



# IDAHO FREEDOM FOUNDATION

## HELP IDAHOANS HELP THEMSELVES: IMMEDIATE ACTIONS TO GET RESIDENTS WORKING AGAIN

POLICY BRIEF | APRIL 21

### SUMMARY:

Gov. Brad Little's statewide shutdown of businesses has had a significant negative impact on Idaho's workforce. The governor needs to do all he can to get Idahoans working again, as soon as possible.

He has made strides toward this goal over the past few weeks by reducing the licensing red tape on healthcare workers and healthcare facilities. But the governor has a wide range of further action he can take regarding occupational and business licensure. He needs to look far down the road as he contemplates his next steps in response to COVID-19, and take action that can lead to long-term fostering of the economy, instead of just a short-term response to one virus.

### SOLUTIONS:

**Waive fees for all licensed occupations for the next 12 months.** The economic effects of government mandates during the coronavirus pandemic will be longstanding. To assist workers in numerous occupations, both initial and renewal licensure, certification, and permit fees should be waived. Idahoans already hit hard financially due to the stay-at-home order should not be hindered from maintaining their occupational licenses. The state currently licenses nearly [290 occupations](#), so waiving state fees would provide financial relief to numerous Idahoans.

**Recommendation:** Find the fee requirements scattered throughout various administrative rules and statutes and suspend them.

**Suspend expiration and renewal deadlines for all occupational and business licenses.** Idahoans should not be burdened with the license renewal process during this pandemic. The governor has already temporarily suspended renewal requirements for licenses issued by the Idaho Board of Medicine, for developmental disability agencies, and for residential habilitation agencies. The governor should offer this same allowance to other occupations and businesses.

**Recommendation:** Find the renewal requirements scattered throughout various administrative rules and statutes and suspend them.

**Allow trained optometrists to perform therapeutic laser procedures.** This is similar to a component of [House Bill 317](#), introduced during Idaho's 2020 legislative session. Most optometrists receive therapeutic laser training, but are not able to use that training due to scope of practice restrictions. Currently, only ophthalmologists may legally perform therapeutic laser procedures. When this pandemic ends, ophthalmologists will be inundated by eye surgeries that were postponed due to the virus. Letting optometrists perform laser procedures would help meet the increased demand the state is poised towards.

**Recommendation:** Suspend [54-1501\(4\)](#), Idaho Code.

**Move up the effective date of Senate Bill 1351.** SB 1351 was passed into law during the 2020 legislative session. The law allows universal licensure for most licensed occupations in the state. Gov. Little should move up the effective date of this law from July 1, 2020, so that it takes effect immediately. He should also direct licensing boards to set up a system, like [Massachusetts](#), whereby universal licensure can be approved and issued in one day.

**Recommendation:** The governor signed this bill on March 17, 2020, but its effective date is not until July 1, 2020. The governor should take any action he can to move up the effective date.

**Direct local governments to suspend requirements associated with their occupational and business licenses.** Local governments license a range of occupations and businesses, from auctioneers to driving businesses to sidewalk cafes. Some local governments even provide a second layer of regulations to occupations and businesses that are already regulated at the state level, such as childcare workers and daycare facilities. To help businesses and employees survive the economic effects of government action in response to the pandemic, all levels of government need to offer relief to workers and business owners.

**Recommendation:** Local governments have different regulations regarding occupational and business licenses. The governor should express to local officials the value of using their emergency powers to suspend these regulations.

**Direct local governments to suspend home-based business restrictions.** Some local governments regulate home-based businesses. Suspending such restrictions would give Idahoans the possibility to generate revenue by running a business from the comfort of their own home, both during the pandemic and afterwards. All levels of government should liberalize home-based business laws to help the economy recover.

**Recommendation:** Since some local governments have restrictions on home-based businesses, while others do not, the governor should express the importance of suspending regulations to all local officials. Then local officials can determine if the advice is applicable to their locality.

**Allow professional counselors, and marriage and family therapists, to practice before taking their licensing examination.** The governor of [Connecticut](#) has issued an

executive order to let professional counselors and therapists begin working before they have taken their licensing exam. Idaho's stay-at-home order and resulting financial hardships are creating greater stress and strain on marriages, families, and individuals' mental health. Idahoans need access (even if just virtual) to people who can help them with these strains.

