AGENCY SUMMARY

Brief History of the Department of Self-Governing Agencies

A major state government reorganization in 1974 resulted in the creation of the Department of Self-Governing Agencies, which incorporates professional and occupational licensing boards. For a list of all agencies within the Department, see Idaho Code § 67-2601.

Brief History of the Bureau of Occupational Licenses

The Bureau of Occupational Licenses (Bureau) was also created within the Department of Self-Governing Agencies to serve the needs of many of the small regulatory Boards within the Department since they could not afford to operate on their own. Over time, because it is more efficient to share resources, other existing Boards and new Boards created by the Legislature have chosen to contract with the Bureau for services.

Idaho Code § 67-2601(2)(b) lists all of the professional and occupational licensing Boards. There is no difference in how the Boards are created or where they are located in state government. The Boards can either contract with the Bureau for their administrative, fiscal, legal, and investigative services or hire their own staff.

Of the self-governing Boards listed in Idaho Code § 67-2601(2)(b), the following currently contract with the Bureau:

- Idaho State Board of Acupuncture;
- Board of Architectural Examiners;
- Uniform Athlete Agents Registration;
- Athletic Commission;
- Barber and Cosmetology Services Licensing Board;
- Board of Chiropractic Physicians;
- Contractors Board;
- Licensing Board of Professional Counselors and Marriage & Family Therapists;
- Board of Denturity;
- Driving Businesses Licensure Board;
- Genetic Counselors Licensing Board;
- Board of Registration for Professional Geologists;
- Board of Landscape Architects;
- Liquefied Petroleum Gas Safety Board;
- Board of Massage Therapy;
- Board of Midwifery;
- Board of Morticians;
- Board of Examiners of Nursing Home Administrators;
- Occupational Therapy Licensure Board;
- Board of Optometry;
- Idaho Physical Therapy Licensure Board;
- Board of Podiatry;
- Board of Psychologist Examiners;
- Real Estate Appraiser Board;
- Board of Examiners of Residential Care Facility Administrators;
- Board of Social Work Examiners;
- Certified Shorthand Reporters Board;
- Speech, Hearing and Communication Services Licensure Board; and
- Board of Drinking Water and Wastewater Professionals

Major Restructuring

Of the Boards listed above, the following Boards contracted with the Bureau during Governor Otter’s tenure:

- Board of Registration for Professional Geologists (contracted with the Bureau in 2008, formerly hired its own staff);
- Certified Shorthand Reporters Board (contracted with the Bureau in 2008, formerly hired its own staff);
• Driving Businesses Licensure Board (created by the Legislature in 2009, formerly regulated by the Idaho State Department of Education);
• Board of Midwifery (created by the Legislature in 2009);
• Occupational Therapy Licensure Board (created by the Legislature in 2009, formerly an advisory board under the Board of Medicine);
• Board of Massage Therapy (created by the Legislature in 2012); and
• Genetic Counselors Licensing Board (created by the Legislature in 2015).

Additionally, existing Boards have restructured as follows:
• Speech, Hearing and Communication Services Licensure Board (created by the Legislature in 2017 added sign language interpreters to the former Speech and Hearing Services Board); and
• Barber and Cosmetology Services Licensing Board (created by the Legislature in 2018, combined the former Board of Barber Examiners and Board of Cosmetology).

The Bureau itself has not done any major restructuring.

Services Provided
Twenty-eight (28) Boards and one Commission within the Department of Self-Governing Agencies contract with the Bureau to provide their administrative, legal, fiscal, and investigative services. While each profession is different, all Boards have the same charge: to protect the public. They do this by ensuring that those entering the practice meet minimum standards of competency before issuing a license and by responding to complaints from the public.

Each Board operates independently under its own laws and rules, and each one contracts with the Bureau for its day-to-day services. This arrangement allows Boards to maintain an office; to have staff, and to provide services to the public and licensees at a greatly reduced cost to applicants and licensees. The Bureau has 40 staff to serve the 28 Boards and one Commission, which is an average of 1.38 staff per Board.

