)

i. Identifies the individual; or (3-21-12)

ii. With respect to which there is a reasonable basis to believe the information can be used to identify the individual. (3-21-12)

~~**34. Institution Engaged in The Practice of Telepharmacy Across State Lines.** An institutional facility engaged in the practice of telepharmacy into Idaho that is an out-of-state hospital with an institutional pharmacy licensed or registered in another state or a COE pharmacy licensed or registered in another state that is part of a hospital system. (3-21-12)~~

~~356~~. **Institutional Pharmacy.** A pharmacy located in an institutional facility. (3-21-12)

011. DEFINITIONS AND ABBREVIATIONS (J -- R).

01. LTCF -- Long-Term Care Facility. An institutional facility that provides extended health care to resident patients. (3-21-12)

~~02~~. **Mail Service Pharmacy.** A nonresident pharmacy that ships, mails, or delivers by any lawful means a dispensed legend drug to residents in this state pursuant to a legally issued prescription drug order and ensures the provision of corresponding related pharmaceutical care services required by law. ()

~~023~~. **MPJE.** Multistate Pharmacy Jurisprudence Exam. (3-21-12)

~~034~~. **MTM -- Medication Therapy Management.** A distinct service or group of services that optimize therapeutic outcomes for individual patients. MTM services are independent of, but can occur in conjunction with, the provision or administration of a drug or a device and encompass a broad range of activities and responsibilities. The MTM service model in pharmacy practice includes the following five core elements: (3-21-12)

a. Medication therapy review; (3-21-12)

b. Personal medication record; (3-21-12)

c. Medication-related action plan; (3-21-12)

d. Intervention or referral, or both; (3-21-12)

e. Documentation and follow-up. (3-21-12)

~~045~~. **NABP.** National Association of Boards of Pharmacy. (3-21-12)

~~056~~. **NAPLEX.** North American Pharmacists Licensure Examination. (3-21-12)

~~067~~. **NDC.** National Drug Code. (3-21-12)

~~078~~. **Non-Institutional Pharmacy.** A pharmacy located in a drug outlet that is not an institutional facility. (3-21-12)

~~089~~. **Parenteral Admixture.** The preparation and labeling of sterile products intended for administration by injection. (3-21-12)

~~0910~~. **Pharmaceutical Care Services.** A broad range of pharmacist-provided cognitive services, activities and responsibilities intended to optimize drug-related therapeutic outcomes for patients. Pharmaceutical care services may be performed independent of, or concurrently with, the dispensing or administration of a drug or device and encompasses services provided by way of DTM under a collaborative practice agreement, pharmacotherapy, clinical pharmacy practice,

pharmacist independent practice, and MTM. Nothing in these rules allows a pharmacist, beyond what is statutorily allowed or allowed by a collaborative practice agreement, to diagnose, prescribe, order lab tests, or conduct complete physical exams. Pharmaceutical care services are not limited to, but may include one (1) or more of the following, according to the individual needs of the patient: (3-21-12)

a. Performing or obtaining necessary assessments of the patient's health status, including the performance of health screening activities that may include, but are not limited to, obtaining finger-stick blood samples; (3-21-12)

b. Reviewing, analyzing, evaluating, formulating or providing a drug utilization plan; (3-21-12)

c. Monitoring and evaluating the patient's response to drug therapy, including safety and effectiveness; (3-21-12)

d. Performing a comprehensive drug review to identify, resolve, and prevent drug-related problems, including adverse drug events; (3-21-12)

e. Documenting the care delivered; (3-21-12)

f. Communicating essential information or referring the patient when necessary or appropriate; (3-21-12)

g. Providing counseling education, information, support services, and resources applicable to a drug, disease state, or a related condition or designed to enhance patient compliance with therapeutic regimens; (3-21-12)

h. Conducting a drug therapy review consultation with the patient or caregiver; (3-21-12)

i. Preparing or providing information as part of a personal health record; (3-21-12)

j. Identifying processes to improve continuity of care and patient outcomes; (3-21-12)

k. Providing consultative drug-related intervention and referral services; (3-21-12)

l. Coordinating and integrating pharmaceutical care services within the broader health care management services being provided to the patient; and (3-21-12)

m. Other services as allowed by law. (3-21-12)

