

PENDING FEE RULES

COMMITTEE RULES

REVIEW BOOK

Submitted for Review Before
Senate Health & Welfare Committee
64th Idaho Legislature
Second Regular Session – 2018



Prepared by:

*Office of the Administrative Rules Coordinator
Department of Administration*

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SENATE HEALTH & WELFARE COMMITTEE

ADMINISTRATIVE RULES REVIEW

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IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.18 – MEDICAID COST-SHARING

DOCKET NO. 16-0318-1701

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 2018 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee 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, 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), 56-253, and 56-257, Idaho Code; and House Bill 43 (2017).

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 fee rule with an explanation of the reasons for the change:

These rule changes will enable the Department to charge a monthly premium to YES participants whose family income is above Title XIX income limits. The Department is charging a premium to comply with the cost-sharing provisions in Section 56-257, Idaho Code, as well as to uphold parity among similar programs targeting populations of Idaho children with special health care needs.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017, Idaho Administrative Bulletin, [Vol. 17-10, pages 310-312](#).

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. The fee is being imposed pursuant to Section 56-257, Idaho Code.

The Department will establish a premium fee schedule at rates not to exceed maximums set forth in federal law (i.e., the aggregate limit of five percent (5%) of the family's income at 42 CFR 447.56) and regulations governing state Medicaid programs. The fee schedule will be published on the Department's website and provided to families participating in the Youth Empowerment Services (YES) program who are subject to premiums. This monthly premium may be waived if the Department determines that the family is unable to participate in the cost of care.

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:

The costs for the Youth Empowerment Services (YES) program were originally estimated in the fiscal note for House Bill 43 (2017) and funding addressed in House Bill 313 the same year, which provided legislative direction to pursue premiums for families of children with serious emotional disturbance. This cost-sharing rule establishes a sliding scale premium for eligible YES participants over 150% of the Federal Poverty Guidelines. Based on similar premium cost sharing methodologies, it is estimated that these premiums will generate approximately \$57,000 in receipts in SFY 2019, \$86,000 in SFY 2020, and \$115,000 in SFY 2021. These premiums will contribute to offsetting future costs of the YES program as services are implemented over time.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Clay Lord at (208) 364-1979.

DATED this 3rd day of November, 2017.

Tamara Prisock
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450 W. State Street – 10th Floor
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Boise, ID 83720-0036

THE FOLLOWING NOTICE 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 Sections 56-202(b), 56-253, and 56-257, Idaho Code; and House Bill 43 (2017).

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

PUBLIC HEARING
Wednesday, October 18, 2017 — 9:00 a.m. (Local)

Central Idaho - DHW Office
3232 Elder Street
Conference Room D - East
Boise, ID 83705

The hearing site 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:

These rule changes will enable the Department to charge a monthly premium to YES participants whose family income is above Title XIX income limits. The Department is charging a premium to comply with the cost-sharing provisions in Section 56-257, Idaho Code, as well as to uphold parity among similar programs targeting populations of Idaho children with special health care needs.

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

The Department will establish a premium fee schedule at rates not to exceed maximums set forth in federal law (i.e., the aggregate limit of five percent (5%) of the family's income at 42 CFR 447.56) and regulations governing state Medicaid programs. The fee schedule will be published on the Department's website and provided to families participating in the Youth Empowerment Services (YES) program who are subject to premiums. This monthly premium may be waived if the Department determines that the family is unable to participate in the cost of care. The fee is being imposed pursuant to Section 56-257, 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:

The costs for the Youth Empowerment Services (YES) program were originally estimated in the fiscal note for House Bill 43 (2017) and funding addressed in House Bill 313 the same year, which provided legislative direction to pursue premiums for families of children with serious emotional disturbance. This cost-sharing rule establishes a sliding scale premium for eligible YES participants over 150% of the Federal Poverty Guidelines. Based on similar premium cost sharing methodologies, it is estimated that these premiums will generate approximately \$57,000 in receipts in SFY 2019, \$86,000 in SFY 2020, and \$115,000 in SFY 2021. These premiums will contribute to offsetting future costs of the YES program as services are implemented over time.

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 June 7, 2017, Idaho Administrative Bulletin, [Vol. 17-6, pages 43 and 44](#).

INCORPORATION BY REFERENCE: No materials are being incorporated by reference in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Clay Lord at (208) 364-1979.

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 25, 2017.

DATED this 1st day of September, 2017.

LSO Rules Analysis Memo

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 16-0318-1701

001. TITLE, SCOPE, AND POLICY.

01. Title. The title of this chapter is IDAPA 16.03.18, "Medicaid Cost-Sharing." (3-19-07)

02. Scope. ~~(3-21-12)~~

~~a.~~ These rules describe the general requirements regarding the administration of the cost-sharing provisions for participation in a medical assistance program providing direct benefits in Idaho. (3-21-12)

~~b.~~ *This chapter does not apply to participants receiving benefits under IDAPA 16.03.16, "Premium Assistance."* ~~(3-21-12)~~

03. Policy. It is the policy of the Department that certain participants share in the cost of their benefits. (3-19-07)

(BREAK IN CONTINUITY OF SECTIONS)

206. ~~209.~~ (RESERVED)

207. PREMIUMS FOR PARTICIPATION UNDER THE YOUTH EMPOWERMENT SERVICES (YES) PROGRAM.

01. Premium Fee Schedule. Each YES program participant, as that individual is defined in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 636, is subject to assessment of a premium based on family income. The Department will establish a premium fee schedule at rates not to exceed maximums set forth in federal law and regulations governing state Medicaid programs. The fee schedule will be published on the Department's website and provided to families participating in the YES program who are subject to premiums. ()

02. Enforcement of Premiums. Payment of premiums will be enforced within the limitations of federal laws and regulations governing state Medicaid programs. ()

03. Waiver of Premium. The monthly premium described in Subsection 207.01 of this rule may be

waived if the Department determines that the family is unable to participate in the cost of care. ()

04. Premium Recalculation. The premium amount is recalculated at each annual eligibility redetermination. If a financially responsible adult reports a reduction in family income prior to eligibility redetermination, the premium will be reduced to the appropriate level upon verification of the reduction in the family's income. When the family income is reduced to a level that does not require premium payments, the premium will no longer be assessed. ()

208. -- 209. (RESERVED)

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.03.01 – RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

DOCKET NO. 24-0301-1701

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 2018 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee 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, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-707 and 54-707A, Idaho Code and Sections 54-708, 54-716 and 54-717, 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 fee rule with an explanation of the reasons for the change:

This pending fee rule implements HB 195, which was signed into law during the 2017 legislative session, and establishes a set of standards and educational requirements for a chiropractic certification in clinical nutrition for those licensed chiropractic physicians who wish to utilize vitamins and minerals, via intravenous or injectable routes of administration, in the treatment of their patients. This pending fee rule establishes fees for clinical nutrition certification and practice, instructions for certification application, recertification, cancellation and reissuance, standards of practice, rules for obtaining and administering clinical nutrition prescription drug products, and a clinical nutrition formulary.

The changes to the pending fee rule change the title of Rule 020, remove references to Advanced Cardiac Life Support (ACLS), and change “chiropractic premises” to “premises.”

The text of the pending fee 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 original text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 344-352](#).

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 54-5404, Idaho Code.

The rule establishes an application fee and a certification fee of \$150 each, which is within the authority granted by Section 54-707A, 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: N/A.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State St.
P.O. Box 83720
Boise, ID 83720-0063
Phone: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING NOTICE 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 Sections 54-707 and 54-707A, Idaho Code, and Sections 54-708, 54-716 and 54-717, 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 18, 2017.

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:

This proposed fee rule implements HB 195, which was signed into law during the 2017 legislative session, establishes a set of standards and educational requirements for a chiropractic certification in clinical nutrition for those licensed chiropractic physicians who wish to utilize vitamins and minerals, via intravenous or injectable routes of administration, in the treatment of their patients. This proposed fee rule establishes fees for clinical nutrition certification and practice, instructions for certification application, recertification, cancellation and reissuance, standards of practice, rules for obtaining and administering clinical nutrition prescription drug products, and a clinical nutrition formulary.

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

The rule establishes an application for clinical nutrition certification fee and a clinical nutrition certification fee of \$150 each, which is within the authority granted by Section 707A, 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: N/A

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

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 Dicsie Gullick 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 25, 2017.

DATED this 1st day of September, 2017.

[LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis](#)

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

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-0301-1701

020. ~~SCOPE OF~~ NON-CERTIFIED CLINICAL NUTRITIONAL PRACTICE (RULE 20).

Clinical nutritional methods as referenced in Section 54-704(1), Idaho Code, include, but are not limited to, the clinical use, administration, recommendation, compounding, prescribing, selling, and distributing non-prescription vitamins, minerals, botanical medicine, herbals, homeopathic, phytonutrients, antioxidants, enzymes and glandular extracts, and durable and non-durable medical goods and devices. Nothing herein shall allow any deviation from Section 54-704(23), Idaho Code. ~~(3-25-16)~~ ()

(BREAK IN CONTINUITY OF SECTIONS)

150. FEES (RULE 150).

- 01. Application Fee.** Application Fee - One hundred fifty dollars (\$150). (3-24-17)
- 02. Original License Fee.** Original License Fee – One hundred fifty dollars (\$150). (3-24-17)
- 03. Annual Renewal Fee.** Annual Renewal Fee - One hundred fifty dollars (\$150). (3-24-17)
- 04. Inactive License.** Inactive License - One hundred dollars (\$100). (3-24-17)
- 05. Temporary Permit Fee.** Temporary Permit Fee - One hundred dollars (\$100). (3-24-17)
- 06. Intern Permit Fee.** Intern Permit Fee – One hundred dollars (\$100). (3-24-17)
- 07. Application for Clinical Nutrition Certification Fee.** Application for Clinical Nutrition Certification Fee – One hundred fifty dollars (\$150). ()
- 08. Clinical Nutrition Certification Fee.** Clinical Nutrition Certification Fee – One hundred fifty dollars. ()
- 079. Non-Refundable.** All fees are non-refundable. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

606. -- ~~96~~99. (RESERVED)

700. CLINICAL NUTRITION CERTIFICATION AND PRACTICE.

The Board may issue clinical nutrition certification to a chiropractic physician licensed by the Board who successfully completes the minimum education and complies with requirements in Chapter 7, Title 54, Idaho Code governing clinical nutrition certification and the requirements of Sections 700 through 706. ()