Below are examples of the administrative, investigative, fiscal and legal, services provided:

Administrative
• There are 146 individuals from around the state who volunteer their time and expertise as Board members. The administrative staff coordinates Board meetings, publishes agendas, and takes minutes in accordance with the Open Meeting Law.
• In FY2018 the Boards served by the Bureau held 225 Board meetings for an average of 4.3 Board meetings per week.
• In FY2018 staff processed 10,931 new applications and 58,904 renewals.
• The Bureau assists the public, licensees, applicants and others with questions about licensing:
  o The Bureau website has over 22,000 unique web visitors per month, and
  o The Bureau receives 1,700 to 1,900 phone calls per week through the main line.

Fiscal
The Boards’ operations depend solely on dedicated funds generated primarily from fees for applications, original licenses/registrations and renewals. Neither tax dollars nor other funds from Idaho’s general fund are used. While the Bureau receives one appropriation, each Board is self-supporting and the Bureau’s annual appropriation is distributed among the Boards based on historical needs, new programs, and requests. Revenues and expenditures are tracked for each Board. The fiscal services provided include:
• Processing accounts payable and receivable.
• Creating budgets.
• Tracking inventory.
• Processing travel vouchers for Board members and staff.

In FY2018 the Bureau processed 183,713 financial transactions.
Legal

Legal counsel for the 28 Boards, one Commission, and the Bureau is responsible for:

- Providing legal advice during all Board meetings.
- Ensuring compliance with the Open Meeting Law.
- Drafting law and rule revisions for all 28 Boards and one Commission:
  - Since the 2018 legislative session, the Bureau has been working on 23 draft sets of rules and 13 draft law changes.
  - The Bureau presented 12 sets of rules and 7 law changes to the 2018 Legislature.
  - The Bureau presented 14 sets of rules and 10 law changes to the 2017 Legislature.
  - The Bureau presented 15 sets of rules and 10 law changes to the 2016 Legislature.
  - The Bureau presented 14 sets of rules and 10 law changes to the 2015 Legislature.
- Drafting board orders.
- Providing Board member training.
  - Open Meeting Law.
  - Public records.
  - Ethics in government.
  - Role of self-governing Boards.

The Bureau also provides, under contract, prosecutorial services for violations of Board laws and rules and other services as needed.

Investigative

The Bureau receives complaints from the public and investigates on behalf of the Boards. The number of complaints received in the last four fiscal years:

- FY 2018 – 1,010
- FY 2017 – 911
- FY 2016 – 864
- FY 2015 – 730

The Bureau conducts inspections for the Barber and Cosmetology Services Licensing Board, the Board of Denturitry, the Liquefied Petroleum Gas Safety Board and the Board of Morticians. As part of the process, the inspectors help educate licensees. In FY2017, the Legislature approved the Bureau’s request for two additional inspectors based on the Cosmetology Board’s goal to inspect each facility annually. The number of inspections conducted per year for the last four fiscal years:

- FY2018 – 8,667
- FY2017 – 7,238
- FY2016 – 4,855
- FY2015 – 3,995

Major Accomplishments

Customer Service

One of the primary goals of the Bureau is to provide excellent customer service. A few examples of how this has been accomplished are:

- The expectation is customers will get a live person when calling the agency. The Bureau does not use an automated system: the customer service team answers the phone.
- If the customer service team routes a call to a staff member who isn’t immediately available, the expectation is the call is returned the same day or within 24 hours.
- The expectation is that routine cases/complaints from the public requiring an investigation will be complete within a year. Prior to the current administration, investigations were backlogged 7 years, and cases with prosecutors were backlogged 10 years. Currently 99 percent of investigations are being completed within 1 year, and less than 1 percent of cases received in FY2016 (3 years back) are pending legal review (with a prosecutor).
- The expectation is that Bureau staff be good stewards of the Boards’ resources and look for efficiencies and ways to save the Boards money. For example, in 2010 the Bureau reduced costs to licensees by moving locations. The new space is not only more convenient for those we serve, but the rent for the new space was over 14 percent less than the prior space.
Statewide Legislation That Eliminated Barriers, Reduced Regulation, Created Efficiencies
The Bureau has been proactive in playing a major role in drafting legislation for the Boards it serves. (Please see page 14 for a list of the Boards’ Executive Order Reports, which contain details on legislation specific to each Board.)

