

LOCKDOWN TO LIBERTY

How to help Idahoans trying to
rebuild their lives



IDAHO FREEDOM
FOUNDATION

By Lindsay Atkinson

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How to help Idahoans trying to
rebuild their lives

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A special thanks to the hundreds of residents
across the state of Idaho who support our work
and share our ideas on freedom.



**IDAHO FREEDOM
FOUNDATION**

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Her research has been quoted in the Wall Street Journal and the Washington Examiner.

In her spare time, Lindsay enjoys watching the latest movies, going on road trips, and traveling to countries she has never been to before to learn more about their culture and history.

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**IDAHO FREEDOM
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INTRODUCTION

Serving time for a crime is meant to be an opportunity for rehabilitation, not an endless condemnation. Yet, rehabilitated offenders face numerous, counterproductive government obstacles in their path to find meaningful work and rebuild their lives.

From the instant a judge pounds her gavel to when a prisoner changes out of his inmate jumpsuit for the last time, that prisoner faces a system that is built on one end truth: Unless he is given a life sentence, he will eventually be getting out.

Getting out is his hope. But Idaho law currently sets up a bleak “out” for many Idahoans with criminal records, especially related to the chance of pursuing their desired occupations.

Released prisoners should not be shackled to their past through all of their future pursuits. Yet Idaho has hundreds of shackles, all imposed through the language of law.

The state has 288 licensed occupations, governed by 28 licensing authorities. As indicated in state statute and administrative rules, of these 288 occupations...

...221 have licensing boards that consider an applicant’s past felony convictions as a factor in licensing.

...102 have licensing boards that can deny an applicant for a lesser conviction.

...89 require applicants to have “good moral character.”

...117 have licensing boards that can deny an applicant due to conviction of a crime involving moral turpitude.

Most Idaho licensing boards have the language of law set up to justify a denial of a license to an applicant with a criminal conviction. But, in real-life application, Idaho’s occupational licensing boards vary wildly on how they treat these applicants.

***Never be a prisoner of your past.
It was a lesson, not a life sentence.***

- Unknown

Of Idaho's 288 state-licensed occupations...

...59% have licensing boards that will unconditionally deny licensure to applicants with criminal convictions. (This total covers all boards that deny licenses if an applicant has one or more of the following: A felony record; has committed a misdemeanor; lacks undefined "good moral character;" or has committed a crime involving moral turpitude.)

...27% have licensing boards that consider an applicant's criminal history as a factor in whether to award a license; however, they offer a process whereby an applicant can prove they have been rehabilitated since their crime. (This total also includes boards that specifically ask applicants to disclose criminal history on their applications, but have no indication in their administrative rules regarding how that information is used.)

...14% have licensing boards that do not consider criminal history at all in their licensing decisions.

Thus, Idahoans with past convictions are put between a rock and a hard place, should they attempt to enter their desired occupations. Approximately 21 percent of Idahoans have a criminal conviction. Even with a large population of Idaho having a criminal history, a system remains whereby more than half of Idaho's occupational licenses are unconditionally denied to those who have a conviction, no matter what the crime was, whether it's related to the field in question, or whether the offender has sincerely rehabilitated.

Idaho lawmakers have it in their hands to remove occupational obstacles for this population during the 2020 session.

The Idaho Freedom Foundation has catalogued the Gem State's 288 licensed occupations, and we have identified each job where an applicant's criminal history can unfairly put a license—and thus, an entire occupation—out of reach.

Please visit IdahoFreedom.org/LockdowntoLiberty to read the full report.

THE PROBLEM

Here's the problem with Idaho's current occupational licensing system: Idaho law makes it incredibly difficult to enter into your occupation of choice if you have a criminal record, too often for arbitrary reasons.

Approximately one in four occupations are licensed in the US. About 21 percent of Idahoans have a criminal record. So when licensing boards deny occupational licenses—whether automatically or upon consideration—to people with criminal records, a large swath of people feel the effect.

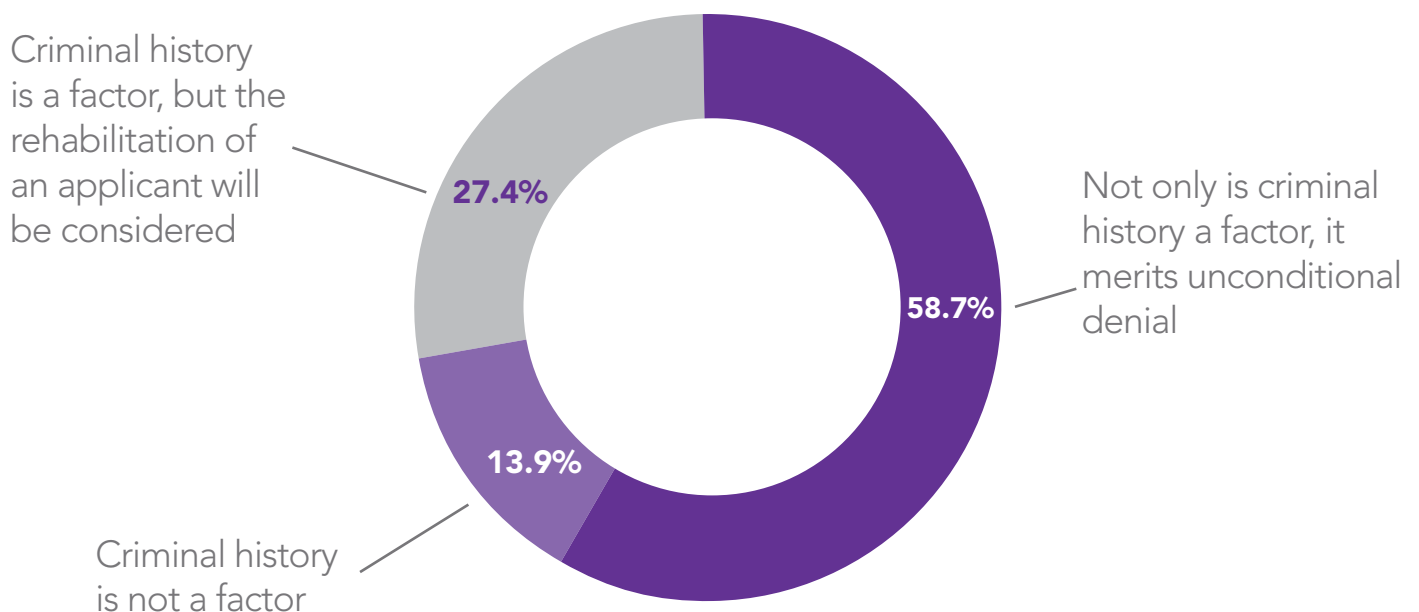
Of Idaho's 288 licensed occupations...

...169 have licensing boards that will unconditionally deny licensure to applicants with criminal convictions. (This total covers all boards that deny licenses if an applicant has one or more of the following: A felony record; has committed a misdemeanor; lacks undefined "good moral character;" or has committed a crime involving moral turpitude.)

...79 have licensing boards that consider an applicant's criminal history as a factor in whether to award a license; however, they offer a process whereby an applicant can prove they have been rehabilitated since their crime. (This total also includes boards that specifically ask applicants to disclose criminal history on their applications, but have no indication in their administrative rules regarding how that information is used.)

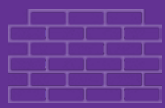
...40 have licensing boards that do not consider criminal history at all in their licensing decisions.

ARE CRIMINAL CONVICTIONS A FACTOR FOR LICENSURE?

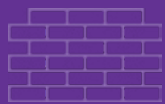


BARRIERS TO ENTRY

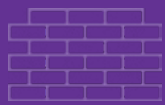
Multiple barriers perpetuate the ability for so many occupational licensing boards to unconditionally deny applicants with criminal convictions.



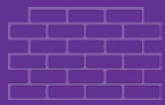
Licensing requirements often stipulate that an applicant be of “good moral character.” Even though there is no clear definition of this term, it can be used to exclude people with criminal records from entire industries.



Licensing requirements also include language allowing licensing boards to broadly deny applicants that have committed crimes involving “moral turpitude.” Even though there is no clear definition of the term “moral turpitude,” this is a second phrase that can be used to exclude people with criminal records from getting the license needed for their chosen occupation.



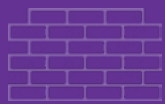
There are numerous licenses that require applicants to submit to a criminal history check. This relates to the first and second barriers. When a licensing authority knows the criminal record of an applicant, it can use that record to justify the view that the applicant is not of good character, or has committed some crime related to moral turpitude.



Licensing requirements often include language that allows licensing boards to deny an applicant with any past felony conviction. Blanket denials ignore the potential for rehabilitation and assume all felony crimes are equally related to the occupation.



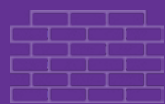
Requirements can also include language that allows licensing boards to broadly dismiss applicants based on one or more misdemeanor convictions.



Some Idaho licensing boards require applicants to already hold one general occupational license before applying for a specialized one. This can create a problem for applicants when the specialized license they are seeking does not consider their criminal history, but the general license they must first acquire does. One example is how an applicant seeking a license to be a life settlement broker (an occupation that does not consider criminal history) has to first be a licensed insurance producer (which does consider criminal history).



Different licensing boards employ different philosophies regarding applicants’ criminal histories. For some boards, there’s no forgiveness. For others, there is an opportunity for applicants to prove their rehabilitation.



The last barrier is imposed by inconsistencies between state statute and administrative rules. There are several instances where state statute says boards consider the rehabilitation of an applicant since they committed their crime, but the board has set up no such procedure to consider rehabilitation.

POLICY SOLUTIONS

No one holds that all types of criminal backgrounds are free game for every occupation—a convicted sex offender does not belong at a daycare. But determinations are rarely so cut-and-dry in current law: As IFF’s full report demonstrates, Idaho occupational licenses currently have broad denial based on convictions (such as for “any felony conviction,” “a misdemeanor involving dishonesty,” a lack of “good moral character,” “a crime involving moral turpitude,” among other restrictions), and criminal history requirements vary arbitrarily from board to board.

The following five policy recommendations would help ensure Idaho licensing boards do not treat applicants with criminal records arbitrarily.

- 1** All “good moral character” and “moral turpitude” requirements could be deleted from state law and administrative rules.
- 2** A law could be written to require boards to disclose the specific crimes for which an applicant could be denied, for each license that they issue. This will ensure that applicants can only be denied a license due to convictions of crimes directly related to the occupation.
- 3** State lawmakers could require all boards to set up proof of rehabilitation procedures, whereby applicants with criminal convictions can prove they have been rehabilitated since their crime.
- 4** The Legislature could implement a sunrise and sunset provision for every occupational license in the state.
- 5** Whenever relevant, throughout this year and the future, legislators could merge or repeal occupational licenses, or boards, due to inactivity or lack of relevance.

A woman with long brown hair and black-rimmed glasses is applying makeup to another person's face. She is holding a brush and looking intently at her work. The background is a plain, light-colored wall. The entire image has a purple overlay.

OCCUPATIONS

OCCUPATIONS

Click on an occupation category to jump to that section of the report.

[Accountant](#)
[Acupuncturist](#)
[Aircraft dealer](#)
[Architect](#)
[Artificial inseminator](#)
[Assisted living facility](#)
[Athlete agent](#)
[Athletic trainer](#)
[Bail agent](#)
[Beauty professions](#)
[Beekeeper](#)
[Beer-related professions](#)
[Bulk milk hauler](#)
[Cemetarian](#)
[Certified water right examiner](#)
[Chiropractor](#)
[Collection agency](#)
[Combatant](#)
[Commercial drivers](#)
[Commercial feed manufacturers](#)
[Commercial fertilizer manufacturers](#)
[Commercial fish and game](#)
[Commercial fish farm](#)
[Commodity dealer](#)
[Continuing care](#)
[Contractor](#)
[Counselor/therapist](#)
[County detention officer](#)
[Dairy-related professions](#)
[Day care](#)
[Dental occupations](#)
[Dentistry](#)
[Dietician](#)
[Driving instructor](#)
[Egg-related professions](#)
[Electrical occupations](#)
[Emergency communications officer](#)
[Emergency medical services](#)
[Engineer/land surveyor](#)
[Escrow agency](#)
[Family home](#)
[Farm labor contractor](#)
[Fire protection sprinkler contractor](#)
[Floral retailers](#)
[Gambling vendor](#)
[Genetic counselor](#)
[Geologist](#)
[Home health agency](#)
[Hops dealer](#)
[Horse racing occupations](#)
[HVAC occupations](#)
[Independent review organization](#)
[Insurance adjuster](#)
[Insurance administrator](#)
[Insurance producer](#)
[Intermediate care facility](#)
[Investment professions](#)
[Landscape architect](#)
[Legal profession](#)
[Life settlement](#)
[Limited lines insurance producer](#)
[Liquified petroleum gas dealer](#)
[Liquor-related professions](#)
[Livestock professions](#)
[Lobbyist](#)
[Log scaler](#)
[Managing general agent](#)
[Manufactured home occupations](#)
[Massage therapist](#)
[Matchmaker](#)
[Midwife](#)
[Mint grower \(Essential Oils dealer\)](#)
[Money transmitter](#)
[Mortgage professions](#)
[Morticians and funeral directors](#)
[Noncombatant officials](#)
[Notary public](#)
[Nurse](#)

[Nursing home administrator](#)

[Occupational therapist](#)

[Optometrist](#)

[Outfitters and guides](#)

[Payday loans](#)

[Peace officer](#)

[Pesticide occupations](#)

[Pharmacist](#)

[Physical therapist](#)

[Physicians](#)

[Plumbing occupations](#)

[Podiatrist](#)

[Portable electronics insurer](#)

[Promoter](#)

[Psychologist](#)

[Public charter school administrator](#)

[Public works contractor](#)

[Public works construction manager](#)

[Real estate appraiser](#)

[Real estate sales](#)

[Reinsurance intermediary](#)

[Residential care facility administrator](#)

[Residential habilitation agency](#)

[Respiratory therapist/care](#)

[Ringside physician](#)

[Seed buyer](#)

[Shorthand reporter](#)

[Skilled nursing facility](#)

[Social worker](#)

[Speech and hearing services](#)

[Surplus lines broker](#)

[Taxidermist/fur buyer](#)

[Teacher](#)

[Telephone solicitor](#)

[Title insurance agent](#)

[Vehicle-related occupations](#)

[Veterinarian](#)

[Warehouse owner](#)

[Water and wastewater professionals](#)

[Weighmaster](#)

[Well driller](#)

[Wine-related professions](#)

KEY TO COLOR-CODING IN THIS SECTION



Licensing boards that issue an unconditional denial to applicants with criminal convictions are indicated throughout this report by the color red. This includes denial due to a felony conviction, misdemeanor conviction, lack of good moral character, or conviction of a crime involving moral turpitude.



Licensing boards that consider the criminal record of an applicant, but also give them the opportunity to prove they have been rehabilitated since their crime are indicated throughout this report by the color purple. On occasion, this category also includes boards that ask an applicant for their criminal history, but are unclear regarding how they use that information.



Licensing boards that do not consider the criminal history of an applicant at all are indicated throughout this report by the color green.

ACCOUNTANT

According to [Idaho statute](#), accounting is a licensed occupation because the state wants “to promote the reliability of information that is used for guidance in financial transactions.”

Applicants must prove, with a transcript, that they graduated from a college program with a focus in accounting. They also must take and pass an exam to test their accounting knowledge, have one year of experience in the field of accounting ([2,000 hours](#)), and complete a course on professional ethics.

Sitting for the required exam and submitting a license application both cost potential licensees money. Sitting for the exam costs [\\$100](#), and the application fee ranges from [\\$120 to \\$295](#).

Since the occupation is licensed, it requires a governing Idaho State Board of Accountancy to determine which applicants end up with licenses, and which are rejected. A part of the board’s discrepancy in determining if someone is eligible for licensing involves judging whether that person has “good moral character.” State statute and the board’s own rules define “good moral character” in two ways. The statute equates “good moral character” to a “lack of a history of dishonest dealings or a felonious act.” Additionally, it mentions that accountants who have been convicted of or plead guilty “to any crime involving moral turpitude, an element of which is dishonesty or fraud, under the laws of any state or country” will have their license revoked or suspended.

[Board rules](#), on the other hand, describe “good moral character” more flexibly. The board limits evidence of a lack of moral character only to those criminal convictions that involve “fraud, dishonesty, or deceit, or any other crime that evidences an unfitness of the applicant to provide professional services in a competent manner and consistent with the public safety.”

Additionally, the board recognizes that applicants who have committed a crime in the past could be rehabilitated, and it offers them the chance to prove their rehabilitation. They can prove rehabilitation by “completion of criminal probation, restitution, community service, military or other public service,” “passage of time without the applicant’s commission of further crime,” or “an order by any state or federal court expunging any conviction, reducing of a conviction from a felony to misdemeanor.”

ACUPUNCTURIST

Idaho has a board to govern the practice of [acupuncture](#). The [Idaho Board of Acupuncture](#) licenses, certifies, and issues trainee permits. The requirements for all three differ.

For a license, applicants must be certified by the National Certification Commission for Acupuncture and Oriental Medicine. They also must complete an internship or other such program, pass an examination, [graduate](#) from an acupuncture program with at least 1,725 hours of education, and complete a course in blood-borne pathogens.

Anyone applying for certification must be a member of the American Academy of Medical Acupuncture. The applicant also needs to have a “doctoral degree in chiropractic, dentistry, podiatric medicine, or naturopathic medicine,” have completed 100 hours of didactic coursework, a blood-borne pathogen course, and earned a passing grade on an exam.

Generally, to get the necessary experience for licensing, an applicant must first submit for a trainee permit. For this permit, the board will set supervision requirements and limit the applicant’s practice to only specific therapies during a training period.

All three types of documentation come with an application fee of [\\$50](#), as well as a license fee of [\\$150](#). And, the board can refuse, suspend, or revoke any of these three forms of documentation if the applicant has been [convicted](#) of a “felonious act, or crime involving moral turpitude.”

AIRCRAFT DEALER

In Idaho, aircraft dealers must [register](#) with the Idaho Transportation Department. Dealers must have a registration certificate (fee: \$40) at their place of work. Dealers also must have a decal that displays their registration number on each aircraft that they intend to sell (a cost of \$1 each). There is no mention in either state statute or [rules](#) that a person may be denied a registration based on a past criminal conviction.

ARCHITECT

If you want to be an architect in Idaho, you must have a [degree](#) or, in lieu of that, have over eight years of experience. You also must pass an exam and complete an experience program. One way applicants can gain experience is by working as an architectural intern, under the supervision of a licensed architect.

The [fees](#) to obtain an architectural license include a \$25 application fee and a \$25 exam fee.

The Idaho Board of Architectural Examiners acts as the licensing authority, and decides if an applicant is educated, knowledgeable, and experienced enough to be an architect. This board has the authority to deny someone a license based on a previous criminal conviction. But this board has implemented a [review policy](#) to determine if a past conviction makes an applicant unsuited for a license. In this review, the board considers the severity of the crime, the time that has passed, the number of similar incidents, the risk of repetition, the relation of the crime to the field, and the life of the applicant since committing the crime.

An additional note: The board’s review policy was implemented through temporary rules. It will need [authorization](#) from the Legislature to become permanent.

ARTIFICIAL INSEMINATOR

The work of artificially inseminating an animal is a regulated occupation in Idaho, and thus it requires [a license](#), at a fee of \$25. Licensees must take a course on artificial insemination, pass a [three-hour](#) exam with a score of 75 percent or higher, and be “of good moral character.”

The Idaho State Department of Agriculture can refuse, revoke, or suspend a license based on a felony conviction.

The department does issue [temporary licenses](#) that allow applicants time to work while taking the required course and exam.

ASSISTED LIVING FACILITY

If you want to operate an assisted living facility in Idaho, you must first get a [license](#) through the Idaho Department of Health and Welfare. Anyone seeking this license must [employ](#) a licensed residential care facility administrator. Those who operate an assisted living facility must also ensure the facility is “located in geographical areas which are accessible to supportive services and are free from conditions which would pose a danger to the residents.” And they must submit to the board an application that includes a statement from a local fire authority promising to come service the facility if there is a fire. Applicants must also submit all operational procedures for the facility, a floor plan, other documents, and a \$500 building evaluation fee.

The board can revoke a facility’s license if the licensee (usually the owner or operator) has been convicted of a crime, other than a traffic violation, in the last five years. It can also revoke a license if a “licensee is of poor moral and responsible character or has been convicted of a felony” and even if “[t]he licensee is directly under the control or influence of any person who is of poor moral and responsible character or has been convicted of a felony.” Applicants can, however, request a review of the circumstances surrounding past crimes and seek an exemption. But there is also a long list of criminal convictions that merit an unconditional [denial](#), with no opportunity for review.

ATHLETE AGENT

Athlete agents negotiate professional contracts for student athletes. In Idaho, this is a [registered](#) occupation. All agents need to register with the Bureau of Occupational Licenses.

To be registered, agents must submit an application detailing personal and business information including: every [social media account](#) associated with their business or their employer’s business, their work experience over the past five years, the names of their clients over the past five years, and more. They also must disclose if they have been convicted of, or have pending charges for, “a crime that would involve moral turpitude” or a felony, and even if they have “been a defendant or respondent in a civil proceeding” in the past 15 years. They must also pay a [\\$250](#) application fee.

According to state statute, the bureau requires applicants to disclose felonies and crimes involving moral turpitude because it may refuse to register applicants that have been convicted of, or have charges pending, for those crimes.

An additional note: There is a proposal to [eliminate](#) this license, since there are many avenues for private, national credentialing of athlete agents for different sports.

ATHLETIC TRAINER

[Athletic trainers](#) are regulated under Idaho law for the stated purpose of promoting the health and safety of athletes. To become an athletic trainer, an applicant must hold a bachelor's degree, have a certification from the National Athletic Trainers' Association or a similar, nationally recognized credentialing agency, and pass an exam.

An applicant may be granted a [provisional license](#) while preparing for the examination. The initial license fee is [\\$150](#), or \$80 for a provisional license.

Athletic trainers must work under the [supervision](#) of a physician or chiropractor. Thus, the [Idaho Board of Medicine](#) oversees this occupation.

The board can deny, suspend, or revoke a license due to a prior felony conviction. But the board only considers [convictions](#) that have an "adverse bearing on the individual's ability to practice or provide athletic training services as an athletic trainer competently."

BAIL AGENT

[Bail agents](#) are regulated in Idaho for "consumer protection." The Idaho Department of Insurance regulates this occupation. The exact terminology used in state statute is that bail agents are licensed as "a producer in the line of surety insurance."

There are specific [requirements](#) for obtaining this [license](#). They include: submitting an application, holding a surety bond, having an appointment by a surety company providing the bond (in other words, gaining [authority](#) to act on behalf of the company), passing an exam, getting fingerprinted, and paying an \$80 fee.

Idaho statute states that a license can be refused, suspended, or revoked if the bail agent has been convicted of a felony or "misdemeanor evidencing theft, dishonesty, intimidation, threats, or violence." Additionally, the Idaho Department of Insurance's [rules](#) state that all "licensed bail agents must obtain a criminal history records check in connection with the renewal of a bail agent's license and shall bear all costs associated with the records check." And, under its rules, a "withheld judgment or a plea of nolo contendere shall be considered the same as a conviction or guilty plea."

BEAUTY OCCUPATIONS

Both barber and cosmetology-related licenses are issued by the same board: The Idaho Barber and Cosmetology Services Licensing Board. All applicants for licensure in one of these fields [must](#) be at least 16 and a half years of age. They also must have completed at least two years of high school, passed an examination, and “be of good moral character.” Plus, depending on the exact license, an applicant has to have acquired a certain amount of education.

A barber has to have 900 hours of barber schooling plus 1,800 hours of an apprenticeship. A barber-stylist needs 1,500 hours of barber schooling and 3,000 hours of an apprenticeship. Meanwhile, for a cosmetologist license, an applicant needs 1,600 hours of cosmetology schooling and 3,200 hours as an apprentice. An electrologist (someone who removes unwanted hair through the use of an electric current) needs 600 hours of education plus 1,200 hours as an apprentice, and an esthetician license requires the same. Haircutters need 900 hours of education. Nail technicians require 400 hours of coursework and 800 hours in an apprenticeship.