701. APPLICATION FOR CLINICAL NUTRITION CERTIFICATION.

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

02. Supporting Documents. The applicant must provide or facilitate the provision of any supporting third party documents that may be required under the qualifications for clinical nutrition certification. ()

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

04. No Misrepresentation. The application for certification and for reissuance of certification or recertification and all supporting documents are free from any fraud or material misrepresentations and shall be subject to discipline pursuant to Chapter 7, Title 54, Idaho Code. ()

05. 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 the applicant demonstrates good cause to the Board. ()

06. Violations. Violation of the laws or rules governing issuance or maintenance of clinical nutrition certification or the practice of clinical nutrition by a licensee shall be subject to investigation and discipline pursuant applicable provisions of Chapter 7, Title 54, Idaho Code, and rules of the Board. ()

702. REQUIREMENTS FOR CLINICAL NUTRITION CERTIFICATION.

The Board may grant clinical nutrition certification to a licensee who completes an application, pays the applicable fees and meets the following requirements: ()

01. General. ()

a. Hold and maintain a current, active, unrestricted license as a chiropractic physician issued by the Board. ()

b. Not have been on probation or otherwise disciplined by the Board or by any other licensing board or regulatory entity; provided the applicant may make written request to the Board for an exemption review to determine the applicant's suitability for certification, which the Board shall determine in accordance with the following: ()

i. The exemption review shall consist of a review of any documents relating to the probation or discipline and any supplemental information provided by the applicant bearing upon the applicant's suitability for certification. The Board may, at its discretion, grant an interview of the applicant. During the review, the Board shall consider the following factors or evidence: ()

(1) The severity or nature of the violation(s) resulting in probation or discipline; ()

(2) The period of time that has passed since the violation(s) under review; ()

(3) The number or pattern of violations or other similar incidents; ()

(4) The circumstances surrounding the violation(s) that would help determine the risk of repetition; ()

(5) The relationship of the violation(s) to the practice of chiropractic or any health care profession, including but not limited to, whether the violation(s) related to clinical practice, involved patient care, a violation of any state or federal law, rule or regulation relating to controlled substances or to a drug, substance or product identified in Section 54-704(3)(b), Idaho Code; ()

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

(7) Any other mitigating or aggravating circumstances. ()

- ii. The applicant shall bear the burden of establishing current suitability for certification. ()
- c. Successfully complete the requirements of Section 54-717, Idaho Code, and Section 702. ()
- d. Written verification of current health care provider cardiopulmonary resuscitation (CPR) certification. Health care provider CPR certification must be from a course that includes a hands-on skill component as provided by the American Heart Association, American Red Cross, American Health and Safety Institute or similar provider approved by the Board. Written verification of current basic life support (BLS) certification. All chiropractic physicians holding clinical nutrition certification must maintain current health care provider CPR and BLS certification as provided in this Section. ()
- e. Certify that the chiropractic physician has BLS equipment on the premises where clinical nutrition treatment is being performed. BLS equipment shall include at a minimum: ()

 - i. Rescue breathing equipment. ()
 - ii. Oxygen. ()
 - iii. Epinephrine. ()
- f. Certify that the chiropractic physician possesses and will provide to patients informed consent documentation that explains the benefits and potential risks of the specific course of intravenous or injectable nutrition therapy that is being proposed and that the physician will in advance obtain from the patient written voluntary permission to perform the proposed therapy in accordance with Section 54-717(7), Idaho Code. ()
- g. Payment of all fines, costs, fees or other amounts that are due and owing to the Board or in compliance with a payment arrangement with the Board is required to be eligible for clinical nutrition certification pursuant to Sections 700 through 706. ()
- 02. Didactic Education Requirement.** Provide a certificate or other evidence acceptable to the Board of successful completion of a minimum of seven (7) credits (seventy-seven (77) hours) of didactic human nutrition, nutrition biochemistry, and nutritional pharmacology courses. The certificate or other evidence of successful completion must be provided directly to the Board by the educational institution. ()

 - a. Until January 1, 2019, chiropractic physicians licensed by the Board who commenced obtaining the didactic education requirements of this Section on or after January 1, 2013 and thereafter successfully completed those requirements may be determined to have satisfied the requirements of this Section by presenting a certificate or other evidence acceptable to the Board of successful completion. ()
 - b. After January 1, 2019, chiropractic physicians licensed by the Board who apply for clinical nutrition certification may be determined to have satisfied the didactic education requirements only if they present a certificate or other evidence acceptable to the Board pursuant to this Section demonstrating they commenced obtaining the didactic education required by this Section no earlier than three (3) years prior to applying for clinical nutrition certification and thereafter successfully completed the requirements. ()
- 03. Practicum Requirement.** Provide a certificate or other evidence acceptable to the Board of successful completion of a minimum of twenty-four (24) hours of practicum in intravenous and injectable nutrient therapy, which must include: sterile needle practices, phlebotomy, proper injection techniques, intravenous therapy techniques, intramuscular injection techniques, safety practices, and use and expected outcomes utilizing micronutrients, response to adverse effects, lab testing, and blood chemistry interpretation. ()

 - a. The practicum of any applicant for clinical nutrition certification required by this Section must commence after July 1, 2017, and be successfully completed within two (2) years of the date of application. ()
 - b. After July 1, 2019, the practicum of any applicant for clinical nutrition certification required by this Section must not have commenced more than two (2) years prior to the date of application for clinical nutrition certification and be successfully completed thereafter. ()

04. Accredited Institution and Program Requirement. The courses and practicum required by Subsections 702.02 and 702.03 must be taken from an accredited chiropractic college or other accredited institution of higher education. In addition the courses and practicum must be from an accredited program at the college or institution or be a program approved by the Board. ()

a. For purposes of this Section “accredited” means accredited by an accrediting agency recognized by the United States Department of Education. ()

b. For purposes of this Section “approved by the Board” means a program that is a “recognized candidate for accreditation,” has “initial accreditation” status or “preaccreditation” status by an accrediting body recognized by the United States Department of Education, or is substantially equivalent to a program having that status. ()

c. An applicant for clinical nutrition certification shall bear the burden to demonstrate their education and training in clinical nutrition meets the requirements of this Section, including both the accredited institution and accredited program requirements. ()

05. Audit of Compliance with Clinical Nutrition Certification and Recertification Requirements. The Board may conduct audits to confirm that licensees meet the requirements to maintain clinical nutrition certification and recertification. In the event a licensee audited by the Board fails to provide documentation or other evidence acceptable to the Board of meeting the clinical nutrition certification or recertification requirements as verified to the Board as part of their annual license renewal or the recertification process the matter will be referred to Bureau’s investigative unit for investigation and potential disciplinary proceedings by the Board. ()

06. Requirement to Maintain Supporting Documentation. A licensee need not submit documentation to the Board with a chiropractic license renewal application verifying qualifications for annual issuance of clinical nutrition certification pursuant to Section 703, or verifying qualifications to recertify clinical nutrition certification pursuant to Section 706. However, a licensee must maintain documentation for a period of five (5) years verifying the licensee has satisfied the requirements. A licensee must submit the documentation to the Board if the annual reissuance or the recertification is audited. All documentation must include the licensee’s name, and as applicable, the date the course or other required activity commenced and was completed, provider name, course title and description, length of the course/activity, and other information required by the Board. ()

703. ANNUAL ISSUANCE OF CLINICAL NUTRITION CERTIFICATION WITH LICENSE RENEWAL.

01. Expiration Date. Chiropractic physicians’ clinical nutrition certification expires on the expiration date of their chiropractic license and must be issued annually with the renewal of their license pursuant to Section 250. The Board shall waive the clinical nutrition certification fee in conjunction with the first timely renewal of the chiropractic license after initial clinical nutrition certification. ()

02. Issuance. Clinical nutrition certification shall be issued annually by timely submission of a chiropractic license renewal application, payment of the chiropractic license renewal fee, the clinical nutrition certification fee, any amounts owing pursuant to Subsection 702.01.g., and verifying to the Board that the licensee is in compliance with the requirements for clinical nutrition certification as provided in the Board’s laws and rules. ()

03. Failure to Comply with Issuance Requirements. ()

a. If a licensee with clinical nutrition certification fails to verify meeting clinical nutrition certification annual issuance requirements when renewing their chiropractic physician license the clinical nutrition certification is canceled and the chiropractic physician license will be renewed without clinical nutrition certification. ()

b. If a licensee with clinical nutrition certification fails to timely renew their chiropractic physician license their clinical nutrition certification is canceled. ()

c. Clinical nutrition certification canceled pursuant to this Section may be reissued within three (3) years in accordance with Section 704. ()

704. REISSUANCE OF CANCELLED CLINICAL NUTRITION CERTIFICATION.

01. Reissuance. Clinical nutrition certification canceled pursuant to Subsection 703.03 may be reissued within three (3) years of cancellation as follows: ()

a. Submission of a reissuance application and payment of the current clinical nutrition certification fee. ()

b. Submission of any other documents required by the Board for reissuance including but not limited to: ()

i. Documentation of holding current licensure as a chiropractic physician from the Board meeting the requirements of Section 702. ()

ii. Documentation of compliance with clinical recertification requirements in accordance with Section 706. ()

iii. Documentation of current health care provider CPR and BLS certification and certification that the chiropractic physician has BLS equipment on the premises where clinical nutrition treatment is performed and that informed consent and voluntary permission to perform the proposed therapy are being used in accordance with Section 702. ()

705. CLINICAL NUTRITION CERTIFICATION CANCELLED FOR OVER THREE (3) YEARS.

Clinical nutrition certification canceled for a period of more than three (3) years may not be reissued. The chiropractic physician so affected shall be required to make application to the Board in compliance with Section 701 and Section 702 and pay the application and other fees for new clinical nutrition certification. The applicant shall be reviewed by the Board and considered as follows: ()

01. Current Competency and Training. The chiropractic physician shall fulfill requirements as determined by the Board that demonstrate the chiropractic physician's competency to regain clinical nutrition certification in this state. Such requirements may include, but are not limited to, education, supervised practice, and examination, including some or all education, training and other requirements for original clinical nutrition certification as set forth in Section 54-717, Idaho Code, and Section 702. ()

