IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

DEPARTMENT OF SELF-GOVERNING AGENCIES

24.20.01 – Rules of the Division of Occupational and Professional Licenses

Who does this rule apply to?
This rule applies to boards and commissions that contract with the Division of Occupational and Professional Licenses.

What is the purpose of this rule?
This rule governs the Division's administrative support functions. Filing of documents as record keeper for boards and commission in service;

- Procedures governing hearings; and
- Reports and investigations of violations

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statute passed by the Idaho Legislature:

State Government and State Affairs -
- 67-2601, 67-2602 through 67-2619, Idaho Code - Department of Self-Governing Agencies

Who do I contact for more information on this rule?

Division of Occupational and Professional Licenses
8 a.m. to 5 p.m., Mountain Time (except Saturdays, Sundays and holidays)
Mailing: PO Box 83720 Boise, ID 83720-0063
Physical: 11351 W Chinden Blvd, Bldg 6, Boise, ID 83714
Phone: (208) 334-3233
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000. LEGAL AUTHORITY.
These rules are established pursuant to the authority vested in the Division of Occupational and Professional Licenses by the provisions of Section 67-2609, Idaho Code. (3-15-02)

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 24.20.01, "Rules of the Division of Occupational and Professional Licenses." (3-15-02)

02. Scope. These rules include, but are not limited to the procedures followed by the Division of Occupational and Professional Licenses and Boards in contested cases. (3-15-02)

002. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES.

01. Change of Name. Whenever a change of a licensee's name of record occurs, the licensee must immediately notify the Division in writing of the change. Official documentation confirming the change of name must be provided to the Division on request. (3-15-02)

02. Change of Address. Whenever a change of the licensee's address of record occurs, the licensee must immediately notify the Division in writing of the change. (3-15-02)

03. Address for Notification Purposes. The most recent mailing address on file with the Division will be used for purposes of all written communication with a licensee including, but not limited to, notification of renewal and notices related to disciplinary actions. It is the responsibility of each licensee to keep the Division informed of a current mailing address. (3-15-02)

003. – 009. (RESERVED)

010. DEFINITIONS.

01. Address of Record. The address that appears on an official license issued by a board to practice an occupation or profession. The address of record is considered a public record pursuant to the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-15-02)

02. Board. Any professional or occupational licensing board of the state of Idaho receiving administrative, investigative, legal, fiscal and other services from the Division. The boards receiving such services from the Division include, but are not limited to, those listed in Section 67-2602(1), Idaho Code. (3-15-02)

03. Complaint. A written communication in a form approved by the Division that contains the name, address, and phone number of the complaining party, the name, address, phone number, and profession of the licensee complained against, and a narrative of the facts and circumstances and perceived acts or omissions that may constitute cause for disciplinary action against the licensee. The complaint must be signed by the complaining party. (3-15-02)

04. Formal Complaint. The document that initiates a hearing before a board and charges a licensee with acts or omissions under the laws administered by the board. (3-15-02)

05. Hearing Officer. A person appointed by the Division or a Board, other than a member of the Board, to preside over the hearing of a contested case. (3-15-02)

06. Licensee. A person holding any current, expired, cancelled, suspended, revoked, or otherwise sanctioned license, registration, permit and/or certificate issued by a board. (3-15-02)

07. Mailing Address. The address used by the Division or a board for purposes of all written communication with an applicant for a license, permit, certificate, or registration, or a licensee, including, but not limited to, general correspondence, notification of renewal, and notices related to disciplinary actions. The mailing address may or may not be the same as the address of record. (3-15-02)

08. Representative of the Board. Any person, including the Administrator of the Division of Occupational and Professional Licenses, designated by a Board to act as its agent under certain circumstances.

(3-15-02)

011. -- 019. (RESERVED)

020. PROCEDURES GOVERNING HEARINGS.
Procedures for a hearing before the Division or a Board are governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, "Idaho Rules of Administrative Procedure of the Attorney General," IDAPA 04.11.01, and the provisions of Idaho Code and administrative rules governing the Boards. These rules supplement the contested case procedures of the Boards, if any. Where these rules are inconsistent with provisions of the Idaho Code governing the procedures for a hearing before a board, the Idaho Code provisions are the controlling authority. (3-15-02)

021. -- 099. (RESERVED)

100. REPORT AND INVESTIGATION OF VIOLATIONS.

01. Who May Report a Violation. Any person who knows of a violation by a licensee of the lawful requirements for the retention of a license, registration, permit or certificate may report the violation to the Division. (3-15-02)

02. Person Reporting a Violation. A person reporting a violation is not regarded as a party to the investigation or to any proceeding that may result from the investigation. The policy of the Division is not to publish or divulge the name of any person reporting a violation. The name of a person reporting a violation may be obtained, however, pursuant to the rules governing discovery during contested case proceedings. (3-15-02)

03. Insufficient Facts and Evidence. If, after review, the Division finds that either the complaint or the investigative report concerns facts and evidence insufficient to warrant the filing of a formal complaint against a licensee, no further action will be taken. (3-15-02)

04. Sufficient Facts and Evidence. If after investigation the Division finds that the investigative report concerns facts and evidence potentially sufficient to warrant the filing of a formal complaint against a licensee, a formal complaint against the licensee may be prepared by the Division with the approval and assistance of the Office of the Attorney General and filed with the Board. (3-15-02)

05. Preliminary Investigations and Papers. Preliminary investigations and papers obtained as part of an inquiry into a person's fitness to be granted or to retain a license, certificate, permit, privilege, or registration must be confidential until a formal complaint is filed. This rule is subject to any provisions in the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code, and the Idaho Rules of Civil Procedure which may require or limit disclosure either before or after a formal complaint is filed. (3-15-02)

101. -- 199. (RESERVED)

200. INITIATION OF A HEARING.
A hearing is initiated by filing with the Division or relevant board a formal complaint or other pleading. A formal complaint or other pleading initiating a hearing may be signed by the Administrator of the Division of Occupational and Professional Licenses or their designated representative. Upon receipt of a formal complaint or other pleading, the relevant board or its representative assigns it a docket number and may select and appoint a hearing officer. Regardless of who conducts the hearing, all board members are entitled to attend and participate in a hearing. (3-15-02)

201. NOTICE REQUIRED.
The formal complaint includes a notice containing the following information: (3-15-02)

01. File an Answer. The respondent is required to file an answer to the formal complaint; (3-15-02)

02. Time Limit. The applicable time limits for filing an answer; (3-15-02)

03. Default Notice. That if the respondent fails to timely file an answer, then a notice of default may be

issued; (3-15-02)

04. Hearing to Be Scheduled. That a hearing will be scheduled within applicable time limits pursuant to a Notice of Hearing if he files an answer; (3-15-02)

05. Opportunity to Respond to Complaint. That at the hearing he will be afforded an opportunity to respond to the formal complaint and to present evidence and argument on all issues involved, and an opportunity to cross-examine all witnesses testifying against him; (3-15-02)

06. Legal Representation. That he has the right to be represented by an attorney; that if he fails to appear at the hearing, the Board may revoke, suspend, or impose other disciplinary sanctions as authorized by law without further notice; and (3-15-02)

202. FEES.
Unless otherwise specified in board law or rule, boards served by the Division may charge a reinstatement fee of thirty-five dollars ($35). (8-7-20)T

203. -- 999. (RESERVED)

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