The requirements for being an instructor in any of these fields are more extensive. Becoming a barber instructor requires having a barber license and five years of experience, plus passing an exam; though it is possible to substitute a 3-to-6 month course on barber instruction for the experience requirement. Cosmetology instructors face similar requirements: a current license and five years of experience, or a 3-to-6 month course on cosmetology instruction. They must also have 12 college credits. Would-be instructors of estheticians, electrologists, and nail technicians face their own, varied experience requirements.

Additionally, the board issues certifications for makeup artists. For this certification, an applicant needs to receive 100 hours of instruction.

Any store that sells cosmetics and applies them on customers needs to have a retail cosmetics dealer license. This license requires an application and a fee. It also requires the dealer to have certain facilities to disinfect equipment, including running water, disinfectants, single-use applicators, a first aid kit, and a restroom.

And anyone who sells or distributes thermal styling equipment needs to register with the board. Dealers include people with pop-up shops that allow customers to test out curlers and hair straighteners before buying. They need to apply for registration, pay a fee, only demonstrate their equipment on “less than a substantial portion of the customer’s hair,” and have disinfectants and a first aid kit on hand.

Even photography is not exempt from this board’s reach: Anyone who practices glamour photography needs a license. A potential licensee must complete an application, pay a fee, have running water, disinfectants, a first aid kit, and restroom facilities.

Between all of these licenses and certifications, the associated [fees](#) range from \$25 to be a barber to \$30 to be a nail technician instructor. Instructors must keep up their license in their field as well, so the cost for them is really an occupational license plus an instructor license.

Additionally, anyone who owns a barber establishment, cosmetology establishment, or glamour

photography studio has to pay a fee to license the work space. This fee is \$20.

The board has the power to refuse, revoke, or suspend a license if an applicant is convicted of a felony. As stated in the [rules](#) set by the board, all applicants must be of “good moral character” meaning “that he/she has not been found guilty, been convicted, or received a withheld judgment or suspended sentence for a felony or a crime involving moral turpitude.” Applicants who have a conviction in their history must submit to the board a “statement of suitability for licensure.” The board will consider the severity of the crime, the time that has passed, the number of similar incidents, the circumstances, the relationship of the crime to the occupation, and the applicant’s life since the incident.

BEEKEEPER

There are [two](#) sections of Idaho statute that regulate the [honey industry](#). A major component to this industry is the occupation of a beekeeper. Idaho law establishes that the Idaho State Department of Agriculture should run a Honey Commission, in conjunction with the Idaho Honey Industry Association, to keep track of the commercial beekeepers in the state.

The department keeps a list of registered beekeepers for the [purpose](#) of inspecting colonies and preventing diseases among bees.

Beekeepers pay a [registration fee](#) of \$10 for their first 50 colonies. Beyond that, they pay a special tax: [10 cents](#) each year for each colony in excess of the first 50 used for commercial purposes (hobbyists exempt). On top of this first levy, there is another levy of [5 cents](#) per year per colony that goes straight toward funding the Honey Commission.

Additional fees can also be imposed on beekeepers in the form of [inspection fees](#), if they want to transport bees across state lines. No portion of state law allows the registration body to refuse to register a beekeeper based on a prior felony conviction.

BEER-RELATED OCCUPATIONS

In Idaho, if you like to create and sell fermented beverages, then you need a [license](#) issued through the Idaho State Police. This requirement applies to anyone seeking to be a beer brewer, retailer, or wholesaler. For all of these license types, applicants must submit to a criminal history check, which they are responsible for paying for (approximately [\\$33.25](#)) and they must also submit an [application](#), which includes financial information.

Applicants for a wholesaler license must [submit](#) the geographic region where they will distribute beer, a floor plan of their warehouses, and a copy of their Federal Tax and Trade Bureau license.

Brewers who sell fewer than 30,000 barrels of beer each year can get a brewer’s retail beer license to sell unopened containers of their brand of beer on their premises, or in a retail shop they own. Or they can apply for a brewer’s pub license to sell beer by the can, bottle, or glass on their premises or in a retail shop.

Both brewers and wholesalers can have their license refused if they have “been convicted of any violation of any law of Idaho or of the United States regulating, governing, or prohibiting the sale of alcoholic beverages or intoxicating liquor.”

Additionally, retail owners wanting to sell beer at their shop must get a retail license. The requirements for this type of license differ slightly from those for brewers and wholesalers. Applicants must be 19 or older and submit to a criminal history check. As with brewers and wholesalers, retailers may be refused a license for having a conviction involving alcohol, but they may also be denied a license for any felony conviction in the five years before their application.

For the purpose of tax collection, all licensees proposing to sell beer must submit a copy of their seller’s permit from the Idaho State Tax Commission. And restaurant owners proposing to sell beer must submit a copy of their menu with the price of each item included, for the Idaho State Police to review.

The exact fee for each of these types of licenses differs based on volume of beer.

- \$50 for brewers that produce less than 10,000 gallons each year
- \$100 for brewers that produce up to 100,000 gallons
- \$200 for brewers that produce up to 930,000 gallons
- \$500 for brewers that produce more than 930,000
- \$300 per wholesaler warehouse
- \$100 for a wholesale dealer
- \$50 for each location of a retailer
- \$20 for each location where a retailer sells keg beer

An additional note: Many cities and counties also have local laws regarding alcohol sales, and some have local licensing requirements. Unlike wine sales, mentioned later on in this report, the direct shipment of beer to an Idaho resident is illegal. Additionally, beer over 4 percent alcohol is [taxed](#) as wine.

BULK MILK HAULER

A bulk milk hauler is in charge of transporting milk and sampling its quality on the journey. Haulers must have a [permit](#) from the Idaho State Department of Agriculture to work in their occupation.

To acquire this permit, a hauler has to go through a training session and pass an exam. A hauler also must pay a permit fee of [\\$25](#). It is recommended, but not required, that interested applicants receive at least two weeks of training from a permitted bulk milk hauler before applying for their own permit. No portion of state law allows the department to keep someone out of the occupation of a bulk milk hauler based on a prior criminal conviction.

CEMETARIAN

The Idaho Board of Cemeterians was [created](#) to license those who care for cemeteries. The requirements to receive a license as a cemetarian include passing an exam and paying a fee of \$15 to \$35 (depending on if the applicant is a trainee, an individual cemetarian, or an establishment).

The board can deny a license to anyone who has been convicted of a felony or “a crime involving moral turpitude.” An applicant can even be denied for having “[g]ross immorality.”

An additional note: This license is proposed for [elimination](#). Since the license was created in 1989, no licenses have been issued. Additionally, no members have been appointed to the board.

CERTIFIED WATER RIGHTS EXAMINER

In Idaho, if you want to be a water rights examiner, you must [first](#) be a licensed engineer or geologist. The Idaho Department of Water Resources [awards](#) this certification to applicants it believes are [qualified](#) based on past experience and, in some cases, based on the results of an oral or written exam. The fee to receive this certification is [\\$200](#).

There is no mention in either state statute or the rules created by the Department of Water Resources that an applicant can be refused a license based on criminal history. But it happens indirectly: To become a certified examiner, an applicant must first be a licensed engineer or geologist. So the barriers imposed on those occupations also affects applicants for this occupation. Other portions of this report have indicated that there are barriers to entry into the field of geology for those with criminal history, but not in the field of engineering.

CHIROPRACTOR

In Idaho, chiropractors are licensed. To acquire a [license](#), chiropractors must graduate from a chiropractic school, pass an exam, and pay an application fee of [\\$300](#).

The Idaho Board of Chiropractic Physicians may grant a temporary permit to practice under supervision until an applicant can take the required exam. The board may also grant a chiropractic internship to those still in school. The cost for both a temporary or intern permit is [\\$100](#).

Licensees can also apply for a clinical nutrition certification if they want to administer certain types of substances (vitamins, minerals, fluids, epinephrine, and oxygen) during their chiropractic sessions. To get this certification, they must complete seven credits of “didactic human nutrition, nutrition biochemistry and nutritional pharmacology” and a 24- hour practicum in intravenous and injectable nutrition. Applicants for this certification must [also](#) have CPR certification and Basic Life Support (BLS) equipment on hand.

The board has the power to suspend or revoke a license to applicants who have “been convicted, found guilty, received a withheld judgment or suspended sentence in this or any other state

of a felony or a crime involving moral turpitude” as well as if they have “committed any act which constitutes a felony or has committed any act which constitutes a crime involving moral turpitude.” State law says the board will take into consideration “rehabilitation of the applicant and other mitigating circumstances,” however the board’s rules do not currently detail any rehabilitation procedure, or how they consider the mitigating circumstances surrounding an applicant’s past crime.

An additional note: The board has [proposed](#) rule changes that would increase the fee for this license to [\\$400](#) instead of the current \$300.

COLLECTION AGENCY

In Idaho, all debt collection agencies must have a [license](#) to operate. This license is [issued](#) by the Idaho Department of Finance. The licensing requirement not only applies to businesses advertising themselves as collection agencies, but also loan modification companies, credit repair organizations, debt buyers and debt counselors.

Anyone wanting to [obtain](#) this license must submit to the department certain business information, like an operation plan, and authorize the department to examine the agency’s financial accounts. Applicants must also give proof that they have a “responsible person in charge” with three or more years of experience in the business, pay a \$150 application fee, and offer proof of a surety bond. Agencies must pay another \$20 for each “responsible person in charge” they include on their application.

The department has the authority to deny a license to an agency if the applicant or any partner or director in the business has been convicted of a felony or “a misdemeanor involving financial wrongdoing or moral turpitude.” The application process does, however, allow applicants to submit legal documents and an explanation of any felony or misdemeanor convictions.

COMBATANT

Combatants are regulated by the [State Athletic Commission](#). A combatant is anyone who competes in unarmed combat for money or a prize (with the exception of a non cash prize worth less than \$50). Combatants can be amateurs or professionals in boxing, wrestling or mixed martial arts. All, though, require a license to work in Idaho.

The commission will give special licensing [review](#) to combatant applicants younger than 18 and older than 36, but most applicants are supposed to fall within that age span. The commission will likely not grant licenses to applicants with poor vision or a history of cerebral hemorrhage or serious head injury. Applicants must be examined by a physician before receiving a license. Applicants who have “tested positive for the HIV virus, Hepatitis B Surface Antigen and Hepatitis C Antibody, or illegal drugs or other substances” will not be issued a license. Applicants must also submit a fee of \$150 and fill out an [application](#).

[Female combatants](#) cannot be in a competition with male combatants. Females must “[s]ubmit

to [a] pregnancy test within fourteen (14) days” of a competition, use a special mouthpiece, wear 10 ounce gloves (if boxing), and “[h]ave [their] hair secured in a manner that does not interfere with the vision or safety of either combatant.” Female combatants also must “sign an addendum certifying that the combatant is not pregnant and that the contest will not take place during a menstrual period.”

Boxing combatants have additional regulations to follow. Whether male or female, boxers can only compete in one competition every 24 hours. And, unless they have special permission from the commission, they must wait a certain amount of time between events: four days to compete if their last competition lasted four rounds, seven days if their last competition lasted 5-6 rounds, 14 days if their last competition lasted 7-8 rounds, 21 days if their last competition lasted 9-10 rounds, and 45 days if their last competition lasted 11-12 rounds.

For male combatants, state statute only allows 10 rounds in a competition, unless there is a bout “involving a state or regional championship.” The boxing rounds cannot be scheduled for longer than three minutes, and they cannot have more than a 1-minute break between rounds.

Like male boxers, female boxing competitors can only participate in 10 rounds. Unlike male boxers, their rounds are limited to [two minutes](#) by commission rules.

Before issuing licenses, the State Athletic Commission is statutorily-obligated to consider: “[t]he preservation of the safety and health of the contestants,” “[t]he best interest and welfare of the public,” and “[t]he best interest of the sport in general.” The commission states in its [rules](#) that it may deny or revoke a license based on a felony conviction. The commission allows an applicant to submit a [form](#), along with an [application](#) for licensure, to explain the circumstances surrounding any past crimes.

COMMERCIAL DRIVERS

In Idaho, you need a [commercial driver’s license](#) (CDL) if you drive vehicles of a certain size, including a vehicle weighing 26,001 pounds or more, a vehicle sized to carry 16 passengers or more, and any vehicle that has hazardous material placards. There are several exemptions for this requirement, including for drivers of recreational vehicles, military vehicles, emergency vehicles, and some farm vehicles.

This type of license comes in several classes (related to size and purpose of the vehicle) and comes with various endorsements (what drivers can do) and restrictions (what drivers can’t do).

To obtain a CDL license, an applicant has to first have a noncommercial license, be 18 or older, have one year of driving experience, pass a written test, pass a skills test (which is a 2-3 hour test that must be completed in a vehicle similar to the one the applicant is being licensed for), and pass a vision test. Some applicants may also need to pass a [medical exam](#). An applicant also has to [pay](#) \$40 for a 4-year license, \$3 for the written test, and a skills test fee up to \$200. All of this information and the fee must be submitted to the Idaho Transportation Department.

An applicant who passes the written test, is over 18, has a noncommercial license, and has driving experience can get an instruction permit (soon to be renamed a commercial learner’s permit).

With this, permit holders can get experience driving a commercial vehicle under supervision until they can take the skills test. The cost for this permit is \$29.

Certain individuals can also apply for a [seasonal commercial license](#) for \$39, if they are driving a commercial vehicle 180 days or fewer during a year.

A commercial driver's license can be suspended for 2-to-4 months if a driver is convicted of two to three serious traffic violations (including excessive speeding, erratic lane changes and texting while driving). It can also be suspended for two months to a year (depending on the number of convictions) for railroad-grade crossing violations. Additionally, drivers can lose their license for a year if they "use a motor vehicle to commit a felony" on a first offense. Or, they can lose their license for life if they commit a second offense. They can also lose their license for life if they "commit a felony involving the manufacture, distribution, or dispensing of a controlled substance." There is no listed procedure whereby applicants can prove their rehabilitation since the conviction.

The same is true for DUI convictions: The first offense results in a year-long suspension. The second offense results in a lifetime loss.

Applicants for a seasonal commercial license do not [qualify](#) if they have ever used "a vehicle to commit a felony." Applicants for a license to drive a vehicle with a hazardous material placard may be refused if they "[h]ave a conviction in military or civilian court for certain felonies."

COMMERCIAL FEED MANUFACTURERS

Commercial feed is regulated by [Idaho's Commercial Feed Law](#). Commercial feed relates to the distribution of animal food. Manufacturers (and sometimes distributors) of feed must register with the state. To get this registration, they must submit to the Idaho State Department of Agriculture an application, a [\\$40 fee](#), and a copy of the label detailing what is in their feed. State [statute](#) details the requirements for the label.

Distributors do not have to register feed that has already been registered with the state by another individual (such as the manufacturer), as long as it is sold in its original packaging.

Since the analysis of what is in the feed is a component of registration, a manufacturer will likely have to re-register a [revised](#) recipe.

Sellers of commercial feed whose annual revenue from those sales is less than [\\$500](#) are exempt from the registration fee.

There is no mention in either state statute or department rules that an applicant can be denied registration based on a previous criminal conviction.

COMMERCIAL FERTILIZER MANUFACTURERS

Manufacturers (and sometimes distributors) of [commercial fertilizer](#) must go through a process similar to that required of manufacturers and distributors of commercial feed. To get a fertilizer [registered](#), they must submit to the Idaho State Department of Agriculture an application, a copy of the [label](#) that will be put on their product, and pay a \$25 fee. Label requirements are provided in state [statute](#).

Registering a new fertilizer may incur a fee of 35 cents per ton if the sale unit is over 25 pounds.

Anyone who seeks to register a fertilizer made from waste-derived products needs to submit a lab report verifying the level of “nonnutritive metals” in the product. Due to the nature of this demand, the manufacturer must provide a new lab report detailing the new levels of “nonnutritive metals” if it ever changes what it is feeding the waste-producing animals.

Additionally, manufacturers and distributors must register each of their in-state facilities used to store the fertilizer. This registration involves a fee of \$100 (per distributor, not per storage unit). There is an additional monetary penalty for not notifying the department of a new storage facility in between registration periods.

Distributors do not have to register fertilizer that has already been registered with the state by another individual (such as the manufacturer), as long as the label on the sold product remains the same and the product remains unopened and unaltered.

There is no mention in either state statute or department rules that an applicant can be denied registration based on a previous criminal conviction.

COMMERCIAL FISH & GAME OCCUPATIONS

In Idaho, quite a number of fish and game activities require documentation, but just a handful of commercial activities require a [license](#). Occupations that require a license include: commercial fishing, running a commercial wildlife farm, and being a wholesale distributor of steelhead or a retail steelhead trout buyer. These licenses are issued by the Idaho Department of Fish and Game.

Anyone who uses [five or more](#) traps to catch fish and/or receives more than \$500 in revenue from selling trapped fish needs to obtain a commercial fishing [license](#). This requires applying to the Idaho Department of Fish and Game and paying a licensing fee of \$110.

Also licensed under [state statute](#) are people who run commercial wildlife farms, which keep or breed big game animals usually found in the wild. Applicants must prove that they own the land where the animals will be kept, that there is a setup to prevent the escape of animals, and that the boundaries of the land and labeling of it as containing wildlife is clearly marked by at least three signs. They also must pay a fee of \$137.50.

Both a wholesale steelhead [license](#) and a retail steelhead trout buyer’s license cover the same activity: purchasing steelhead for resale. Both licenses cost \$165. In both cases, the steelhead

must come from a lawfully authorized steelhead harvester. A wholesale steelhead license allows an individual to purchase steelhead from someone who catches it and then sell it to a retailer. A licensed retail steelhead trout buyer can purchase steelhead from either a wholesaler or the person or business that caught the fish. A trout buyer can then sell the steelhead to a consumer or to a restaurant or another party that will sell it to a consumer. Anyone purchasing steelhead to eat themselves does not need to be licensed.

There is no mention in state statute that any of these licenses can be denied based on a past criminal conviction.

COMMERCIAL FISH FARM

Commercial fish farms in Idaho are [licensed](#) by the Idaho State Department of Agriculture. To obtain this [license](#), applicants must assure the department that their facility is “not constructed in or across any natural streambed, lake or other watercourse containing wild fish,” that “[a]ny dam constructed to divert water into said facility meets all the requirements,” that “[a]ll water inlets to said facility are screened,” and that “[t]he effluent control facilities have been approved by the legally designated state and federal agencies.” Applicants must submit for a license for each location of one of their fish farms, and submit a \$25 fee per application.

Before receiving a license, a facility will be [inspected](#) by the livestock investigator in its section of the state. If approved, the fish farm can be further inspected at any time by the department for compliance with its rules.

There is no mention in state statute that an applicant can be denied registration based on a previous felony conviction.

COMMODITY DEALER

Commodity dealers are [those](#) who “market a wide variety of agricultural commodities such as wheat, barley, oats, dry edible beans, peas, and lentils grown in Idaho.” This is a licensed occupation that is regulated by the Idaho State Department of Agriculture. There are two classes of these licenses: Class 1, if the value of commodities exceeds \$250,000, and Class 2, if the value of commodities is between \$10,000 and \$250,000.

The [requirements](#) for licensure include: an application, a fee, a commodity dealer bond, general liability and stock coverage insurance, and an audited review of financial statements (by a public accountant). The [fees](#) for this license differ by class: \$360 for Class 1 and \$180 for Class 2.

Under [state statute](#), there is no explicit mention of a denial based on a felony conviction, but “[t]he director shall, after a public hearing, have the right to deny or refuse to issue a license or renewal thereof to an applicant when it is determined that public interest is best served by that denial or refusal.” And the license application does ask whether the applicant has “been convicted of a felony involving violations of any state warehouse or grain dealer laws or the United States Warehouse Act.”

CONTINUING CARE

In Idaho, continuing care is defined as furnishing “nursing services, medical services, or other health related services, pursuant to an agreement requiring an entrance fee.” This system is often used in retirement communities, and this type of care is [regulated](#) by the Idaho Department of Finance, which requires [registration](#) of continuing care providers.

To become a registered provider, applicants must prove their financial responsibility, submit the business experience of any managing officials in their organization, any affiliation with a nonprofit, a description of fees they will charge residents, the conditions required to qualify as a resident of their facility, the facility’s projected capacity to offer services as estimated by an actuary, and have an escrow account set up.

There is no registration fee for continuing care providers. However, state statute does require applicants to disclose information about any felony conviction or enjoinder “in a civil action by final judgment, which civil action involved fraud, embezzlement, fraudulent conversion, or misappropriation of property.” But it does not say what will be done with that information.

CONTRACTOR

If you are either a construction worker or a construction manager, you may have to be [registered](#) as a contractor in Idaho. This requirement applies to contractors in the field of carpentry, cement finishing, drywall, insulation, and others.

Interested parties must submit an application that includes their personal information, a list of the partners or owners in their business entity, proof of worker’s compensation insurance, a general liability policy, and a statement of the type of construction work they do. Applicants must also submit a \$35 [registration fee](#). Additionally, according to the [rules](#) of the Idaho Contractors Board, applicants must not “have been convicted of any felony.” However, the board does allow applicants to submit a statement of suitability with their application for it to consider their rehabilitation since committing the felony.

*An additional note:*The board has a [rule change](#) currently pending that would increase the registration fee to [\\$50](#).

COUNSELOR/MARRIAGE & FAMILY THERAPIST

The occupations of counselor and marriage and family therapist are both [licensed](#) in Idaho by the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists. There are four different licenses under these two occupations.

The first is a licensed professional counselor. This license requires a master’s degree or higher, the base of which is a program of at least [60 semester hours](#), including completion of a 6-semester-

hour practicum. The license also requires 1,000 hours of supervised experience (where 400 hours must include direct client contact) and passing an exam. Additionally, applicants must be “persons of good moral character.”

The second license under this category is for licensed clinical professional counselors. This license requires an applicant to first hold a professional counselor license, have 2,000 hours of direct client contact under supervision, and pass an exam.

Both licensed professional counselors and licensed clinical professional counselors must [pay](#) a \$75 application fee and another \$75 license fee. Counselor interns trying to gain the experience to become licensed in one of these occupations must pay a \$25 application fee.

The third license under this category is an associate marriage and family therapist. This license requires a master’s degree or higher, a practicum that involves contact with individuals, couples, and families for at least [300 hours](#), and passing an exam.

The fourth license is for marriage and family therapists. This license requires a master’s degree or higher, the core of which is a program of at least 60 semester hours and includes [a specific amount of credits in specific courses](#), as designated by the board, as well as completion of a practicum that involves contact with individuals, couples, and families. The license also requires 3,000 hours of graduate and postgraduate experience in the field of marriage and family therapy and passing an exam.

Both licensed associate marriage and family therapists and licensed marriage and family therapists must [pay](#) a \$75 application fee, a \$25 administrative fee, and a \$75 license fee, for a total of \$175. Interns for these occupations, attempting to get their relevant experience needed for licensure, must pay a \$25 application fee.

The board may refuse, revoke, or suspend any of these licenses based on a past felony conviction.

COUNTY DETENTION OFFICER

According to [state statute](#), employees in county jails must be certified. The Idaho State Police is in charge of this certification process. Officers must meet certification requirements set out by the state police within one year of being employed in a county jail.

There is no mention in state statute of any authority to deny certification based on a past criminal conviction.

An additional note: We reached out to the Idaho State Police multiple times to find the requirements for this certification. We never received a reply.

DAIRY-RELATED OCCUPATIONS

Most dairy processing plants in Idaho need to be [licensed](#) by the Idaho State Department of Agriculture. This requirement applies to any “creamery, milk plant, shipping or cream buying station, milk condensing plant, cheese factory, mix making plant, ice cream factory, reprocessing plant, casein plant, powdered milk plant, or factory of milk products.”

The licensing [fee](#) changes depending on the type of dairy processing plant:

- \$100 for a milk condensery
- \$100 for a reprocessing plant
- \$50 for a creamery
- \$20 for a cheese factory
- \$20 for an ice cream factory
- \$20 for a mix making plant
- \$20 for a casein plant
- \$30 for a milk powder plant
- \$15 for a cream buying or shipping station

Manufacturers of food products that resemble dairy products must also be [licensed](#). They can obtain their license by submitting an application to the department and paying a \$100 license fee.