**Recommendation:** [Suspend](#) 54-3405, 54-3405(a), 54-3405(b), and 54-3405(c), Idaho Code. Also, suspend [IDAPA](#) 24.15.01.150, 24.15.01.225, 24.15.01.230, 24.15.01.238, and 24.15.01.240.

**Allow social workers to practice before taking their licensing examination.** Due to the economic downfall from government-imposed restrictions, individuals are seeking social services in greater numbers. Social workers are thus in great demand. Liberalizing this area of licensure would allow qualified social workers to enter the market as quickly as possible.

**Recommendation:** [Suspend](#) 54-3206, Idaho Code. Also, suspend [IDAPA](#) 24.14.01.350.

**Suspend select requirements to allow experienced hospital workers to administer medications.** Currently, only select individuals in hospitals can give patients their medications. For example, registered nursing assistants cannot administer medications, unless they become [certified medication assistants](#). If Idaho's hospitals reach their maximum capacity due to the COVID-19 pandemic, they will need more people to administer medications. It would be useful to suspend certified medication assistant requirements so hospital administrators can decide who is qualified to deliver medications. The governor can also suspend renewal and reinstatement requirements for individuals who are already certified medication assistants.

**Recommendation:** [Suspend](#) 54-1406(a), Idaho Code. Also, suspend [IDAPA](#) 23.01.01.492, 23.01.01.493, 23.01.01.494, 23.01.01.495, and 23.01.01.496.

**Suspend supervision hours required for occupations, or allow virtual supervision.** Several state-licensed occupations require applicants to have a certain amount of in-person supervision before they can be licensed to practice. Due to the stay-at-home order, Idahoans who seek to gain a license in their chosen field cannot have in-person supervision. Thus, the requirements should be suspended since they cannot be met due to unforeseen circumstances.

**Recommendation:** Find the supervision requirements scattered throughout various administrative rules and statutes and suspend them.

**Allow intern, trainee, and apprentice licenses to be extended.** Several licensed occupations require applicants to complete a trainee period of one, two, or three years. They have to complete this training, under a trainee license, before they can receive their full license. Because the governor's stay-at-home order is making it difficult for some trainees to physically be with those training them, it is nearly impossible for them to fully complete their training in the period given. Thus, there should be no penalty or charge if they need to extend their trainee licenses down the road. [Illinois](#) has taken similar action, specifically for embalmer intern licenses.

**Recommendation:** Find the trainee license requirements scattered throughout various administrative rules and statutes and suspend them.

**Suspend continuing education requirements for all non-healthcare occupations, and count hours worked during the COVID-19 pandemic as replacements for healthcare continuing education.** Healthcare workers are too busy responding to the coronavirus pandemic to commit time to continuing education. Other states, like [Iowa](#) and [Nebraska](#), recognize that experience gleaned via the pandemic is equal to or greater than the value of continuing education courses, and are either deferring continuing education requirements or allowing virus experience to act as a substitute.

Additionally, non-healthcare occupations are also affected by the pandemic. So continuing education requirements should be suspended for all non-healthcare licensed occupations for the next year.

**Recommendation:** Find the continuing education requirements scattered throughout various administrative rules and statutes and suspend them.

**Suspend requirements for emergency medical services.** Idaho needs emergency workers to handle the current pandemic. Idaho needs to streamline entry into this field by suspending some of the current requirements. Idaho should take inspiration from what other states are doing, such as [Florida](#), which now allows EMT students to take online certification courses, or [Louisiana](#), which has suspended staffing requirements for ambulances.

**Recommendation:** Suspend various portions of [IDAPA](#) 16.01.03, 16.01.05, and 16.01.07.

**Allow midwives to serve more expecting mothers.** [Pennsylvania](#) has reduced its regulatory burden on midwives, recognizing that many expecting mothers and fathers do not wish to give birth in hospitals, where their risk of contracting COVID-19 may be high. They would rather give birth at home. Idaho should take similar steps. However, Idaho currently restricts which types of expecting mothers midwives can serve. These restrictions should be temporarily suspended so that qualified midwives can give all expecting families the opportunity to be together for the birth of their children.