101. Pharmacist Extern. A person enrolled in an accredited school or college of pharmacy who is pursuing a professional degree in pharmacy and is obtaining practical experience under the supervision of a pharmacist. (3-21-12)

102. Pharmacist Intern. A person who has successfully completed a course of study at

an accredited school or college of pharmacy, has received a professional degree in pharmacy, and is obtaining practical experience under the supervision of a pharmacist. (3-21-12)

123. Pharmacy Operations. Activities related to and including the preparation, compounding, distributing, or dispensing of drugs or devices from a pharmacy. (3-21-12)

134. PHI -- Protected Health Information. Individually identifiable health information that is: (3-21-12)

a. Transmitted by electronic media (as defined by the HIPAA Privacy Rule at 45 CFR 160.103); (3-21-12)

b. Maintained in electronic media; and (3-21-12)

c. Transmitted or maintained in any other form or medium. (3-21-12)

d. PHI excludes individually identifiable health information in: (3-21-12)

i. Education records covered by the Family Education Right and Privacy Act, as amended (20 U.S.C. Section 1232g); (3-21-12)

ii. Records described at 20 U.S.C. Section 1232g(a)(4)(B)(iv); and (3-21-12)

iii. Employment records held by a covered entity (as defined by the HIPAA Privacy Rule at 45 CFR 160.103) in its role as an employer. (3-21-12)

145. PIC. Pharmacist-in-charge. (3-21-12)

156. PMP. Prescription Monitoring Program. (3-21-12)

167. Prepackaging. The act of transferring a drug, manually or using an automated system, from a manufacturer's original container to another container prior to receiving a prescription drug order. (3-21-12)

178. Prescriber. An individual currently licensed, registered, or otherwise authorized to prescribe and administer drugs in the course of professional practice. (3-21-12)

189. Prescriber Drug Outlet. A drug outlet in which prescription drugs or devices are dispensed directly to patients under the supervision of a prescriber, except where delivery is accomplished only through on-site administration or the provision of drug samples. (3-21-12)

1920. Readily Retrievable. Records are considered readily retrievable if they are able to be completely and legibly produced upon request within seventy-two (72) hours. (3-21-12)

201. Relative Contraindication. A condition that renders a particular treatment or procedure inadvisable, but not prohibitive. (3-21-12)

212. Remote Dispensing Site. A licensed pharmacy staffed by one or more certified

technicians at which telepharmacy services are provided through a supervising pharmacy. (3-21-12)

23. *Remote Office Location. A secured area that is restricted to authorized personnel, adequately protects private health information, and shares a secure common electronic file or a private, encrypted connection with a pharmacy, from which a pharmacist who is contracted or employed by a central drug outlet performs centralized pharmacy services.* ()

224. **Retail Non-Pharmacy Drug Outlet.** A retail outlet that sells non-prescription drugs or devices that is not a pharmacy. (3-21-12)

235. **Retail Pharmacy.** A community or other pharmacy that sells prescription drugs at retail and is open to the public for business. (3-21-12)

246. **R.N.** Registered nurse. (3-21-12)

(BREAK IN CONTINUITY OF SECTIONS)

021. FEE SCHEDULE.

- 01. Licenses -- Professionals.** (3-21-12)
- a.** Original pharmacist license: one hundred dollars (\$100). (3-21-12)
 - b.** Licensure by reciprocity: two hundred fifty dollars (\$250). (3-21-12)
 - c.** Pharmacist license annual renewal. (3-21-12)
 - i.** Active: ninety dollars (\$90). (3-21-12)
 - ii.** Inactive: fifty dollars (\$50). (3-21-12)
 - d.** Late payment processing: fifty dollars (\$50). (3-21-12)
 - e.** License reinstatement fee: seventy-five dollars (\$75). (3-21-12)
- 02. Certificates of Registration -- Professionals.** (3-21-12)
- a.** Pharmacist ~~*engaged in telepharmacy across state lines*~~ registration or annual renewal: two hundred fifty dollars (\$250). (~~3-21-12~~)()
 - b.** Pharmacist intern - registration or annual renewal: fifty dollars (\$50). (3-21-12)
 - c.** Pharmacist extern registration and annual renewal: fifty dollars (\$50) due upon