Additionally, anyone who tests or grades milk or cream must be [licensed](#). Applicants must prove their competency in testing milk and pay a fee of \$25. In practice, the Idaho Department of Agriculture generally issues one license per laboratory that tests milk instead of one license per individual tester.

There is no mention in statute of any authority to deny any of these licenses based on a past criminal conviction.

DAY CARE

In Idaho, the Department of Health and Welfare is in charge of [licensing](#) day care establishments that care for seven or more children and receive compensation for their care of at least one of them. There are certain exemptions to this rule available to: neighbors or relatives that provide irregular care to a child, private or religious schools that care for children, day care centers for children of parents who are located in the same building (like at some offices or grocery stores), day camps, regular care of a child by a close relative, and day care centers that are licensed by a city or county that do not require state licensing.

The [cost](#) for a day care license depends on the number of children that the center cares for. A center with 26 or more children has a fee of \$325; for 13-25 children, the fee is \$250; for fewer children, it is \$100. There are also [costs](#) associated with the criminal history checks as well as the health and fire inspections, which are both requirements for licensure.

For a center to keep its license, each staff member must receive [four hours](#) of ongoing training every 12 months. Employees must also be certified in first aid. Plus, the center must have fire insurance and undergo inspections.

All new hires or volunteers at a day care center who are over the age of 12 must have a [background](#)

[check](#). Under [Idaho Code](#), a license can be denied, suspended, or revoked if any person pleads to or is found guilty of “neglect or any physical injury to, or other abuse of a child.” These instances of abuse and neglect are defined as:

- Felony injury of a child
- Sexual abuse of a child under 16 years of age
- Ritualized abuse of a child under 18 years of age
- Sexual exploitation of a child
- Lewd conduct with a child under 16 years of age
- The sale or barter of a child for adoption or other purposes
- Murder in any degree
- Assault with intent to murder
- Voluntary manslaughter
- Rape
- Incest
- Forcible sexual penetration by use of a foreign object
- Abuse, neglect, or exploitation of a vulnerable adult
- Aggravated first degree, second degree, and third degree arson
- Crimes against nature
- Kidnapping
- Mayhem
- Poisoning
- Robbery
- Stalking in the first degree
- Video voyeurism
- Enticing of children
- Inducing individuals under 18 years of age into prostitution
- Inducing persons under 18 years of age to patronize a prostitute
- Any felony punishable by death or life imprisonment
- Attempt, conspiracy, or accessory after the fact to commit any of the crimes designated in this subsection
- Aggravated assault
- Aggravated battery
- Burglary
- Felony theft
- Forgery of a financial transaction card
- Fraudulent use of a financial transaction card or number
- Forgery or counterfeiting
- Misappropriation of personal identifying information
- Insurance fraud
- Damage to or destruction of insured property
- Public assistance fraud
- Provider fraud
- Attempted strangulation
- Misdemeanor injury to a child

In Idaho Department of Health and Welfare [rules](#), however, there is a blanket denial of any applicant who “[h]as been found guilty of or is under investigation for the commission of any felony.”

An additional note: Department rules indicate that “children’s agencies, children’s treatment facilities (including nonaccredited, residential schools, children’s camps providing care for any one (1) child for more than nine (9) consecutive weeks in any one (1) year period, alcohol-drug abuse treatment facilities and facilities specializing in maternity care to minors), juvenile detention centers, [and] group foster homes,” may be subject to basic day care licensing requirements.

DENTAL OCCUPATIONS *(This has been updated. [Click here to see the update.](#))*

Dental occupations are regulated by the [Idaho Board of Dentistry](#). Dentists, dental therapists, and dental hygienists are all [licensed](#) by this board.

To get a [license](#) for any of these three positions, applicants must be “of good moral character” and have “not pled guilty to or been convicted of any felony, or of any misdemeanor involving moral turpitude, unless the person demonstrates that he has been sufficiently rehabilitated to warrant the public trust.” They can be denied a license if they do not meet the moral character or criminal history standards. State law indicates that there is some sort of proof of rehabilitation procedure, but the Idaho Board of Dentistry’s rules provide no avenue for applicants to prove that they have “been sufficiently rehabilitated to warrant the public trust.”

Applicants who make it past these broad requirements relating to moral and criminal history must satisfy other requirements:

- Dentists must have “a degree of doctor of dental surgery or doctor of dental medicine” and pass an exam. They also must submit an application fee of \$300. Some licensed dentists can become dental specialists if they have completed a postdoctoral program.
- Dental therapists must have studied dental therapy, graduated with a degree in the field, have 500 hours of supervised clinical experience, and pass an exam. They must also submit a \$200 fee.
- Dental hygienists must have graduated from a dental hygienist program, pass an exam, and submit a \$150 application fee.

Dentists have an additional step of obtaining a permit from the board if they desire to put any patients 16 or older under moderate sedation. To obtain this permit, dentists must meet training requirements commensurate with the administration method of sedation for which they are applying. They must also have life support certification. Plus, they must ensure that their team and facility is adequate for the practice of sedation. The sedation permit has a \$300 application fee.

DENTURIST

The practice of [denturistry](#) involves the fitting, construction, and repair of dentures. Requirements to be licensed as a denturist are different for applicants who have been working in the profession before 1983 compared to those who started working later. When the licensing law went into effect, denturists who had been practicing the five years earlier could receive a license by submitting two signed affidavits that they were practicing denturists before 1983 and provide evidence they had completed courses in head and neck anatomy and oral pathology.

Those starting to practice after 1983 have a longer application process. They must have two years of formal educational training, with courses completed in “oral pathology, physiology, head and oral anatomy, clinical microbiology, clinical jurisprudence, asepsis, and first aid for minor

office emergencies.” Plus, they must have completed a 2-year internship (with a [detailed list](#) of procedures they must practice in this time period, and the minimum number of times those procedures must take place) and pass an examination. The [cost](#) for the examination is \$300 and the cost for the initial license is another \$300. Plus, the intern permit is \$300.

On top of all of these requirements, the Idaho Board of Dentistry will suspend or revoke a license based on a prior conviction of a felony “or of any other crime where such crime bears a demonstrable relationship to the practice of dentistry.”

DIETICIAN

If you like to help paying clients understand food and nutrition, you will likely have to become a licensed dietician. To get licensed, you [must](#) have a bachelor’s degree with a focus in dietetics, pass an examination, and complete a supervised practice program. The fee associated with being a dietician: [\\$100](#) for an initial license.

Licenses are either recommended for approval or denial by the Idaho Dietetic Licensure Board, which is an [advisory board](#) to the Idaho Board of Medicine. This board also has the [ability](#) to refuse, suspend, or revoke the license of any dietician who has “been convicted of a felony or crime involving moral turpitude or has entered a plea of guilty to, or been found guilty of, the commission of a felony or a crime involving moral turpitude.” Additionally, the board has the overarching requirement that an applicant be of “good moral character.”

DRIVING INSTRUCTOR

There are two occupations associated with driving instruction: One for the driving instruction business entity and one for the actual driving instructor. Both licenses are issued by the State Driving Businesses Licensure Board.

A [business](#) seeking a license in driving instruction must disclose: the owner’s name, the location of the business, proof of automobile insurance, a list of instructors, and proof of vehicle checks. It also must use a board-approved curriculum for students, which includes 30 hours of classroom instruction, six hours of behind-the-wheel practice, and six hours of observation.

For individual licenses, instructors must be at least 21 years old, high school graduates, hold a driver’s license, and pass a background check. To pass their background check, they [cannot](#) have “two (2) moving violations in the past twelve (12) months, or suspension or revocation of a driver’s license in the last thirty-six (36) months, or a conviction involving alcohol or controlled substances within the last thirty-six (36) months.” If they do, they are disqualified from licensure.

Driving instructors must also have a medical certificate proving they are fit instructors and do not have a medical condition that would impair their ability to instruct. They also must have completed an apprenticeship program that involves 60 hours of coursework and 108 hours of training behind the wheel.

The [fee](#) for the business entity to apply is \$25, plus \$33 for a background check of the people involved in the application, plus \$125 for the actual license. Instructors at the driving business also must pay \$25 to apply, \$33 for a background check, and \$25 for their actual license. So the cost can stack up quickly for instructors who also own the driving business that they work for.

Additionally, the State Driving Businesses Licensure Board has the power to refuse, revoke, or suspend any applicant, whether a business or individual instructor, for any conviction of a “felony or of a crime involving moral turpitude.”

EGG-RELATED OCCUPATIONS

Both egg distributors and egg candlers must be [licensed](#) in the state of Idaho. Egg distributors are in charge of getting eggs to dealers (like grocery stores), where they can then be sold to Idahoans. Egg candlers determine the grade (quality and size) of produced eggs. Both are [licensed](#) by the Idaho State Department of Agriculture.

Distributor licenses are generally given to businesses, and candler licenses are generally give to individuals. Both require submitting an application and paying a fee to the department. For the distributor license, the fee is \$20 per location. For a candler license, the fee is \$5.

Distributors who have 300 or fewer birds do not have to be licensed, as long as they sell ungraded eggs only, in clearly marked cartons. Thus, they also do not have to hire the [services](#) of a licensed egg candler.

There is no mention in either state statute or state rules of the department having the power to deny an application based on a past criminal conviction.

ELECTRICAL OCCUPATIONS

Occupations in Idaho that deal with the setup of electricity are licensed by the [Idaho Division of Building Safety](#) (Idaho Electrical Board). These occupations [include](#): apprentices, contractors, installers, journeymen, and master electricians. Generally, electrical contractors are businesses. Journeymen supervise or perform the actual installation of electrical wires. Apprentice electricians are those learning the electrical trade. Master electricians design and plan (or supervise those who design and plan) the layout of electrical wires. Electrical installers repair (or supervise the work of repairing) certain types of electrical wires.

Each type of occupation has different requirements for [licensure](#).

- An [apprentice](#) must be 16 or older. This person must apply for a 5-year registration certificate, complete 144 hours each year of instruction in technical aspects of the electrical trade until finishing a vocational program, and gain 16,000 hours of work experience (four years, with three years under supervision, gaining experience in residential, commercial, and industrial installation). No more than two apprentices can be supervised by the same journeyman electrician at a time. Apprentices must pay \$15 for their registration.

- An apprentice can move up to become a [journeyman electrician](#) by passing an exam and completing all apprentice requirements, including the diversity of experience requirement (that is, working in all three areas: residential, commercial, and industrial installation). A journeyman license costs \$55.
- A [master electrician](#) license can be acquired by first having four years of experience as a journeyman and then passing an exam. This license costs \$65.
- Electrical installers can get a limited license to practice certain types of installations (moving walkways, electrical signs, assembly equipment, alarms, irrigation sprinkler, etc.) if they have two or more years of experience ([4,000 hours](#)) with that type of installation. This limited license costs \$55. Certain trainees can also fall under this category. Lineman and solar installers have other certification and apprenticeship [requirements](#).
- An [electrical contracting business](#) must have at least one employee with a master electrician license, and that employee must be the supervising electrician. The applying party must also designate who the representative is for the business, provide proof of liability insurance, and proof of workers' compensation insurance. Contractor licenses cost \$125.

Most of these occupation types also come with a \$15 application fee. There is no mention in either state statute or rules about the licensing authority being able to deny an applicant a license based on a past criminal conviction.

EMERGENCY COMMUNICATIONS OFFICER

Emergency dispatchers in the state must be [certified](#) by the Idaho State Police. These dispatchers (also referred to as emergency communications officers) must become certified within 18 months of being employed.

Certification will be stripped from any dispatcher who has been convicted of a felony, and the State Police can further strip anyone convicted of a misdemeanor if it so chooses.

An additional note: We contacted the Idaho State Police multiple times regarding the licensing requirements for this occupation. We never received a reply.

EMERGENCY MEDICAL SERVICES

In Idaho, certain positions under the umbrella of emergency medical Services (EMS) require a [license](#). They [include](#) emergency medical service agencies, emergency medical responders (EMRs), emergency medical technicians (EMTs), advanced EMTs (AEMTs), and paramedics. These occupations are licensed by the Idaho Department of Health and Welfare.

A business seeking to provide and advertise emergency medical services must first [obtain](#) an EMS agency license. This license allows it to provide one or more emergency service types (air transportation, ground transportation, etc). To get this license, the business must submit an

application to the department, giving information about its call volume, geographic coverage area, staffing, vehicles and equipment, communications equipment, dispatch agreements, response times, and other details.

Emergency medical service personnel who work for these agencies face different requirements for their [licenses](#) (including EMRs, EMTs, AEMTs, and paramedics). People seeking each of these licenses must submit to a criminal background check, be affiliated with an EMS agency, complete an EMS education course, and pass an exam. For an EMR or EMT license, an applicant must be at least 16. AEMTs and paramedics must be at least 18. Additionally, while EMRs and EMTs have no application fee, AEMTs and Paramedics must pay \$35.

Licensed EMRs must complete an ambulance certification training program before being granted certification to act as a sole care provider on an ambulance.

The Idaho Department of Health and Welfare has an overarching background check policy for all individuals applying for licensure through the department. This [policy](#) allows for the department to review an applicant's history and grant an exemption, depending on the crime found during a criminal history check. But there is also a long list of criminal convictions that merit an unconditional [denial](#), with no opportunity for review.

ENGINEER/LAND SURVEYOR

In Idaho, if you want to be an engineer or land surveyor, you first must obtain a [license](#) from the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors.

To [qualify](#) as a licensed engineer, an applicant must either graduate from an engineering program or graduate with a bachelor's degree in a related science field. No matter their type of degree, an applicant must also pass an exam to show competency in the subject of engineering. If the degree held is not in engineering, the applicant must give proof of completing certain course work, including 32 credits of higher math and basic science, 16 general education credits, and 48 credits in engineering science and design. Either way, the applicant must also gain four years of work experience (most likely through an internship).

Land surveyors must either graduate from a surveying program and pass an exam, or graduate with a bachelor's from a related field and pass an exam to show competency in the subject of land surveying. If the degree held is not in land surveying, then an applicant must prove completion of certain course work including 18 credits of higher math and basic science, 16 general education credits, and 30 credits in surveying science or surveying practice. Either way, an applicant must also gain four years of work experience (most likely through an internship).

Potential engineers and land surveyors can gain work experience by becoming interns. To qualify as an engineering intern, an applicant must have completed the education requirements described above and pass an exam on the fundamentals of engineering. To qualify as a land surveyor intern, the qualifications are similar: An applicant must meet the education requirements described above and pass an exam on the fundamentals of land surveying.

There is no mention in either state statute or rules that an engineering or land surveyor license can

be denied based on a past criminal conviction.

ESCROW AGENCY

Escrow agencies are businesses that play the role of a third party in a transaction process, most commonly associated with the transaction of money for real estate. Any owner of a would-be escrow agency in Idaho must obtain a [license](#) before operating. This license is issued by the Idaho Department of Finance.

To obtain this license, an applicant must submit an application to the department with a fee of \$350. The agency must have in its employment at least one person with three or more years of supervisory experience in the escrow business. The agency must also have a fidelity bond, a surety bond, and an errors-and-omissions policy.

An applicant can be denied a license if any officer or employee of the company has been convicted of any felony or of “a misdemeanor involving dishonesty or moral turpitude,” or any crime substantially related to escrow.

FAMILY HOME

In Idaho, family homes provide family-style living to “individuals who are elderly, individuals with a mental illness, developmental disabilities, physical disabilities or to those unable to live alone.” These types of homes must receive [certification](#) from the Idaho Department of Health and Welfare before they can operate.

To get a home [certified](#), the care provider in the home must submit an application, attend an [orientation](#) program for new providers, and submit a \$150 application fee. In addition, all residents of the home must complete a criminal background check. The department may also require a home visit, an interview with the applicant, an interview with the applicant’s relatives or others living in the home, a psychological or medical exam, the results of electrical and environmental inspections, and proof of ownership and insurance of the home. The applicant must also receive training in residents’ rights, CPR, first aide, emergency procedures, fire safety, complaint investigation, and inspection procedures. They must also complete a certified course in assistance with medications (which often has a course cost associated with it).

These homes can be certified to accommodate between two and four people. The home cannot provide room and board to other groups of people, except for the spouses of residents.

After receiving certification, the applicant must pay the department \$25 a month as a certification fee.

Applicants can be refused a license if they have any conviction in the five years prior, outside of traffic violations, especially if such convictions relate to “fraud, gross negligence, abuse, assault, battery or exploitation.” The department has a procedure that allows for an exemption review for some crimes. But there is also a long list of criminal convictions that merit an unconditional

[denial](#), with no opportunity for review.

An additional note: The Idaho Department of Health and Welfare has [proposed](#) rule changes to require more [frequent](#) criminal background checks for those who run these types of facilities.

FARM LABOR CONTRACTOR

The Idaho Department of Labor is in charge of registering farm labor contractors. According to its [website](#), a farm labor contractor is “any person who is paid or is promised to be paid for recruiting, soliciting, hiring, employing, furnishing or transporting any migrant or seasonal agricultural worker.”

The requirement of registration has six exceptions: agricultural associations collecting memberships, laborers who work on a farm owned by a relative, an employee exchange between two agricultural employers, those who work as common carriers (like public transportation), nonprofit organizations, and noncommissioned employees who work under the exempted options (such as a noncommissioned nonprofit employee).

The cost of this registration is \$250 each year. To apply, the applicant must have auto insurance, worker’s compensation insurance, proof of financial responsibility, and a sponsorship statement if the applicant is an employee of a business. If the applicant is a business (and not an individual applicant), then the business must have its name registered with the Secretary of State. There is no mention of a possible denial of registration based on a felony conviction.

FIRE PROTECTION SPRINKLER CONTRACTOR

People who install fire sprinkler systems in Idaho need to be [licensed](#) through the Idaho Department of Insurance. To become licensed, applicants for this occupation must be owners or managers of the applying company, pass an exam given by the State Fire Marshal, and prove they have supervised or installed at least four sprinkler systems of more than 200 heads each, or prove they are certified in fire protection. The fee for the examination is \$25 and the fee for the license is \$400. Contractors must also provide a \$2,000 surety bond and have general liability insurance.

Even upon completing all of these requirements, however, a contractor license can be refused, revoked, or suspended if the applicant has been convicted of a felony.

FLORAL RETAILERS

In Idaho, floral retailers are [licensed](#). These retailers [include](#) florist shops, nurseries, Christmas tree outlets, greenhouse growers, garden centers, sod sellers, landscape contractors, and even grocery stores. These entities are [licensed](#) by the Idaho State Department of Agriculture.

To get a license, nursery workers, florists, and the like must submit an application to the

department and pay a fee of \$100. They must provide a list of all locations of their retail outlets and pay an additional \$100 for each location other than the principal site.

After licensure, licensees must keep records of their sales, to be presented to the department whenever requested.

A temporary nursery or florist sale license can be granted for sales “conducted by or for the benefit of a duly registered nonprofit organization” for a fee of \$25, as long as the sale period is not more than seven consecutive days each year.

There is no portion of state statute that allows a retailer to be denied a license based on a past criminal conviction of the applicant or their employees.

GAMBLING VENDOR

In Idaho, businesses that want to sell gambling equipment must first be [licensed](#). This license applies to vendors that sell bingo cards, number selection machines, computerized random selectors, electronic bingo devices, raffle tickets, and other products.

To get this license, a vendor must [submit](#) to the Idaho Lottery Commission its business information (including financial reports) and a \$500 license fee. There is no mention in either state statute or rules that a vendor application can be refused due to the criminal conviction of any employees of the applying business.

GENETIC COUNSELOR

Genetic counselors analyze family medical histories to determine the risk a certain person holds for contracting certain genetic conditions.

Genetic counselors are regulated by the Genetic Counselors Licensing Board in Idaho. To be [eligible](#) for a license as a genetic counselor, an applicant must hold a master’s degree or higher in genetics, pass an exam, and pay a fee of [\\$200](#).

According to [Idaho law](#), a license can be refused, revoked, or suspended because of a felony conviction. But the statute also allows the licensing board to “provide a procedure for an applicant to request an exemption review for a felony or lesser crime conviction.”

The specific [procedure](#) that the board uses gives the applicant the opportunity to “submit with his application a written statement and any supplemental information establishing his current suitability for licensure.” The board will consider the statement and the severity of the crime, the amount of time that has passed, the number of similar incidents, the circumstances surrounding the crime, the relationship of the crime to the profession of genetic counseling, the applicant’s activities since committing the crime, and other information. The board may then grant the applicant an interview to further consider the circumstances.

GEOLOGIST

In Idaho, geologists must be [registered](#). To get this registration, applicants must complete 30 semester credits in geological science (with 24 of those credits in the third and fourth year of their educational program), pass an examination, and submit three references from other geologists. They must also have seven years of geological experience, with at least three of those years under the supervision of a registered geologist. The board allows each year of undergraduate education to count as a half-year of professional experience. Each year of graduate education can count as one year of professional experience.

The fees associated with the registration include [\\$100](#) to apply, \$200 to \$250 to sit for the exam, and \$20 for the registration. This means the cost associated with working in this occupation is approximately \$320 to \$370.

Additionally, the Idaho Board of Registration for Professional Geologists can refuse, revoke, or suspend a license based on a prior felony conviction or “a crime involving moral turpitude.”

HOME HEALTH AGENCY

Home health agencies are [regulated](#) by the Idaho Department of Health and Welfare. Anyone who wants to open a home health agency to provide skilled nursing and [other](#) health care services (physical therapy, speech language pathology, occupational therapy, social services, etc.) to people in their home must obtain a [license](#) from the department.

To obtain this license, [applicants](#) must submit to a criminal history check. They must also [submit](#) evidence that their staffers meet the licensing requirements of the services they are proposing to provide, a list of their staffers and job titles, a health insurance benefits agreement, and other business information.

All of the agency’s employees are subject to a criminal history check. Certain offenses in a criminal history may allow for an exemption review by the department. But there is also a long list of criminal convictions that merit an unconditional [denial](#), with no opportunity for review.

HOPS DEALER

Anyone who wants to sell hops grown in Idaho (usually to breweries or other beer producers) needs to be [licensed](#). This license is [regulated](#) by the Idaho Hop Growers Commission, which is run under the Idaho State Department of Agriculture.

To obtain this license, applicants must give the commission their business information, a \$50 license fee, and proof of a surety bond. The commission also has to be “satisfied that the applicant is of good character and reputation and is financially responsible.”

An additional note: State law says that the Idaho Hop Growers Commission is “established within the department of agriculture.” However, when contacted, the Idaho State Department of Agriculture stated that the department’s only involvement with the commission is “counting ballots when the commission holds an election.” The commission runs as its own entity.

HORSE RACING OCCUPATIONS

Horse races are [regulated](#) in Idaho by the Idaho State Racing Commission, which [issues](#) licenses to those wanting to hold horse races. This commission falls under the supervision of the Idaho State Police.

To apply for this license, applicants [must](#) be 16 or older, submit information about their proposed meet to the commission, have public liability insurance, and hold a surety bond. Additionally, an applicant who is between 18 and 69 years old must submit to fingerprinting and be responsible for the cost.

The commission may also issue simultaneous licenses to conduct a horse race at the same time as pari-mutuel betting (where the winning pool is shared among those who placed the same bet).

Additionally, the commission issues [licenses](#) for [occupations](#) related to horse racing. For a worker, this means, at a minimum, filing an [application](#). Additional requirements include a range of application fees:

- Admissions: Employees who collect entrance fees to horse races must be licensed and pay a \$15 fee for that license.
- Apprentice Jockey: These individuals must submit an application signed by a steward and a certification signed by a starter, two jockeys, an outrider, and another steward. They also must pay a \$50 fee.
- Announcer: People who lend their vocal talents to a horse race must pay a \$25 license fee.
- Assistant Starter: These licensees must pay a \$25 fee.
- Authorized Agent: These agents acting on behalf of business entities must submit a written form from each owner they represent, listing out delegated powers given to them by that owner, and pay a fee of \$50.
- Chart Person: These licensees must pay a \$25 fee.
- Concessionaire: A concession business must submit the names of its owners, proof of financial stability, and a \$50 fee.
- Concession Employee: Employees of concession businesses must pay \$15.
- Clocker: These licensees must pay a fee of \$25.
- Clerk of Scales: They must pay a \$25 fee.
- Emergency Medical Technician: EMTs hired to work at horse races must submit their EMT certification and a fee of \$25 to the commission.
- Exercise Person: These licensees must submit an application signed by a steward and a fee of \$25.
- Groom: Grooms must submit an application signed by a trainer and a license fee of \$25.
- Horsemen’s Bookkeeper: These licensees must pay a \$35 fee.
- Identifier: These licensees must pay \$25.