02. New Clinical Nutrition Certification. Chiropractic Physicians who fulfill the conditions and requirements of this Section may be granted a new clinical nutrition certification. ()

706. CLINICAL NUTRITION RECERTIFICATION REQUIREMENT.

01. Recertification in Clinical Nutrition Every Three (3) Years. After Initial certification in clinical nutrition, chiropractic physicians must recertify in clinical nutrition every three (3) years in order to maintain clinical nutrition certification. ()

02. Annual Verification of Meeting Requirements. In order to maintain clinical nutrition certification pursuant to Section 54-717, Idaho Code, and Section 700, chiropractic physicians having clinical nutrition certification must annually verify, along with their chiropractic license renewal, pursuant to Subsection 706.01 by attesting to the Board they are in compliance with the requirements to recertify in clinical nutrition the following: ()

a. Completion within the three (3) years prior to required recertification of a twelve (12) hour in person face to face classroom course from an institution and program meeting Section 702.04 accreditation requirements. The course must include both didactic education and practical review and practice of contemporary developments and best practices to maintain core competency in the practice of clinical nutrition as set forth in Section 54-716, Idaho Code, and Section 54-717, Idaho Code. ()

b. Current licensure as a chiropractic physician issued by the Board meeting the requirements of Section 702. ()

c. Current health care provider CPR and BLS certification and that BLS equipment is maintained on the premises where clinical nutrition treatment is performed pursuant to Section 702. ()

d. They possess and will provide to patients informed consent documentation that explains the benefits and potential risks of the specific course of intravenous or injectable nutrition therapy that is being proposed and that the physician will in advance obtain from the patient written voluntary permission to perform the proposed therapy in accordance with Section 54-717(7), Idaho Code. ()

03. Recertification is in Addition to Required Annual Continuing Education. The twelve (12) hour recertification course requirement is in addition to the annual eighteen (18) hours of continuing education required under Subsection 300.01. ()

04. Failure to Timely Recertify in Clinical Nutrition. Clinical nutrition certification not timely recertified in accordance with Section 706 shall expire and be canceled. Clinical nutrition certification canceled for failure to recertify may be reissued within three (3) years in accordance with Section 704. ()

707. OBTAINING AND INDEPENDENTLY ADMINISTERING CLINICAL NUTRITION PRESCRIPTION DRUG PRODUCTS.

A chiropractic physician with clinical nutrition certification as defined by Sections 54-704(4), 54-716 and 54-717, Idaho Code, may obtain and independently administer prescription drug products in the practice of chiropractic subject to the conditions below. ()

01. Current Certification in Clinical Nutrition Required. Only chiropractic physicians who hold current certification in clinical nutrition by the Board may obtain and independently administer prescription drug products during chiropractic practice. ()

02. Obtain Prescription Drugs Products from the Formulary. A chiropractic physician with clinical nutrition certification may not obtain a prescription drug product that is not listed in the chiropractic clinical nutrition formulary. ()

03. Only Administer Prescription Drug Products from the Formulary. Chiropractic physicians with clinical nutrition certification may only administer those prescription drug products listed in the chiropractic clinical nutrition formulary. ()

a. Chiropractic physicians with clinical nutrition certification shall not prescribe, dispense, distribute, or direct to a patient the use of a prescription drug product. ()

04. Routes of Administration and Dosing of Prescription Drug Products. Prescription drug products listed in the chiropractic clinical nutrition formulary may be administered through oral, topical, intravenous, intramuscular or subcutaneous routes by a chiropractic physician with clinical nutrition certification. The route of administration and dosing shall be in accordance with the product's labeling as approved by the federal food and drug administration or with the manufacturer's instructions. ()

05. Practice Limited to Chiropractic Physicians with Clinical Nutrition Certification. Chiropractic interns, chiropractic assistants, holders of chiropractic temporary practice permits and others working under the authority or direction of a chiropractic physician may not perform any practice or function requiring clinical nutrition certification. ()

06. Sale, Transfer, or Other Distribution of Prescription Drugs Prohibited. Chiropractic physicians with clinical nutrition certification may obtain and administer prescription drug products to a patient only in accordance with this Section 707. Chiropractic physicians may not prescribe, sell, transfer, dispense, or otherwise distribute prescription drug products to any person or entity. Prescription drug products not administered to a patient shall be handled in accordance with Subsections 708.05, 708.06, and 708.07. ()

708. CLINICAL NUTRITION FORMULARY.

Chiropractic physicians certified in clinical nutrition may obtain and independently administer, during chiropractic practice, only the prescription drug products listed in this chiropractic clinical nutrition formulary and subject to the provisions hereof. ()

01. Chiropractic Clinical Nutrition Prescription Drug Formulary. Prescription drug products that may be used by chiropractic physicians with clinical nutrition certification are limited to the following: ()

a. Vitamins: vitamin A, all B vitamins and vitamin C; ()

b. Minerals: ammonium molybdate, calcium, chromium, copper, iodine, magnesium, manganese, potassium, selenium, sodium, and zinc; ()

c. Fluids: dextrose, lactated ringers, plasma lyte, saline, and sterile water; ()

d. Epinephrine; and ()

e. Oxygen for use during an emergency or allergic reaction. ()

02. Sources of Clinical Nutrition Prescription Drug Products. Prescription drug products listed in the chiropractic clinical nutrition formulary shall be obtained only by a chiropractic physician with clinical nutrition certification and only from a source licensed under Chapter 17, Title 54, Idaho Code, that is a wholesale distributor, a manufacturer, a pharmacy, or an outsourcing facility and from no other source. ()

03. No Compounding of Prescription Drug Products. No vitamin or mineral may be compounded, as defined in Section 54-1705, Idaho Code, by a chiropractic physician. A compounded drug product containing two (2) or more of the vitamins or minerals approved in the chiropractic clinical nutrition formulary shall be obtained for office use by a chiropractic physician with clinical nutrition certification only from an outsourcing facility licensed under Chapter 17, Title 54, Idaho Code and from no other source. A chiropractic physician may not obtain or use in chiropractic practice a compounded drug product containing a prescription drug product that is not included in the chiropractic clinical nutrition formulary. ()

04. Limitations on Possession of Prescription Drug Products. Possession of prescription drug products without a valid prescription drug order by chiropractic physicians licensed pursuant to Chapter 7, Title 54, Idaho Code, and certified pursuant to Sections 54-708, and 54-717, Idaho Code, or their agents or employees shall be limited to: ()

a. Only those prescription drug products listed in Sections 54-716, Idaho Code, and in the chiropractic clinical nutrition formulary; ()

b. Only those quantities reasonably required for use in the usual and lawful course of the chiropractic physician's clinical nutrition practice based on the patient panel size and history of orders. ()

05. Prescription Drug Product Storage. Clinical nutrition prescription drugs must be stored in accordance with United States Pharmacopeia-National Formulary requirements in an area maintained and secured appropriately to safeguard product integrity and protect against product theft or diversion. ()

06. Expired, Deteriorated, Adulterated, Damaged, or Contaminated Prescription Drug Products. Expired, deteriorated, adulterated, damaged, or contaminated prescription drug products must be removed from stock and isolated for return, reclamation or destruction. ()

07. Compliance with Federal and State Requirements. In addition to the requirements of the Idaho Chiropractic Practice Act and rules of the Board, chiropractic physicians shall comply with all federal and state laws, rules and policies governing possession, storage, record keeping, use, and disposal of prescription drug products. ()

709. MEDICAL WASTE.

Chiropractic physicians certified in clinical nutrition must dispose of medical waste during the practice of chiropractic clinical nutrition according to the following protocol: ()

01. Containers for Non-Sharp, Medical Waste. Medical waste, except for sharps, must be placed in disposable containers/bags that are impervious to moisture and strong enough to preclude ripping, tearing, or bursting under normal conditions of use. The bags must be securely tied so as to prevent leakage or expulsion of solid or liquid waste during storage, handling, or transport. The containment system must have a tight-fitting cover and be kept clean and in good repair. All bags used for containment of medical waste must be clearly identified by label or color, or both. ()

02. Containers for Sharps. Sharps must be placed in impervious, rigid, puncture-resistant containers immediately after use. Needles must not be bent, clipped or broken by hand. Rigid containers of discarded sharps must either be labeled or colored like the disposable bags used for other medical waste, or placed in such labeled or colored bags. ()

03. Storage Duration. Medical waste may not be stored for more than seven (7) days, unless the storage temperature is below thirty-two (32) degrees Fahrenheit. Medical waste must never be stored for more than ninety (90) days. ()

04. Waste Disposal. Medical waste must be disposed of by persons knowledgeable in handling and disposal of medical waste. ()

710. -- 999. (RESERVED)

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.06.01 – RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-1701

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 2018 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee 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, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Section 54-3712, 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 fee rule with an explanation of the reasons for the change:

The Occupational Therapy Licensure Board operates primarily on fees collected from licensees. It is recommended that boards maintain a balance equivalent to 100-150% of their annual budget. The Occupational Therapy Licensure Board's balance exceeds that amount. Accordingly, the rule lowers fees and leaves more money in the hands of licensees.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 353-354](#).

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 54-3712, Idaho Code.

Rule 41 reduces the initial licensure fee for occupational therapists from \$100 to \$80 and occupational therapy assistants from \$75 to \$60. It reduces the active license renewal fee for occupational therapists from \$55 to \$40 and occupational therapy assistants from \$35 to \$30. It also reduces the inactive license renewal fee for occupational therapists and occupational therapy assistants from \$25 to \$20.

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State St.
P.O. Box 83720
Boise, ID 83720-0063
Phone: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING NOTICE 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 54-3712, 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 18, 2017.

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 Occupational Therapy Licensure Board operates primarily on fees collected from licensees. It is recommended that boards maintain a balance equivalent to 100-150% of their annual budget. The Occupational Therapy Licensure Board's balance exceeds that amount. Accordingly, the rule lowers fees and leaves more money in the hands of licensees.

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

Rule 41 reduces the initial licensure fee for occupational therapists from \$100 to \$80 and occupational therapy assistants from \$75 to \$60. It reduces the active license renewal fee for occupational therapists from \$55 to \$40 and occupational therapy assistants from \$35 to \$30. It also reduces the inactive license renewal fee for occupational therapists and occupational therapy assistants from \$25 to \$20.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

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 Dicsie Gullick 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 25, 2017.

