

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSES

STATE PLUMBING BOARD MEETING

MARCH 9, 2023





State of Idaho  
Division Of Occupational and Professional Licenses  
State Plumbing Board

**BRAD LITTLE**  
Governor  
**RUSSELL BARRON**  
Administrator

11341 W Chinden Blvd.  
P.O. Box 83720  
Boise, ID 83720-0063  
(208) 332-3433  
dopl.idaho.gov

**AGENDA**  
**03/09/2023**

**Location: Thunderbolt Room**

[MEETING LINK](#)

Meeting Number: 2456 827 4951  
Password: vkFCUpSC537

Join by Phone: 1-415-655-0001  
Access Code: 2456 827 4951

**9:00 AM Call to Order & Board Member Roll Call**

**9:05 AM Approval of 11/09/2022 Meeting Minutes [Action Item]**

**9:10 AM Division Business**

1. Board Training – Open Meeting Law
2. Board Training - Respectful Workplace
3. Confidentiality, Conflict of Interest, and Honoraria Policies
4. Financial Update
5. DOPL Strategic Plan
6. Plumbing Program Report

**10:30 AM Board Business**

1. Notice of Violation Activity Report
2. Journeyman First Exam Report
3. Public Comment

**11:00 AM Executive Session – Discipline**

1. Motion to enter Executive Session [Action Item – roll call vote]
2. Executive Session [I.C. § 74-206(1)(d)]
  - a. Discipline
3. Motion to Leave Executive Session [Action Item]
4. Motion(s) re: Discipline [Action Item]

**12:00 PM Approximate Adjournment**

**Next Meeting Date: 10/19/2023**

All times, other than the beginning are approximate and scheduled according to Mountain Time (MT). The order in which items appear on the agenda is subject to change without further notice. If auxiliary aids or services are needed for individuals with disabilities, please contact the Board office at 208-332-8990.

**STATE PLUMBING BOARD**

**APPROVAL OF MINUTES**

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State of Idaho  
Division of Occupational and Professional Licenses  
State Plumbing Board

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**Minutes of 11/09/2022**

<b>Board Members Present:</b>	Matt Gardner, Chair Bob King John Kierce	<b>Division Staff:</b>	Michael Hyde, Operations Manager John Nielsen, Executive Officer Lea Kear, Legal Counsel Bryan Mulleneaux, Investigator Molly Hamilton, Licensing Supervisor Linda Pratzner, Brd. Support Specialist Carlotta Zito, Brd. Support Specialist
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The meeting was called to order at 10:59 a.m. (MT) by Matt Gardner.

**APPROVAL OF MINUTES**

A motion was made and seconded to approve the 02/17/2022, 03/17/2022, 07/21/2022, and 08/25/2022 meeting minutes. Motion carried unanimously.

**BOARD BUSINESS**

**Set 2023 Meeting Dates:** The 2023 meeting dates are: 01/26, 04/27, 07/06, and 10/19.

**Approval of Zero-Based Regulation (ZBR) IDAPA 24.39.20 Rules Governing Plumbing Code – Pending to Proposed:** Motion was made and seconded to approve the rules governing plumbing code from proposed to pending status. Motion carried unanimously.

**Idaho Building Code Board Proposed Amendments to IDAPA 24.39.30 – 2018 IECC Amendments Related to Plumbing Systems:** The Idaho Building Code Board's proposed amendments were presented. The Board members agreed to support the following changes to the 2018 IECC code as it relates to plumbing provisions: 1) Extract Section C404 *Service Water Heating*, and 2) Delete the residential section that service water heaters.

**DIVISION BUSINESS**

**Notice of Violation Activity (NOV) Report:** The NOV report was presented.

**Journeyman First Exam Report:** The Journeyman First Exam report was presented.

**PUBLIC COMMENT**

Darcy Neidigh, DeBest Plumbing, inquired about the financial report for the Plumbing Board.