- [Jockey](#): Jockeys must submit an application signed by a steward, a physical from a healthcare professional, and a fee of \$50.
- Jockey Agent: These agents must submit an application with a list of jockeys they represent and a fee of \$50.
- Jocks Room Custodian: Custodians must pay a fee of \$25.
- Maintenance: Maintenance workers at horse races must pay \$15.
- Mutuel Employee: These licensees must be at least [18](#) years old and pay \$15.
- Office Personnel: General office personnel must pay \$15.
- Official: Officials must pay \$50.
- Owner/Trainer: These licensees must pay \$65.
- Outrider: These licensees must pay \$25.
- Owner: Owners must pay a \$50 licensing fee and \$225 for each required horse hair test.
- Paddock Judge: Judges must pay a \$25 fee.
- Photographer: Photographers are not exempt from licensing. They must pay \$25.
- Plater (Blacksmith): Blacksmiths must submit a letter of recommendation from an owner or trainer and pay \$50.
- Pony Person: These licensees must submit an application signed by a steward and a \$25 fee.
- Racing Secretary: Secretaries must pay \$35.
- Stable Name: Anyone who wants to license a [stable](#) must submit the names of the owners of the stable and \$50.
- Stall Superintendent: Superintendents must pay \$25.
- Starter: These licensees must pay a fee of \$25.
- Steward: Stewards must pay a fee of \$50.
- Tote Employee: These licensees must pay \$15.
- Track Superintendent (Supervisor): These licensees must pay a licensing fee of \$25.
- Track Security: Security workers must pay \$25.
- Trainer: Trainers must submit an application signed by a steward, pass a trainer's test or hold a valid trainer's license from another jurisdiction, and pay \$50.
- Valet: Valets must pay a \$25 fee.
- [Veterinarian](#): Veterinarians must have a valid [veterinarian license](#) and pay \$50.
- Veterinarian Assistant: Assistants to veterinarians must submit an application signed by a veterinarian and pay \$15.
- Video Employee (Operator): Even video employees must pay a \$15 fee.

All of these occupations require a fingerprinting for a first-time license, which comes at an additional cost to the applicant of \$37.

State statute explicitly states that “[n]o person who has been convicted of any crime involving moral turpitude shall be issued a license of any kind.” Commission rules further refuse a license to an applicant:

- “Who has been convicted of any felony and whose civil rights have not yet been restored.”
- “Who is on probation, or parole for a conviction or withheld judgment for any felony.”
- “Who has been convicted of possession, use, or sale of any narcotic, dangerous drug, or marijuana if such conviction was a misdemeanor, within two (2) years prior to the date of making application for any license.”
- “Who is on probation or parole for a conviction or withheld judgment for misdemeanor possession, use, or sale of any narcotic, dangerous drug, or marijuana.”

HVAC OCCUPATIONS

In the state of Idaho, if you want to work on heating, ventilation, and air conditioning (HVAC) units, you will likely need to be [licensed](#) by the Idaho Division of Building Safety. There are six types of [licenses](#) in this field: HVAC journeyman, contractor, and apprentice, as well as specialized versions of all three.

HVAC apprentices are those who are still learning the trade. HVAC journeymen install HVAC systems under the employment or direction of a contractor. HVAC contractors are usually businesses that acquire contracts to install HVAC systems.

To be licensed as an HVAC contractor, an applicant must provide proof of a \$2,000 compliance bond, have been a licensed journeyman for at least 24 months (or specialty journeyman if applying for a specialty contractor [license](#)), and pass an exam. HVAC contractors and specialty contractors also must submit a [\\$35](#) application fee.

Applicants must have four years of supervised experience to qualify for a journeyman license, though graduates of an HVAC training course may get up to one year of credit for work experience through that training. Applicants must also have completed an apprenticeship school program and pass an exam. Specialty journeymen licenses (HVAC hearth, HVAC waste oil heating, HVAC fuel gas piping, etc.) require further proof of [specialized](#) training and fulfillment of education requirements. Journeymen and specialty journeymen must also submit a [\\$35](#) application fee.

All HVAC apprentices must be registered. To become an apprentice, an applicant has to be 18 or older, enrolled in or have completed a training program, and be under the supervision of a licensed journeyman. Specialty apprentices may also work under the supervision of specialty journeymen. HVAC apprentices must pay a [\\$50](#) fee. HVAC specialty apprentices must pay [\\$20](#).

There is no mention in state statute or rules of any power for the licensing authority to refuse a license based on a past felony conviction.

INDEPENDENT REVIEW ORGANIZATION

Independent review organizations perform external reviews of final adverse benefits determinations. Put more simply, they conduct investigations when a health insurer denies a claim. The Idaho Health Carrier External Review Act created the [license](#) for these types of organizations and the Idaho Department of Insurance regulates those licenses.

To receive a license, an independent review organization must: establish a standard review process (including a process for selecting impartial reviewers) and provide a toll free number available 24 hours a day, 7 days a week for people to submit evidence related to an investigation. The organization must also be [accredited](#) by the URAC (originally established as the Utilization Review Accreditation Commission; its official name is now simply URAC), and pay a [\\$500](#) fee.

Furthermore, the reviewers it selects must be physicians or health care providers. And

independent review organizations cannot own, or be owned by, health benefit plan companies, even though it is the health carrier against which the request for independent review has been made that [pays](#) the organization for the review.

There is no mention in either state statute or administrative [rules](#) that an organization can be denied a license based on the criminal history of its owners or any of its employees or reviewers. However, there is the requirement that reviewers are health care providers, so applicants are subject to the regulations of the health care profession for which they are licensed, which may include a denial based on criminal history.

INSURANCE ADJUSTER (INDEPENDENT, PUBLIC)

[Insurance adjusters](#) are employed or contracted to investigate insurance claims. There are two types of adjusters licensed in Idaho: independent and public. An independent adjuster works on behalf of an insurer. A public adjuster works on behalf of the insured.

To be licensed to practice this occupation, applicants must be 21 or older, “trustworthy, and be of good character and reputation as to morals, integrity, and financial responsibility, and must not have been convicted of a felony or of any crime involving moral turpitude.” They must also be an employee of a licensed adjuster or have received special training in the field. And all adjuster applicants must pass an exam, submit to fingerprinting, and [pay](#) an [\\$80](#) fee.

The total cost for a license could be as high as \$210 for an applicant because exam fees cost [approximately](#) \$60 and fingerprinting fees are approximately \$70.

Additionally, public adjusters, specifically, must [submit](#) proof of a [\\$20,000](#) surety bond to the Idaho Department of Insurance.

Business entities can also apply for an insurance adjuster license if their employees are already individually licensed as insurance adjusters.

There is an [exemption](#) for companies that need to bring in an adjuster to deal with catastrophes. These adjusters do not have to be licensed in Idaho.

INSURANCE ADMINSTRATOR

Insurance administrators collect premiums for, or settle claims for, life, annuity, or health insurers. They are licensed by the Idaho Department of Insurance.

Residents who want to be administrators can apply for a license by [submitting](#) information about their organization, its bylaws, a list of its officers, an audited financial statement (or an unaudited statement plus a surety bond), their business plan, a list of insurers they work for, and a fee of [\\$300](#).

Applicants who administer self-funded health plans must also present a surety bond.

Any nonresidents applying for licensure in Idaho must first receive a license in their home state. They do not need a license to practice in Idaho if they have fewer than 100 clients in the state, and they represent less than 20 percent of the people they cover.

The Idaho Department of Insurance can deny a license if an applicant or anyone responsible for the conduct of the organization (including board members, partners, people with more than 10 percent of voting stock, etc.) has been convicted of a felony or “a misdemeanor that evidences bad moral character, dishonesty, a lack of integrity and financial responsibility or an unfitness and inability to provide acceptable service to the consuming public.” However, the license [application](#) does allow an applicant to attach a description of the circumstances of their conviction.

INSURANCE PRODUCER

An insurance [producer](#) is anyone who sells insurance in the state of Idaho. This is a licensed occupation under the Idaho Department of Insurance and is often required as the first step to other types of insurance licenses.

To obtain an individual producer license, an applicant must pass an exam, be 18 or older, submit to fingerprinting, and pay a fee of [\\$80](#). Exam fees [cost](#) approximately \$60 and fingerprinting fees cost approximately \$70.

Producer licenses for business entities have different requirements. The entity must have a licensed producer responsible for ensuring its compliance with insurance laws, register as a business with the Idaho Secretary of State, and pay a fee of [\\$80](#).

A license can be for selling in one or more insurance areas, including life, disability, property, casualty, and other insurances.

Temporary producer licenses may be issued in certain emergency or unfortunate circumstances, such as when it is necessary to complete the work of a recently deceased producer.

A license can be refused or revoked based on the applicant “[b]eing convicted of or pleading guilty to any felony, or to a misdemeanor which evidences bad moral character, dishonesty, a lack of integrity and financial responsibility, or an unfitness and inability to provide acceptable service to the consuming public.”

INTERMEDIATE CARE FACILITY

These types of [facilities](#) are for people with intellectual disabilities and are meant to “meet the unique educational, training, habilitative and medical needs of the developmentally disabled.” They require a license to operate in Idaho, issued by the Idaho Department of Health and Welfare.

To [receive](#) this license for operation, applicants [must](#) confirm that their facility has 15 or fewer beds, submit a copy of the facility’s policies and procedures, submit [certain](#) facility information (such as a confirmation that the facility has established a human rights committee), and the name

of any owners or stockholders with more than a 5 percent stake in the business. License holders also must obtain the department's approval for any alterations of their building and employ an administrator who is 21 or older and has three years of experience in a similar facility.

There is no licensing fee for this type of facility.

All employees are subject to a criminal history check. Certain offenses allow for an exemption review by the department. But there is also a long list of criminal convictions that merit an unconditional [denial](#), with no opportunity for review.

INVESTMENT OCCUPATIONS

Investment advisers must be [registered](#) in Idaho, with only a handful of exceptions (mostly related to advisers covered by federal law and those who only have a handful of clients in this state). Broker-dealers, agents, and investment adviser representatives must also register, since all are actors involved in the sale of [securities](#) (stocks and bonds).

To become registered to work in Idaho in one of these positions, an interested person must submit an application and pay a fee. The Idaho Department of Finance may also [request](#) financial statements, surety bonds, and completion of an examination (depending on the position, such as for broker-dealer agents and investment adviser representatives) from the applicant. The fees also vary depending on the position:

- \$200 for a [broker-dealer firm](#)
- \$50 for an [agent](#)
- \$150 for an [investment adviser firm](#)
- \$30 for an investment adviser representative.

There is no explicit mention that an application for registration in any of these positions can be denied based on a past criminal conviction. However, any felony conviction or conviction "of a misdemeanor involving a security, a commodity future or option contract, or an aspect of a business involving securities, commodities, investments, franchises, insurance, banking or finance" in the 10 years prior is grounds for disciplinary action.

LANDSCAPE ARCHITECT

Landscape architects must be licensed in Idaho. To acquire a [license](#), applicants must be 18 or older, have graduated from a landscape architect program or, in lieu of that education, have eight years of experience in the field (with no less than [half](#) that experience under the supervision of a licensed individual). They must also pass an exam and submit to the board four references, with at least two of the references being licensed landscape architects and the other two being some combination of licensed architects or engineers. The license comes with a [fee](#), specifically, a combined fee of \$200, between the \$75 application fee and \$125 license fee.

All landscape architects-in-training also must be registered with the board. This registration

comes with an application fee of \$25.

If the applicant has ever been convicted of a felony, the Idaho Board of Landscape Architects has the right to refuse, suspend, or revoke that person's license, but only after giving 20 day's notice to the applicant and after giving the applicant an opportunity for a hearing.

LEGAL PROFESSION

In Idaho, the [state law](#) that regulates the legal profession says that an attorney can be “[a]ny individual who is of the age of majority, of good moral character, and who possesses the necessary qualifications of learning and ability.” The power of making rules to regulate the legal profession, which includes attorneys and those participating in internships to become attorneys, is [granted](#) to the Idaho State Bar.

To [qualify](#) as an attorney, applicants must be 18 or older, pass an exam, and graduate from an approved law school. An attorney must also “[b]e a person of good moral character,” pass the Multistate Professional Responsibility Exam (MPRE), and pay \$600 to \$1,000 depending on the type of license (student, attorney, reciprocal, house counsel). Attorneys must also pay a membership fee to the bar after they are licensed, which changes depending on their age, experience, and position as an attorney.

To qualify as a legal intern, applicants must have graduated from an approved law school in the 12 months before their application, give the board information about any other state where they have held a legal intern license, and pay a \$25 application fee. This internship license allows potential attorneys waiting to take the exam a chance to gather experience.

According to state law, attorneys can be [disbarred](#) for being convicted “of a felony or misdemeanor involving moral turpitude.” This is further elaborated in the Idaho State Bar rules. Applicants can be denied based on “[c]onviction of a serious crime” and even “adjudication of acts while a juvenile which, if done by an adult, would be a serious crime.” Serious crime is defined as:

- Any felony.
- “[A]ny lesser crime that reflects adversely on the Lawyer’s honesty, trustworthiness or fitness as a Lawyer. Such lesser crimes include, but are not limited to, any crime that involves interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy or solicitation of another to commit a Serious Crime.”

LIFE SETTLEMENT(BROKER, PROVIDER)

A life settlement broker is someone who negotiates a life settlement contract between the owner of such a policy and life settlement providers. This person has a fiduciary duty to the owner of the policy. A life settlement provider, on the other hand, is the entity that provides a life settlement policy to Idaho residents. Both types of occupations require a [license](#), given out by the Idaho

Department of Insurance.

The requirements to [obtain](#) these licenses [include](#) submitting to the department a checklist indicating that the applicant knows the standards for life settlement contracts, submitting an application, and paying a fee. For providers, the fee is \$500. For brokers, the fee is \$300. Applicants may also be asked to pass an examination of their abilities.

Life settlement brokers and providers must also be [licensed](#) as insurance producers, which means they must pay the fees for that license as well.

There is no mention in either state statute or rules that the department has the ability to deny a license based on a past criminal conviction. However, since brokers and providers must also be licensed insurance producers, they are subject to the requirements of that license. And a producer license can be refused or revoked based on a felony conviction and other select crimes.

LIMITED LINES INSURANCE PRODUCER

The state of Idaho has several types of limited line insurance licenses, including ones for credit, [travel](#), pet, surety, and portable electronics insurance. Requirements for surety (bail agent) and portable electronics limited lines licenses are further elaborated elsewhere in this report. But the basis for all these types of limited licenses is the same: Insurers that offer only one of these types of insurances can apply for a limited lines license instead of a multi-area producers license.

Thus the licensing [requirements](#) for them are not as burdensome as the requirements for a multi-area producer. Applicants only have to be 18 or older, submit an application, submit to fingerprinting, and pay an \$80 fee. There is no examination required; self-study is sufficient.

However, potential applicants are [encouraged](#) to write to the director of the Idaho Department of Insurance before applying if they have a felony conviction, as “without written authority from the director, the applicant with a felony record will automatically be declined.”

LIQUIFIED PETROLEUM GAS DEALER

Idahoans who want to sell liquified petroleum gas must first obtain a [dealer's license](#). To qualify for this license, they must be 18 or older, be of “[g]ood moral character,” pass an exam, and have successfully [completed](#) a certified employee training program. They also must have one year of experience under the supervision of a licensed dealer, acquired while holding a dealer-in-training license, and never have “been convicted, found guilty, or received a withheld judgment for any felony” or had a license revoked in another state.

Individuals or groups wanting to practice the commercial sale or storage of this type of gas will have to apply for a facility license. Among the qualifications to get a facility licensed is the requirement that, if the facility will store more than 4,000 gallons, the facility must have at least one licensed dealer, and the facility must have a general liability insurance policy.

In both cases (whether an individual dealer or a facility) the application for a license comes with a [fee](#). For a dealer, that fee is \$30 for the application and \$75 for a license. For a facility, that fee is \$30 for the application and \$100 for the license, if that facility is under 10,000 gallons. If the facility is larger, then the fee is \$30 for the application and \$400 for the license. This fee has to be paid to the Idaho Liquified Petroleum Gas Safety Board.

The board has the power to refuse, revoke, or suspend either type of license if the applicant has been “convicted of a felony.” State statute says that the board can consider the rehabilitation of an applicant with a past conviction, but there is no such process currently written into the [board’s rules](#).

LIQUOR-RELATED OCCUPATIONS

In Idaho, if you want to sell or manufacture liquor, you must first be licensed by the Idaho State Police, either as a manufacturer or a retailer.

To be licensed as a liquor [retailer](#), an applicant must [submit](#) an application that includes: a description of the retail premises, a list of all financially interested parties, the bylaws of the business, and other information. An applicant must also submit to fingerprinting, and all applicants are responsible for the associated \$33.25 cost. Additionally, retailers that run restaurants must submit a copy of their menu with prices listed.

Idaho law dictates that there will be no more than one license issued per 1,500 people in incorporated areas of the state, and no more than two licenses issued in a city of 1,500 or fewer.

However, there are several types of applicants that have special privilege outside of this regulation, including golf courses, ski resorts, wineries, equestrian facilities, restaurants in municipal airports, clubs, convention centers, food or lodging facilities that have been in continuous operation for more than 75 years, facilities on American Indian reservations, gondola resorts, waterfront resorts, aircrafts, racing facilities, and theme parks.

The fees for a retail license change depending on the size of the city that the licensee will be operating in, as well as the type of facility seeking licensure:

- \$300 for license in a city with a population of 1,000 people or less
- \$500 for a city up to 3,000 people
- \$750 for a city with a population of more than 3,000
- \$50 for applicants proposing to sell liquor in the dining car of a railroad train
- \$250 for proposed sales on boat lines
- \$250 for sale on an aircraft
- For a year-round resort, there is a one-time fee of \$25,000 plus an annual renewal fee in the thousands.

For golf course and airport restaurant licensees, specifically, the fee changes depending on county size:

- \$200 for a county with a population of 20,000 or more
- \$300 for a county with a population up to 40,000

- \$400 for a county with more than 40,000 people

No matter what facility or geographic area applicants are seeking licensure for, their license can be denied if they have a past felony conviction. Specifically, if they have been convicted of an alcohol-related crime in the past three years or of any felony in the past five years.

Additionally, liquor manufacturer's can apply for a license by submitting a [\\$100 fee](#) and proof of a surety bond.

An additional note: Many cities and counties also have local laws, and potentially local licensing requirements, regarding the sale of alcohol.

LIVESTOCK OCCUPATIONS

Anyone who wants to hold a livestock market to auction off or in some other way sell livestock has to first get a [charter](#) from the Idaho State Department of Agriculture.

Applicants for this charter must [apply](#) to the department, disclosing everyone having a financial interest in the application, giving a statement of assets and liabilities, a legal description of the property on which markets will take place, a schedule of fees the market will charge, and proof of a surety bond. Applicants must pay a charter fee of \$200 ([annual](#)) and a hearing fee of \$500 (this one-time fee goes into the Public Livestock Market Fund). Some of the fees help fund the cost of holding a public hearing for resident input on the proposed market.

Several groups are exempt from the charter requirement, including Future Farmers, 4-H and private fairs. So are going-out-of-business sales, auctioneers who sell fewer than 80 animals a month, and a scattering of others.

[Livestock dealers](#) also must be licensed. A livestock dealer is anyone who buys livestock and then sells that livestock within [20 days](#) of the purchase. This license is regulated by the Idaho State Brand Board, which is run by the Idaho State Police. To acquire a license, an applicant must provide proof of a surety bond, pay a \$100 license fee, plus pay another \$35 for each person the applicant has acting as an authorized representative.

Once licensed, livestock dealers must keep [records](#) of buyers and sellers, in case there is a spread of disease among livestock.

There is no mention in either state statute or rules that an applicant for either a livestock market or dealer license can be denied based on a past criminal conviction.

An additional note: [State law](#) requires that all livestock markets use licensed weighmasters — another occupation featured in this report — to weigh their livestock. Since there is a proposal to [eliminate](#) the weighmaster license, this portion of state law may have to be rewritten as well.

LOBBYIST

In Idaho, all lobbyists must be registered with the [Idaho Secretary of State](#). To become registered, lobbyists must submit to the office their contact information, a list of clients or employers, and the contact information for those entities. They must also disclose the subjects of bills on which they will lobby and pay a registration fee of \$10.

There is no mention in [state statute](#) that the Secretary of State can deny an applicant the opportunity to register based on a past criminal conviction.

LOG SCALER

Anyone in the state who measures the volume of logs for commercial purposes must obtain a standard or specialty log scaler [license](#) from the Idaho Board of Scaling Practices. These licenses are obtained by paying a \$25 fee and passing an examination. A temporary permit can be issued in special circumstances between the dates of exam offerings.

Idaho [statute](#) dictates that a license can be revoked or suspended based on: “Gross negligence, incompetency, habitual intemperance, insanity, conviction of a felony, moral turpitude, or misconduct in the practice of professional scaling as a registered professional scaler.”

MANAGING GENERAL AGENT

Managing general agents (MGAs) are individuals or businesses who are in charge of most of the operations of an insurance business, on behalf of an insurer. To act as a managing general agent, that individual or business has to be [licensed](#). This license is [regulated](#) through the Idaho Department of Insurance.

To be licensed as an MGA, [applicants](#) must first be licensed insurance producers. They also must have a surety bond, have an errors or omissions insurance policy, tell the department which insurers have designated them as an agent, and pay a fee of \$80.

There is no indication in either state statutes or rules that an applicant can be denied based on a past criminal conviction. However, these agents must first be licensed as insurance producers, which has its own set of requirements. And a producer license can be refused or revoked based on a felony conviction and other select crimes.

MANUFACTURED HOME OCCUPATIONS

In Idaho, most stages of the cycle between the production and sale of a manufactured home require a [license](#). Specifically, anyone who wants to act as a retailer, resale broker, manufacturer,

installer, salesperson, or responsible managing employee (sort of like a manager) will need to be licensed.

Licenses for these occupations are issued by the Idaho Division of Building Safety. To [qualify](#) for a license to practice one of these occupations, applicants must be 18 or older. They also must submit certain information to the division, including their principal business location and proof “of the applicant’s good character and reputation.”

Some of these occupations have further requirements. For instance, retailers, resale brokers, and installers must pass an exam (with a grade of 70 percent or higher). Salesmen of manufactured units must agree to only do sales work for a single employer. Installers must prove they have completed eight hours of installer educational training. And manufacturers, retailers, resale brokers, and installers have to provide proof of a performance bond or a security deposit to the division.

All of these occupations come with a licensing fee. For retailers, resale brokers, and manufacturers, that fee is \$440. Installers pay \$220. Salesmen have a \$45 fee, which is the same fee due from responsible managing employees.

According to division rules, any of these licenses can be refused or revoked based on a felony conviction. State statute further elaborates that a license can be refused or revoked based on the applicant having been convicted of “any theft or fraud offense.”

An additional note: There is a proposal to [eliminate](#) the resale broker license, the salesperson license, and the responsible managing employee license. The Division of Building Safety has determined that the requirements of these licenses duplicate those of the retailer’s license.

MESSAGE THERAPIST

In Idaho, if you like helping people relax their muscles through structured touch, you will likely have to get [licensed](#). Specifically, if you want to do massages for pay, you’ll need official approval.

Applicants for a massage therapy license must have a high school diploma or equivalent, be 18 or older, be “of good moral character,” pass an exam, and have completed a registered massage program with at least 500 hours of in-class course or clinic work. Applicants for a license must also [pay](#) a \$50 application fee and \$65 license fee.

But even if an applicant meets all of these requirements, the Idaho Board of Massage Therapy has the power to refuse a license because of a “[c]onviction of a felony, a crime involving moral turpitude or a crime under any municipal, state or federal narcotic or controlled substance law.” The board has a process whereby it will consider the rehabilitation of the applicant since the crime. For this process, applicants must submit a [statement of suitability](#) for licensure.