DATED this 1st day of September, 2017.

[LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis](#)

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-0601-1701

041. FEES.

- 01. Fees.** Necessary fees shall accompany applications. Fees shall not be refundable. (3-29-10)
- 02. Initial Licensure.** The fee for initial licensure of occupational therapists shall be ~~one hundred eighty~~ dollars (~~\$10080~~) and the fee for occupational therapy assistants shall be ~~seventy-five sixty~~ dollars (~~\$7560~~).
(4-6-15)()
- 03. Limited Permit or Temporary License.** The fee for a limited permit or temporary license shall be twenty-five dollars (\$25). (4-6-15)
- 04. Active License Renewal Fee.** The annual renewal fee for an active license shall be ~~fifty-five forty~~ dollars (~~\$5540~~) for occupational therapists and thirty ~~five~~ dollars (~~\$3530~~) for occupational therapy assistants.
(4-6-15)()
- 05. Reinstatement Fee.** The fee to reinstate an expired license is as provided in Section 67-2614, Idaho Code. (3-24-16)
- 06. Inactive License Renewal Fee.** The annual renewal fee for an inactive license shall be twenty ~~five~~ dollars (~~\$2520~~) for occupational therapists and occupational therapy assistants. (4-6-15)()
- 07. Inactive to Active License Fee.** The fee for reinstating an inactive license to an active license is the difference between the current inactive and active license renewal fees. (4-7-11)

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES
24.23.01 – RULES OF THE SPEECH, HEARING AND COMMUNICATION
SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-1702

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 2018 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, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2905, 54-2916A, 54-2917, 67-2614, and 54-5713, 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 implements H47 from the 2017 Legislature, which added sign language interpreters to the Speech and Hearing Services Practice Act. The change to the pending rule clarifies the provisions relating to registration for out of state licensees and makes the rule more easily understood.

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 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 377-384](#).

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 54-2916A, Idaho Code.

Rule 175 adds a \$10 registration fee for out of state licenses and clarifies that fees relating to reinstatement and dual licensure are as set in the law. Sign language interpreters will pay the same fees that are charged to other licensees under the Speech and Hearing Services Practice Act and already established in rule. No change is being made to those fees in this proposed rule.

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 rule, contact Dicsie Gullick at (208) 334-3233.

DATED this 7th day of December, 2017.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State St.
P.O. Box 83720
Boise, ID 83720-0063
Phone: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING NOTICE 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 Sections 54-2905, 54-2916A, 54-2917, 67-2614, and 54-5713, 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 18, 2017.

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:

In 2017, the Idaho Legislature passed H46 that included sign language interpreting within the Speech and Hearing Services Practice Act. These rules implement the new provisions of the Speech and Hearing Services Practice Act.

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

Rule 175 adds a \$10 registration fee for out of state licenses and clarifies that fees relating to reinstatement and dual licensure are as set in the law. Sign language interpreters will pay the same fees that are charged to other licensees under the Speech and Hearing Services Practice Act and already established in rule. No change is being made to those fees in this proposed rule.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

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: This rule incorporates by reference the “National Association of the Deaf (NAD)–Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct as the code of ethics for sign language interpreters.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Dicsie Gullick 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 25, 2017.

DATED this 31st day of August, 2017.

[LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis](#)

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

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-2301-1702

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. The document titled “National Association of the Deaf (NAD)-Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct,” copyright 2005 by the Registry of Interpreters for the Deaf, is incorporated by reference into this rule and is available at the Board’s office and on the Board’s web site. (3-30-06)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS (RULE 10).

01. Board. The Speech, Hearing and Communication Services Licensure Board as prescribed in Section 54-2908, Idaho Code. (3-30-06)

02. Bureau. The Bureau of Occupational Licenses as prescribed in Sections 54-2903 and 67-2602, Idaho Code. (3-30-06)

03. Audiology Support Personnel. Unlicensed natural persons who work under the direction and supervision of an audiologist who is licensed in accordance with Title 54, Chapter 29, Idaho Code, and is engaged in the practice of audiology. (3-24-17)

04. Deaf Interpreter. A person who is deaf or hard-of-hearing and not a licensed sign language interpreter, who is nonetheless permitted by Section 54-2905, Idaho Code, and Board rule to perform in the role of a sign language interpreter. ()

05. Dual Licensure. The status of a person who holds more than one (1) license under Title 54, Chapter 29, Idaho Code. ()

06. Distant Site. The site at which a provider of audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting services is located at the time the service is provided. ()

07. Originating Site. The location of a service recipient at the time audiology, speech-language pathology, sign language interpreting or hearing aid dealing and fitting services are provided. ()

08. Tele-Speech, Hearing and Communication Services. Audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting services provided to a person through the use of electronic communications, information technology, asynchronous store and forward transfer, or synchronous interaction between a service provider at a distant site and a service recipient at an originating site. The practice of audiology, speech-language pathology, sign language interpreting, or hearing aid dealing and fitting via tele-speech, hearing and communication services is deemed to take place at the originating site. ()

09. Tele-Speech, Hearing and Communication Provider. A person who is licensed, required to be licensed, or, if located outside of Idaho, would be required to be licensed if located in Idaho by Title 54, Chapter 29, Idaho Code, and who provides or offers to provide tele-speech, hearing and communication services to persons who are located in Idaho. ()

(BREAK IN CONTINUITY OF SECTIONS)

150. APPLICATION (RULE 150).

~~Each applicant for a license shall submit a complete application on application forms approved by the Board together with the required fee(s). The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. The Board will review only those applications deemed complete. (3-30-06)~~

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

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

03. Applications Must Be Complete. Applications will 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 the applicant demonstrates good cause to the Board. ()

(BREAK IN CONTINUITY OF SECTIONS)

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 seventy dollars (\$70) to be accompanied by the completed application. (3-24-17)

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 and provisional permit extension fee is one hundred dollars (\$100). ~~(3-30-06)~~()

05. Registration Fee for Out-of-State Licenses. Registration fee is ten dollars (\$10). ()

~~**056. Annual Renewal Fee.** Annual renewal fee is one hundred dollars (\$100). (3-24-17)~~

~~**067. Annual Renewal Fee for Inactive License.** Annual renewal fee is sixty-five dollars (\$65). (3-27-13)~~

08. Reinstatement Fee. Reinstatement fee is as provided in Section 67-2614, Idaho Code. ()

09. Dual Licensure Fee. There is no fee for dual licensure. A person shall be charged fees as though the person had obtained only one (1) license. ()

~~**0710. 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)

251. -- 299~~59~~. (RESERVED)

260. QUALIFICATIONS FOR SIGN LANGUAGE INTERPRETER LICENSURE (RULE 260).

The Board may grant a sign language interpreter license to an applicant who completes an application as set forth in Section 150 and meets the following: ()

01. General. ()

a. Be at least twenty-one (21) years of age: ()

b. Certify that the applicant has not been found guilty, convicted, received a withheld judgment, or suspended sentence for a felony. 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 320 of these rules; and ()

c. Certify that the applicant or the applicant's license or certification 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 applicant's license has been subject to discipline, the applicant must submit a written statement of suitability for licensure as set forth in Section 320 of these rules. ()

02. Education. Possess a high school diploma or the equivalent: ()

03. Examination or Certification. Pass competency examinations approved by the Board or obtain a certification approved by the Board. ()

261. -- 269. (RESERVED)

270. REGISTRATION FOR OUT-OF-STATE LICENSEES (RULE 270).

A person licensed or certified as sign language interpreter in another state, territory, or the District of Columbia may practice sign language interpreting in this state *without a license issued by the board* for a period not to exceed in the aggregate thirty (30) days in any calendar year provided that they fulfill the following requirements: ()

01. Statement of Registration. Before commencing such work, the person will file with the Board on a form approved by the board a statement of registration providing the person's name, residence, sign language interpreter license or certificate of registration number, and the name, address, and phone number of the issuing authority; ()

02. Registration Fee. The person will pay one (1) registration fee for each calendar year in which they register; ()

03. Statement of Time Engaged. Within five (5) business days of completion of the work, the person will submit to the Board on a form approved by the Board a statement of the number of days in which the person engaged in that work within the state. ()

271. -- 279. (RESERVED)

280. DEAF INTERPRETERS (RULE 280).

01. Letter of Endorsement. Persons who are deaf or hard-of-hearing and are not sign language interpreters may perform in the role of a deaf interpreter if they file with the Board two (2) written endorsement letters from a sign language interpreter licensed under Title 54, Chapter 29, Idaho Code. Each letter must, at a minimum, include: ()

a. Date letter of endorsement was written; ()

b. Full name, mailing address, and phone number of the deaf interpreter; ()

c. Name, mailing address, and phone number of the sign language interpreter; and ()

d. A statement endorsing the deaf interpreter to perform sign language interpreting services and an explanation as to why the sign language interpreter believes that the deaf interpreter has the skills and the knowledge to perform this role. ()

02. Withdrawal of Endorsement. A sign language interpreter who has endorsed a deaf interpreter may withdraw their endorsement at any time upon delivery of written notice to the deaf interpreter and the Board. ()

281. -- 299. (RESERVED)

300. EXAMINATION AND RE-EXAMINATION (RULE 300).

Each applicant shall be required to successfully pass the examination approved by the Board that is relevant to the license or permit for which application is being made. (3-30-06)

01. Dates and Locations of Exams. Examinations shall be held at such times and places as shall be determined by the Board and/or third-party examination administering authorities. ~~(3-30-06)~~()

02. Content of Exam. Each applicant shall be required to successfully pass the examination approved by the Board that is relevant to the license or permit for which application is being made. (3-30-06)

a. Applicants for Speech-Language Pathologist licensure shall successfully pass the national Praxis speech-language pathologist examination. Applicants for speech-language pathologist aide or speech-pathologist assistant must pass an examination approved by the Board. (3-30-06)

b. Applicants for audiologist licensure shall successfully pass the national Praxis audiologist examination. (3-30-06)

c. Applicants for Hearing Aid Dealer and Fitter licensure shall successfully pass the national International Hearing Instrument Studies examination. (3-30-06)

d. Applicants for a sign language interpreter license by examination must pass one (1) written examination from Subsection 300.02.d.i. or as approved by the Board and one (1) practical examination from Subsection 300.02.d.ii. or as approved by the Board: ()

i. The Educational Interpreter Performance Assessment (EIPA), any interpreting generalist written examination developed by the Registry of Interpreters for the Deaf (RID), the Center for Assessment of Sign Language Interpreters (CASLI), or any state government. ()

ii. Any practical or performance general interpreting examination recognized by the Registry of Interpreters for the Deaf (RID) or the Educational Interpreter Performance Assessment (EIPA) at score 4.0 or above. This practical or performance examination must have been passed within twenty (20) years before original application. ()