- enrollment in an accredited school or college of pharmacy and renewed annually at no charge. (3-21-12)
- d. Technician - registration or annual renewal: thirty-five dollars (\$35). (3-21-12)
 - e. Veterinary drug technician - registration or annual renewal: thirty-five dollars (\$35). (3-21-12)
 - f. Registration reinstatement: one-half (1/2) the amount of the annual fee. (3-21-12)
- 03. Certificates of Registration and Licensure - Facilities. (3-21-12)**
- a. Retail pharmacy - registration or annual renewal: one hundred dollars (\$100). (3-21-12)
 - b. Institutional facility - registration or annual renewal. (3-21-12)
 - i. Hospital pharmacy: one hundred dollars (\$100). (3-21-12)
 - ii. Nursing home: thirty-five dollars (\$35). (3-21-12)
 - iii. Hospital without a pharmacy: thirty-five dollars (\$35). (3-21-12)
 - c. Manufacturer (including a repackager that is a manufacturer's authorized distributor of record) - registration or annual renewal: one hundred dollars (\$100). (3-21-12)
 - d. Wholesaler. (3-21-12)
 - i. License or annual renewal: one hundred thirty dollars (\$130); or (3-21-12)
 - ii. Registration or annual renewal: one hundred dollars (\$100). (3-21-12)
 - e. Veterinary drug outlet - registration or annual renewal: one hundred dollars (\$100). (3-21-12)
 - f. ~~Telepharmacy across state lines — registration or annual renewal: one hundred dollars (\$100)~~ Nonresident central drug outlet. (3-21-12)()
 - i. Initial license: five hundred dollars (\$500). ()
 - ii. License annual renewal: two hundred fifty dollars (\$250). ()
 - g. Mail service pharmacy. (3-21-12)
 - i. Initial license: five hundred dollars (\$500). (3-21-12)
 - ii. License annual renewal: two hundred fifty dollars (\$250). (3-21-12)

- h.** Limited service outlet - registration or annual renewal. (3-21-12)
- i. Limited service outlet, if not listed: one hundred dollars (\$100). (3-21-12)
- ii. Parenteral admixture pharmacy: one hundred dollars (\$100). (3-21-12)
- iii. Remote dispensing pharmacy: one hundred dollars (\$100). (3-21-12)
- iv. Facility operating a narcotic treatment program: one hundred dollars (\$100). (3-21-12)
- v. Durable medical equipment outlet: fifty dollars (\$50). (3-21-12)
- vi. Prescriber drug outlet: thirty five dollars (\$35). (3-21-12)
- i.** Analytical or research lab -- registration or annual renewal: forty dollars (\$40). (3-21-12)
- j.** Retail non-pharmacy outlets - registration or annual renewal. (3-21-12)

 - i. "A" (Stocks more than fifty (50) drug items): sixty dollars (\$60). (3-21-12)
 - ii. "B" (Stocks fifty (50) or fewer drug items): twenty-five dollars (\$25). (3-21-12)
 - iii. "V" (Vending machines): ten dollars (\$10) per machine. (3-21-12)
- k.** Supplemental facility registrations or annual renewals. (3-21-12)

 - i. Laminar flow or other hood, biological safety cabinet, or barrier isolator -- single registration required for one (1) or more hoods: no charge. (3-21-12)
 - ii. ADS system -- single registration required for one (1) or more systems: no charge. (3-21-12)
- l.** Reinstatement: one-half (1/2) the amount of the annual fee. (3-21-12)
- 04. Controlled Substance Registration.** (3-21-12)