MATCHMAKER

In Idaho, matchmakers are licensed. But, licensed matchmakers may not have the job description that you first think. They do not establish a connection between potential romantic partners. Instead, licensed matchmakers establish business connections between unarmed combatants (boxers, wrestlers, and mixed martial artists) and event promoters.

Applicants for this license must fill out an application, pay a [\\$250](#) application fee, and sign an affidavit that they are “of good moral character and temperate habits.”

Before issuing licenses to matchmakers, the State Athletic Commission is obligated by law to consider: “The preservation of the safety and health of the contestants,” “[t]he best interest and welfare of the public,” and “[t]he best interest of the sport in general.” According to state statute, licenses can be “revoked by the commission for any cause which it shall deem sufficient.” The commission states in its [rules](#) that one of the causes for which it deems sufficient to deny or revoke a license is a past felony conviction. However, the commission also lets matchmaker applicants submit a [form](#) with their [application](#), explaining the circumstances of their past crime.

MIDWIFE

Any individual in Idaho who wants to help aid the transition of a baby from inside the womb into the world, in the setting of the parents’ choice, for pay, needs to be [licensed](#). To acquire this license, applicants must first have credentials as a Certified Professional Midwife by the North American Registry of Midwives and have completed courses in “pharmacology, the treatment of shock/IV therapy and suturing specific to midwives.” They must also pay an application [fee](#) of \$200 and a license fee of \$800.

After obtaining a license, applicants must submit [data](#) to the State Board of Midwifery, including the number of their clients, number of deliveries, number of Caesareans, number of vaginal births after Caesareans, and the ages of clients.

The board has the [power](#) to refuse or revoke a license based on a conviction “of any felony, or of a lesser crime that reflects adversely on the person’s fitness to be a licensed midwife. Such lesser crimes include, but are not limited to, any crime involving the delivery of health care services, dishonesty, misrepresentation, theft, or an attempt, conspiracy or solicitation of another to commit a felony or such lesser crimes.”

Additionally, state statute has listed certain mothers who must seek a permission slip from their doctor before they can use a midwife, including mothers with diabetes, gastrointestinal disorders, previous urinary tract surgery, sleep apnea, or a history of illegal drug use. There are also certain mothers to whom midwives cannot provide assistance, whether or not the patient has the consent of her health care provider. This includes mothers: with multiple gestations (twins and beyond), with a “body mass index of forty (40.0) or higher at the time of conception,” who have received chemotherapy, as well as any mother who is giving birth before the 37-week mark or after the 42-week mark. Additionally, there are certain conditions where a midwife must “provide written

notice to the client that the client is advised to see a physician,” including: previous complications with a pregnancy, “[p]sychosocial situations that may complicate pregnancy,” “[u]nderlying family genetic disorders with potential for transmission,” a body mass index of 35 or higher, and more.

MINT OIL DEALER

The Idaho Mint Commission was created to regulate the production of mint plants in Idaho. A portion of the commission’s legislatively delegated duties is to [license](#) dealers of essential oils. Interested applicants must send an application to the commission, a license fee of \$200, and proof of a surety bond. For final approval, the commission has to be “satisfied that the applicant is of good character and reputation and is financially responsible.”

There is no explicit mention in state statute that the commission has any authority to deny a license based on a past criminal conviction. However the requirement of “good character” is likely associated with criminal history, given the current pattern in state statutes, and it is a set-in-stone requirement for licensure.

MONEY TRANSMITTER

Money transmitters [transmit](#) money through a “payment instrument, wire, facsimile or electronic transfer.” In other words, money transmitters are businesses and individuals, other than banks or credit unions, which transfer money through a wire transfer, check, money order, or similar payment method. Those who conduct these transfers must be [licensed](#) by the Idaho Department of Finance.

To qualify for a license, applicants must have a net worth of \$50,000, or more if they have more than one location. They also must [submit](#) to the department a \$100 fee, a history of any criminal convictions (though traffic violations do not count), and a history of their litigation over the past five years. Businesses must submit a list of authorized representatives that are able to act on behalf of the organization, plus an employment history of any executive officers or key shareholders, audited financial statements, and other details. They must also hold a surety bond or similar security.

After being awarded a license, both the licensee and any key officers associated with a business entity must report to the department any felony conviction within 15 days of being convicted. However, state statute does not indicate what the department does with that information.

MORTGAGE OCCUPATIONS

Mortgage lending is an activity whereby a financial institution lends an individual money to buy a property. The title of that property officially belongs to the lending institution until the debt is paid off. This practice is regulated by the Idaho Department of Finance, through the [licensing](#) of different individuals and businesses involved in mortgage lending.

For instance, businesses can get a license to be mortgage brokers and lenders. Applicants must pay a \$350 licensing fee, a [\\$250](#) recovery fund fee (potentially more depending on the number of offices), prove they are financially responsible, and prove that the administrator of the business has three or more years of experience in the mortgage field. They must also complete a national-level application for the Nationwide Mortgage Licensing System and Registry ([NMLSR](#)). This national registry comes with its own application fee and requirements, including the requirement of submitting an independent credit report and fingerprints.

Mortgage loan originators are also licensed. This is generally a license given to individuals. Loan originator applicants must complete 20 hours of preclicensing instruction, including three hours on federal law, three hours on ethics, and two hours on standards of the mortgage marketplace. They must also pass an exam, pay a \$200 application fee, a [\\$100](#) recovery fund fee, and meet NMLSR requirements.

Mortgage brokers and lenders can have their license denied if any owner or managing official of the business has been convicted of:

- A felony.
- “[A} misdemeanor involving any aspect of financial services, fraud, false statement or omission, any theft or wrongful taking of property, bribery, perjury, forgery, counterfeiting, extortion, or conspiracy to commit any of these offenses.”

Mortgage loan originators can have their application denied if, in the seven years prior to applying, they were convicted of a felony. If that felony was “an act of fraud, dishonesty, or a breach of trust, or money laundering,” they will be denied a license forever.

MORTICIANS & FUNERAL DIRECTORS

Both morticians and funeral directors play an important role in the care of, burial, or cremation of deceased individuals. In Idaho, these individuals work in a [licensed](#) occupation and must meet certain requirements to receive their license.

For a mortician, such requirements include passing an exam, being 21 or older, and being of “good moral character.” An applicant must also have completed 60 semester hours of college credit (with at least three-fourth of those credits being liberal arts), completed an embalming course, and have experience as a licensed trainee for at least 12 months (in that time period completing 25 embalmments, 25 funeral arrangements, and 25 funerals).

For a funeral director, the requirements also include passing an exam, being 21 or older, and being “of good moral character.” Plus applicants must complete 60 semester hours of college credit (with at least three-fourths of those credits being liberal arts), 15 semester credits from a mortuary college, and have experience as a licensed trainee for at least 12 months (in that time period completing 25 funeral arrangements and 25 funerals).

For both mortician and funeral director licenses, the requirement to “be of good moral character” is so important that, not only will applicants not receive a license if they are of bad moral character, they will not even be admitted to take the exam.

Funeral establishments and crematories also must be licensed by the Idaho Board of Morticians. To get this establishment license, applicants must be a licensed mortician or funeral director and, if they are not themselves morticians, they must employ at least one full-time mortician. Applicants seeking a crematory license must first hold a funeral establishment license.

And, of course, to get the experience to qualify for a mortician, funeral director, or establishment license, an applicant must first get a trainee license. And the requirements for this license include that the applicant be 18 or older, “of good moral character,” and have graduated from high school or equivalent. An applicant can only hold a trainee license for a maximum of three years.

As a [trainee](#), applicants must work at least 36 hours per week for 50 weeks per year. At least three-fourths of their time as a trainee must include direct instruction or demonstration of techniques from their licensed supervisor. All the training must occur in Idaho, and at no time can a trainee ever sign a death certificate.

Any of these licenses can be denied, suspended, or revoked by the Idaho Board of Morticians based on a “[c]onviction of a crime involving moral turpitude or “[c]onviction of a felony,” or even general “[g]ross immorality.”

Under this same state statute, the board must grant a certificate of authority to private cemeteries so they may sell cemetery or funeral merchandise. These certificates can be denied if the applicant cannot provide “evidence of good moral character, a reputation for fair dealing in business matters, and the absence of a criminal record.”

The [fees](#) for this certification and the different licenses vary. To apply for a certificate of authority, the applying cemetery must pay a \$100 application fee and \$50 license fee. To be licensed as a funeral director or mortician, the cost is a \$100 application fee and \$85 license fee. A funeral establishment must pay a \$100 application fee and \$125 for the license. And a crematorium must pay a \$100 application fee and \$200 license fee.

NONCOMBATANT OFFICIALS

Noncombatant officials involved in boxing, wrestling, and mixed martial arts matches are regulated by the [State Athletic Commission](#). These officials [include](#): ring officials (referees, timers, judges, and glovers), managers (booking agents), and seconds (corner persons or trainers).

Ring official [applicants](#) must be 21 years of age or older, though the commission will consider applicants 18-20 as well. Applicants must have at least one year of experience as a ring official and have three references of their competency as a ring official. Additionally, the fee to apply for a ring official license is [\\$150](#).

Licensed managers and seconds are subject to the same \$150 fee but not the same requirements. They just have to pay the fee and fill out an [application](#), which does include signing an affidavit that they are “of good moral character and temperate habits.”

According to commission rules, ringside officials must “[h]ave no record of conviction of a felony or other crime involving moral turpitude unless approved by the commission.” The commission

requires a [form](#) to be submitted along with an [application](#) for licensure as an opportunity for applicants to explain the circumstances surrounding their past crime.

NOTARY PUBLIC

People seeking to serve as a [notary public](#) must obtain a commission. Commissioned notary publics can administer oaths, verify an oath, witness a signature, certify a copy, and perform related tasks.

To be commissioned as a notary public, applicants must submit an application to the Idaho Secretary of State, be 18 or older, and be able to read and write. They must also submit proof of a \$10,000 surety bond. Unless they are an exempt government employee, they also must pay an application fee of [\\$30](#).

The Secretary of State has the right to deny, revoke, or suspend a commission for a notary public based on “[a] conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty or deceit.”

NURSE

Nurses are just one of several medical occupations licensed in Idaho, and they are specifically [regulated](#) by the Idaho Board of Nursing. There are several levels of licensing: nurse apprentices, licensed practical nurses (LPNs), registered nurses (RNs), advanced practice registered nurses, and certified medication assistants (CMAs).

To be [licensed](#) as an LPN, an applicant must complete a practical nursing program, pass an exam, “[b]e of sufficiently sound physical and mental health as will not impair or interfere with the ability to practice nursing,” and pay a fee of \$75.

To be licensed as a registered nurse (RN), an applicant must complete a registered nursing program, pass an exam, “[b]e of sufficiently sound physical and mental health as will not impair or interfere with the ability to practice nursing,” and pay a fee of \$90.

To obtain a license to work as an advanced practice registered nurse, an applicant must already be licensed as a registered nurse, have completed an education program in a specialized nursing field, have certification from a national organization in that field, pass an exam, be of sound health, and pay a \$90 fee. This type of license allows a licensee to practice as a certified nurse-midwife, certified nurse practitioner, certified registered nurse anesthetist, and other specialized nursing fields.

A temporary license can be granted to those applicants who have finished their nursing programs but have not yet completed the other requirements. With this \$25 license, they can only practice under the supervision of a licensed nurse. Current nursing students can also apply to be nurse apprentices, for a fee of \$10.

Additionally, individuals can apply to be Certified Medication Assistants (CMA). Applicants for this certification must have 80 hours of instruction in medication administration, medication storage, safety factors, communication, documentation, ethics and other related content. They must also have 40 hours of a supervised practicum, pass a competency evaluation, and pay a \$35 fee. Temporary certifications may be issued by the board, for a fee of \$25.

All of these licenses require a criminal background check. The board can refuse a nursing license based on someone being convicted “of a felony or of any offense involving moral turpitude.” The rules that regulate nursing define moral turpitude as: “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man.”

Additionally, the board can discipline certified medication assistants who have a “[c]riminal conviction of a misdemeanor that directly relates to or affects the functions of a certified medication assistant or conviction of any felony.”

An additional note: There is a proposal to [eliminate](#) the CMA certification, due to overburdensome requirements and a history of only one certified individual since the requirement for certification was created.

NURSING HOME ADMINISTRATOR

If you want to run a nursing home facility in Idaho, you will have to get [licensed](#) as a nursing home administrator. The way you get this license is by being 18 or older, providing “evidence of good moral character,” holding a bachelor’s degree, completing an administrator-in-training program of at least 1,000 hours, and passing an exam. The only exception is that an applicant who holds a master’s degree in health administration related to long-term care does not need to complete an administrator-in-training program.

An applicant also has to [submit](#) a \$200 application fee and a \$200 license fee to get a license. Even administrators-in-training need to submit a \$100 fee so they can complete their program.

The board’s [rules](#) state: “Evidence of good moral character on the application form is to be signed by two (2) reputable individuals not more than one (1) of which may be a minister, priest, rabbi, or their equivalent and neither shall be members of the applicant’s family.”

The state statute does not grant the board the power to refuse, revoke, or deny a license based on a past felony conviction. However, written into the board’s rules is the requirement that an applicant “[h]as not been found guilty or convicted or received a withheld judgment or suspended sentence for any felony or any crime involving moral turpitude” as a component of establishing “good moral character.”

An additional note: The Board of Examiners of Nursing Home Administrators has [proposed](#) rule changes. Among these [changes](#) is a rewrite of language that would allow applicants with previous convictions to submit with their application a written statement, with details about the conviction and circumstances surrounding the crime, for the board. The rewrite removes the need for applicants to gather signatures from two “reputable individuals” to prove good moral character.

OCCUPATIONAL THERAPIST

Idahoans can only become [licensed](#) occupational therapists if they are “of [good moral character](#),” have completed an educational program in occupational therapy, have completed a certain period of supervised fieldwork, passed an exam, and are generally “in good standing.” They also must pay a \$60 to \$80 [application fee](#).

The amount of supervised fieldwork required for licensure differs by licensing area:

- Six months for an occupational therapist
- Four months for an occupational therapy assistant

Instead of a full license, a temporary permit can be given to graduate-level occupational therapists so they can practice under the supervision of a licensed therapist for up to six months to gain experience. This temporary permit has a fee of \$25.

State statute only requires a “disclosure of any criminal conviction or charges against the applicant other than minor traffic offenses.” The state law does not specifically call for refusing a license based on criminal history.

Yet, in its [rule-making](#), the State Occupational Therapy Licensure Board reserves the right to refuse, suspend, or revoke a license based on a felony conviction. But the board has also stated that it will “take into consideration the rehabilitation of the applicant and other mitigating circumstances,” and applicants can submit a statement of suitability for licensure to display their rehabilitation.

OPTOMETRIST

In Idaho, optometrists work in a [licensed](#) occupation. To obtain a [license](#) as an optometrist, an applicant must be over 21 years of age, “of good moral character,” have graduated from a university optometry program, passed an exam, and be certified to use pharmaceutical agents. Additionally, applicants must submit a [\\$110](#) application fee, which includes a \$10 fee for their certification to obtain and use pharmaceutical agents.

Pharmaceutical agents can only be administered topically by optometrists. To be certified to apply these agents, optometrists must have completed 55 hours of classroom instruction in ocular pharmacology. They must also be CPR certified or have completed a refresher course if it has been more than two years since their certification.

All optometry licenses can be revoked by the Idaho Board of Optometry based on a prior felony conviction or conviction of a crime involving moral turpitude.

OUTFITTERS & GUIDES

Outfitters are generally business entities that offer guided [services](#) of the outdoors for hunting, boating, fishing, or other activities. Guides are generally employed by outfitters to guide clients through outdoor, recreational activities. Licenses for both of these occupations are issued by the Idaho Outfitters and Guides Licensing Board.

For both [licenses](#), applicants [must](#) be at least 18 years old, be first aide certified, and have firsthand knowledge of the area where they plan to operate. To qualify for an outfitter license, applicants must submit their “operating area and the specific activities including client and harvest limitations.” And those seeking to work as a guide must “specify the activities for which the licensee is qualified to guide” and prove their competency in some way, depending on their area of expertise. Additionally, certain outfitter applicants must provide character references (two of whom must be bank or credit references) and pass an exam.

[Fees](#) range depending on the license and urgency. Outfitters have to pay \$400 to \$450, but if their application needs to be expedited or have special processing, then they must pay another \$100 to \$150. Guides must pay \$105 to \$115, but if their application needs to be expedited or have special processing, they must pay another [\\$50](#).

Individuals who are not owners of an outfitter operation but are instead responsible for running that operation can apply to be licensed as designated agents. These agents must pass an exam and pay a \$140 to \$160 fee (and pay another \$75 if they want their application expedited or if it needs special processing). Applicants can apply to be apprentice hunting guides, boatman trainees, or ski guide trainees to gain experience in those areas before applying to be actual guides.

Applicants may be denied a license or a licensee may have their license revoked or suspended for conviction of a [felony](#). Also, the board has a blanket ability to refuse a license to anyone whom “the board finds is not a competent person of good moral character.”

PAYDAY LOANS

In Idaho, a payday loan business must get a [license](#) for each of its locations. A business seeking this license must: have at least \$30,000 in liquid assets, submit business records and records regarding owners or partners of the business (including a record of past convictions), and submit an application fee of [\\$350](#).

There is no explicit allowance for the Idaho Department of Finance to deny an applicant based on a felony conviction. However, Idaho law says that the character of an [applicant](#) will be partially determined by looking at any record of a conviction, and applicants must immediately report any felony conviction judgement after receiving a license.

PEACE OFFICER

Peace officers are also referred to as police or law enforcement officers. And in Idaho, this sort of position requires [certification](#). Peace officers are issued their certification by the Idaho State Police, which is also the agency that implements the training requirements for this certification. In Idaho, the training is called [POST](#) (Peace Officer Standards and Training).

Peace officers must become certified within one year of being given their position. To gain this [certification](#), they must have a high school diploma or equivalent. Depending on the position they are seeking, there are different age [requirements](#) for certification:

- 21 or older for “[p]atrol officers, felony probation and parole officers, misdemeanor probation officers, juvenile detention officers, juvenile probation officers, and juvenile corrections direct care staff.”
- 18 or older for “[c]orrections officers, adult detention officers, emergency communications officers.”

Additionally, applicants must have a driver’s license (corrections and emergency communications officers are exempted) and submit to fingerprinting.

Any peace officer who has been convicted of a felony after turning 18 will be denied entry to POST, or decertified. Any officer who has been convicted of a misdemeanor related to driving under the influence, domestic violence, or deceit in the last five years or a drug-related offense in the prior year will be denied certification. There are also certain time requirements regarding past marijuana and prescription drug use.

PESTICIDE APPLICATORS & DEALERS

In Idaho, there are two pesticide-related occupations that require a license: pesticide applicators and dealers.

Pesticide applicators must be [licensed](#), whether they want to use pesticides on their own land or do it for pay for others. However, the requirements for the two types of licenses differ slightly.

For a private license, an applicant must pass an exam (with a score of [70 percent](#) or higher), be [at least 18](#), and pay a fee between \$10 and \$30. For a professional license, an applicant must pass an exam (with [70 percent](#) or higher), be [at least 18](#), provide proof of financial responsibility or a company insurance policy, and pay a \$120 fee. For both, the exam comes at a fee of \$10.

To renew either type of license, applicants must make sure they complete pesticide training. For private applicators, six hours of training is required. For professional applicators, 15 hours are needed.

Idaho only has reciprocal agreements for applicator licenses with five states: Montana, Oregon, Utah, Washington and Wyoming.

Pesticide dealers also must be [licensed](#). Anyone who wants to make a business out of distributing

pesticides to applicators has to get a permission slip first. To obtain this license, an applicant [must](#) pass an exam and pay a \$100 fee. The exam costs \$10.

Dealers must get a [license](#) for each of the locations that they distribute pesticides from.

There is no mention in state laws or Idaho State Department of Agriculture rules that a license for either of these occupations can be denied based on a past criminal conviction.

An additional note: Professional applicators theoretically pay a \$120 fee. However, the application system actually runs on a time [cycle dictated by last names](#) of the applicants. So, [currently](#), professional applicator applicants with last names starting with M through Z pay \$120 and applicants with last names starting with A through L pay \$60.

PHARMACIST

Pharmacists are licensed by the Idaho State Board of Pharmacy. To obtain a pharmacist license, an applicant has to be 18 or older, “[b]e of good moral character and temperate habits,” have an undergraduate degree from a pharmacy school, complete an internship, and pass an exam.

Pharmacy technicians are also regulated through certification. Applicants can become certified technicians if they are 16 years of age or older, hold a high school diploma or equivalent, and have been certified through a national program. However, applicants who have not yet passed certification can apply to be a technician-in-training.

The fee for each level differs. Trainees must pay \$50 for their registration fee, pharmacists must pay \$140 for their license, and for pharmacy technician certifications the fee is \$35.

Drug outlets (the official name for pharmacies and similar businesses) also require a license. Drug outlets must be inspected before they can begin operations, and the applicant for the pharmacy must pay a \$100 fee. Once running, a drug outlet has to operate under the direct supervision of at least one licensed pharmacist. Mail service pharmacies (the pharmacies that deliver prescription drugs) have a separate license, with similar requirements. The fee for mail service is \$500.

The board may refuse a license if the applicant has been convicted of a felony or an “act involving moral turpitude, gross immorality or which is related to the qualifications, functions or duties of a licensee.”

PHYSICAL THERAPIST

If you have a passion for treating diseases or injuries with physical treatments, then you will have to be [licensed](#) in Idaho. Specifically, you will need to be licensed as a physical therapist or a physical therapist assistant.

To get this license, an applicant must be “of good moral character,” submit proof of graduation from a physical therapy program, and pass an exam. The applicant must also submit a \$25 application fee, a \$20 administrative fee, and either a \$20 or \$25 license fee depending on

whether the chosen occupation is physical therapist assistant or a physical therapist.

Licensed physical therapists cannot practice [dry needling](#) until one year after they receive a license and they have completed an educational program of at least 27 hours, with 16 of those hours as hands-on experience. They must also complete a safety training regarding blood-borne pathogens as part of their educational program.

Idaho statute only states that “being convicted of any crime that has a bearing on any practice pursuant to this chapter” is grounds for disciplinary action. The Physical Therapy Licensure Board states that all applicants must disclose “any criminal conviction or charges against the applicant other than minor traffic offenses,” but the board does not say how it uses that information.

PHYSICIAN & PHYSICIAN ASSISTANT

Anyone who wants to practice as a physician or physician assistant in the state of Idaho has to be licensed.

The requirements for a physician license are extensive. Applicants must be proficient in English, provide their education background to the Idaho Board of Medicine, prove their graduation from a school of medicine, show evidence of a 1-year internship or residency, disclose any criminal charges, disclose any professional disciplinary action ever taken against them, disclose if any state has ever refused to issue them a license, have two letters of recommendation from licensed physicians, give an employment history, pass a background check, provide a copy of a birth certificate or passport, pass an examination testing their knowledge, and disclose any other states where they are licensed to practice medicine.

Even if the applicant can submit all these documents, they are not yet done. They also must pay a [\\$200](#) application fee plus another \$200 if they are awarded the license (or \$100 if it is just a temporary license).

For this license, passing a criminal background check is imperative. Idaho statute explicitly [defines](#) a physician as someone who “has never been convicted or received adjudication, deferred adjudication, community supervision or deferred disposition for any offense by a court of appropriate jurisdiction.” And offense is defined as “a felony, gross misdemeanor or crime of moral turpitude.”

As with physicians, applicants seeking to be [licensed](#) as a physician assistant must be proficient in English. They also must have a bachelor’s degree and hold a certification from the National Commission on Certification of Physician Assistants.

This process involves an initial application fee of [\\$100](#) and a license fee of an additional \$50.

As part of this process, applicants must disclose their criminal history and pass a background check. The Idaho Board of Medicine has the power to discipline applicants in the way it sees fit if a criminal history shows up in a background check, which can include refusal, suspension, or revocation of a license.

PLUMBING OCCUPATIONS

Plumbing apprentices, contractors, and journeymen are all [licensed](#) in this state. So too are specialized versions of each occupation, such as apprentices, contractors, and journeymen who specifically focus on appliance plumbing or water pump plumbing.