03. Failure of Exam. An applicant who fails to obtain a satisfactory score as determined by the examination provider in either the written examination or a section of the practical examination, shall be required to retake only the portion of the examination failed in order to qualify for licensure. If the applicant again fails the examination the applicant shall be required to retake the entire examination until the examination is successfully passed to qualify for licensure. (3-30-06)

301. CERTIFICATIONS (RULE 301).

01. Approved Certification Sponsors. Certifications approved by the Board for purposes of licensure are those administered by: ()

- a.** Registry of Interpreters for the Deaf (RID); ()
 - b.** National Association of the Deaf (NAD); ()
 - c.** Center for Assessment of Sign Language Interpreters (CASLI); ()
 - d.** Board for Evaluation of Interpreters (BEI) at basic level or above, or if certified before 2014, at intermediate level or above; ()
 - e.** Utah Interpreter Program (UIP) at professional or master level. ()
- 02.** **Board Approved Certification.** Also approved is any certification that may be approved by the Board. ()
- 03.** **Valid Certification.** To be valid for licensure, a certification must be current. ()
- 04.** **Multiple-Level Certifications.** Some certifications are multiple-level. It is the responsibility of each sign language interpreter to work in settings appropriate to their certification. ()
- 307. -- 309. (RESERVED)**

(BREAK IN CONTINUITY OF SECTIONS)

311. -- 319. (RESERVED)

320. WRITTEN STATEMENT OF SUITABILITY FOR LICENSURE (RULE 320).

An applicant who or whose license has a conviction, finding of guilt, withheld judgment, or suspended sentence for a felony 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 reoccurrence; ()
 - e.** The relationship of the crime or discipline to the practice of sign language interpreting; ()
 - 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. ()

~~340~~21. -- 349. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

471. -- ~~499~~79. (RESERVED)

480. PROVISIONAL PERMITS (RULE 480).

The Board may issue a provisional permit allowing a person to engage in the practice of sign language interpreting while that person is pursuing licensure by taking steps to pass a competency examination or obtain a certification. The holder of a provisional permit may only practice under the supervision of person(s) holding an active and unrestricted license under Title 54, Chapter 29, Idaho Code that has not been disciplined for two (2) years immediately prior to the supervisor's appointment. ()

01. Application. An applicant must submit a completed application on a form approved by the Board together with the required fee, a plan of training, an affidavit to abide by the profession's code of professional conduct, and a statement from a supervisor accepting supervisory responsibility. ()

02. Supervision. ()

a. A supervisor will ensure that the practice and conduct of each permit holder under their supervision conforms to the requirements of Title 54, Chapter 29, Idaho Code, and these rules. ()

b. A supervisor will record with the Board a plan of training that encompasses all sections covered in the licensing examination. The plan must be accepted and approved by the Board or its agent prior to issuance of a permit. ()

c. A supervisor will review with the permit holder plans for training necessary to prepare the permit holder for the required examination. ()

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

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

03. Quarterly Reports. ()

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

i. Log of supervisor and permit holder contacts; ()

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

iii. Certificate of attendance for any workshop or training session that permit holder has attended; ()

b. Quarterly reports are due on or before April 10th, July 10th, October 10th, and January 10th for the three (3) calendar month period 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. ()

c. Supervisors who fail to properly or adequately work with permit holders as required by Subsection 480.02 will be subject to disciplinary action as set forth in Section 54-2923, Idaho Code. ()

04. Expiration and Renewal. ()

a. 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 does not exceed the date of the third licensure examination following approval of the original application. ()

b. A provisional permit expires automatically upon issue of an original license. The provisional permit is valid for one (1) year from the date of issue and may be renewed prior to its expiration with an application for extension signed by the permit holder's supervisor at the discretion of the Board for a one (1) year period up to a maximum of two (2) renewals. ()

481. -- 499. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

601. -- ~~6~~99. (RESERVED)

700. CODE OF ETHICS (RULE 700).

The code of ethics for sign language interpreters licensed under Title 54, Chapter 29, Idaho Code, is contained within the National Association of the Deaf (NAD)-Registry of Interpreters for the Deaf, Inc. (RID) Code of Professional Conduct as incorporated by reference in Section 004 of these rules. ()

701. -- 999. (RESERVED)

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES
24.24.01 – RULES OF THE GENETIC COUNSELORS LICENSING BOARD
DOCKET NO. 24-2401-1701
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 2018 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee 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, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule. The action is authorized pursuant to Sections 54-5607, 54-5613 and 54-5713, 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 fee rule with an explanation of the reasons for the change:

The Genetic Counselors Licensing Board operates primarily on licensing fees. It is recommended that boards maintain a cash balance of 100-150% of their annual budget. The cash balance of the Genetic Counselors Licensing Board exceeds that amount. Accordingly, the Board wants to lower its balance and leave more money in the hands of its licensees.

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 385-386](#).

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 54-5607, Idaho Code.

Rule 250 reduces the fees for application, original license, annual renewal, provisional license, and license by endorsement from \$500 each to \$200 each.

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 Dicsie Gullick at (208) 334-3233.

DATED this 22nd day of November, 2017.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State St.
P.O. Box 83720
Boise, ID 83720-0063
Phone: (208) 334-3233
Fax: (208) 334-3945

THE FOLLOWING NOTICE 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 Sections 54-5607, 54-5613 and 54-5713, 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 18, 2017.

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 Genetic Counselors Licensing Board operates primarily on licensing fees. It is recommended that boards maintain a cash balance of 100-150% of their annual budget. The cash balance of the Genetic Counselors Licensing Board exceeds that amount. Accordingly, the Board wants to lower its balance and leave more money in the hands of its licensees.

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

Rule 250 reduces the fees for application, original license, annual renewal, provisional license, and license by endorsement from \$500 each to \$200.

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: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed changes to these rules were discussed during noticed, open meetings of the Board.

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 Dicsie Gullick 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 25, 2017.

DATED this 1st day of September, 2017.

[LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis](#)

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 24-2401-1701

250. FEES.

Fees are established in accord with Section 54-5613, Idaho Code as follows: (3-24-16)

- 01. Application Fee.** Application fee is ~~five~~ **two** hundred dollars (\$~~5~~**2**00). ~~(3-24-16)~~()
- 02. Original License Fee.** Initial full license fee is ~~five~~ **two** hundred dollars (\$~~5~~**2**00). ~~(3-24-16)~~()
- 03. Annual Renewal Fee.** Annual renewal fee is ~~five~~ **two** hundred dollars (\$~~5~~**2**00). ~~(3-24-16)~~()
- 04. Provisional License Fee.** Provisional license fee is ~~five~~ **two** hundred dollars (\$~~5~~**2**00). ~~(3-24-16)~~()
- 05. License by Endorsement Fee.** License by endorsement fee is ~~five~~ **two** hundred dollars (\$~~5~~**2**00). ~~(3-24-16)~~()
- 06. Examination Fee.** The fee for those examinations administered by a third party administrator is the fee determined by the administrator and must be paid by the applicant directly to the administrator. (3-24-16)
- 07. Duplicate License Fee.** Duplicate license fee is ten dollars (\$10). (3-24-16)
- 08. Reinstatement Fee.** Reinstatement fee is as provided in Section 67-2614, Idaho Code. (3-24-16)
- 09. Refund of Fees.** All fees are non-refundable except that, if a license fee is tendered but the Board does not issue a license, the respective license fee will be returned. (3-24-16)

IDAPA 27 – BOARD OF PHARMACY
27.01.02 – RULES GOVERNING LICENSURE AND REGISTRATION
DOCKET NO. 27-0102-1701 (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 2018 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 by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending fee rule becomes final and effective on July 1, 2018.

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 54-1717, 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 fee rule with an explanation of the reasons for the change:

There are no changes to the pending fee rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the October 4, 2017 Idaho Administrative Bulletin, [Vol. 17-10, pages 405 through 417](#).

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 54-1720, Idaho Code.

The following categories of licensure or registration are proposed to be eliminated:

Category	Current Fee(s)	Proposed Fee	Note
Nursing Home	\$35	\$0	Category proposed to be eliminated.
Non-Pharmacy Retail Outlet	\$35	\$0	Category proposed to be eliminated.
Veterinary Drug Technician	\$35	\$0	Category proposed to be eliminated.
Inactive Pharmacist License	\$50	\$0	Category proposed to be eliminated.

Currently, to practice pharmacy in Idaho, a pharmacist must obtain a license or registration (fees vary) and separately a controlled substance registration (\$60). Idaho is among a minority of states that requires these separate licenses and registrations. The Board proposes to eliminate the separate controlled substance registration, and adjust the fees for pharmacists as follows:

Category	Current Fee(s)	Proposed Fee	Note
Pharmacist Controlled Substances Registration	\$60	\$0	Category proposed to be eliminated and bundled with the separate pharmacist license or registration, as described in the following columns.

Category	Current Fee(s)	Proposed Fee	Note
Pharmacist License by Examination (Initial)	\$100	\$140	The fee would be adjusted to account for consolidation of the pharmacist controlled substances registration. Pharmacists who currently hold both a pharmacist license and controlled substance registration save \$20 annually by consolidating the two. Otherwise there is a net \$40 increase. As of April 2017, there were only 80 pharmacists in Idaho (3% of total pharmacist licensees) who held a pharmacist license but not a controlled substance registration. These pharmacists are generally in non-practice settings. In addition, 780 out-of-state pharmacists did not hold a controlled substance registration.
Pharmacist License (Renewal)	\$90	\$130	
Pharmacist License by Reciprocity (Initial)	\$250	\$140	The National Association of Boards of Pharmacy license transfer process has streamlined the staff work burden for license reciprocity applications; the proposed fee would now create parity with the fee for pharmacist licensure by exam.