The Bureau has also drafted legislation with broader impact:

- **Telehealth**: Title 54, Chapter 57, the Idaho Telehealth Access Act. Work done by three Boards served by the Bureau was later folded into the council convened pursuant to House Concurrent Resolution 46, which passed during the 2015 legislative session. That council, which the Bureau Chief served on, proposed the Idaho Telehealth Access Act.

- **Military**: I.C. § 67-2620 state agencies may accept military education, training or service toward meeting the qualifications to receive a license, certification or registration, and to allow agencies to expedite the application of a military member or their spouse.

- **IDACARE**: The Bureau Chief discussed with Boards affected by IDACARE (Boards served by the Bureau and staff of Boards not served by the Bureau) and the Department of Administration, the possibility of revising the IDACARE law. This effort resulted in House Bill 341, which was passed by the 2016 Legislature. It relieved the burden on healthcare providers to report information to two different state web pages; it eliminated the Boards’ ability to fine licensees $50 per day; and it relieved the burden on the State, both administratively, and financially, to support two different websites for licensees.

- **Renewal and Reinstatement**: In 2015 the Bureau did a comprehensive rewrite of the renewal and reinstatement law, I.C. § 67-2614, for the Boards served by the Bureau. The new law reduced barriers to reentry into a profession in two ways. For those whose licenses have been expired for less than five (5) years, it eliminated the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allowed the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person’s competency instead of requiring them to apply as a new applicant.

- **Removed Board members from PERSI**: The Bureau has worked with individual Boards to pass legislation to remove Board members from PERSI. As a result of this effort, none of the Boards served by the Bureau are part of PERSI.

Coordinated Efforts With Other Agencies
The Bureau has worked with other agencies in state government to find efficiencies for the Boards it serves, and to help them be proactive on workforce issues. Examples include:

- The Bureau worked with the Idaho Contractors Board and Pardons and Parole to set up a process to assist applicants who want to reenter the workforce while still ensuring public protection.

- The Bureau has assisted Boards in setting up testing statewide to reduce costs to applicants.

- The Bureau has assisted Boards and associations in reaching out to other agencies to work on statewide approaches to issues identified during Board meetings. An example is the Board of Drinking Water and Wastewater Professionals and the proposed apprenticeship training program, which is outlined in its Executive Order Report.

- In 2015 the Bureau developed training presentations on the Open Meeting Law, public records, ethics in government, the role of self-governing Boards, and the North Carolina State Board of Dental Examiners v. Federal Trade Commission case. The Governor’s Office directed all Boards (including those Boards not served by the Bureau) to receive the Bureau’s presentation on the North Carolina State Board of Dental Examiners case, and encouraged Boards not served by the Bureau to take advantage of the other presentations developed by the Bureau.

Other Legislation/Efforts To Address Statewide/National Issues

- In 2014 the Bureau worked to develop a model law and rule for Boards to use. The Bureau recognized that having a model law and rule would help Boards be consistent when updating their laws and rules. This provides consistency among Boards and also makes it easier for the public and licensees to find information.

- In response to the North Carolina State Board of Dental Examiners v. Federal Trade Commission case (2015), the Bureau worked with the Governor’s Office on a presentation to educate all Boards on the issues in the case and on House Bill 482, which was passed in the 2016 legislative session. This bill helps ensure Boards have political accountability and active state supervision by allowing the Governor to consider all qualified candidates for Board appointment; requiring all Board members to serve at the
pleasure of Governor; and requiring a public member on all Boards. (These provisions are consistent with
the 2014 model law and were already in the statutes for Boards created more recently.)