For licensing purposes, apprentices are those still learning the plumbing trade; journeymen are those qualified to do plumbing work; and contractors are those who plan and supervise the necessary work to fulfill a contract. These occupations are all [regulated](#) by the Idaho Division of Building Safety.

To register as an apprentice, applicants must be at least 16. They must submit an application committing to the pursuit of certain educational and training requirements and submit a registration fee. This fee is [\\$50](#) for plumbing apprentices and [\\$30](#) for a specialty apprentice (these apprentices work under the supervision of specialty journeymen).

For an apprentice to be able to become a journeyman, they must complete four years (8,000 hours) of supervised work experience. They must also complete a 4-year apprenticeship education program (with at least 144 hours of classroom instruction each year and an average grade of 70 percent) and pass a licensing exam. Both plumbing journeymen and [specialty](#) journeymen pay a licensing fee of [\\$22.50](#).

And, a journeyman seeking to move up to a contractor must be licensed for at least two and a half years and pass a licensing exam. Both plumbing contractors and [specialty](#) contractors pay a licensing fee of [\\$22.50](#).

There is no mention in either state statute or rules of the licensing authority having any right to refuse a license based on a past criminal conviction.

PODIATRIST

To be [licensed](#) as a podiatrist in Idaho, applicants must be 21 years of age or older and “of good moral character.” They also must have graduated from a podiatric educational program with at least two years of general studies and four full years of the study of podiatry. Additionally, they must have completed a [podiatric residency](#) of at least two years, with one of those years being surgical experience. Lastly, they must pass an exam and pay an application fee of \$200.

Applicants who are granted a license must pay an additional \$400 for the licensing fee.

A license can be denied, suspended, or revoked by the Idaho Board of Podiatry if the applicant is convicted of a felony or “any offense involving moral turpitude.”

PORTABLE ELECTRONICS INSURER

Vendors who offer insurance coverage for the replacement or repair of portable electronics, such as phones, are licensed by the Idaho Department of Insurance. Vendors seeking state authorization to sell this insurance must submit certain materials to the department, including the location of their main office and a copy of the training syllabus for their employees. Additionally, applicants must submit a \$1,000 [licensing fee](#) unless they have 10 or fewer locations in Idaho, in which case they must only pay a \$100 fee. If they submit all of these materials, they may be granted a [limited lines license](#) to sell, solicit, or negotiate portable electronics insurance.

Licensed vendors must comply with certain conditions. At each location, they must ensure that they provide written materials to potential customers disclosing that: “portable electronics insurance may duplicate coverage already provided by a customer’s homeowner’s insurance policy, renter’s insurance policy or other source of insurance coverage” and the purchase of insurance is not required to buy or lease the portable electronic device. They must also disclose the benefits of the proposed insurance coverage, the claims process, and other details.

There is no mention of whether a vendor can be denied a license based on past criminal convictions.

PROMOTER

In Idaho, a promoter is [defined](#) as anyone “who produces, arranges, stages or otherwise promotes any contest or exhibition.” For the sake of occupational licenses, it means anyone who arranges a match between unarmed combatants.

To become [licensed](#) as a promoter, applicants must be prepared to prove to the board their “[i]ntegrity,” “[f]inancial stability,” and “[k]nowledge of the responsibilities involved in the promotion of relevant combative programs.”

Promoters must also submit a [\\$1,000 application fee](#), obtain health insurance for those involved in their events, and obtain liability insurance.

Promoters have further costs associated with practicing their occupation. For every contest they hold, they need to get a sanctioning permit from the State Athletic Commission. This permit allows them to hold one event at a specifically approved location. The sanctioning for these events is outsourced to a commission-approved sanctioning organization.

The promoter has to [apply](#) for this permit at least 30 days before the proposed event. With their application, promoters must prove their financial security and prove they have health insurance as well as pay a \$200 application fee and \$1,000 event tax deposit (the final amount should be submitted within 72 hours after the event).

When promoters actually arrange a match, the commission assigns licensed officials to that match. Of all of the people who work in the ring at a match, the promoter can only select the announcer.

Every ticket to an event must have the promoter's name printed on it. The promoter may not issue complimentary tickets for more than 2 percent of the seats at an event. A promoter cannot issue a ticket of readmission to anyone who leaves the arena during a match without having first received permission from the commission.

Before issuing licenses, the State Athletic Commission is statutorily obligated to consider: "The preservation of the safety and health of the contestants," "[t]he best interest and welfare of the public," and "[t]he best interest of the sport in general." According to state statute, licenses can be "revoked by the commission for any cause which it shall deem sufficient." The commission states in its [rules](#) that it may deny or revoke a license based on a felony conviction. However, the commission also grants applicants the opportunity to submit a [form](#) along with an [application](#) to explain the circumstances of their past crime.

PSYCHOLOGIST

To get a psychologist [license](#) in Idaho, an applicant has to be of "[a]cceptable moral character" and have graduated with either a doctorate degree in psychology and two years of supervised experience or a doctorate degree in a related field and board-approved experience. The applicant also has to pass an exam and submit an application fee.

The Idaho Board of Psychologist Examiners can also issue a senior psychologist license to licensed psychologists who have practiced psychology five of the last seven years. Licensed psychologists, on either the standard or senior level, need a separate [certification](#) to issue prescriptions, acquired by passing an examination.

The [fee](#) to be licensed as a psychologist includes a \$150 application fee and \$25 administrative fee. There is an additional fee to be a prescribing psychologist: \$250 for an application fee and \$250 for a licensing fee.

The state statute states that no psychology license can be issued to someone "[f]ound guilty by a court of competent jurisdiction of a felony."

PUBLIC CHARTER SCHOOL ADMINISTRATOR

Those who want to manage a public charter school must have a specific [certification](#) issued by the Idaho State Department of Education.

To qualify to work in this occupation, an applicant must have a bachelor's degree, submit to a criminal history check, complete a course about teacher evaluations, submit a letter from a charter school board to verify employment, and pay a [\\$75](#) application fee. Additionally, the applicant must have at least one of the following: five years of experience administering a public charter school, a post baccalaureate degree with five years of experience in administration (education, business, military, etc.), completion of a charter school leaders fellowship, or five years of experience teaching and a committed mentor for the first year as an administrator.

There is no mention in state statute about whether or not an administrator can be denied certification based on a felony conviction. However, the administrator application requests that applicants with such previous convictions submit documentation and explanation of the conviction with their application packet.

PUBLIC WORKS CONTRACTOR

A public works contractor is a [licensed](#) occupation in Idaho because legislators want to “assure that experienced and qualified contractors provide services to public entities.” Public works contractors include entities who provide construction services for government contracts.

There are several classes of this [license](#):

- **Unlimited:** Contractors who want to work on a project with an estimated worth of \$5 million or more must have an unlimited license. To get this license, they must prove they have a net worth of over \$1 million and have \$600,000 in working capital. They also must pay a \$550 licensing fee.
- **AAA:** Contractors with this license can work on projects with an estimated worth of up to \$5 million. The licensing fee for this class is \$450. Applicants must have a net worth of \$600,000 and \$200,000 in working capital.
- **AA:** This license can be used to work on contracts with a value up to \$3 million, and the fee for it is \$350. The applicant must have a net worth of \$450,000 and \$150,000 in working capital.
- **A:** With this license, contractors can work on projects worth up to \$1.25 million. But they must pay a fee of \$250 to get the license. The applicant must have a net worth of \$300,000 and \$100,000 in working capital.
- **B:** Contractors with this \$150 license can only work on projects worth up to \$600,000. To qualify, the applicant must have a net worth of \$150,000 and \$50,000 in working capital.
- **CC:** With this license, contractors can work on projects with a maximum value of \$400,000, but they must pay \$125 for it. Plus, they must have a net worth of \$75,000 and \$25,000 in working capital.
- **C:** With a C-class license, contractors can work on a project worth \$200,000. They have to first pay a \$100 fee, though. And they must have a net worth of \$25,000, with \$7,500 in working capital.
- **D:** With this \$50 license, contractors can work on projects up to \$50,000. But, the applicant must have a net worth of \$10,000 plus \$3,000 in working capital.

For any class of license, applicants must [submit](#) to the Idaho Division of Building Safety a description of their type of contracting work, their experience and qualifications as a contractor for that type of work, a list of clients, a list of their equipment and machinery, and an annual financial statement. Certain classes of this license also require an independent audit report. Applicants must also take and pass a [\\$75](#) exam, but Class D applicants take an [open-book exam](#) that is different than the exam for the other classes.

Contractors can only hold one class of license at a time. To move up or change a contractor's licensing class, they must show evidence of having performed projects similar in scope to those that fall under the license they are applying for.

No matter the class of license, state statute requires contractor applicants to prove "good character." Lack of this good character is evidenced by things like being convicted of a felony or having "a bad reputation for honesty and integrity."

PUBLIC WORKS CONSTRUCTION MANAGER

Public works contractors are generally business entities. But the individual [construction managers](#) for those entities must also be licensed. To get this construction manager license, an applicant must have a bachelor's degree in architecture, engineering, or construction management, have experience managing construction projects, pass an exam, and pay a \$200 fee to the Idaho Division of Building Safety.

Both state statute and [rules](#) make no mention that construction managers may be denied a license based on a past conviction, even though public works contractors can be.

REAL ESTATE APPRAISER

If you want to assess the value of real estate and get paid for it, you will likely need [documentation](#) as a real estate appraiser. Specifically, you will need one of the following: a residential real estate appraiser license, a residential real estate appraiser certification, or a general real estate appraiser certification. All three types of [documentation](#) are issued by the Idaho Real Estate Appraiser Board.

To get the residential real estate appraiser license, applicants must complete an educational program of at least 75 classroom hours, with courses related to appraisal and market values. Applicants must also have experience as an appraiser trainee with a work log showing at least 1,000 hours of supervised experience. They also must pass an exam.

To become a certified residential real estate appraiser, applicants must hold an associate or bachelor's degree or have held a residential real estate appraiser license for five years. They must also have experience as an appraiser trainee and be able to document at least 1,500 hours of appraiser experience with a focus on residential real estate. They also must pass an exam.

The primary difference between the residential license and residential certification is what licensees want to do after they receive their documentation. When a license is received, the licensee may appraise the value of non-complex real estate worth up to \$1 million or complex real estate worth up to \$250,000. For those with a certification, there is no limit to the value.

Certified general real estate appraisers can appraise the value of any type of property, not just residential property. Applicants for this certification must hold a bachelor's degree and have experience as an appraiser trainee. As an alternative path to certification, they can be currently

licensed or certified as a residential real estate appraiser. Either way, they must have 3,000 hours of appraisal experience and pass an exam.

To get the experience to qualify for this documentation, an applicant will first have to be an appraiser trainee. Being registered as a trainee requires completing at least 75 hours of classroom education related to appraisal. Applicants must also identify who will be supervising them, complete a trainee appraiser course, and pass an exam.

The board also registers appraisal management companies. These companies must submit an application and proof of a surety bond.

The [fees](#) for each of these types of documentation are different.

- For appraiser applicants, there is a \$200 application fee and a \$100 license fee.
- To register as a trainee costs [\\$50](#).
- Appraisal management companies, on the other hand, pay a higher fee: \$1,000.

Additionally, the board requires all new applicants for any form of documentation to submit to a background check. The fee for a background check is \$33.25.

Applicants can have their license refused, suspended, or revoked based on a felony conviction. Also, an appraisal management company cannot be registered in Idaho if any person who owns more than 10 percent of it “[i]s determined by the board not to have good moral character.” Plus, the controlling person of the appraisal management company needs to “[b]e of good moral character.”

REAL ESTATE SALESPERSON & BROKER

Both real estate salespeople and brokers are [licensed](#) in Idaho. To acquire one of these licenses, an applicant must be 18 or older, have a high school degree or equivalent, and not have been convicted of a felony or “any misdemeanor involving fraud, misrepresentation or dishonest or dishonorable dealing” within the past five years. If more than five years have passed since the felony conviction, an applicant may request an [exemption](#) review by the Idaho Real Estate Commission, which will consider the circumstances of the crime.

Applicants are also required to pass an exam, submit to fingerprinting, and pay a fee of \$160 (the same for [salespeople](#) and [brokers](#)). Plus, they must complete certain education requirements, including 90 hours of classroom instruction for a salesperson license. For someone seeking a broker license, four of the courses taken to earn those 90 hours must be in advanced real estate study.

Those who are specifically applying to be real estate brokers must first hold a real estate salesperson license for two or more years and be an active, full-time salesperson for that time.

Business entities can also be licensed. They can obtain a license by having a licensed broker responsible for their business activities. That licensed individual must complete a courses in business conduct and office operations. Branch offices may need to be individually licensed.

All licensees (whether individuals or business entities) must also acquire an errors and omissions insurance policy.

Owners selling their own property do not need to be licensed.

REINSURANCE INTERMEDIARY

Reinsurance is, roughly speaking, the insurance that insurance agencies purchase from other insurance agencies to lower their risk in the event of a crisis. Reinsurance intermediaries are those people who serve as the intermediary between an insurance company and a reinsurance company. In Idaho, reinsurance intermediaries must be [licensed](#). Specifically, those who act as brokers and managers for reinsurance intermediaries must apply for a license from the Idaho Department of Insurance.

To become a reinsurance broker or manager, an applicant must first be a licensed insurance producer. Reinsurance [managers](#), specifically, are also required by the department to provide proof of a bond and an errors and omissions policy. Both types of applicants must pay a license fee of [\\$80](#).

There is no explicit authority granted in state statute for the department to refuse a license to a reinsurance broker or manager because of a past criminal conviction. However, these applicants must first hold a producer license. Thus they are subject to the requirements of a producer's license, which can be rejected based on a past conviction.

RESIDENTIAL CARE FACILITY ADMINISTRATOR

If you want to be an administrator at a residential care facility, you must first obtain a [license](#). This [license](#) is only available to people who are 21 or older and who can provide "evidence of good moral character."

Applicants must also complete either special courses or an educational program related to the field, mixed with some level of experience. Interested parties must have one of the following:

- A high school diploma with 800 hours of on-site experience.
- An associate degree with 400 hours of experience.
- A bachelor's degree with 200 hours of experience.

All applicants must also pass an exam and pay a [\\$150](#) application fee.

And the Idaho Board of Examiners of Residential Care Facility Administrators can refuse, suspend, or revoke a license based on a felony conviction or "any crime involving dishonesty or the health or safety of a person."

RESIDENTIAL HABILITATION AGENCY

Residential habilitation [agencies](#) help people with developmental disabilities live independently. These agencies receive certification through the Idaho Department of Health and Welfare.

To get their agency [certified](#), applicants must [submit](#) to the department a list of services they will provide, their geographic service area, their staffing plan (including qualifications), a copy of agency policies and procedures, and other company information. The agency must also employ an administrator 21 or older, with three years of experience, and at least one year in an administrative role.

There is no fee to license this type of agency.

All employees are subject to a criminal history check. Certain offenses found during this criminal history check allow for an exemption review by the department. But there is also a long list of criminal convictions that merit an unconditional [denial](#), with no opportunity for review.

RESPIRATORY THERAPIST & RESPIRATORY CARE

In Idaho, [respiratory care](#) covers a range of tasks, from maintaining the natural airway of a person to inserting artificial airways and monitoring pulmonary abnormalities. These tasks can be encompassed by two occupation types: respiratory therapy and polysomnographic-related respiratory care. To provide care under one of these types of occupations, you must be [licensed](#) or hold a permit.

A permit is required to practice polysomnography-related respiratory care. There are two occupations under this category: a polysomnographic technologist and a polysomnographic technician. To qualify for a permit for either of these occupations, applicants must be over 18, have never been convicted of an offense related to the field, hold a high school diploma or GED, and be CPR certified.

To become a technologist, specifically, applicants must take the further step of passing an exam. To become a technician, they must complete a 1-year polysomnography program and have at least 720 hours of experience as a trainee.

To get this experience as a trainee, applicants must first apply to be registered as a trainee. They can get registered as a trainee by submitting the name of their licensed supervisor. Additionally, they must submit at least one of the following: proof of having 720 hours of experience in the health care field, evidence of being currently enrolled in a polysomnographic program, or evidence of having completed 24 college credits.

Those practicing respiratory-related occupations also need documentation. Specifically, they need to be licensed. For this license, applicants must be 18 or older, have never been convicted of a crime related to the practice of respiratory care, and be a high school graduate or a graduate of a GED program. They must also pass an exam and have at least 3,000 hours of supervised

experience.

The initial licensing or permit fee for any of these occupations (other than a trainee) is [\\$100](#).

The Idaho Board of Medicine requires that all applicants disclose “any criminal conviction or charges against the applicant other than minor traffic offenses, what ever the outcome.” The board can [suspend](#), refuse, or revoke a license from an applicant for “being convicted of a crime which would have a direct and adverse bearing on the licensee’s or temporary permit holder’s ability to practice or perform respiratory care competently.” The rules set by the board also require that an applicant have “good moral character,” but they leave room for the individual to prove rehabilitation from prior offenses.

RINGSIDE PHYSICIAN

Ringside physicians are regulated by the State Athletic Commission. They provide ringside medical care to boxers, wrestlers, and mixed martial artists.

[Applicants](#) for the position of a ringside physician must be approved by the commission, have a [license](#) from the Idaho Board of Medicine, and be CPR certified.

Before issuing licenses, the State Athletic Commission is required by law to consider: “The preservation of the safety and health of the contestants,” “[t]he best interest and welfare of the public,” and “[t]he best interest of the sport in general.” According to state statute, licenses can be “revoked by the commission for any cause which it shall deem sufficient.” The commission states in its [rules](#) that it may deny or revoke a license based on a felony conviction.

Additionally, any applicant for a ringside physician would be subject to the regulations of the Idaho Board of Medicine, which can deny a physician a license based on a past conviction.

SEED BUYER

Seed buyers are basically what they sound like: Individuals or businesses that buy seeds for crops. In Idaho, these buyers need to be [licensed](#). To be licensed, a buyer needs to submit to the [Idaho State Department of Agriculture](#) the following: An [application](#), a seed buyer bond, proof of general liability and stock coverage insurance, a schedule (of conditioning, bagging, and testing), an audited financial statement, a list of facility locations, and a payment.

Applicants who are already licensed as a commodity dealer do not have to submit an application fee. All others must pay a \$350 fee.

[State statute](#) allows the department director to deny a license based on “[a]ny material fact provided by a seed producer that demonstrates license denial would serve the best interest of the public.” This is a broad authority, and criminal convictions could be a factor.

SHORTHAND REPORTER

If you are interested in transcribing court proceedings in Idaho, you must become a certified shorthand reporter. To apply for this [certification](#), applicants must either pass an Idaho shorthand reporter examination or one of a few select private examinations. These selected private examinations include: the Registered Professional Reporter (RPR) examination, the Registered Merit Reporter (RMR) examination, the Registered Diplomat Reporter (RDR) examination, the Certified Realtime Reporter (CRR) examination, or the Certified Realtime Captioner (CRC) examination. The Idaho examination is [currently](#) only offered the third Saturday in March and September, and only in Ada County.

Applicants also must have a high school diploma or its equivalent to become certified. They must pay a [fee](#) of \$50 if they are taking the Idaho exam, another fee of \$50 for the application, and another \$20 if they want the preparation materials for the exam.

To receive this certification, an applicant has to be of “good moral character.” This requirement is so important, in fact, that it is explicitly stated as a necessity four times in the [state statute](#). Furthermore, the statute states that applicants can have their certification suspended or revoked due to a previous felony conviction or a “misdemeanor involving moral turpitude.”

However, the Idaho Certified Shorthand Reporters Boards has decided in its [rulemaking](#) that applicants with these prior convictions can submit to the board a statement of suitability. The board will use this statement to consider the severity of the crime, the time that has passed, and the circumstances surrounding the crime in its evaluation of the applicant’s suitability for certification.

An additional note: It should be noted that, as of the time of this writing, the board has [proposed](#) a rule change that would benefit some people but further restrict others who have certain types of prior offenses from receiving this certification. The [proposal](#) removes the term “moral turpitude” from the rules. However, it changes the criminal consideration from “felony or crime involving moral turpitude” to “any crime other than a minor traffic offense.”

SKILLED NURSING FACILITY

A skilled nursing [facility](#) is a care option for people needing inpatient services for chronic health problems and require regular attention from a nurse. An owner of such a facility must receive a [license](#) to operate it.

To receive this [license](#), the owner must submit [proof](#) of a health insurance benefit agreement, proof of having met federal certification requirements, and a copy of the license of the nursing home administrator in charge of the building to the Idaho Department of Health and Welfare. The owner must also report the number of beds that will be in the facility. The owner does not, however, have to pay any fee to get this type of facility licensed.

If approved, the facility is granted a temporary license for six months so the department can do an

ongoing review of its suitability.

Additionally, all employees and contractors in the facility must submit to a criminal history check. Certain offenses found during the criminal history checks may allow for an exemption review by the department. But there is also a long list of criminal convictions that merit an unconditional [denial](#), with no opportunity for review.

SOCIAL WORKER

Idaho lawmakers established the [Social Work Licensing Act](#) to regulate the licensing of social workers. In this act, it is established that, to be granted a license, interested applicants must pass an examination, be “of good moral character,” and complete an education program commensurate with the level of license sought. Licenses come in various kinds: clinical social work, master social work, or bachelor social work. The education requirements for each differ, as suggested by their names.

- For a clinical social work license, the education requirement is a master’s or doctorate paired with two years of clinical experience.
- For a master social work license, the requirement is a master’s or doctorate degree, not paired with clinical experience.
- For a bachelor social work license the requirement is a bachelor’s degree.

All these education levels are verified by submitting a [transcript](#) to the Idaho Board of Social Work Examiners.

Bachelor and master social workers are also subject to supervision requirements, if the applicant is pursuing licensure as an independent practitioner. For this requirement, the applicant must receive 3,000 hours of supervised social work experience in a 2-to-5 year period.

Additionally, moving up from a master social work license to a clinical social work license requires supervision. Specifically, an applicant needs 3,000 hours of supervised social work experience in a 2-to-5 year period; 1,750 of those hours need to be direct client contact involving treatment and 1,250 hours need to involve assessment and diagnosis. Additionally, the “supervisee may not have more than two (2) supervisors at any given time” and any out-of-state supervision experience has to be approved by the Idaho board.

Obtaining one of these licenses requires paying an application [fee](#) of \$70 and a license fee between \$80 and \$90.

Currently, any of these three types of licenses can be refused, suspended, or revoked by the Idaho Board of Social Work Examiners based on a felony conviction or offense involving “moral turpitude,” among a number of other reasons relating to moral behavior (examples include drunkenness, unprofessional conduct, any disciplinary action related to a license in another state, and more).

An additional note: It should be noted that, as of this writing, the board has [proposed](#) a rule change for social work licenses. The [proposal](#) includes removing the language allowing for an automatic denial for those with past felony convictions. The proposal replaces this language with

a denial based on a “crime that is inconsistent with the profession of social work” and further lays out that the board will consider underlying factors behind the crime and the rehabilitation of the applicant since committing the crime.

SPEECH & HEARING SERVICES

There are a range of occupations that fall under the scope of speech and hearing services which require a [license](#) to practice in Idaho. Occupations like audiologists, speech-language pathologists, sign language interpreters, and hearing aid dealers and fitters all have requirements that applicants must meet before they can practice the occupation.

To be licensed as an audiologist, an interested applicant must: have a master’s or doctorate with an emphasis in audiology, pass an exam, meet supervised clinical practicum requirements, and disclose to the board “[a]ny criminal conviction or charge, other than minor traffic infractions.”

To be licensed as a speech-language pathologist, an applicant must: have a master’s or doctorate with an emphasis in speech-language pathology, pass an exam, meet supervised clinical practicum [requirements](#) (1,260 hours with 1,010 of those hours in direct client contact), and disclose any past criminal convictions.

To be licensed as a speech-language pathologist aide, an applicant must: have a bachelor’s degree in the field, pass an exam, work under the supervision of a speech-language pathologist, and disclose any past criminal convictions or past disciplinary action.

To be a licensed speech-language pathologist assistant, and applicant must: have an associate degree in the field, pass an exam, work under the supervision of a speech-language pathologist, and disclose any past criminal convictions or past disciplinary action.