In addition, the Board intends to increase the fee for its nonresident pharmacist registration category from \$250 to \$290, which also accounts for the consolidation of the pharmacist controlled substance registration. Currently, Section 54-1720, Idaho Code, caps the fee for pharmacists at \$250, which prevents the Board from making this change as part of this rule docket. The Board intends to bring agency legislation to address this cap; if this agency legislation successfully passes, the Board intends to make this change via temporary rule after the conclusion of the 2018 legislative session and prior to the effective date of these rules (July 1, 2018).

Currently, to distribute medications in Idaho, a distributor must obtain a license or registration (fees vary) and separately a controlled substance registration (\$100) if they are distributing controlled substances. Idaho is among a minority of states that requires these separate licenses and registrations. The Board proposes to eliminate the separate controlled substance registration, and adjust the fees for distributors as follows:

Category	Current Fee(s)	Proposed Fee	Note
Distributor Controlled Substances Registration	\$100	\$0	Category proposed to be eliminated and bundled with the separate distributor/manufacturer license or registration.
Manufacturer	\$100	\$150	Distributors who currently hold both a distributor registration and controlled substance registration save \$50 annually by consolidating the two. Otherwise there is a net \$50 increase.
Wholesale Distributor	\$130	\$180	
Wholesale OTC	\$100	\$150	

Lastly, the Board proposes to modify the following fees for various reasons described in the table:

Category	Current Fee(s)	Proposed Fee	Note
Technician-in-Training	\$35/year	\$35/two years	Technicians-in-training will save \$35 if their training period exceeds the first year.

Category	Current Fee(s)	Proposed Fee	Note
Prescriber Drug Outlet	\$35	\$100	When the Board initially established the fee, it proved insufficient to cover the costs associated with licensing and inspections. The fee for all other drug outlets is \$100, so this creates parity and accounts for the Board's actual expenses.

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 proposed changes have no impact on the state General Fund. The net revenue change to the Board of Pharmacy's dedicated fund is projected to be a net decrease of \$18,503 on renewals as proposed in the current rules. If the Board's agency legislation also passes, enabling an increase in the nonresident pharmacist registration fee, the net impact on the Board's dedicated fund is projected to be an increase of \$4,338 on renewals.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Alex Adams at (208) 334-2356.

DATED this 27th day of October, 2017.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

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 54-1717, Idaho Code.

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

PUBLIC HEARING
Wednesday, October 25, 2017 – 9:00 a.m. (MDT)

Idaho State Capitol Building
Room WW53
700 West Jefferson Street
Boise, ID 83702

For those planning to attend the open public hearing, the Board will accept written and verbal comments. For all others not planning to attend the public hearing, written comments will be accepted by the Executive Director on or before close of business on October 24, 2017 as follows:

- Written comments received by October 20, 2017 will be included in the Board's distributed meeting material for consideration in advance of the hearing.
- Written comments received between October 21, 2017 and October 24, 2017 will be printed and provided to the Board at the open public hearing.

The hearing site 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 scope of Chapter 27.01.02 is to establish the rules related to licensure and registration for both individuals and facilities. This chapter is comprised of rules from the existing Board rules as follows: general requirements, board fees, fee schedule, pharmacist licensure and registration, pharmacist intern registration, technician registration, practitioner controlled substance registration, and drug outlet licensure and registration. Changes made to the current rules include:

- Elimination of the following licensure or registration categories: nursing home, non-pharmacy retail outlet, veterinary drug technician, and inactive pharmacist license. Elimination of the license or registration does not mean that these activities cannot occur; it merely removes the need for a government permission slip prior to engaging in these activities as it relates to the practice of pharmacy;
- Consolidation of pharmacist controlled substance registration and distributor controlled substance registration into the main licenses for each category;
- Changes to the fee schedule for pharmacists, manufacturers, distributors, and prescriber drug outlets as outlined below;
- Annual renewal deadlines are changed for individuals (birth month) and facilities (now December 31);
- Continuing pharmacy education requirements are streamlined for pharmacists and Board-approved credits are removed as this duplicates a service provided commonly and more effectively by the private sector;
- Externs and interns are consolidated into a single license type, now called 'pharmacist interns';
- The technician-in-training registration is capped at a period at two (2) years from the date of issuance, the employer requirement is removed for technicians-in-training, and a student technician category is created;
- Drug outlets may obtain a temporary license number so that pharmacies can start health plan contracting prior to opening provided certain criteria are met;
- Removes the requirement that a floor plan must be submitted to, and approved by, Board staff prior to a remodel; and
- Streamlines the process for permanently closing a pharmacy.

These rules will take effect in their entirety on July 1, 2018.

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

The following categories of licensure or registration are proposed to be eliminated:

Category	Current Fee(s)	Proposed Fee	Note
Nursing Home	\$35	\$0	Category proposed to be eliminated.
Non-Pharmacy Retail Outlet	\$35	\$0	Category proposed to be eliminated.
Veterinary Drug Technician	\$35	\$0	Category proposed to be eliminated.
Inactive Pharmacist License	\$50	\$0	Category proposed to be eliminated.

Currently, to practice pharmacy in Idaho, a pharmacist must obtain a license or registration (fees vary) and separately a controlled substance registration (\$60). Idaho is among a minority of states that requires these separate licenses and registrations. The Board proposes to eliminate the separate controlled substance registration, and adjust the fees for pharmacists as follows:

Category	Current Fee(s)	Proposed Fee	Note
Pharmacist Controlled Substances Registration	\$60	\$0	Category proposed to be eliminated and bundled with the separate pharmacist license or registration, as described in the following columns.
Pharmacist License by Examination (Initial)	\$100	\$140	The fee would be adjusted to account for consolidation of the pharmacist controlled substances registration. Pharmacists who currently hold both a pharmacist license and controlled substance registration save \$20 annually by consolidating the two. Otherwise there is a net \$40 increase.
Pharmacist License (Renewal)	\$90	\$130	As of April 2017, there were only 80 pharmacists in Idaho (3% of total pharmacist licensees) who held a pharmacist license but not a controlled substance registration. These pharmacists are generally in non-practice settings. In addition, 780 out-of-state pharmacists did not hold a controlled substance registration.
Pharmacist License by Reciprocity (Initial)	\$250	\$140	The National Association of Boards of Pharmacy license transfer process has streamlined the staff work burden for license reciprocity applications; the proposed fee would now create parity with the fee for pharmacist licensure by exam.

In addition, the Board intends to increase the fee for its nonresident pharmacist registration category from \$250 to \$290, which also accounts for the consolidation of the pharmacist controlled substance registration. Currently, Section 54-1720, Idaho Code, caps the fee for pharmacists at \$250, which prevents the Board from making this change as part of this rule docket. The Board intends to bring agency legislation to address this cap; if this agency legislation successfully passes, the Board intends to make this change via temporary rule after the conclusion of the 2018 legislative session and prior to the effective date of these rules (July 1, 2018).

Currently, to distribute medications in Idaho, a distributor must obtain a license or registration (fees vary) and separately a controlled substance registration (\$100) if they are distributing controlled substances. Idaho is among a

minority of states that requires these separate licenses and registrations. The Board proposes to eliminate the separate controlled substance registration, and adjust the fees for distributors as follows:

Category	Current Fee(s)	Proposed Fee	Note
Distributor Controlled Substances Registration	\$100	\$0	Category proposed to be eliminated and bundled with the separate distributor/manufacturer license or registration.
Manufacturer	\$100	\$150	Distributors who currently hold both a distributor registration and controlled substance registration save \$50 annually by consolidating the two. Otherwise there is a net \$50 increase.
Wholesale Distributor	\$130	\$180	
Wholesale OTC	\$100	\$150	

Lastly, the Board proposes to modify the following fees for various reasons described in the table:

Category	Current Fee(s)	Proposed Fee	Note
Technician-in-Training	\$35/year	\$35/two years	Technicians-in-training will save \$35 if their training period exceeds the first year.
Prescriber Drug Outlet	\$35	\$100	When the Board initially established the fee, it proved insufficient to cover the costs associated with licensing and inspections. The fee for all other drug outlets is \$100, so this creates parity and accounts for the Board's actual expenses.

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:

The proposed changes have no impact on the state General Fund. The net revenue change to the Board of Pharmacy's dedicated fund is projected to be a net decrease of \$18,503 on renewals as proposed in the current rules. If the Board's agency legislation also passes, enabling an increase in the nonresident pharmacist registration fee, the net impact on the Board's dedicated fund is projected to be an increase of \$4,338 on renewals.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted in two separate open, public meetings on August 1, 2017 and August 30, 2017. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published under Docket No. 27-0101-1701 in the June 7, 2017 Idaho Administrative Bulletin, [Vol. 17-6, pages 54 through 56](#), and in the August 2, 2017 Idaho Administrative Bulletin, [Vol. 17-8, pages 114 through 115](#).

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 Alex Adams 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 25, 2017.

DATED this 30th day of August, 2017.