 - a.** Controlled substance - registration or annual renewal: sixty dollars (\$60). (3-21-12)
 - b.** Wholesaler or distributor controlled substance - registration or annual renewal: one hundred dollars (\$100). (3-21-12)
 - c.** Controlled substance registration reinstatement: seventy-five dollars (\$75). (3-21-12)
- 05. Administrative Services and Publications.** (3-21-12)

- a. Experiential hours certification: twenty-five dollars (\$25). (3-21-12)
- b. Duplicate pharmacist certificate of licensure: thirty-five dollars (\$35). (3-21-12)
- c. Duplicate registration or license card: ten dollars (\$10). (3-21-12)
- d. Commercial lists. (3-21-12)
 - i. Pharmacy list: fifty dollars (\$50). (3-21-12)
 - ii. Pharmacist list: fifty dollars (\$50). (3-21-12)
 - iii. Controlled Substances Act (“CSA”) registrant list: one hundred fifty dollars (\$150). (3-21-12)
- e. Official Idaho Register: fifteen dollars (\$15). (3-21-12)
- f. Idaho Pharmacy Laws and Rules book: thirty-five dollars (\$35). (3-21-12)
- g. Hearing transcript: five dollars (\$5) per page. (3-21-12)

022. -- 0298. (RESERVED)

029. PHARMACIST LICENSE OR REGISTRATION.

01. Practice in Idaho. All pharmacists practicing pharmacy in the state of Idaho must be licensed according to the Board’s laws. ()

02. Practice Into Idaho. Unless statutorily exempted, all pharmacists practicing pharmacy into the state of Idaho must be licensed or registered as follows: ()

a. The following pharmacists must be licensed to provide centralized pharmacy services into Idaho: ()

i. Pharmacists engaged in the independent practice of pharmacy across state lines as defined by the Pharmacist Independent Practice Rule. ()

ii. Pharmacists practicing from a central drug outlet that is not a pharmacy. ()

b. The following pharmacists not licensed in Idaho must be registered to practice pharmacy into Idaho. ()

i. The PIC or director of a nonresident central drug outlet or mail service pharmacy. ()

ii. Pharmacists practicing from a pharmacy or its COE. ()

(BREAK IN CONTINUITY OF SECTIONS)

035. PHARMACIST REGISTRATION ~~FOR TELEPHARMACY ACROSS STATE LINES TO PRACTICE PHARMACY INTO IDAHO.~~

~~A pharmacist not licensed To be registered~~ to practice pharmacy into ~~the state of~~ Idaho an applicant must ~~satisfy the requirements of Section 54-1723A, Idaho Code, and be registered~~ submit an application in the manner and form prescribed by the Board including, but not limited to: lawfully engage in the practice of telepharmacy across state lines into the state of Idaho.
(3-21-12)()

01. Individual License Information. Current pharmacist licensure information in all other states, including each state of licensure and each license number; ()

02. Facility License Information. The license or registration number of the facility from which the applicant will be practicing; ()

(BREAK IN CONTINUITY OF SECTIONS)

060. DRUG OUTLET LICENSURE AND REGISTRATION.

A license or a certificate of registration, as applicable, is required for drug outlets doing business in or into Idaho. A license or certificate of registration will be issued by the Board to drug outlets pursuant to, and in the general classifications defined by, Section 54-1729, Idaho Code. (3-21-12)

01. New Drug Outlet Inspections. Prior to approving the issuance of a new license or registration, each drug outlet may be inspected to confirm that the facility is appropriately equipped and has implemented proper procedures and minimum standards necessary for compliance with applicable law. Prescription drugs may not be delivered to a new drug outlet location and the drug outlet may not open for business prior to satisfactory completion of the opening inspection, if required. (3-21-12)

02. Licenses and Registrations Nontransferable. Drug outlet licenses and registrations are location specific and are nontransferable as to person or place. If the ownership or location of an outlet changes, any registration or license issued to it by the Board is void. (3-21-12)

03. Reciprocity Nonresident Drug Outlet. The Board may license by reciprocity or register a drug outlet licensed or registered under the laws of another state if the other state's licensing standards are comparable to those in Idaho and acceptable to the Board, evidenced by an inspection report, ~~and if the other state extends reciprocal licensure to Idaho drug outlets.~~
(3-21-12)()

(BREAK IN CONTINUITY OF SECTIONS)

071. ~~TELEPHARMACY AND~~ REMOTE DISPENSING SITE REGISTRATION.