**ADJOURNMENT**

The meeting adjourned at 11:44 a.m. (MT)

**STATE PLUMBING BOARD**

**DIVISION BUSINESS**

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427 - DIV-OCCUPATIONAL & PROFESSIONAL LICENSES, State Fiscal Year 2023 - 2nd Quarter

Revenues, Expenditures, and Cash Balance Report

\* 3rd Quarter Revenues and Expenditures are as of January 10, 2023

FUND/FUND DETAIL: 0229 - 03 - Plumbing Board

		Jul - Sep	Oct - Dec	Jan - Mar	Total
BEGINNING BALANCE		3,572,459.63	4,045,946.86	4,183,267.44	3,572,459.63
REVENUES	MISCELLANEOUS REVENUE	1,194.74	27.39	-	1,222.13
	NON REVENUE CASH RECEIPT	-	(575.00)	-	(575.00)
	LICENSES PERMITS FEES	1,090,470.56	775,417.31	-	1,865,887.87
	FINES FORFEITS ESCHEAT	2,733.50	3,267.00	-	6,000.50
<b>TOTAL REVENUES</b>	<b>1,094,398.80</b>	<b>778,136.70</b>	<b>-</b>	<b>1,872,535.50</b>	
PAYROLL	PAYROLL	437,305.53	382,473.40	51,391.24	871,170.17
	EMPLOYEE BENEFITS	136,612.00	132,950.59	22,437.58	292,000.17
<b>TOTAL PAYROLL</b>		<b>573,917.53</b>	<b>515,423.99</b>	<b>73,828.82</b>	<b>1,163,170.34</b>
EXPENDITURES	ADMINISTRATIVE SERVICES	102.22	-	-	102.22
	AIRFARE/TRAVEL	-	15.00	-	15.00
	AUDITING	-	3,074.40	-	3,074.40
	COMPUTER EQUIPMENT	249.53	-	-	249.53
	COMPUTER HARDWARE/SOFTWARE	10,534.65	7,839.65	1,611.60	19,985.90
	COMPUTER SERVICES	6,649.79	-	-	6,649.79
	EQUIPMENT LEASE	1,093.22	1,023.21	-	2,116.43
	FUEL AND LUBRICANTS	40,518.46	43,652.62	-	84,171.08
	GENERAL SERVICES	3,282.51	6,167.49	-	9,450.00
	GOVERNMENT OVERHEAD	35,500.78	-	-	35,500.78
	INSURANCE	6,679.59	-	-	6,679.59
	MEALS/LODGING/PER DIEM	452.08	637.09	-	1,089.17
	NON EXPENSE CASH DISBURSEMENT	3,165.55	14,380.70	-	17,546.25
	ORGANIZATION DUES	-	28.94	-	28.94
	OTHER COMMUNICATION MEDIA	6.38	-	-	6.38
	OTHER MISC EXPENSES	(110,284.12)	2,128.92	-	(108,155.20)
	OTHER PROFESSIONAL SVS	410.87	91.84	-	502.71
	PHONE/POSTAGE	8,336.38	7,186.64	-	15,523.02
	PRINTING/PHOTOCOPYING	881.84	806.34	-	1,688.18
	PUBLICATIONS/SUBSCRIPTIONS	132.84	257.50	-	390.34
	RENTALS/EQUIPMENT LEASE	31,118.15	2.98	-	31,121.13
	REPAIR AND MAINTENANCE	5,969.44	33,400.12	2,294.63	41,664.19
	REPAIR AND MAINTENANCE SUPPLIES	211.98	-	-	211.98
SPECIFIC USE SUPPLIES	-	3,164.71	-	3,164.71	
SUPPLIES	1,192.99	1,586.33	-	2,779.32	
TRAINING	52.37	(568.53)	-	(516.16)	
UTILITIES	609.47	494.96	-	1,104.43	
VEHICLE REIMBURSEMENT	127.07	21.22	-	148.29	
<b>TOTAL EXPENDITURES</b>		<b>46,994.04</b>	<b>125,392.13</b>	<b>3,906.23</b>	<b>176,292.40</b>
<b>ENDING BALANCE</b>		<b>4,045,946.86</b>	<b>4,183,267.44</b>	<b>4,105,532.39</b>	<b>4,105,532.39</b>



## Idaho Division of Occupational & Professional Licenses

Brad Little – Governor

Russell Barron – Division Administrator



## Strategic Plan 2022-2026



## The Administrator's Message



The Division of Occupational and Professional Licenses was created with Governor Little's Executive Order 2020-10 on June 3, 2020 and was recognized and implemented by the Legislature on July 1, 2021 as a new umbrella organization to provide services to 48 Boards, Commissions, and a few Programs. It is a privilege to serve as the Administrator for this Division.

All Boards, Commissions, and Programs provide important services to Idaho professionals, which have an impact on industries. These services contribute to a healthy economy and keep patients, consumers, and the public safe. Bringing these entities into one organization results in services being provided more efficiently and effectively. We will continue to align rules and policies where possible, as well as streamline operations.