[LINK: LSO Rules Analysis Memo and Cost/Benefit Analysis](#)

THE FOLLOWING IS THE TEXT OF FEE DOCKET NO. 27-0102-1701

IDAPA 27
TITLE 01
CHAPTER 02

27.01.02. – RULES GOVERNING LICENSURE AND REGISTRATION

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of the Uniform Controlled Substances Act, Title 37, Chapter 27, Idaho Code; the Idaho Pharmacy Act, the Idaho Wholesale Drug Distribution Act, and the Idaho Legend Drug Donation Act, Title 54, Chapter 17, Idaho Code; and specifically pursuant to Sections 37-2702, 37-2715, 54-1717, 54-1753, 54-1755, and 54-1763, Idaho Code. ()

001. TITLE AND SCOPE.

In addition to the General Provisions set forth in “General Provisions,” IDAPA 27.01.01, the following title and scope shall apply to these rules: ()

01. Title. The title of this chapter is “Rules Governing Licensure and Registration,” IDAPA 27, Title 01, Chapter 02. ()

02. Scope. The scope of this chapter includes, but is not limited to, provision for, and clarification of, the Board’s assigned responsibility to license individuals and facilities engaged in the practice of pharmacy in or into Idaho, including pharmacists, technicians, pharmacist interns, practitioners, and drug outlets. ()

002. WRITTEN INTERPRETATIONS.

In accordance with Title 67, Chapter 52, Idaho Code, this agency may have written statements that pertain to the interpretation of, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Board of Pharmacy office. ()

003. ADMINISTRATIVE PROCEEDINGS AND APPEALS.

Administrative proceedings and appeals are administered by the Board in accordance with the “Idaho Rules of Administrative Procedure of the Attorney General,” IDAPA 04.11.01, Subchapter B -- Contested Cases, Rules 100 through 800. ()

01. Place and Time for Filing. Documents in rulemakings or contested cases must be filed with the executive director of the Board at the Board office between the hours of 8 a.m. and 5 p.m., Mountain Time, Monday through Friday, excluding state holidays. ()

02. Manner of Filing. One (1) original of each document is sufficient for filing; however, the person or officer presiding over a particular rulemaking or contested case proceeding may require the filing of additional copies. A document may be filed with the Board by e-mail or fax if legible, complete, and received during the Board’s office hours. The filing party is responsible for verifying with Board staff that an e-mail or fax was successfully and legibly received. ()

004. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. ()

005. BOARD OFFICE INFORMATION.

01. Street Address. The office is located at 1199 Shoreline Lane, Suite 303, Boise, Idaho. ()

02. Mailing Address. The mailing address is P.O. Box 83720, Boise, Idaho 83720-0067. ()

03. Telephone Number. The telephone number is (208) 334-2356. ()

04. Fax Number. The fax number is (208) 334-3536. ()

05. Electronic Address. The website address is <https://bop.idaho.gov>. ()

06. Office Hours. The office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, excluding state holidays. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

Board of Pharmacy records and filings are subject to compliance with the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. ()

007. OFFICIAL BOARD JOURNAL.

The official journal of the Board is the electronic Idaho State Board of Pharmacy Newsletter. A link to recent versions of the newsletter is posted on the Board's website. Board licensees and registrants are presumed to have knowledge of the contents of the newsletter on the date of publication. The newsletter may be used in administrative hearings as proof of notification. ()

008. – 009. (RESERVED)

010. DEFINITIONS AND ABBREVIATIONS.

The definitions set forth in Sections 54-1705 and 37-2701, Idaho Code, are applicable to these rules. In addition, the definitions and abbreviations found at IDAPA 27.01.01.010 through 012 are applicable to these rules. ()

011. – 019. (RESERVED)

020. BOARD OF PHARMACY LICENSURE AND REGISTRATION.

The Board will issue or renew a license or certificate of registration upon application and determination that the applicant has satisfied the requirements of the Idaho Pharmacy Act, Idaho Controlled Substances Act, and any additional criteria specified by these rules for the license or registration classification. Licenses or registrations required by state or federal law, or both, must be obtained prior to engaging in these practices or their supportive functions, except that the Board may suspend such requirements for the duration of a national, state or local emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, for individuals engaged in the scope of practice for which they are licensed in another state. ()

021. LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.

01. Board Forms. Initial licensure and registration applications, annual renewal applications, and other forms used for licensure, registration, or other purposes must be in such form as designated by the Board. ()

02. Incomplete Applications. Information requested on the application or other form must be provided and submitted to the Board office with the applicable fee or the submission will be considered incomplete and will not be processed. Applications that remain incomplete after six (6) months from the date of initial submission will expire. ()

03. On-Time Annual Renewal Application. Licenses and registrations must be renewed annually to

remain valid. Applications for renewal must be completed and submitted to the Board office prior to the license or registration expiration. Timely submission of the renewal application is the responsibility of each licensee or registrant. Licenses and certificates of registration issued to individuals will expire annually on the last day of the individual's birth month, and on December 31 for facilities, unless an alternate expiration term or date is stated in these rules. ()

04. Late Renewal Application. Failure to submit a renewal application prior to the expiration date will cause the license or registration to lapse and will result in the assessment of a late fee and possible disciplinary action. A lapsed license or registration is invalid until renewal is approved by the Board and if not renewed within thirty (30) days after its expiration will require reinstatement. ()

05. Exemption. New licenses and registrations issued ten (10) weeks or less prior to the renewal due date are exempt from the renewal requirements that year only. ()

06. Cancellation and Registration. Failure to maintain the requirements for any registration will result in the cancellation of the registration. ()

07. Reinstatement of License or Registration. Unless otherwise specified in Board rule, consideration of a request for reinstatement of a license or registration will require a completed application on a Board form, submission of a completed fingerprint card, as applicable, and payment of any applicable fees due or delinquent at the time reinstatement is requested. ()

08. Parent or Legal Guardian Consent. No person under the age of eighteen (18), unless an emancipated minor, may submit an application for licensure or registration without first providing the Board with written consent from a parent or legal guardian. ()

022. BOARD FEES.

01. Fee Determination and Collection. Pursuant to the authority and limitations established by Sections 37-2715 and 54-1720(5)(a), Idaho Code, the Board has determined and will collect fees for the issuance, annual renewal, or reinstatement of licenses and certificates of registration to persons and drug outlets engaged in acts or practices regulated by the Board. The Board may also charge reasonable fees for specified administrative services or publications. ()

02. Time and Method of Payment. Fees are due and must be paid by cash, credit card, or by personal, certified, or cashier's check or money order payable to the "Idaho State Board of Pharmacy" at the time of application, submission, or request. Fees are nonrefundable and will not be prorated, except for the limited purpose of transitioning to the new renewal deadlines established by these rules. ()

03. Fee for Dishonored Payment. A reasonable administrative fee may be charged for a dishonored check or other form of payment. If a license or registration application has been approved or renewed by the Board and payment is subsequently dishonored, the approval or renewal is immediately canceled on the basis of the submission of an incomplete application. The board may require subsequent payments to be made by cashier's check, money order, or other form of guaranteed funds. ()

04. Overpayment of Fees. "Overpayment" refers to the payment of any fee in excess of the listed amount. Refunds issued will be reduced by a reasonable processing fee. ()

05. Fee Exemption for Controlled Substance Registrations. Persons exempt pursuant to federal law from fee requirements applicable to controlled substance registrations issued by the DEA are also exempt from fees applicable to controlled substance registrations issued by the Board. ()

023. FEE SCHEDULE.

01. Licenses and Registrations -- Professionals.

License/Registration	Initial Fee	Annual Renewal Fee
Pharmacist License	\$140	\$130
Nonresident Pharmacist Registration	\$250	\$250
Pharmacist Intern	\$50	\$50
Technician	\$35	\$35
Practitioner Controlled Substance Registration	\$60	\$60

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02. Certificates of Registration and Licensure -- Facilities.

License/Registration	Initial Fee	Annual Renewal Fee
Drug Outlet (unless otherwise listed)	\$100	\$100
Wholesale License	\$180	\$180
Wholesale Registration	\$150	\$150
Central Drug Outlet (Nonresident)	\$500	\$250
Mail Service Pharmacy	\$500	\$250
Durable Medical Equipment Outlet	\$50	\$50
Outsourcing Facility (Nonresident)	\$500	\$250
Manufacturer	\$150	\$150
Veterinary Drug Outlet	\$35	\$35

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03. Late Fees and Reinstatements.

Category	Fee
Late payment processing fee	\$50
License or registration reinstatement fee	One-half (1/2) of the amount of the annual renewal

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04. Administrative Services.

Category	Fee
Experiential hours certification	\$25
Duplicate pharmacist certificate of licensure	\$35

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024. -- 029. (RESERVED)

030. DETERMINATION OF NEED FOR PHARMACIST LICENSE, NONRESIDENT REGISTRATION, OR NEITHER.

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

02. Nonresident Pharmacists. All nonresident pharmacists practicing pharmacy into the state of Idaho must be licensed in their state of practice and must additionally be licensed or registered in Idaho as follows: ()

a. Independent Practice. Pharmacists must be licensed if engaged in the independent practice of pharmacy across state lines and not practicing for an Idaho registered drug outlet. ()

b. Practice for an Idaho Registered Drug Outlet. A nonresident pharmacist serving as the PIC for an Idaho registered nonresident drug outlet must be licensed or registered to practice into Idaho. All other nonresident pharmacists who are employed by, or affiliated with, and practicing for the Idaho registered nonresident drug outlet, but who are not the PIC, are exempt from license and registration requirements for practice into Idaho. ()

03. Exemption from Separate Controlled Substance Registration. All pharmacists who are practicing in or into Idaho are exempt from obtaining a separate controlled substance registration, but must maintain compliance with all requirements under Title 37, Chapter 27, Idaho Code. ()

031. PHARMACIST LICENSURE BY EXAMINATION.

To be considered for licensure, a person must satisfy the requirements of Section 54-1722(1)(a) through (e), Idaho Code, and submit to the Board an application for licensure by examination. ()

01. Graduates of U.S. Pharmacy Schools. An applicant must be a graduate of an ACPE-accredited school or college of pharmacy within the United States. ()

02. Graduates of Foreign Pharmacy Schools. An applicant who is a graduate of a school or college of pharmacy located outside of the United States must submit certification by the FRGEC, and verification of completion of a minimum of seventeen hundred forty (1,740) experiential hours. An Idaho State Board of Pharmacy Employer's Affidavit certifying the experiential hours of a foreign pharmacy graduate must be signed by a pharmacist licensed and practicing in the United States and submitted to the Board. The Board may also request verifiable business records to document the hours. ()

03. Licensure Examinations. Qualified applicants must pass the NAPLEX and the MPJE in accordance with NABP standards. A candidate who fails the NAPLEX three (3) times must complete at least thirty (30) hours of continuing education accredited by an ACPE-accredited provider prior to being eligible to sit for each subsequent reexamination. Candidates are limited to five (5) total attempts to pass each exam. ()

032. PHARMACIST LICENSURE BY RECIPROCITY.

An applicant for pharmacist licensure by reciprocity must satisfy the requirements of Section 54-1723, Idaho Code, and this rule to obtain an Idaho license. An applicant whose pharmacist license is currently restricted by a licensing entity in another state must appear before the Board to petition for licensure by reciprocity. ()

01. Transfer Application. The applicant must submit a preliminary application for licensure transfer through NABP. ()

02. MPJE. The applicant must pass the Idaho-based MPJE within five (5) total attempts. ()

03. Intern Hours. An applicant not actively engaged in the practice of pharmacy during the year preceding the date of application may also be required to complete intern hours for each year away from the practice of pharmacy. ()