~~01. Telepharmacy Practice Registration. Each location where drugs are dispensed through the practice of telepharmacy must be registered with the Board. (3-21-12)~~

021. Remote Dispensing Site Registration. A limited service outlet registration must be obtained by a remote dispensing site prior to participating in the practice of telepharmacy. (3-21-12)

032. Supplemental Registration Application Requirements. Prior to construction, an applicant for registration of a remote dispensing site must submit and obtain Board approval of a registration application. The application must include: (3-21-12)

- a. An attached description of the telepharmacy communication, electronic recordkeeping, and ADS systems; (3-21-12)
- b. The operating specifications; and (3-21-12)
- c. An accurate scale drawing of the facility that illustrates: (3-21-12)
 - i. The layout and location of the systems; (3-21-12)
 - ii. The location of a patient counseling area; and (3-21-12)
 - iii. All access points to the electronic recordkeeping system and the ADS system. (3-21-12)

(BREAK IN CONTINUITY OF SECTIONS)

073. NONRESIDENT CENTRAL DRUG OUTLET AND MAIL SERVICE PHARMACY REGISTRATION.

A nonresident central drug outlet or mail service pharmacy must be registered with the Board in order for its employee or contract pharmacist to practice pharmacy into Idaho. An applicant must submit an application in the manner and form prescribed by the Board, including, but not limited to: ()

01. Executive Summary. An executive summary describing the centralized pharmacy services to be performed; ()

02. PIC or Director. Identity of a pharmacist licensed to practice pharmacy in the state of domicile, who shall be the PIC or director of the nonresident central drug outlet or mail service pharmacy. ()

0734. -- 079. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

090. MANUFACTURER REGISTRATION.

A manufacturer located in Idaho must be inspected and registered by the Board prior to engaging in drug manufacturing. Non-resident manufacturers that ship, mail, or deliver dispensed prescription drugs or devices to an Idaho resident must be registered by the Board as ~~an out-of-state~~ mail service pharmacy ~~pursuant to 54-1743, Idaho Code.~~ (3-21-12)()

(BREAK IN CONTINUITY OF SECTIONS)

320. PHARMACIST: INDEPENDENT PRACTICE.

An Idaho-licensed pharmacist may provide pharmaceutical care services and MTM outside of a ~~pharmacy~~ drug outlet or institutional facility, including ~~across-state lines~~ into Idaho, if the following conditions are met, however nothing herein shall be construed to excuse compliance with the rules governing centralized pharmacy services when applicable: (3-21-12)()

01. Access to Relevant Information. The pharmacist has access to prescription drug order records, patient profiles, or other relevant medical information and appropriately reviews the information; (3-21-12)

02. Information Protected from Unauthorized Use. Access to the information required by these rules is protected from unauthorized access and use; and (3-21-12)

03. Records Maintained in Electronic Recordkeeping System. The pharmacist maintains the records or other patient-specific information created, collected, or used in an electronic recordkeeping system that complies with the requirements of these rules. (3-21-12)

(BREAK IN CONTINUITY OF SECTIONS)

600. ~~PHARMACY REGISTRANT AND~~ PIC OR DIRECTOR.

