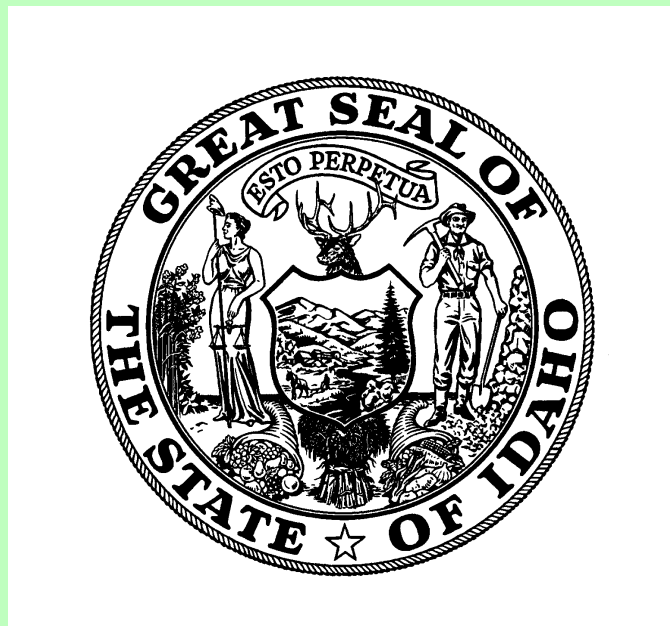


# **PENDING FEE RULES**

## **COMMITTEE RULES**

### **REVIEW BOOK**

Submitted for Review Before  
**House Agricultural Affairs Committee**  
64th Idaho Legislature  
First Regular Session -- 2017



*Prepared by:*

*Office of the Administrative Rules Coordinator  
Department of Administration*

*January 2017*

***HOUSE AGRICULTURAL AFFAIRS COMMITTEE***

***ADMINISTRATIVE RULES REVIEW***

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## IDAPA 46 – BOARD OF VETERINARY MEDICINE

### 46.01.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-1603

#### NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

**EFFECTIVE DATE:** This pending fee rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

**AUTHORITY:** In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-2105, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending fee 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 rulemaking implements statutory authority for imposing a process and a fee for veterinary technicians to move their certifications from active to inactive, and back again; as well as establishing a renewal fee for an inactive certificate. The proposed rule has been changed to delete unnecessary and inaccurate citations to Idaho Code, and to add a verification fee applicable to technicians.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 281-284](#).

**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. The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-2105 and 54-2112, Idaho Code.

The rulemaking will impose a \$25 fee for a certified veterinary technician to remain on inactive status, and a \$50 fee to convert from inactive to active status. The \$25 renewal fee for an inactive certification is a reduction from the \$75 fee for active status. The \$50 reactivation fee is new. Also being added is a \$20 fee for a person to obtain written verification from the Board of a technician's certification.

**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:

The Board is a dedicated fund agency; there will be no impact on the state general fund. Any minimal reduction in renewal fees will likely be offset by those CVTs that go on inactive status versus not renewing their licenses. Therefore, the Board estimates that there will likely be no fiscal impact on the Board's dedicated fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending fee rule, contact Jodie Ellis, Executive Director, at (208) 332-8588.

DATED this 12th day of October, 2016.

Jodie Ellis, Executive Director  
Board of Veterinary Medicine  
Phone: (208) 332-8588 / Fax: (208) 332-8645

P. O. Box 7249  
2270 Old Penitentiary Rd.  
Boise, ID 83707

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

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2016.

**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 Section 54-2105, 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 September 21, 2016.

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:

This rulemaking is required to implement a provision of Idaho Code. The rulemaking establishes a procedure for a certified veterinary technician to go on inactive certification status and back to active status, as well as setting an appropriate renewal fee and a fee to cover Board administrative costs.

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

Idaho statute authorizes certified veterinary technicians to place their certifications on “inactive” status, remain in that status, and return to “active” status if they comply with procedural and fee rules of the Board. Technicians have expressed a desire to avail themselves of this statutory benefit but have been prevented from doing so because there is no procedure or fees currently in place. This rulemaking rectifies this problem.