033. PHARMACIST LICENSE RENEWAL: CPE REQUIREMENTS.

Each pharmacist applicant for license renewal must complete fifteen (15) CPE hours each calendar year between January 1 and December 31. ()

01. ACPE. At least twelve (12) of the CPE hours obtained must be from programs by an ACPE that

have a participant designation of “P” (for pharmacist) as the suffix of the ACPE universal program number. ACPE credits must be reported to and documented in CPE Monitor in order to be accepted. ()

02. CME. A maximum of three (3) of the hours may be obtained from CME, if the credits are: ()

a. Obtained from an ACCME accredited provider; and ()

b. A certificate is furnished that identifies the name of the ACCME accredited provider and a clear reference to its accreditation status, the title of the CME program, the completed hours of instruction, the date of completion, and the name of the individual obtaining the credit. All CME certificates must be submitted to the Board between December 1 and December 31. ()

034. PHARMACIST LICENSE: REINSTATEMENT.

The Board may, at its discretion, consider reinstatement of a pharmacist license upon receipt of a completed application, background check, and payment of the reinstatement and other fees due or delinquent at the time reinstatement is requested. ()

01. Satisfactory Evidence. Reinstatement applicants must provide satisfactory evidence of completion of a minimum of thirty (30) CPE hours within the twenty-four (24) months prior to reinstatement and compliance with any direct orders of the Board. ()

02. Additional Requirements. A pharmacist reinstatement applicant may be required to appear before the Board. If a pharmacist license has lapsed for more than twenty-four (24) months, the applicant must pass the MPJE prior to returning to practice. The Board may also, at its discretion, impose additional requirements on a pharmacist reinstatement applicant who has not practiced as a pharmacist for the preceding twelve (12) months or longer that may include taking and passing an examination, completion of intern hours, completion of additional CPE hours, or other requirements determined necessary to acquire or demonstrate professional competency. ()

035. NONRESIDENT PHARMACIST REGISTRATION TO PRACTICE PHARMACY INTO IDAHO.

To be registered to practice pharmacy into Idaho an applicant must submit an application on a Board form including, but not limited to: ()

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 for which the applicant will be practicing. ()

036. PHARMACIST INTERN REGISTRATION.

01. Registration Requirements. To be approved for and maintain registration as a pharmacist intern, the applicant must: ()

a. Currently be enrolled and in good standing in an accredited school or college of pharmacy, pursuing a professional degree in pharmacy; or ()

b. Be a graduate of an accredited school or college of pharmacy within the United States and awaiting examination for pharmacist licensure; or ()

c. Be a graduate of a school or college of pharmacy located outside the United States, obtain certification by the FPGEC, and be awaiting examination for pharmacist licensure or obtaining practical experience as required under Board rule. ()

02. Renewal. ()

a. Current Students. A pharmacist intern registration must be renewed annually by July 15; however, the renewal fee will be waived, if renewed on time, for the duration of the student’s enrollment in the school or

college of pharmacy. Following graduation, if a pharmacist license application has been submitted, the pharmacist intern license will be extended at no cost for up to six (6) additional months from the date of application as a pharmacist, after which time the individual will need to submit a new application to continue to be a pharmacist intern. ()

b. Pharmacy Graduates. A graduate pharmacist intern registration may be obtained and renewed once within one (1) year from the date of issuance. The Board may, at its discretion, grant additional time to complete internship experience if unique circumstances present. ()

037. – 039. (RESERVED)

040. CERTIFIED TECHNICIAN REGISTRATION.

To be approved for registration as a certified technician, a person must satisfy the following requirements: ()

01. Age. Be at least sixteen (16) years of age; ()

02. Education. Be a high school graduate or the recipient of a high school equivalency diploma;()

03. Personal Characteristics. Be of good moral character and temperate habits; and ()

04. Certification. Have obtained and maintained certified pharmacy technician (CPhT) status through the Pharmacy Technician Certification Board (PTCB), the National Healthcareer Association (NHA), or their successors. ()

041. TECHNICIAN-IN-TRAINING REGISTRATION.

01. Applying for Registration. A person who has not obtained or maintained technician certification may apply for registration as a technician-in-training if the person satisfies all other requirements for registration as a certified technician. ()

02. Duration. An individual may register as a technician-in-training for a maximum of two (2) years from the date of issuance. ()

042. STUDENT TECHNICIAN.

01. Registration Requirements. To be approved for registration as a student technician, an applicant must be at least sixteen (16) years of age, currently enrolled and in good standing in a high school or college supervised program, and not meet the requirement for registration as a technician-in-training or certified technician. ()

02. Exemption from Criminal Background Check. Student technician candidates under the age of eighteen (18) are exempt from the fingerprint-based criminal history check requirement of Idaho Code. ()

03. Renewal. A student technician registration must be renewed annually by July 15; however, the renewal fee will be waived, if renewed on time, for the duration of the student's enrollment in a technician training program. ()

043. TECHNICIAN EXEMPTIONS.

01. Certification Exemption for Continuous Employment. A technician registered with the Board and employed as a technician on June 30, 2009, is not required to obtain or maintain certification as a condition of registration renewal after June 30, 2009, as long as the registrant remains continuously employed as a technician by the same employer. If a registrant that qualifies for this exemption disrupts continuous employment as a technician with one employer, or if any change of ownership occurs at the technician's place of employment, the technician registration will become invalid. ()

02. Duration Exemption. The Board's executive director may grant a brief extension of duration of

registration for a technician-in-training or a student technician for the purposes of employment continuity in the instance in which a technician is awaiting the completion of a requirement necessary to become a certified technician. No waiver may be granted in the instance in which the individual delayed sitting for the certification exam that the applicant was otherwise qualified to sit for. ()

044. PRACTITIONER CONTROLLED SUBSTANCE REGISTRATION.

Any practitioner in Idaho who intends to prescribe, administer, dispense, or conduct research with a controlled substance must first obtain an Idaho practitioner controlled substance registration. ()

01. State License. An applicant must hold a valid license or registration to prescribe medications from a licensing entity established under Title 54, Idaho Code. ()

02. DEA Registration. An applicant must also hold a valid federal DEA registration, if required under federal law. ()

045. -- 049. (RESERVED)

050. DRUG OUTLET LICENSURE AND REGISTRATION: GENERAL REQUIREMENTS.

A license or a certificate of registration is required for drug outlets prior to 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. ()

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 prior to satisfactory completion of a requisite opening inspection. A change of ownership of a currently registered pharmacy will not require an onsite inspection prior to issuance of a new pharmacy registration unless a structural remodel occurs. ()

02. License and Registration Transferability. Drug outlet licenses and registrations are location and owner 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. ()

03. Temporary Licenses. ()

a. Temporary Pharmacy License Number Issued Prior to Operation. Upon request on a Board form, the Board may issue a temporary pharmacy license number prior to the pharmacy being open for business provided that the proposed location is in Idaho and has designated a PIC. ()

b. Temporary Drug Outlet Facilities and Mobile Drug Outlets. To provide pharmacy services during a national, state, or local emergency declared by the President of the United States, the Governor of the State of Idaho, or by any other person with legal authority to declare an emergency, drug outlets may arrange to temporarily locate or relocate to a temporary drug outlet facility or mobile drug outlet. ()

04. Nonresident Drug Outlet. The Board may license or register a drug outlet licensed or registered under the laws of another state if the other state's standards are comparable to those in Idaho and acceptable to the Board, evidenced by an inspection report. ()

05. Change of Ownership. The registrant must notify the Board of a drug outlet's change of ownership at least ten (10) days prior to the event on a Board form. ()

06. Permanent Closing. A registrant must notify the Board and the general public of the pharmacy's permanent closing at least ten (10) days prior to closing. The notice must include the proposed date of closure and the new location of the prescription files. Notice must be provided to the public by prominent posting in a public area of the pharmacy. The PIC must retain a closing inventory record of controlled substances. ()

07. Exemption from Separate Controlled Substance Registration. All drug outlets doing business in or into Idaho who hold a valid license or registration from the Board are exempt from obtaining a separate

controlled substance registration, but must maintain compliance with all requirements under Title 37, Chapter 27, Idaho Code. ()

051. -- 059. (RESERVED)

060. STERILE PRODUCT DRUG OUTLET ENDORSEMENT.

A drug outlet engaged in sterile product preparation must obtain a single endorsement for one (1) or more hood or aseptic environmental control devices. ()

061. OUTSOURCING FACILITY REGISTRATION.

An outsourcing facility must be registered with the Board in order to distribute compounded drug product for human use in or into Idaho. ()

01. Application. An applicant must submit an application in the manner and form prescribed by the Board, including, but not limited to: ()

a. A copy of a valid FDA registration as an outsourcing facility as required by 21 U.S.C. Section 353b; ()

b. Identity of a pharmacist licensed or registered in Idaho who is designated as the PIC of the outsourcing facility; and ()

c. An inspection report indicating compliance with applicable state and federal law. ()

02. Coincidental Activity. An outsourcing facility applicant currently registered by the Board as a pharmacy or mail service pharmacy will be considered for an outsourcing facility registration with a supplemental pharmacy or mail service pharmacy registration at no additional fee. Exemption from registration fees does not excuse compliance with all laws and rules pertaining to pharmacies and mail service pharmacies. ()

062. -- 069. (RESERVED)

070. WHOLESALE LICENSURE AND REGISTRATION.

01. Wholesaler Licensure. In addition to the information required pursuant to Section 54-1753, Idaho Code, the following information must be provided under oath by each applicant for wholesaler licensure as part of the initial licensing procedure and for each renewal on a Board form: ()

a. Any felony conviction or any conviction of the applicant relating to wholesale or retail prescription drug distribution or distribution of controlled substances. ()

b. Any discipline of the applicant by a regulatory agency in any state for violating any law relating to wholesale or retail prescription drug distribution or distribution of controlled substances. ()

02. VAWD Accreditation. The Board will recognize a wholesaler's VAWD accreditation by NABP for purposes of reciprocity and satisfying the new drug outlet inspection requirements of these rules. ()

03. Wholesaler Registration. Except when licensed pursuant to the Idaho Wholesale Drug Distribution Act and these rules, a wholesaler that engages in wholesale distribution of DME supplies, prescription medical devices, or non-prescription drugs in or into Idaho must be registered by the Board. ()

071. -- 079. (RESERVED)

080. 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 a mail service pharmacy. ()

081. -- 999. (RESERVED)