A reorganization of this magnitude takes a couple of years to complete, and this Strategic Plan helps guide us through the transition and beyond. We are creating a culture built on respect for the individuals performing this important work throughout Idaho and providing them exceptional customer service.

Sincerely,

RUSSELL S. BARRON, MBA CPM  
DIVISION ADMINISTRATOR





## Division History

In the 2020 Idaho Legislative Session, HB 318 was signed into law codifying the creation of a new Division of Occupational and Professional Licenses from the former Bureau of Occupational Licenses, and providing the Governor authority to reorganize programs and boards within the Department of Self-Governing Agencies as needed to create an orderly arrangement in the administration of government.

Pursuant to title 67-2601(2)(h), Idaho Code, the Division of Occupational and Professional Licenses exists within the Department of Self-Governing Agencies. On June 3, 2020, Governor Little issued Executive Order 2020-10 reorganizing 11 agencies into one. The 48 Boards and Commissions are organized into the following three sections:

1. Building, Construction, and Real Estate Bureau
2. Occupational Licenses Bureau; and
3. Health Professions Bureau

A fourth section contains administrative functions that are common across the other three sections that have been consolidated for efficiencies.

Executive Order 2020-10 tasked the Division Administrator to establish a plan to coordinate the move of boards assigned to DOPL to a central office location so that Idahoans may access a one-stop shop for state licenses. In addition, Executive Order 2020-10 tasked the Division Administrator to establish a plan to seek efficiencies from the combined organization including, but not limited to, the consolidation of information technology systems across boards where practicable.

In the 2021 Idaho Legislative Session, the restructuring of 11 agencies encompassing 48 Boards and Commissions into DOPL was enshrined into Idaho Code with the signature of three regulatory framework bills:

- SB 1024 – Vesting the division hiring authority in the Division Administrator
- SB 1026 – Changing the statute references of previous self-governing agencies to their new name, the Division of Occupational and Professional Licenses
- SB 1056 – Detailing the duties of the Division Administrator and transitioning all boards and commissions to the ‘Occupational Licenses Fund’

The Executive Order also included instructions regarding a new technology solution that will support functions of all boards from licensing to discipline and everything in between. This technology will create the opportunity to standardize and streamline processes and improve customer interaction as well as create efficiencies in managing the administrative work of the boards.



## **Strategic Plan 2022-2026 Overview**

### **Mission, Vision, Core Values**

- Mission – Consumer protection and public safety
- Vision – Right touch regulation
- Core Values – Quality customer service, Balanced and fair regulation, Integrity, and Respect

### **Strategic Goal 1 – Lead through transparency and exceptional customer service**

- Objective 1.1 – Evaluate administrative and fiscal data to determine Division operational efficiencies and cost savings measures
- Objective 1.2 – Optimize licensure technology to streamline application processes for simple and fast licensing for Idaho professionals
- Objective 1.3 – Strengthen online opportunity and accessibility for our customers to interact with us by developing a plan for redesigning DOPL’s external website

### **Strategic Goal 2 – Public protection through consistent enforcement**

- Objective 2.1 – Deliver timely resolution of complaints and investigations
- Objective 2.2 – Effective enforcement through accountability mechanisms
- Objective 2.3 – Uphold effective pathways for alternative dispute resolution
- Objective 2.4 – Organize legal services to provide consistent advice and timely enforcement

### **Strategic Goal 3 – Make recognizable and measurable reform through permissionless innovation**

- Objective 3.1 – Prevent the accumulation of costly, ineffective, and outdated regulations through applying zero-based regulation to all the Division rule chapters
- Objective 3.2 – Limit regulatory capture
- Objective 3.3 – Collaborate on statute reform with the Idaho Legislative Occupational and Professional Licensure Review Committee (OPLR) and Interim Occupational Licensing and Certification Laws Committee (OLCL)



## Mission

### Consumer protection and public safety.

- We are dedicated to protecting consumers and ensuring public safety through appropriate licensing processes and preserving the integrity of the marketplace by promoting a fair and competitive business environment in Idaho.

## Outcome-Based Vision

### Right touch regulation

- At DOPL, we believe in fostering an Idaho in which consumers and service providers partner, forging common successes. With a sharp focus on streamlining and modernizing processes and enhancing end-to-end customer experiences, we strive to advance an environment and regulatory framework where both businesses and consumers are treated fairly, and the economy thrives. Though the Division makeup of occupational licensing professions is diverse, our shared commitment is unwavering.