01. Designated PIC or Director Required. A pharmacy ~~or central drug outlet~~ must not be without a designated PIC or director for more than thirty (30) sequential days. (3-21-12)()

02. Corresponding and Individual Responsibility. The pharmacy ~~registrant~~ or

central drug outlet and the PIC or director each have corresponding and individual responsibility for compliance with the law and these rules in all aspects of the sale and the dispensing of drugs, devices, and other materials at the drug outlet, including the safe, accurate, secure, and confidential handling and storage and the preparation, compounding, distributing, or dispensing of drugs and PHI. (3-21-12)()

(BREAK IN CONTINUITY OF SECTIONS)

610. CENTRALIZED PHARMACY SERVICES.

A pharmacy may centralize pharmacy services if: ()

01. Written Contract. The originating pharmacy has a written contract with the central drug outlet or central pharmacist outlining the services to be provided and the responsibilities and accountabilities of each party in fulfilling the terms of the contract or the two (2) are jointly owned; ()

02. Training. The central drug outlet or central pharmacist provides a training and orientation program that ensures the pharmacists who are providing centralized *pharmacy* services are competent to perform such services; ()

03. Communication. Appropriate communications exist to allow the central drug outlet or central pharmacist to readily communicate with prescribers, the institutional facility, or the originating pharmacy; ()

04. Secure Common Electronic File. The parties share a secure common electronic file or utilize other secure technology, *including a private, encrypted connection*, that allows access by the central drug outlet or central pharmacist to information required to perform centralized pharmacy services; ()

05. Continuous Quality Improvement Program. The parties implement and maintain a quality improvement program designated to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems; ()

06. Audit Trail Documentation. The central drug outlet or central pharmacist maintains an electronic recordkeeping system that must have audit trail functionality that documents for each prescription drug order the identity and location of each individual involved in each step of the centralized pharmacy services; ()

07. Privacy. The parties demonstrate adequate security to protect the privacy of PHI *and the centralized pharmacy services are performed from a secure area that is restricted to authorized personnel;* ()

08. Policies and Procedures. The parties adopt policies and procedures that are sufficiently detailed to ensure compliance with pertinent federal and Idaho law and protect public

health, safety and welfare. ()

09. Location. Centralized pharmacy services must be performed from a pharmacy, central drug outlet, or remote office location. ()

10. Exemption. A single prescription drug order may be shared by an originating pharmacy and a central drug outlet or central pharmacist. The filling, processing and delivery of a prescription drug order by one pharmacy for another pursuant to this section shall not be construed as the filling of a transferred prescription or as a wholesale distribution. ()

6101. -- 619. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

641. INSTITUTIONAL FACILITY: OFFSITE SERVICES -- FIRST DOSE PHARMACY.

A contracted offsite pharmacy that provides prescription processing or filling services for an institutional facility without an institutional pharmacy or for patients of a home health or hospice agency may centralize these services to another pharmacy if in compliance with these rules, as follows: (3-21-12)()

01. Limited Purpose. Centralized pharmacy services are for the limited purpose of ensuring that drugs or devices are attainable to meet the immediate needs of patients and residents or if the originating pharmacy cannot provide services for the institutional facility on an ongoing basis; ()

02. Institutional Facility Approval. The originating pharmacy obtains approval from the institutional facility, home health agency or hospice agency to centralize pharmacy services for its patients and residents; ()

03. Written Contract. The originating pharmacy has a written contract with the central pharmacy outlining the services to be provided and the responsibilities and accountabilities of each party in fulfilling the terms of the contract; and ()

04. Drug or Chart Orders. The originating pharmacy provides a valid verbal, electronic, or paper drug order to the contracted central pharmacy. A single drug order may be shared by an originating pharmacy and a central pharmacy with no transfer required. ()

642. -- 649. (RESERVED)

650. INSTITUTIONAL FACILITY: CENTRALIZED PHARMACY SERVICES.

In addition to the rules for centralized pharmacy services, An institutional facility that centralizes pharmacy may centralize prescription drug order processing or filling services if services must be in compliance with the following rules: (3-21-12)()

01. Limited Purpose. ~~The centralizing of prescription drug order processing or filling~~ **Centralized pharmacy** services ~~is~~ **are** for the limited purpose of ensuring that drugs or devices are attainable to meet the immediate needs of patients and residents of the institutional facility or if the originating pharmacy cannot provide services for the institutional facility on an ongoing basis; (3-21-12)()