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

The rulemaking will impose a \$25 fee for a certified veterinary technician to remain on inactive status, and a \$50 fee to convert from inactive to active status. The \$25 renewal fee for an inactive certification is a reduction from the \$75 fee for active status. The \$50 reactivation fee is new. These fees are imposed pursuant to Sections 54-2105 and 54-2112, 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:

The Board is a dedicated fund agency; there will be no impact on the state general fund. Any minimal reduction in renewal fees will likely be offset by those CVTs that go on inactive status versus not renewing their licenses. Therefore, the Board estimates that there will likely be no fiscal impact on the Board’s dedicated fund.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because temporary rulemaking is necessary.

**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 temporary and proposed rule, contact Jodie Ellis, Executive Director, at (208) 332-8588 or at [jodie.ellis@agri.idaho.gov](mailto:jodie.ellis@agri.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 28, 2016.

DATED this 5th Day of August, 2016

**LSO Rules Analysis Memo**

Italicized red text that is *double underscored* is new text that has been added to the pending fee rule.

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 46-0101-1603

**014. FEES.**

Fees are established as authorized under Title 54, Chapter 21, Idaho Code, by action of the Board as follows:

- (7-1-97)
- 01. Veterinarian:** (3-18-99)
- a.** Application and Original License Fee (~~*Section 54-2107, Idaho Code*~~) - Two hundred seventy-five dollars (\$275). (~~*3-21-12*~~) (    )
- b.** Annual Renewal Fee (~~*Section 54-2112, Idaho Code*~~). (~~*3-18-99*~~) (    )
- i.** Active License -- One hundred seventy-five dollars (\$175); (3-21-12)
- ii.** Inactive License -- Fifty dollars (\$50). (3-18-99)
- c.** License Without Clinical Competency Test Fee (~~*Section 54-2110, Idaho Code*~~): (~~*3-30-01*~~) (    )
- i.** Application and Original License Fee -- Two hundred seventy-five dollars (\$275); (3-21-12)
- ii.** Annual Renewal Fee: (3-30-01)
- (1)** Active License -- One hundred seventy-five dollars (\$175); (3-21-12)
- (2)** Inactive License -- Fifty dollars (\$50). (3-30-01)
- d.** Reinstatement/Late Fee (~~*Section 54-2112, Idaho Code*~~) -- Two hundred dollars (\$200). (~~*3-21-12*~~) (    )
- e.** Reactivation Fee (restore inactive license to active status) -- One hundred fifty dollars (\$150); (3-21-12)
- f.** Temporary Permit Fee (~~*Section 54-2111, Idaho Code*~~) -- One hundred fifty dollars (\$150). (~~*3-21-12*~~) (    )
- g.** License Verifications (~~*Sections 54-2105(6) and 54-2112, Idaho Code*~~) -- Twenty dollars (\$20). (~~*3-21-12*~~) (    )
- 02. Veterinary Technician Certification Fee.** (~~*Section 54-2105(6)(d), Idaho Code*~~). (~~*3-30-01*~~) (    )

- a. Application and Original Certification Fee -- One hundred twenty-five dollars (\$125). (3-21-12)
- b. Annual Renewal Fee ~~—Seventy-five dollars (\$75).~~ ~~(3-21-12)~~ (7-1-16)T
- i. Active Certificate – Seventy-five dollars (\$75); (7-1-16)T
- ii. Inactive Certificate – Twenty-five dollars (\$25). (7-1-16)T
- c. Reinstatement/Late Fee -- Fifty dollars (\$50). (3-21-12)
- d. Reactivation Fee (restore inactive certificate to active status) – Fifty dollars (\$50). (7-1-16)T
- ~~e.~~ Temporary Permit Fee -- Fifty dollars (\$50). (3-18-99)
- f. Certificate Verifications – Twenty dollars (\$20). ( )
- 03. Certified Euthanasia Agency Certification Fee.** ~~(Section 54-2105(6)(d), Idaho Code).~~  
~~(3-30-01)~~ ( )
  - a. Application and Original Certification Fee -- One hundred dollars (\$100). (3-30-01)
  - b. Annual Renewal Fee -- Two hundred dollars (\$200). (3-21-12)
  - c. Reinstatement/Late Fee -- Fifty dollars (\$50). (3-21-12)
- 04. Certified Euthanasia Technician Certification Fee.** ~~(Section 54-2105(6)(d), Idaho Code).~~  
~~(3-30-01)~~ ( )
  - a. Training and Certification Fee -- One hundred dollars (\$100). (3-30-01)
  - b. Annual Renewal Fee -- One hundred dollars (\$100). (3-21-12)
  - c. Reinstatement/Late Fee -- Fifty dollars (\$50). (3-21-12)
- 05. Duplicate License and Certificate Fee -- Twenty-Five Dollars (\$25).** When a new license, wall certificate or certification is issued for the purpose of changing the license or certificate holder’s name, the request for name change must be accompanied by a copy of the court order or marriage license authorizing the name change and the current license, certification or original wall certificate shall be returned to the Board office. (3-30-01)