## Core Values

### Quality Customer Service

- We strive to ensure that our customers can clearly see our commitment to delivering accurate, helpful, and timely resources, and troubleshoot complex problems.

### Balanced & Fair Regulation

- We are committed to fairness, evidence-based regulation, and procedural justice. We pride ourselves on our consistent, accurate, and equal treatment of all customers, stakeholders, and employees.

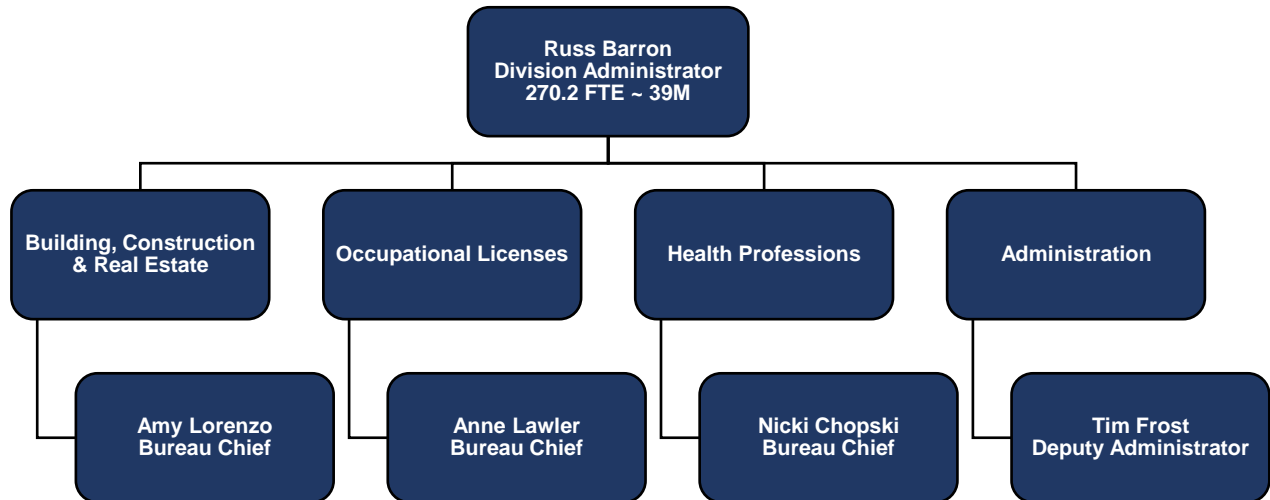
### Integrity

- We seek to demonstrate honesty, fairness, openness and clear boundaries in all our interactions, behaviors and practices within the organization and with our guests, stakeholders and the wider community.

### Respect

- We appreciate and acknowledge the role and contributions of others. We conduct ourselves in a way that shows regard and thoughtfulness to others.

## Organizational Structure



## Key External Factors

Shifting economic, political, social and professional climates that are beyond the Division's control may impact the accomplishment of long-range goals and objectives.

- State legislation that alters or significantly impacts the functions of the Boards and Commissions
- Federal law changes that create marketplace confusion or spur the need for corresponding state action
- Advancements in support staff education and training, creating new synergies for all occupational licensing professionals
- Consumer acceptance and demand of new services and business models
- Private accreditation, credentialing, and education services development, availability, and cost
- Industry, company, and facility policies, liability insurance, and other risk mitigation factors that play a role in regulation of an industry
- Civil and criminal law actions regarding regulated individuals and industries
- Professional ethics and self-restraint in practice and services provided
- Economic conditions within the state are dynamic and constantly evolving, and this can lead to unpredictability in the growth of licensees and registrants
- Technology evolution being faster than regulatory agencies can realistically keep up with regarding rulemaking
- Supply and demand of workforce, including workforce shortages
- Impact of COVID-19 and cost inflation on Division operations
- Interest, engagement, and external influences of stakeholders



## Goals, Objectives, and Performance Measures

### Goal 1: Lead through transparency and exceptional customer service

#### Key External Factors – The Success of Goal 1 Depends Upon

- Licensing system vendor's capabilities
- Website vendor's capabilities

#### Objective 1.1 – Evaluate administrative and fiscal data to determine Division operational efficiencies and cost savings measures

Executive Order 2020-10 tasked the Division administrator to establish a plan to seek efficiencies from the combined organization of all boards in areas where consistency and uniformity will create quality and expedient services for Idahoans.