~~**02. Institutional Facility Approval.** The originating pharmacy obtains approval from the institutional facility to centralize prescription drug order processing or filling services for its patients and residents;~~ (3-21-12)

~~**03. Written Contract.** The originating pharmacy has a written contract with the central pharmacy outlining the services to be provided and the responsibilities and accountabilities of each party in fulfilling the terms of the contract; and~~ (3-21-12)

~~**04. Drug or Chart Orders.** The originating pharmacy provides a valid verbal, electronic, or paper drug order to the contracted central pharmacy. A single drug order may be shared by an originating pharmacy and a central pharmacy with no transfer required.~~ (3-21-12)

~~**651. INSTITUTIONAL FACILITY: PRACTICE OF TELEPHARMACY.**~~

~~**01. Contracted Telepharmacy Services.** An institutional pharmacy may centralize pharmacy services through the practice of telepharmacy if:~~ (3-21-12)

~~**a.** The central pharmacy provides a training and orientation program that ensures that pharmacists who are providing telepharmacy services are competent to review and approve drug orders;~~ (3-21-12)

~~**b.** Appropriate video, telecommunications, or other systems allow the pharmacist within the central pharmacy to readily communicate with the prescribers within the institutional facility;~~ (3-21-12)

~~**c.** The parties share a common electronic file or utilize other technology that allows access by the central pharmacy to information required to fill or refill a prescription drug order; and~~ (3-21-12)

~~**d.** The parties implement and maintain a continuous quality improvement program for telepharmacy services designed to objectively and systematically monitor and evaluate the quality and appropriateness of patient care, pursue opportunities to improve patient care, and resolve identified problems.~~ (3-21-12)

02. Policies and Procedures. An institutional pharmacy and its contracted central pharmacy **drug outlet or central pharmacist** that provides ~~telepharmacy~~ **centralized pharmacy** services must adopt policies and procedures and retain documentation that evidences at least the following: (3-21-12)()

~~**a.** A copy of the approval required by these rules;~~ (3-21-12)

~~**ba.** A copy of the contract **if** required by these rules;~~ (3-21-12)()

~~**eb.**~~ Identification of the director ~~s of the central pharmacy and of the institutional pharmacy~~ **or PICs**; (3-21-12)()

~~**d.**~~ ~~The maintenance of appropriate records to identify the pharmacists providing centralized prescription drug order processing or filling services;~~ (3-21-12)

~~**ec.**~~ The protocol for ensuring that the central **pharmacy drug outlet** maintains sufficient Board licensed or registered pharmacists to meet the centralized pharmacy services needs of the institutional facility; (3-21-12)()

~~**f.**~~ ~~The maintenance of a mechanism for tracking the prescription drug order during each step in the dispensing process;~~ (3-21-12)

~~**g.**~~ ~~The documentation and protocols demonstrating adequate security to protect the privacy of PHI;~~ (3-21-12)

~~**hd.**~~ The protocol for accessing prescription drugs in the institutional pharmacy contracting with the central **pharmacy drug outlet or central pharmacist** and for maintaining the security of the drugs; (3-21-12)()

~~**ie.**~~ Essential information utilized by the institutional facility, such as its ~~therapeutic interchange list~~, formulary, standard drip concentrations, standard medication administration times, standardized or protocol orders, pharmacokinetic dosing policies, and renal dosing policies, as well as protocols for ensuring timely and complete communication of changes to the information; and (3-21-12)()

~~**jf.**~~ The protocol for the central **pharmacy drug outlet or central pharmacist** to perform a review of the patient's profile, including but not limited to performing a prospective drug review. (3-21-12)()

~~**6521.**~~ -- **669.** (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

~~**680. TELEPHARMACY ACROSS STATE LINES.**~~

~~The practice of telepharmacy across state lines is permitted only for institutions engaged in the practice of telepharmacy across state lines, as defined, and their pharmacists if both are registered or licensed as required by the Board.~~ (3-21-12)

~~**6810.**~~ -- **699.** (RESERVED)