**(BREAK IN CONTINUITY OF SECTIONS)**

**104. ~~EXPIRATION OF~~ VETERINARY TECHNICIAN CERTIFICATION -- ~~NOTICE~~ RENEWAL.**

~~01. Term of Certification. A certification to practice veterinary technology in the state of Idaho shall be valid for a period of one (1) year. (3-30-01)~~

**021. Expiration and Renewal.** Unless renewed on or before June 30, all certificates shall will expire annually on July 1. ~~but, An “active” or “inactive” veterinary technician certification~~ may be renewed by submission of the completed ~~and signed annual~~ renewal form prescribed by the Board, submission of a continuing education report as outlined in ~~Paragraph 015.03-d, Section 102~~ of these rules for the appropriate hours of continuing education, ~~by meeting other requirements as defined in the rules adopted by the Board,~~ and payment of all applicable fees. ~~The form for renewal of a veterinary technician certificate shall include, but not be limited to: (3-30-01)~~ ( )

~~a. Name and social security number; (3-30-01)~~

- ~~b.~~ *Current employment status;* (3-30-01)
- ~~c.~~ *Current employment address and phone number;* (3-30-01)
- ~~d.~~ *Current home address and phone number; and* (3-30-01)
- ~~e.~~ *Continuing education credits earned.* (3-30-01)

~~032.~~ **Notice and Form for Renewal.** On or about May 1, the Board shall mail a notice to each certified veterinary technician ~~whose certification expires on July 1 of that year;~~ and shall also provide a form for renewal. In the alternative, the Board may provide the notice and renewal form electronically or make them accessible to technicians from the Board's website. The Board shall issue a new certificate to all qualified veterinary technicians certified under Title 54, Chapter 21, Idaho Code. (3-30-01)(    )

~~04.~~ **Return to "Active" Certification Status.** A technician may place a certification on "inactive" status by complying with the applicable provisions of Section 54-2112, Idaho Code. A technician whose certification is on inactive status shall not practice veterinary technology or technician duties in this state. A technician may convert from "inactive" status to "active" status by: (    )

- ~~a.~~ Submitting to the Board office a completed application form approved by the Board; (    )
- ~~b.~~ Providing evidence satisfactory to the Board of completion of required continuing education credits; (    )
- ~~c.~~ Providing any additional evidence deemed necessary by the Board to demonstrate the technician's continued competency in veterinary technology; and (    )
- ~~d.~~ Paying all applicable fees. (    )

~~045.~~ **Expired Certification Fees.** Within thirty (30) days ~~of the date after~~ a certification expires due to nonrenewal, the certification may be reinstated by paying the established late fee, the renewal fee, and by fulfilling any other requirements of Section 104 of these rules and Section 54-2112, Idaho Code. Once a certification has expired, a veterinary technician may not perform technician duties until the certification has been reinstated or until the technician has applied for and received a new certification. (3-30-01)(    )

~~056.~~ **Failure to Renew or Reinstatement Certification.** Any person who shall practice as a veterinary technician after the expiration of a certification and who fails to renew or reinstate the certification shall be practicing in violation of Title 54, Chapter 21, Idaho Code. (3-30-01)

~~067.~~ **Change of Address.** It is the responsibility of each certified veterinary technician to notify the Board office of any change of address. Failure to receive a renewal form from the Board shall not constitute an excuse for failure to pay the renewal fee and completion of the prescribed form. (3-30-01)