#### Performance Measures

**1.1.1** By July 2023, create uniformity and consistency in supervision and processes between the central office and regional offices

**1.1.2** By July 2023, complete assessment of processes within all Bureau's with a focus to harmonize common tasks where applicable

**1.1.3** By December 2022, reassess the organizational chart to improve or combine programs and staff of similar or consistent functions into a single program

**1.1.4** By July 2023, produce an automated, cadenced, and itemized fiscal report pertinent to each board and commission

**Benchmarks** – Once construction on building 4 of the Boise Chinden Campus is complete, we will measure our progress for moving staff who support the Division boards and commissions to the new office space and all leases for other office spaces that were used by Division staff are terminated. We will track the annual financial savings of ending leases and moving to one centralized location. We will establish a uniform format for board meeting agendas, minutes, and board meeting packets to include standardized posting to the public. We will track our progress by establishing year-over-year tracking of targeted items that seek to align supervision and processes between the central office and regional offices. We will evaluate new process implementations through board and program financial reports to achieve the overall goal of board solvency.



## **Objective 1.2 – Optimize licensure technology to streamline application processes for simple and fast licensing for Idaho professionals**

As new professionals enter our state economy, getting qualified professionals licensed quickly and easily means Idaho is a better place for them to do business. DOPL is actively pursuing process changes to accelerate licensing, and we seek continual improvement of those processes to support economic development and a balanced regulatory framework. In addition, simplifying licensure endorsement allows military families to experience a smoother transition and higher earning potential when they move to our state.

### **Performance Measures**

- 1.2.1** By December 2022, standardize and implement a new plan review submittal and communication processes in the Building, Construction, and Real Estate Bureau
- 1.2.2** By December 2022, award an ITN for a new licensing system
- 1.2.3** By July 2023, align endorsement applications and licensing processes for veterans, active military and their spouses across all Division boards and commissions
- 1.2.4** By July 2023, create a standardization plan for all board applications and identify statutes and rules that would need changes to implement the standardization
- 1.2.5** By December 2023, outsource all qualifying examinations across all Boards to a standardized exam, national testing provider, or similar third-party administrator.
- 1.2.6** Beginning in FY 2022, annually complete a review of application processes within each board and commission for alignment and optimization including licensure requirements in neighboring states, as well as South Dakota and Alaska.
- 1.2.7** Beginning in FY 2023, establish a baseline timeframe and annually reduce the total application processing time by 10%
- 1.2.8** By December 2022, transition all permit applications and inspection requests online and establish walk-in customer kiosks at each office



**1.2.9** Beginning July 2022 and by July 2025, transition all licensees and registrants to a 2-year or more license period and use the licensee’s birthday month (or) the business’ application date to trigger renewal processing

**1.2.10** By FY 2025, implementation of paperless processes for all Division licensing and registration functions.

**1.2.11** By FY 2025, complete the full implementation of a new licensing system

**Benchmarks** – We will measure our Division’s progress by year-over-year tracking of targeted items that seek to align application and licensure processes, including standardizing all application forms and providing such forms online, standardizing all renewal processes and providing such processes online, and outsourcing all examinations. We will measure the year-over-year total application processing time. We will establish a baseline percentage of processes that are paperless, and track the year-over-year progress for the life of the strategic plan.

### **Objective 1.3 – Strengthen online opportunity and accessibility for our customers to interact with us by developing a plan for redesigning DOPL’s external website**

Our website is in many ways the front-end of our organization, and the most effective way for us to reach our rural and out-of-state customers. For these reasons, it’s critical that we ensure that the information DOPL provides to the public is easy to navigate. The architecture of DOPL’s full site has never been strategically built with the customer experience in mind, so in FY22 we seek to develop a plan to rebuild the site from the ground up, collecting input from users and working with professional resources to ensure that it’s as easy as possible for our customers to get what they need quickly.

#### **Performance Measures**

**1.3.1** By February 2022, the Administration Bureau will create an online website pathway for customers to provide feedback on the Division transition to the Division administrator, engage in zero-based regulation, and provide written public comment on rulemaking.

**1.3.2** By July 2023, the Division will create a branding strategy for the Division, including but not limited to logos, letterhead, communications, signage, and fleet management.



**1.3.3** By March 2023, the Administration Bureau will develop a Division or Bureau level professional fee analysis, threshold for fee changes, and guidance document to use as a baseline framework to build future equality in how the Division approaches professional licensing fees.

**1.3.4** By July 2023, the Division will transition all former 11 agency websites to one customer-centric website platform.