To be licensed as a hearing aid dealer and fitter, and applicant must: be at least 21, be of “[g]ood moral character and temperate habits,” be graduated from a high school or equivalent, and pass an exam.

To be licensed as a sign language interpreter, an applicant must: be [at least 18](#), be of “[g]ood moral character,” pass a nationally recognized competency exam or board exam, and be graduated from a high school or an equivalent program.

The license [fees](#) associated with these occupations range from \$65 to \$100. Additionally, some of the occupations (like speech language pathologists and sign language interpreters) require payment of a \$30 application fee. Plus, hearing aid dealers and fitters have to pay a \$100 exam fee.

Under state law, both the hearing aid dealer and fitter license and the sign language interpreter license require “good moral character” and require applicants to have never been convicted of a felony. All the other license types allow denial based on “any felony or being convicted of any crime which has a bearing on any practice pursuant to this chapter.”

However, the Idaho Speech, Hearing, and Communication Services Licensure Board, in its [rule-making](#), allows for applicants with past criminal convictions to submit a statement of suitability.

The board will consider this statement to determine the rehabilitation of the applicant, and may grant a license.

An additional note: The board has [proposed rule changes](#). The proposed changes include lowering the application and licensing fees. The board also propose to remove the prejudice against applicants with past criminal convictions from the sign language interpreters license and remove the age requirement from that license as well.

SURPLUS LINES BROKER

Surplus line brokers are insurance brokers who have a unique ability to procure an insurance policy for a client from an insurer that is not licensed in Idaho. This position is [licensed](#) and essentially acts as a broker that can procure insurance for high-risk coverage needs.

Before applicants can apply for a surplus lines broker license, they must hold an insurance producer license for at least [two years](#). They [must](#) also become members of the Idaho Surplus Line Association and pay a fee of [\\$80](#) to the Idaho Department of Insurance.

There is no explicit authority for a surplus lines broker license to be denied based on a past criminal conviction. However, applicants for this license must first hold a producer license, which does allow denial based on a felony conviction.

TAXIDERMIST & FURBUYER

In Idaho, taxidermists are [regulated](#) by the Idaho Department of Fish and Game. The same regulations apply to buyers of furs, including the “raw black bear or grizzly bear skins, raw cougar skins, raw wolf skins, or parts of black bears, grizzly bears, wolves or cougars, or the raw hides, skins, or pelts of any of the furbearers of this state.”

Applicants must submit an [application](#) as well as pay a licensing fee. This fee is \$40 for a 1-year license or \$176.75 for a 5-year license.

There is no allowance in state statute for a license to be refused based on a past criminal conviction.

TEACHER

It is not just your typical teacher that needs to be [certified](#) in Idaho. According to state statute, teacher certification requirements apply to a “teacher, supervisor, administrator, education specialist, school nurse or school librarian.”

To qualify for a teacher certification, an applicant must be 18 or older, “[b]e free from contagious disease,” submit to a criminal history check, and have graduated from a 4-year college program

(unless the applicant is a teacher of professional/technical instruction, a school librarian, or a school nurse).

State statute provides these core qualifications. However, the Idaho State Department of Education enumerates [multiple](#) paths to certification. They are open to graduates of Idaho teacher preparation programs, graduates of out-of-state teacher preparation programs, nontraditional candidates, instructors tied to postsecondary institutions, and pupil service staff.

Applicants who have [completed](#) a teacher education program at an Idaho university must [submit](#) to the department a background check (with a \$28.25 processing fee), a college transcript, an institutional recommendation, PRAXIS exam results, and a \$75 application fee.

For applicants who [completed](#) their teacher education out-of-state, the requirements are a little different. Out-of-state applicants must also submit a \$75 application fee, a college transcript, a criminal background check, and an institutional recommendation. They must also submit copies of any out-of-state teacher certification they have held and a content area exam.

Applicants who [completed](#) a nontraditional teacher education path have different requirements. This certification path is generally for people who have a bachelor's in a subject area other than teaching but would like to become instructors. These applicants are specifically applying for an interim certificate, so they can complete one of the certified programs from the following providers: American Board of Certification for Teacher Excellence (ABCTE), College of Southern Idaho (CSI), Lewis-Clark State College (LCSC), or Teach for America (TFA). Nontraditional applicants must pay a \$100 application fee, submit a criminal background check, submit a transcript showing they have obtained a bachelor's degree in some area, confirm they are employed as a teacher, certification that they are enrolled in one of the above nontraditional education programs, and complete a mentor program during their 3-year interim certification.

Some people qualified to teach on the postsecondary level may also seek teacher [certification](#), so that they can teach virtual courses or as part of partnerships with public schools. To acquire a certification through the Idaho State Department of Education, they must be employed by a university, have a recommendation from the dean of that university, complete a background check, submit a transcript showing at least a [master's degree](#), and pay a \$75 application fee.

Those specifically applying for pupil service staff have different [requirements](#) depending on their exact occupation. Occupations requiring this type of certification include: audiologists, occupational therapists, physical therapists, school counselors, school nurses, school psychologists, school social workers, and speech-language pathologists.

Audiologists must submit a transcript showing they have a master's degree. Occupational and physical therapists need to be licensed. School counselors need to submit a transcript showing they have a master's as well as an institutional recommendation that shows they completed a 700 hour practicum. School nurses need to submit a transcript showing a bachelor's and a copy of their registered nurse (RN) license unless they are still in school, in which case they apply for an interim certification. School psychologists need a master's degree, an institutional recommendation verifying completion of a 1,200 hour practicum, and a National Certification for School Psychologist (NCSP) certificate. School social workers need a master's degree and a social work license. Speech-language pathologists need a master's degree, but they can apply for interim certification if they have a bachelor's.

According to state statute, the Idaho State Department of Education may deny a certification based on conviction “of a crime involving moral turpitude,” “for the delivery, manufacture or production of controlled substances,” “the crime of involuntary manslaughter,” or “of any felony, the commission of which renders the certificated person unfit to teach or otherwise perform the duties of the certificated person’s position.” The felonies that make a “person unfit to teach” [include](#): injury or death of a child, abuse of a child, sexual exploitation of a child, kidnapping of a child, and similar felonies that involved the targeting of children.

However, state statute does allow applicants who are denied certification to appeal for a hearing.

TELEPHONE SOLICITOR

In Idaho, telephone solicitors must register with the [Office of the Attorney General](#) for consumer protection purposes. By law, solicitors must register with the attorney general [10 days](#) before they can start their business. Along with their registration, they have to consent to the Office of the Attorney General being the agency that will receive consumer protection complaints against them. And they must agree that, in the course of their telephone solicitations, they will provide their registration number to anyone who asks and inform any potential purchasers that they can cancel the transaction at any time if they change their mind.

Certain people are exempt from having to register as solicitors. This includes people who are completing an isolated transaction over the phone and not contacting multiple people with the same transaction offer. Or, solicitors who made less than 60 percent of their sales over the phone in the previous year and expect to do the same this year. Those who are reaching out to past clients with new transaction offers are also exempt, along with those selling newspaper subscriptions, those who are practicing as a business already licensed by a federal or state agency, anyone completing a catalog purchase, and anyone using a phone call to set up a later face-to-face meeting.

Solicitors pay a [\\$50 fee](#) with their registration. Telephone solicitors also agree to not contact anyone on a “no telephone solicitation contact list” (more commonly known as a “no call list”).

There is no mention in state statute that a registration can be refused due to a past criminal conviction. However, the application for registration does ask if either the solicitor or the solicitor’s parent company has been convicted of “a felony or a misdemeanor involving fraud, theft, embezzlement, fraudulent conversion, or misappropriation.”

TITLE INSURANCE AGENT

The title insurance business is [regulated](#) by the Idaho Department of Insurance. State law requires that all title insurance agents in the state be [licensed](#). These title agents are individuals in charge of making sure that those proposing to sell their homes are qualified to do so, in the sense that they own the property they are trying to sell and there is no lien on such property. They can also offer to potential buyers insurance for closing or settlement protection.

To become licensed in this occupation, applicants must have experience in the field, own or lease tract indexes (a system of land records and property transactions) and abstract records for the county they work in, be “known to have a good reputation and is worthy of public trust,” and have proof of a surety bond. Title agents oversee escrow officers, and the amount of their surety bond depends on the number of these officers working under them. They must also pay a [\\$50](#) license fee and they must apply for a new license for each county that they want to work in.

There is no mention in either state statute or department rules that a license can be denied based on a past felony conviction.

VEHICLE-RELATED OCCUPATIONS

The [Idaho Transportation Department](#) (ITD) is the entity responsible for licensing vehicle-related occupations, including car dealers, manufacturers, and salespeople.

A car dealer is any individual who sells five or more vehicles per year. Applicants for this license must submit a certificate of liability insurance, proof of business type from the Secretary of State, an Employer Identification Number from the federal government, a completed application, and a payment (\$190 application fee, an additional \$300 fee for retail dealers, \$44 for a supplemental lot license, and \$23 for a dealer license plate). All used and wholesale [dealers](#) must also take an 8-hour course (the fee for this course may be up to [\\$350](#)) and pass an exam.

A [vehicle manufacturer](#) license applies to any manufacturer who wants to assemble vehicles at a facility in Idaho. This includes anyone who builds “five (5) or more trailers over 2,000 pounds” or distributes “vehicles/vessels that require a title.” To apply for this license, manufacturers must submit [an application](#), a sample Manufacturer’s Certificate of Origin, proof of liability insurance, and a fee. The fee is \$190 for a manufacturer, \$175 for a distributor, and \$23 for each manufacturer license plate.

To be a licensed [salesperson](#) of vehicles, an applicant has to submit an application as well as a \$26 application fee for an identification card, which requires an additional \$10 to be paid to the county for the photograph. The applicant must also be certified as a qualified salesperson by an employer.

Any owner or co-owner of a dealership who holds a dealer’s license is [also](#) able to act as a vehicle salesperson, without applying for that additional license. ITD does not allow home dealerships unless the residence has a separate building for the business or a ground floor with a separate entrance used for business, that has no entry from it into the residence.

Dealers and [salespeople](#) who [fail](#) to sell five vehicles per year may be refused a license renewal. The department may also refuse any of these three vehicle-related licenses for “any felony committed in conjunction with a dealership or of any federal odometer law or regulation,” unless the applicant is a corporation or a partnership of individuals. However, state statute also requires that the department have a hearing for any individual to whom it intends to refuse a license, but that hearing can only be held in Ada County.

VETERINARIAN

In Idaho, those who make it their job to provide medical care to animals need to be [licensed](#). To get this veterinarian license, an applicant has to be 21 or older, must be “of good moral character,” be graduated from veterinary school, and pass an exam. All applicants are subject to criminal background checks.

Veterinary technicians are also licensed. To get a technician license, an applicant has to be 18 or older, be “of good moral character,” be graduated from a veterinary technician or similar program, and pass an exam.

Potential licensees can also apply to be certified euthenasia technicians. For this license, an applicant has to be 18 or older and demonstrate competency with euthenasia techniques and with verifying death through a written, clinical/practical, and jurisprudence exam.

[Fees](#) are required for each of these licenses. For veterinarian licenses, the fee is \$275. Veterinary technicians must pay \$125. And certified euthenasia technicians have to pay \$100.

The board has the power to issue temporary permits to anyone close to meeting all the requirements for licensure.

The Idaho Board of Veterinary Medicine also has the power to refuse any of these licenses based on a felony conviction, “[a]ny other criminal act which in any way is related to the practice of veterinary medicine,” or any violation of “federal or state statute, rule or regulation regulating narcotics, dangerous drugs or controlled substances.”

An additional note: Veterinary drug outlets (pharmacies for animals) must pay a [\\$35](#) fee to the Idaho Board of Pharmacy to be registered to operate, and applicants and applicants for this registration can be denied if they have a felony conviction or have committed an act involving moral turpitude.

WAREHOUSE OWNERS

In Idaho, [warehouses](#) that store agricultural commodities (such as grains, wheat, barley) must be licensed. Licenses are [issued](#) by the Idaho State Department of Agriculture. To get a warehouse [license](#), an applicant must submit a fee, have a warehouseman’s bond, have general liability and stock coverage insurance, submit an audited financial statement, and a drawing of the warehouse.

Licensing fees are based on warehouse capacity: \$180 for 0 to 50,000 hundredweight, \$360 for 50,001 to 100,000 hundredweight, \$540 for 100,001 to 250,000 hundredweight, \$715 for 250,001 to 500,000 hundredweight, \$890 for 500,001 to 750,000 hundredweight, or \$1,070 for any capacity over 750,000 hundredweight.

Under state statute, there is no explicit mention of a denial of a warehouse license based on a felony conviction, but “[t]he director shall, after a public hearing, have the right to deny or refuse to issue a license or renewal thereof to an applicant when it is determined that public interest is

best served by that denial or refusal.” And the license [application](#) does include a question about whether the applicant has “been convicted of a felony involving violations of any state warehouse or grain dealer laws or the United States Warehouse Act.”

WATER & WASTEWATER PROFESSIONALS

Water and wastewater professionals, who work in occupations like drinking water operations, wastewater operations, and backflow assembly, are [licensed](#) in our state. The requirements to obtain one of these licenses is to possess a high school diploma or GED, have work experience in a similar work environment, fulfill any further educational fulfillments needed for certain classes of licenses under this umbrella, pass an examination, be of “good moral character,” and pay a fee.

The [fees](#) for the various classes of licenses include a \$37 exam fee, a \$25 application fee, and a \$30 license fee. The full range of licensing classes include:

- Backflow assembly tester
- Drinking water distribution operator
- Very small system drinking water distribution operator
- Drinking water treatment operator
- Wastewater collection operator
- Wastewater laboratory operator
- Water and wastewater operator
- Wastewater treatment operator
- Wastewater treatment operator-lagoon
- Wastewater treatment operator-land
- Very small system wastewater operator

For each of these classes of licenses, applicants can have their license revoked or suspended by the Idaho Board of Drinking Water and Wastewater Professionals based on a felony conviction.

WEIGHMASTER

Those in charge of weighing grains, peas, beans, hay, wool, sugar beets, and similar agricultural products currently require a [license](#) to work in their occupation as a weighmaster. To obtain this license, applicants must be “of good moral character” and must be able to weigh the agricultural products accurately and record those weights. They must also be 18 or older and pay a license fee of \$10.

There is no specific reference in state statute that an applicant can be denied a license based on a past criminal conviction, but the Idaho State Department of Agriculture’s [application](#) for the license does require the signature of at least two people that the applicant is “a person of good moral character.”

An additional note: There is a proposal to [eliminate](#) the weighmaster license.

WELL DRILLER

Commercial well drillers are [licensed](#) by the Idaho Department of Water Resources. To become a licensed driller, applicants must submit a \$200 application fee, list of past experience, references, a list of the make and model of drill rigs previously operated, and a list of any operators who will work under the supervision of the applicant. They must also pass an exam.

The department [clarifies](#) that an applicant must have at least 24 months of drilling experience (with at least half of that in the past five years) as well as have “constructed a sufficient number of wells within the preceding twenty-four (24) months to demonstrate competency.” Up to half of the required drilling experience can be substituted for by classroom work in subjects like geology and map reading.

But not every person on a drilling operation has to be a licensed well driller. There can also be workers with operator permits. As long as they are supervised by a licensed driller, employees of drilling firms just need a permit. This permit comes in two forms: Class I or Class II. To obtain the Class I permit, applicants must submit a \$25 application fee and have their application signed by a supervising licensed driller. For the Class II permit, applicants must submit the same fee and application and also submit documentation that they have “successfully constructed a sufficient number of wells, or has constructed wells for a sufficient length of time, or a combination of both to demonstrate competency” as well as pass an exam.

Both licensed well drillers and permitted operators can drill wells, but only licensed drillers can decommission them.

There is no portion of Idaho statutes or Department of Water Resources rules that allows for the denial, revocation, or suspension of a license based on a felony conviction.

WHOLESALE DRUG DISTRIBUTOR

Businesses that supply drugs to retailers (like pharmacies) must be licensed as wholesale drug distributors. This occupation is regulated by the Idaho State Board of Pharmacy.

To get this license, applicants must submit to the board the names of the partners in the business, the name of the designated representative, and pay a \$180 licensing fee. Additionally, applicants must submit to fingerprinting. So too must their designated agent, and agents must provide proof they are 21 or older, have at least three years of experience in a drug wholesaler business or a pharmacy, are employed in a managerial position, and do not have any felony convictions.

In fact, both the designated agent and the applicant must disclose “[a]ny felony conviction or any conviction of the applicant relating to wholesale or retail prescription drug distribution or distribution of controlled substances.”

According to the Board of Pharmacy rules: “Those engaged in wholesale distribution must be registered as a manufacturer.” Those seeking to be registered as a manufacturer must pay an

additional \$150 fee. Wholesalers who do not sell prescription drugs can be registered instead of licensed, for a smaller fee of \$150. But, if they sell durable medical equipment (DME), then they must get a license to be an outlet of DME, which costs \$50.

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WINE-RELATED OCCUPATIONS

If you want to, in any way, sell wine or distribute wine so that it will eventually end up for sale, you have to first obtain a license from the Idaho State Police. Specifically, if you want to sell wine at your retail location, sell wine by the drink at your restaurant, distribute wines to be sold by retailers, import wine, or even own a winery, you will need a license.

There are five types of licenses, and applicants for any one of them (retailer, by the drink, distributor, importer, winery) must be 19 years of age or older and submit to a criminal background check (at a cost of \$33.25 per applicant). Applicants will be refused a license if they have been convicted of an alcohol-related crime in the past three years or of any felony in the past five years.

Applicants for importer licenses specifically must submit a statement that all employees will comply with Idaho's importation laws and pay a \$300 application fee. Distributors pay a fee of \$300 as well, but wine by the drink and retailers pay \$100 (plus more to the county and city).

Any applicant can apply to be both an importer and distributor. Any restaurant applying to sell wine must submit a copy of its menu with prices.

Owners of wineries can apply for a winery license by submitting to fingerprinting (at a cost of \$33.25 per applicant) and paying a \$300 application fee.

The winery license also acts as a retail wine and wine by the drink license to serve alcohol on the winery premises or an associated retail shop. It also acts as a wine distributor and wine importer license. It is essentially five licenses wrapped into one.

Additionally, wineries can receive a wine direct shipper permit to directly ship wine to an Idaho resident over the age of 21. This permit allows direct shipment of up to 24 9-liter cases of wine each year to a resident for personal use.

For all of these licenses, applicants should secure appropriate sales tax and wine tax permits from the Idaho State Tax Commission in addition to obtaining their license, which will let them sell wine in the state legally.

An additional note: Many cities and counties also have local laws and potentially licenses regarding the sale of alcohol.

SCOPE

As we gauged how various licensing boards treat applicants with criminal histories, we established three categories:

1. Licensing boards that issue an unconditional denial of a license to applicants with criminal convictions. This includes denial due to a felony conviction, misdemeanor conviction, lack of good moral character, or conviction of a crime involving moral turpitude. This category is indicated throughout this report with the color red.
2. Licensing boards that consider the criminal record of an applicant, but also give them the opportunity to prove they have been rehabilitated since their crime. This category is indicated throughout this report with the color yellow. On occasion, this category also includes boards that ask an applicant for their criminal history, but are unclear regarding how they use that information.
3. Licensing boards that do not consider the criminal history of an applicant at all. This category is indicated throughout this report with the color green.

To study the impact of licensing requirements on Idahoans with criminal convictions, and properly apply this three-tiered gauge to how this population of Idaho is treated, we had to first develop a criteria on what an “occupational license” is.

We realize that a “license” is a broad term in application. We came across occupations that required other forms of documentation other than a license, such as a “certification,” “registration,” “permit,” or “charter.” For the purposes of this report, we counted documentation labeled with these terms as licenses if they had two out of the three following components:

- The documentation is required in order to work in the occupation.
- There are set requirements necessary to obtain the documentation.
- A fee is required to obtain the documentation.

Our choice to include other types of documentation in the definition of a “license” is supported by real life applications, as well as the research of other organizations. For example, the clearly named Idaho Bureau of Occupational Licenses regulates some occupations, like geologists, where the documentation that applicants actually received is not labeled a “license” but some other term. In the case of geologists, applicants receive a registration.

A [similar approach](#) has also been employed by the Council of State Governments (CSG), with its database of the National Inventory of Collateral Consequences of Conviction. In its inventory, CSG is explicit that requirements for certifications, registrations, permits and the like can have negative consequences on this section of the population just as easily as licenses can.

These three components removed some state licenses from the purview of this report. For

example, there are several classes of potato branding licenses issued by the [Idaho Potato Commission](#) (a state agency) that allow distributors to advertise their potatoes as “Grown In Idaho.” These licenses were not included in this report because they are optional. Businesses can still sell Idaho-grown potatoes, just without that branding.

A second example outside the scope of this report is [registered servicemen](#), which is the occupation title for those who install and repair commercial scales. Registered servicemen were omitted from this report because their registration is voluntary. Unregistered servicemen can still install and repair commercial scales.

A third example is a motor fuel distributor license. This license was excluded because it acts more as a tax-cut system than a legal work requirement. Even though the actual license can be denied to applicants with a felony conviction, that individual can still act as a distributor without a license. Such individuals are just denied the tax benefit that accompanies the license.

Further, we excluded licenses that are only for individual benefit. For example, survivalists might view it as their occupation to feed their family by hunting or trapping wild game. However, the use of the associated licenses for these activities are beneficial only to the individual and her immediate family, and not for a business transaction. Also excluded were licenses and permits for events, even if running the event is someone’s occupation, such as a fishing tournament permit.

On top of all of these criteria for what makes a “license,” we also created criteria for what makes an “occupation.” Some of the occupational licenses that we include in this report may be more traditionally viewed as business licenses. However, the focus of this report is to consider the barriers placed on those with a past conviction, who want to make a living in their chosen occupation, so we include all licenses that impact whether or not an applicant can enter their chosen occupation.

Take the example of a woman recently released from prison who was interned for several years due to a forest sabotage conviction; a result of her wild young adulthood filled with deforestation protests. After her release, she may want to go on and become a nurse. Or, she may want to go be the owner of a nursing home facility. The license she needs to start up a nursing home is just as impactful to her pursuit of earning a living as the license she would need to become a nurse. And, as it happens, for either pursuit, she would likely be denied based on her past felony conviction.

This report considers business licenses because business ownership is, in itself, an occupation.

We also focused on less direct licensures of an occupation. One example is a semi-truck driver. Though the occupation itself does not require a license, truck drivers need a commercial driver’s license to be authorized to drive a truck. So we include that license in this report.

After establishing this criteria for what defines an “occupational license,” we narrowed our scope regarding licensing requirements. For each occupational license, we focus only on what is required to obtain a first-time, in-state license. We did not focus on the requirements for out-of-state or out-of-country applicants.

We determined that the focus of this report is on state-issued licenses. City and county-issued licenses are not included.

Furthermore, we did include in this report occupational licensing requirements that we came across for interns, apprentices, and trainees. However, in our final tally of licensed occupations, we excluded these experience-focused positions from the count.

Also in our report, we include similar occupations separately if they have different requirements for licensure. For example, a speech language pathologist and pupil services speech language pathologist are counted as separate occupations. For each occupation, an applicant must meet the basic requirements set for a speech language pathologist license. However, if a licensed pathologist wants to be a pupil services specialist at a public school, with a focus on speech language pathology, she has to meet additional requirements above and beyond the requirements for basic licensure. This is the same case for several other occupations, such as veterinarians and horse race veterinarians.

However, we excluded licenses that were simply supplemental to an already-licensed occupation. An example is the certification that licensed psychologists can get to prescribe medications.

Ultimately, using this criteria to select what an occupational license is, we found 288 licensed occupations in the State of Idaho.



FURTHER EXPLORATION OF BARRIERS

From an analysis of Idaho's 288 licensed occupations, it is apparent that licensing authorities vary wildly on how they treat applicants with past criminal convictions.

Take two roughly similar occupations: A combatant and a ringside physician. Both occupations are necessary to run a boxing match. One occupation, the combatant, is someone who is paid to hit someone else in a ring while people watch. The other, the ringside physician, is paid to preserve the health of the combatant. One beats humans, one heals humans; one has licensing requirements much harsher towards those with felony convictions than the other, but it is probably not the one you think. If you have a past felony conviction and want to be a combatant, you likely have a chance depending on your crime, but if you want to be a ringside physician you probably have no chance, no matter whether your crime was violent in nature, related to the occupation, or otherwise.

