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Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee
FROM: Principal Legislative Research Analyst - Brooke Brouman
DATE: October 01, 2013
SUBJECT: Bureau of Occupational Licenses - State Board of Podiatry

IDAPA 24.11.01 - Rules of the State Board of Podiatry (Docket No. 24-1101-1301) - **Fee Rule**

The Bureau of Occupational Licenses, on behalf of the State Board of Podiatry, submits notice of proposed fee rulemaking.

The proposed rule changes are as follows:

- (1) Updates the edition of a code of ethics document that is incorporated by reference;
- (2) Eliminates the requirement that applications for licensure be filed within a certain time frame;
- (3) Eliminates the requirement that applicants for licensure provide documentation of high school graduation;
- (4) Clarifies the required examination for licensure and the required passing grade;
- (5) Effective January 1, 2015, increases the continuing education requirements for licensure by endorsement applicants and for Idaho licensed podiatrists;
- (6) Eliminates general provisions that require Board meetings take place on a certain date;
- (7) Provides that the failure of a licensee to provide proof of continuing education compliance upon request of the Board is grounds for disciplinary action;
- (8) Allows for carryover of continuing education hours; and
- (9) Provides an exemption to continuing education requirements based on individual hardship at the discretion of the Board.

The fee rule changes are as follows:

- (1) Eliminates a \$25.00 administrative fee;
- (2) Eliminates a re-exam fee; and

(3) Provides for a refund of a license fee if a license is not issued.

In regards to the proposed fee rule, we note that Section 54-606, Idaho Code, requires the \$25.00 administration fee and requires that the Board establish by rule a reexamination fee. Therefore, regardless of whether the Board eliminates the administration fee in rule, this fee will still be required by statute. Moreover, the Board's rule will be out of compliance with the governing statute if it eliminates the re-exam fee.

The Bureau states that there is no negative fiscal impact on the state general fund as a result from this rulemaking.

The Board's proposed fee rule changes are not consistent with Idaho Code. The Board's other proposed rule changes are authorized pursuant to Section 54-605, Idaho Code.

cc: Bureau of Occupational Licenses
Tana Cory, Bureau Chief, & Cherie Simpson