**Recommendation:** [Suspend](#) sections of 54-5505(e), Idaho Code. Also, suspend sections of [IDAPA](#) 24.26.01.356.

**Allow more court reporters (shorthand reporters) to enter the market.** Idaho courts will face a backlog of legal cases once the stay-at-home order is lifted. The courts will need access to shorthand reporters to meet this demand. And Idaho was already [facing a shortage](#) of shorthand reporters before the COVID-19 pandemic. The state should suspend unnecessary entry requirements for the profession to allow more Idahoans to enter the field.

**Recommendation:** [Suspend](#) sections of 54-3108 and 54-3109(3), Idaho Code. Also, suspend [IDAPA](#) 49.01.01.150.01, 49.01.01.200, and 49.01.01.400.02.

**Suspend select regulations on commercial drivers.** Idaho [needs commercial drivers](#) to get supplies delivered to grocery stores and medical providers to meet increased demand. To make the transportation of supplies easier, regulations need to be loosened. For instance, Idaho's current standard for what constitutes an oversized/overweight load is [80,000 pounds](#).

[New Mexico](#) recently increased their weight limit to 88,000 pounds.

**Recommendation:** [Suspend](#) sections of Title 49, Chapter 10 in Idaho Code.

**Ease existing restrictions on the curbside pickup of alcoholic beverages.** Because bars are closed under Idaho's statewide stay-at-home order, the only way for them to financially survive is to be able to sell alcohol to-go. However, several sections of Idaho law interfere with such a service. The governor of [Connecticut](#), through an executive order, has specifically permitted curbside pickup of alcohol. Idaho could easily do the same by suspending Idaho's open container law. The premise of the existing law is to prevent drunk driving, which can still be enforced through other statutes. The governor should also direct local governments to suspend their regulations that interfere with to-go alcohol.

**Recommendation:** [Suspend](#) 23-505, Idaho Code.

**Allow Idahoans to more easily earn an honest living in currently licensed, but low-risk occupations.** When Idahoans are allowed to return to work, their previous jobs may not be available. The state government should not be a hindrance to their ability to find work. There are low-risk occupations currently licensed by the state that do not need to be. Certain occupational licenses should be permanently eliminated.

To begin with, the state can eliminate the licensure of egg candlers. Many states have already [removed licensure requirements](#) for egg candlers via the legislative process in past years because candlers work under egg distributors, who are also licensed. The licensing of candlers is thus redundant.

The state could [also eliminate](#) beekeeper registrations and log scaler licenses. Without public harm, Idaho could eliminate regulations for: glamour photography, retail thermal styling equipment dealers, retail cosmetics dealers, funeral merchandise retailers, noncombatant officials (matchmakers, managers, seconds, ring officials), hops dealers, mint oil dealers, seed buyers, floral retailers, and [more](#).

**Recommendation:** [Suspend](#) 37-1522, 37-1523, [22-2510](#), 22-2512, [22-2809](#), [38-1201](#), 38-1211, 38-1212, 38-1213, 38-1214, 38-1216, 38-1217, 38-1218, 38-1219, 54-5812, [54-5813](#), [54-5814](#), [54-1132](#) sections of 54-5822(1a)(i and ii), [54-416](#), [22-3114](#), [22-3813](#), [22-5103](#), 22-5105, 22-5107, 22-5110(2), 22-5115, 22-5117, [22-2305](#), 22-2306, 22-2307, 22-2309, 22-2310, and 22-2312, Idaho Code. Also, suspend IDAPA [24.28.01.10.08](#), 24.28.01.250.01.e, 24.28.01.250.01.j, 24.28.01.852.08, 24.28.01.327, 24.28.01.328, 24.28.01.853.03, [03.01.01.100](#), 03.01.01.104.01 (b,c,f), 03.01.01.104.02 (b,c,e), 03.01.01.203.03, 03.01.01.307, 03.01.01.908.02, 03.01.01.908.05, 03.01.01.110, 03.01.01.111, [02.02.15.26](#), 02.02.15.37, and [02.06.03.100.04](#).

*Note:* Due to annual alterations of administrative rules, Idaho did not release their 2020 administrative rules bulletin until April 15 — after the writing of this policy brief. Thus, some rule references may have changed.