There is little consistency to how licensing authorities for different occupations treat applicants with criminal histories. Currently, of Idaho's 288 licensed occupation, 169 of them have licensing requirements that allow for the unconditional denial of an applicant with a criminal history. There are 79 occupations where the licensing authorities provide some sort of option for applicants to prove they have been rehabilitated since they committed their crime, though they may still be denied a license. There are only 40 occupations where criminal history is not considered as part of the requirements for obtaining a license.

One component to the wide variation of how applicants with criminal convictions are treated is that there are a myriad of state agencies with the authority to issue licenses. Some agencies are more prone than others to fall into one of these three tiers of treatment. For instance, all five occupations licensed by the Idaho Board of Nursing have an unconditional denial of applicants with criminal convictions. Both of the licenses issued by the Idaho Real Estate Commission allow applicants to prove their rehabilitation. All five of the licenses issued by the Idaho Department of Fish and Game do not consider the criminal history of an applicant at all.

Generally, when the Idaho Legislature dictates that an occupation is to be licensed, it delegates some authority to form and enforce requirements for that license to either a licensing board or a state department. This creates a system that widely disperses power in a way that is fairly unaccountable, because the authority to make regulations is given to unelected officials. Board members for these licensing authorities are usually appointed by the governor, or by the director of certain state departments. Unlike with state senators and representatives, the population affected by the regulations that these boards make have no opportunity to vote board members out of office if they do not like the rules.

So the seat of power for occupational licenses becomes scattered.

From its name, it might seem like the Bureau of Occupational Licenses is the licensing authority

that regulates a majority of licensed occupations in Idaho. However, that is not accurate. Of Idaho's 288 licensed occupations, the Bureau oversees 30 boards that together regulate approximately 30 percent of the state's licensed occupations. However, there are 27 other regulatory agencies that have authority over the other 70 percent of licensed occupations.

Licensing Agency	Percentage Of Occupational Licenses Issued Under The Agency's Authority
Idaho Bureau of Occupational Licenses	29.9
Idaho State Police	21.5
Idaho State Department of Agriculture	6.6
Idaho Department of Insurance	5.6
Idaho Division of Building Safety	5.6
Idaho Department of Finance	4.2
Idaho Department of Health and Welfare	4.2
Idaho State Department of Education	3.5
Idaho State Board of Pharmacy	2.8
Idaho Board of Medicine	2.4
Idaho Department of Fish and Game	1.7
Idaho Transportation Department	1.7
Idaho Board of Nursing	1.4
Idaho Board of Dentistry	1.0
Idaho Board of Veterinary Medicine	1.0
Idaho Outfitters and Guides Licensing Board	1.0
Idaho Department of Water Resources	1.0
Idaho Real Estate Commission	0.7
Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors	0.7
Idaho Secretary of State	0.7
Idaho State Board of Accountancy	0.3
Idaho State Lottery Commission	0.3
Idaho Hop Growers Commission	0.3
Idaho State Bar	0.3
Idaho Board of Scaling Practices	0.3
Idaho Mint Commission	0.3
Idaho Department of Labor	0.3
Office of the Attorney General	0.3

While there are 28 different agencies that create licensing regulations, we often see that the language of how they regulate applicants with criminal convictions is strikingly similar. In essence, regulation has become copied and pasted over time. In the past decades, as these 288 licenses were created, a lot of the language establishing how those with criminal convictions are to be treated was just copied and pasted from one license to another.

Some examples we found during the research for this report of copied and pasted key terms include denial of a license based on “a felony conviction,” requirements that applicants be of “good moral character,” and denial of applicants who have committed crimes involving “moral turpitude.” This exact same language popped up again and again through both state statute and administrative rules.

However, only one of these key terms is clearly defined in state statute: felony. Idaho statute defines a [felony](#) as “a crime which is punishable with death or by imprisonment in the state prison.” Crimes classified as felonies [include](#):

Adding to or subtracting from election [votes](#)
Administering poison with intent to kill
Aggravated assault
Aggravated battery
[Aggravated driving](#) while under the influence
[Aircraft hijacking](#)
Assault
Assault with intent to murder
Assisting in a [suicide](#)
[Assisting](#) with a prisoner escape
Attempted [strangulation](#)
Battery
Bribing a [judicial officer](#)
Bribing a [legislator](#)
Burglary
Cannibalism
Crimes against nature
Cutting [state timber](#) for shipment
[Defacing](#) a manufacturer’s serial or identification number
[Destroying livestock](#) (over a certain value)
[Destruction](#), alteration, or concealment of evidence
Domestic battery
Election officers attempting to [change results](#)
Enticing of children (including via the [internet](#))
Escape by one charged with, convicted of, or on probation for a felony
[False reports](#) of explosives
[Falsifying legal evidence](#)

Felonious manufacture, delivery, or possession of controlled substance
Felonious rescuing of prisoners
[Female genital mutilation](#)
Financial transaction [fraud](#) (identity theft)
Forcible sexual penetration by use of a foreign object
[Forest sabotage](#)
[Fraudulent alteration](#) of legislative bills
[Fraudulent voting](#)
[Grand theft](#)
[Harboring prostitutes](#)
[Hoax destructive device](#)
[Impersonation](#) of a revenue officer
Indecent exposure
Injury to a child
[Interference](#) with agricultural research
Intimidating a witness
Kidnapping
Lewd conduct with a minor or child under 16
[Marriage under false personation](#)
Mayhem
[Money laundering](#)
Murder (various degrees)
Neglect or abandonment of a [vulnerable adult](#)
[Obstruction of a railroad](#)
Performance of an [abortion](#) more than 20 weeks after fertilization (and in some cases the woman requesting the [abortion](#))
Permitting a [mischievous animal](#) at large

Pimping

Possession of certain weapons by a [minor](#)

[Preparing false evidence](#)

[Procurement of a prostitute](#)

[Production of biological weapon](#)

[Propelling body fluid](#) or waste at a correctional officer

[Providing support to terrorists](#)

Rape

Removal of [human remains](#) with intent to sell

Robbery

Ritualized abuse of a child

Sale or barter of child for [adoption](#)

Sexual abuse of a child under 16

Sexual exploitation of a child (including by [electronic means](#))

[Solicitation](#) to halt or impede lawful forest, mining, or agricultural practices

[Spousal neglect](#)

Stalking

[Stealing, mutilating, falsifying public records](#)

[Tampering with a jury list](#)

[Tampering with certificates of nomination or ballots](#)

[Theft of locomotive parts](#)

[Threatening violence upon school grounds](#)

[Threats against airline passengers or crew](#)

Threats against state officials

Trafficking

Unlawful discharge of a firearm

Unlawful possession of a firearm

Unlawful possession of destructive devices

Unlawful use of destructive device or bomb

[Use of weapons of mass destruction](#)

[Video voyeurism](#)

Voluntary manslaughter

[Willful advertisement of a pyramid scheme](#)

Wounding or killing a [police dog](#)

There are no clear definitions in state law for “good moral character” or crimes involving “moral turpitude”. Even with no clear definition, a copy and paste attitude for both state law and administrative rules has made it so these key terms are popular requirements for licensure.

And, even though felonies are clearly defined in state statute, there are many more crimes that begin as misdemeanors, but can stack up to become felonies. One example is [household battery](#) that does not result in traumatic injury. The first conviction likely results in a fine. The second conviction is a misdemeanor. The third is a felony.

So there are certain misdemeanors that, on the third offense, become felonies, which greatly expands the definition of that term to include many more crimes than just those listed above. And there are some boards that can deny a license to an applicant for even committing just one misdemeanor.

Additionally, there are complexities to how licensing authorities consider good moral character, crimes involving moral turpitude, and criminal convictions. There are many instances where it is enumerated in licensing requirements that applicants must submit to fingerprinting. The National Conference of State Legislators reports that, across the USA, more [fingerprinting submissions](#) have been used for the sake of licensing than used in the criminal justice system. And these fingerprintings are often used to check for criminal history, which is then used by boards to consider either the moral character of an applicant, if they have a history of moral turpitude, or if they have any sort of felony or misdemeanor conviction.

These references to good moral character, moral turpitude, criminal background checks, felonies, and misdemeanors all present barriers to entry into an occupation for applicants with criminal convictions. Specifically, barriers presented through the language of regulations. However, we also found several other barriers presented through circumstance.

There are several instances where an applicant has to hold one occupational license from one agency before applying for a different license from a different agency. The result is that the licensing requirements from the first agency follow the applicant to the second agency. This was very common among licenses issued by the Department of Insurance. Often, an applicant needs an insurance producer license before she can get licensed in another, more specialized insurance field. So even if the end-goal of an applicant is to be in a specialized insurance field that does not consider her criminal history, she has to first get a producer license, for which she can be denied if she has a past conviction.

The same is true in other examples, like for a certified water right examiner. To become an examiner, an applicant has to first be a licensed geologist or engineer. Thus, even though examiners cannot be denied a license based on criminal convictions, applicants are subject to the requirements for geologists or engineers, depending on which of the two routes they take as their path to licensure as an examiner. If they first become an engineer, then they have an open path to licensure as an examiner, since engineer applicants are not punished for their criminal history. But if they first become a geologist, they will never hold an examiner license because they will be denied a geologist license.

We also found inconsistencies between state statute and administrative rules that cause confusion regarding if a licensing board considers the rehabilitation of an applicant with a criminal conviction or not. There are several instances where state statute says boards will consider the rehabilitation of an applicant since they committed their crime, but the board has set up no such procedure to consider rehabilitation.

For example, [state statute](#) dictates that the licensing board for chiropractors “shall take into consideration the rehabilitation of the applicant and other mitigating circumstances” relating to felony convictions.

However, upon a review of the rules of the board, it is apparent that the board has not established any such process to consider rehabilitation. Thus, based on a review of state statute, the board of chiropractors would be categorized as a licensing board that considers the rehabilitation of an applicant. However, no procedure to prove rehabilitation actually exists.

In total, through our research, we identified eight main barriers acting against freedom to work:

1. Licensing requirements often stipulate that an applicant be of “good moral character.” Even though there is no clear definition of this term, it can be used to exclude people with criminal records from entire industries.
2. Licensing requirements also include language allowing licensing boards to broadly deny applicants that have committed crimes involving “moral turpitude.” Even though there is no clear definition of the term “moral turpitude,” this is a second phrase that can be used to exclude people with criminal records from getting the license needed for a job.
3. There are numerous licenses that require applicants to submit to a criminal history check. This relates to the first and second barriers. When a licensing authority knows the criminal record of an applicant, it can use that record to justify the view that the applicant is not of good character, or has committed some crime related to moral turpitude.

4. Licensing requirements often include language that allows licensing boards to deny any applicant with a past felony conviction. Blanket denials ignore the potential for rehabilitation and assume all felony crimes are equally related to the occupation.
5. Requirements can also include language that allows licensing boards to broadly dismiss applicants based on one or more misdemeanor convictions.
6. There are some licensing boards in Idaho that require applicants to already hold one general occupational license before applying for a specialized one. This can create a problem for applicants when the specialized license they are seeking does not consider their criminal history, but the general license they must first acquire does. One example is how applicants seeking a license to be a life settlement broker (an occupation that does not consider criminal history) have to first be licensed insurance producers (which does consider criminal history).
7. Different licensing boards employ different philosophies regarding applicants' criminal histories. For some boards, there's no forgiveness. For others, applicants can prove they have been rehabilitated since their crime.
8. The last barrier is imposed by inconsistencies between state statute and administrative rules. There are several instances where state statute says boards consider the rehabilitation of an applicant since they committed their crime, but the board has set up no such procedure to consider rehabilitation.

FURTHER EXPLORATION OF POLICY SOLUTIONS

With 59 percent of licensed occupations currently allowing for an unconditional denial of applicants who have criminal convictions, and eight barriers currently being used to solidify these automatic denials, there is no single policy that will realign state regulation with freedom to work. It will take a combination of policies to eliminate the barriers to work for this population.

First, the Legislature can follow the lead of Kentucky, Mississippi, and North Carolina and remove every section of state statute that requires “good moral character” or that penalizes applicants for having a criminal conviction related to “moral turpitude.” And legislators can direct licensing authorities to delete that language from their administrative rules as well.

Second, the Legislature can pass a law that requires every occupational licensing authority to explicitly [disclose](#) what crimes an applicant can be denied for having committed. Passing a law requiring this disclosure would help ensure that only occupation-related crimes can be [used](#) to disqualify an applicant from obtaining a given license.

Third, the Legislature can require that every licensing authority have a [procedure](#) whereby applicants can prove their rehabilitation. Though the step before this one allows boards to only consider crimes related to the occupation as grounds for denial, a denial on those grounds should not be automatic. Individuals with criminal convictions can be rehabilitated since they committed their crime, and licensing boards should recognize that by implementing a rehabilitation review process.

Fourth, the Legislature can implement a sunrise and sunset provision for all occupational licenses. The [sunrise provision](#) would require all proposed occupational licenses to go through a review process to gauge if there is any real need for such a license. The sunset provision would make it so all existing occupational licenses would be required to undergo periodic review for relevance.

A sunset review makes getting to the fifth policy recommendation a lot easier: Periodically merge or repeal some licenses, and some boards. For the 2020 legislative session, there are already [proposals](#) to repeal select licenses, including those for cemeterians, certified medication assistants, weighmasters, and athlete agents.

Other states provide leadership for determining which further licenses could be repealed, which generally turn out to be occupations that are already regulated by federal code or covered by public safety regulations. For instance, [Colorado](#) repealed its egg candler license because candlers usually work for businesses licensed as egg wholesalers, who already have it in their own interest to sell high-quality products to their customers. So the state realized candlers themselves did not need to be licensed.

And there is also a potential to merge similar licensing boards, like Idaho recently did with the cosmetology and barber boards. Leading candidates for a merger include the Idaho Board of Examiners of Nursing Home Administrators and the Idaho Board of Examiners of Residential

Care Facility Administrators. Both regulate administrators of health care facilities. The two boards could be merged, or the licensing authority could be transferred to the Idaho Department of Health and Welfare, which currently licenses the associated nursing homes and residential care facilities.

In summary, five policy recommendations could be implemented during the 2020 legislative session to greatly reduce the barriers to freedom to work for Idahoans with criminal convictions.

1. All “good moral character” and “moral turpitude” requirements could be deleted from state law and administrative rules.
2. A law could be formed requiring boards to disclose the specific crimes for which an applicant could be denied, for each license that they issue. This will ensure that applicants can only be denied a license due to convictions of crimes directly related to the occupation.
3. State lawmakers could require all boards to set up proof of rehabilitation procedures, whereby applicants with criminal convictions can prove they have been rehabilitated since their crime.
4. The Legislature could implement a sunrise and sunset provision for every occupational license in the state.
5. Whenever relevant, throughout this year and the future, legislators could merge or repeal occupational licenses, or boards, due to inactivity or lack of relevance.

HOW THEY ARE HANDLED

Licensing boards vary wildly on how they treat applicants with criminal convictions.

Idaho Board of Dentistry	Dentist	Dental hygienist	Dental therapist
Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors	Engineer	Land surveyor	
Idaho Board of Medicine	Dietician	Physician	Physician assistant
	Athletic trainer	Polysomnographic technician	Polysomnographic technologist
	Respiratory therapist		
Idaho Board of Nursing	Advanced practice registered nurse	Certified medication assistant	Licensed practical nurse
	Registered nurse		
Idaho Board of Scaling Practices	Log scaler		
Idaho Board of Veterinary Medicine	Euthanasia technician	Veterinarian	Veterinary technician
Genetic Counselors Licensing Board*	Genetic counselor		
Idaho Barber and Cosmetology Services Licensing Board*	Barber	Barber establishment	Barber instructor
	Barber stylist	Barber stylist instructor	Cosmetologist
	Cosmetology establishment	Cosmetology instructor	Electrologist
	Electrologist instructor	Esthetician	Esthetician instructor
	Glamour photographer	Glamour photography studio	Haircutter

* indicates board or agency falls under the Bureau of Occupational Licenses' authority

Note: Category continues on next page

Idaho Barber and Cosmetology Services Licensing Board (continued)*	Makeup artist	Nail technician	Nail technician instructor
	Retail cosmetics dealer	Thermal styling equipment dealer	
Idaho Board of Acupuncture*	Acupuncturist		
Idaho Board of Architectural Examiners*	Architect		
Idaho Board of Cemeterians*	Cemetaryian		
Idaho Board of Chiropractic Physicians*	Chiropractor		
Idaho Board of Dentistry*	Denturist		
Idaho Board of Drinking Water and Wastewater Professionals*	Backflow assembly tester	Drinking water distribution operator	Drinking water treatment operator
	Very small system drinking water distribution operator	Very small system wastewater operator	Wastewater collection operator
	Wastewater laboratory operator	Wastewater treatment operator	Wastewater treatment operator-lagoon
	Wastewater treatment operator-land	Water & wastewater operator	
Idaho Board of Examiners of Nursing Home Administrators*	Nursing home administrator		
Idaho Board of Examiners of Residential Care Facility Administrators*	Residential care facility administrator		
Idaho Board of Landscape Architects*	Landscape architect		
Idaho Board of Massage Therapy*	Massage therapist		
Idaho Board of Morticians*	Crematory	Funeral director	Funeral establishment

* indicates board or agency falls under the Bureau of Occupational Licenses' authority

Idaho Board of Morticians* (continued)	Funeral merchandise retailer	Mortician	
Idaho Board of Optometry*	Optometrist		
Idaho Board of Podiatry*	Podiatrist		
Idaho Board of Psychologist Examiners*	Psychologist	Senior psychologist	
Idaho Board of Registration for Professional Geologists*	Geologist		
Idaho Board of Social Work Examiners*	Bachelor social work	Clinical social worker	Master social worker
Idaho Certified Shorthand Reporters Board*	Shorthand reporter		
Idaho Contractor Board*	Contractor		
Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists*	Associate marriage & family therapist	Clinical professional counselor	Marriage & family therapist
	Professional counselor		
Idaho Liquefied Petroleum Gas Safety Board*	Liquefied petroleum gas dealer	Liquefied petroleum gas facility	
Idaho Real Estate Appraiser Board*	Appraisal management company	General appraiser	Residential appraiser
Idaho Speech, Hearing, and Communication Services Licensure Board*	Audiologist	Hearing aid dealer & fitter	Sign language interpreter
	Speech-language pathologist	Speech-language pathologist aide	Speech-language pathologist assistant
Idaho Uniform Athlete Agents*	Athlete agent		

* indicates board or agency falls under the Bureau of Occupational Licenses' authority

Physical Therapy Licensure Board*	Physical therapist	Physical therapy assistant	
State Athletic Commission*	Ringside physician	Combatant	Manager
	Matchmaker	Promoter	Ring official
	Second		
State Board of Midwifery*	Midwife		
State Driving Businesses Licensure Board*	Driving business	Driving instructor	
State Occupational Therapy Licensure Board*	Occupational therapist	Occupational therapy assistant	
Idaho Department of Finance	Escrow agency	Mortgage broker	Mortgage lender
	Mortgage loan originator	Collection agency	Continuing care
	Investment adviser	Investment adviser representative	Investment agent
	Investment broker-dealer	Money transmitter	Payday loan
Idaho Department of Fish and Game	Commercial fishing	Commercial wildlife farm	Taxidermist
	Trout buyer	Wholesale steelhead	
Idaho Department of Health and Welfare	Advanced emergency medical technician	Assisted living facility	Daycare
	Emergency medical responder	Emergency medical service agency	Emergency medical technician
	Family home	Home health agency	Intermediate care facility
	Paramedic	Residential habilitation agency	Skilled nursing facility

* indicates board or agency falls under the Bureau of Occupational Licenses' authority

Idaho Department of Insurance	Bail agent	Fire protection sprinkler contractor	Independent adjuster
	Insurance producer	Life settlement broker	Life settlement provider
	Managing general agent	Public adjuster	Reinsurance broker
	Reinsurance manager	Surplus lines broker	Independent review organization
	Insurance administrator	Limited lines insurance producer	Portable electronics insurer
	Title insurance agent		
Idaho Department of Labor	Farm labor contractor		
Idaho Department of Water Resources	Certified water rights examiner	Well driller	Well drill operator
Idaho Division of Building Safety	Manufactured home installer	Manufactured home manufacturer	Manufactured home resale broker
	Manufactured home responsible managing employee	Manufactured home retailer	Manufactured home salesperson
	Public works contractor	Electrical contractor	Electrical installer
	Electrical journeyman	HVAC contractor	HVAC journeyman
	Master electrician	Plumbing contractor	Plumbing journeyman
	Public works construction manager		
Idaho Hops Grower Commission	Hops dealer		
Idaho Mint Commission	Mint oil dealer		
Idaho Outfitters and Guides Licensing Board	Guide	Outfitter	Outfitter's designated agent

* indicates board or agency falls under the Bureau of Occupational Licenses' authority

Note: Category continues on next page

Idaho Real Estate Commission	Real estate broker	Real estate salesperson	
Idaho Secretary of State	Lobbyist	Notary public	
Idaho State Bar	Attorney		
Idaho State Board of Accountancy	Certified public accountant		
Idaho Board of Pharmacy	Drug outlet	Durable medical equipment outlet	Mail service pharmacy
	Pharmacist	Pharmacy technician	Veterinary drug outlet
	Wholesale drug distributor	Wholesale drug manufacturer	
Idaho State Department of Agriculture	Artificial inseminator	Commodity dealer	Seed buyer
	Warehouse	Weighmaster	Beekeeper
	Bulk milk hauler	Commercial feed manufacturer	Commercial fertilizer manufacturer
	Commercial fish farm	Dairy processing plant	Egg candler
	Egg distributor	Floral retailer	Livestock market
	Manufacturer of products resembling dairy	Milk tester/grader	Pesticide applicator
	Pesticide dealer		
	Idaho State Department of Education	Teacher	Public charter school administrator
Pupil services - school counselor		Pupil services - speech-language pathologist	Pupil services - occupational therapist
Pupils services - physical therapist		Pupil services - school psychologist	Pupil services - school nurse
Pupil services - school social worker			

Idaho State Lottery Commission	Gambling vendor		
Idaho State Police	Admissions	Adult detention officer	Announcer
	Apprentice jockey	Assistant starter	Authorized agent
	Beer brewer	Beer retailer	Beer wholesaler
	Blacksmith	Chart person	Clerk of scales
	Clocker	Concessionaire	Concession employee
	Correction officer	Emergency communications officer	Exercise person
	Felony probation and parole officer	Groom	Horse race EMT
	Horse race veterinarian	Horse race veterinarian assistant	Horsemen's bookkeeper
	Identifier	Jockey	Jockey agent
	Jocks room custodian	Juvenile corrections direct care staff	Juvenile probation officer
	Liquor manufacturer	Liquor retailer	Maintenance
	Misdemeanor probation officer	Mutuel employee	Office personnel
	Official	Owner	Owner/trainer
	Outrider	Paddock judge	Patrol officer
	Photographer	Pony person	Racing secretary
	Stable name	Stall superintendent	Starter
	Steward	Tote employee	Track security
	Track superintendent	Trainer	Valet

* indicates board or agency falls under the Bureau of Occupational Licenses' authority

Note: Category continues on next page

Idaho State Police (continued)	Video employee	Wine by the drink retailer	Wine distributor
	Wine importer	Wine retailer	Winery
	County detention officer	Livestock dealer	
Idaho Transportation Department	Commercial driver	Vehicle dealer	Vehicle manufacturer
	Vehicle salesperson	Aircraft dealer	
Office of the Attorney General	Telephone solicitor		

* indicates board or agency falls under the Bureau of Occupational Licenses' authority

UPDATES SINCE RELEASE

1. DENTAL OCCUPATIONS: While the Board of Dentistry does not list a specific proof of rehabilitation process in its rules, a board representative has confirmed that there is a process in place as part of the application. Applicants with certain convictions are referred to a full board review, where further details of their conviction(s) are explored. ([Click here to see the dental occupations section.](#))

Each of us is more than
the worst thing we've
ever done.

- Bryan Stevenson,
author of "Just Mercy"



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