- In 2017 the Lt. Governor issued Executive Order 2017-06, which required state agencies to submit a
report to the Office of the Governor no later than July 1, 2018. The report was to assess whether
licensure requirements are necessary and in the public interest while providing recommendations for
improvement, modification or elimination. The Bureau assisted 29 Boards and one Commission in
preparing the attached reports, which were all submitted prior to the July 1 deadline. Each Board’s report
summarizes all of the major accomplishments to reduce, eliminate and modernize licensure requirements.
(Please see page 14 for a list of the Boards’ Executive Order Reports, which contain specific legislation
and future recommendations.)

- In 2017 the Appraisal Subcommittee of the Federal Financial Institutions Examination Council in its
compliance review awarded Idaho’s Appraiser Regulatory Program a finding of “Excellent.” This was a
major accomplishment based on the fact that prior to Governor Otter’s tenure the compliance review
found serious weaknesses and the Appraisal Subcommittee’s letter stated that “[I]f Idaho does not show
significant progress toward resolving our concerns expeditiously, we will consider initiating a non-
recognition proceeding against the state....” If a state fails to maintain a compliant appraisal licensure
system the Appraisal Subcommittee has authority to deem the state’s system as non-compliant through a
non-recognition process. This would severely affect the mortgage lending business in the state, as
appraisals are required for lending.

Short and Long Term Critical Needs

Staff
The Bureau serves 28 Boards and one Commission with 40 staff. Since FY2015, with the growth in Idaho’s
population, the Bureau has seen an 11.9 percent increase in the number of licensees, a 38.4 percent increase in
the number of complaints submitted by the public about licensees, and an 89 percent increase in the number of
calls received by the customer service team. In order to continue to meet our customer service goals, the Bureau
will be asking for additional investigative and administrative staff in its 2020 budget.

As noted previously, the Bureau has not undergone any major restructuring. However, the Bureau has requested
that the Division of Human Resources evaluate current job classifications for appropriateness.

Information Technology
The Bureau’s current database houses a very large document storage system for applications, investigative and
disciplinary documents, and financial documents. This custom legacy system is integral to the Bureau’s daily
business operations. The Bureau received an appropriation in FY2019 to update the database system from an
outdated Access platform to a web-based platform utilizing existing web programs and adding necessary
functionality to meet increased needs, accessibility and quality. The Bureau will use existing staff to assist in the
upgrade and testing of the upgraded platform. The funding will come from the Bureau’s dedicated fund.

(The Bureau and staff for some of the Boards not served by the Bureau are coordinating with the Department of
Administration on a statewide approach to licensing systems.)

Recent significant changes in funding or staffing levels

- In FY2017 the Governor proposed and the Legislature approved the Bureau’s request for two additional
inspectors to meet the Cosmetology Board’s inspection goals; one technical records specialist to serve
the Appraisal Management Companies per Senate Bill 1318; one technical records specialist to serve the
other Boards added in prior years; and one additional financial support technician to address the 33
percent increase in financial transactions since FY2009.

- In FY2018 the Governor proposed and the Legislature approved the Bureau’s request for $1,021,000 in
spending authority from the Bureau’s dedicated fund for 4 years of a 5-year upgrade of the Bureau’s
database to a web-based platform. The total estimated cost is $1,275,000 to $1,500,000.
**STATUTORY AUTHORITY**

The Bureau’s statutory authority can be found in [Title 67, Chapter 26, Idaho Code](#), which is outlined below. Each Board and the Commission served by the Bureau have their own statutory authority in Title 54, Idaho Code. Please see the attached list of highlighted chapters.

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FACILITIES INFORMATION

The Bureau of Occupational Licenses leases space from the State of Idaho on the first floor of the JR Williams Building, located at 700 W. State Street in Boise. The Department of Administration bills the Bureau twice a year for rent. The Bureau has no plans for relocation, but if additional staff is added it will need more space.

Number of employees by location:

- Thirty-two (32) full time staff (JR Williams Building)
- Two (2) IT support staff, one contract and one Department of Administration, who have work stations (JR Williams Building)
- Three (3) part-time staff who share work stations (JR Williams Building)
- Eight (8) investigators or inspectors located around the state (who work from their homes)