**Benchmarks** – We will measure our Division’s progress by establishing a baseline fee analysis and track year-over-year fee data to work towards balancing lower fees and an appropriate dedicated fund balance that keeps the Division whole.

## **Goal 2: Public protection through consistent enforcement**

### **Key External Factors – The Success of Goal 2 Depends Upon**

- Peer recovery network vendor capabilities
- Availability and cost of contracting legal services

### **Objective 2.1 – Deliver timely resolution of complaints and investigations**

Every board and commission within DOPL receives complaints from consumers, guiding our ability to identify and carry out enforcement against individuals or businesses that are out of compliance with Idaho laws and rules.. We pursue timeliness and consistency in our enforcement approach to complaint research and resolution for investigations.

### **Performance Measures**

**2.1.1** By December 2022, implement processes across investigative teams for all Bureaus to respond to complainants by end of next business day with the acknowledgement of receipt

**2.1.2** By December 2022, respond to respondents within 14 days of final decision on an investigation

**2.1.3** By July 2023, develop and implement a consistent Division investigative teams processes across all Bureaus for complaint tracking, intake, processing, response, investigation, closure, or administrative action

**2.1.4** By 2025, 90% of board and commission investigations resolved within 120 days





**Benchmarks** – We will measure our progress for all boards and commissions by measuring the number of days that each investigation takes to be resolved, measuring the time it takes for staff to send acknowledgment of receipt on each complaint, measuring the number of days for staff to respond to respondents after the final decision on a complaint. We will develop a baseline analysis of disciplinary processes across the Division to use as the framework to drive consistency and efficiency.

### **Objective 2.2 – Effective enforcement through accountability mechanisms**

As part of DOPL’s charge to protect consumers, many boards and commissions are responsible for ensuring that regulated entities are compliant with Idaho laws. We protect the public from predatory practices, protect at-risk communities, and hold perpetrators of fraud accountable.

#### **Performance Measures**

**2.2.1** Beginning in FY 2022, annually increase percentage of healthcare prescribers meeting the statute mandatory requirement of checking of the prescription drug monitoring program before prescribing controlled substances

**2.2.2** Beginning in FY 2022, annually perform inspections for 100% of trade installation code compliance, elevator, drug outlets, dentistry sedation, barbers and cosmetology, and crematory inspections.

**2.2.3** By December 2022, 100% of licensees will be notified within 5 business days of plan review results.

**2.2.4** By July 2023, the Building, Construction, and Real Estate inspector teams will implement a process to monitor expired permits and enforce compliance for final inspections or extension of permits.

**2.2.5** By December 2022, assess and create a plan to streamline wholesaler reporting to identify and address suspicious drug orders or other inappropriate activity related to controlled substances

**2.2.6** By January 2024, develop and implement a user-friendly ten-year maintenance plan in partnership with the Idaho superintendent of public instruction, including the utilization of the Division Industrial Safety program annual inspection findings



**2.2.7** By July 2023, assess and begin implementation of tiered inspector positions for cross-trained inspectors who conduct inspections across multiple disciplines for various boards or programs

**Benchmarks** – We will measure our Division progress by tracking the annual percentage of inspections completed, measuring the number of days that it takes staff to notify licensees of each plan review result, and measuring the percentage of development and implementation of a process for monitoring and enforcing the trades permit processes. We will work towards a 100% increase in prescriber utilization of the prescription drug monitoring program over the lifetime of the strategic plan, and revamp the processes related to obtaining and tracking of wholesaler reported data.

### **Objective 2.3 – Uphold effective pathways for alternative dispute resolution**

Alternative dispute resolution is usually less formal, less expensive, and less time-consuming than a trial, and includes mediation and conciliation. DOPL looks to utilize alternative dispute resolution where appropriate to decrease the time to resolve a case, reduce legal expenditures and achieve more expedient resolutions.

#### **Performance Measures**

**2.3.1** By December 2022, develop an analysis and guidance document for Boards and Commissions that outlines legal disciplinary processes, determines where existing processes are at variance with laws and rules, and proposes process improvements that will increase consistency and reduce cost in the use of legal services to support disciplinary enforcement processes.

**2.3.2** By December 2022, implement a professional recovery network program for the Board of Medicine, Board of Pharmacy, Board of Dentistry, and Board of Nursing.

**2.3.3** By December 2022, the Division will provide training to every Board and Commission regarding enforcement options, including confidential options for discipline, to provide optimal pathways for enforcement and dispute resolution.

**2.3.4** Beginning in FY 2023, 90% of Division cases will be acted on through informal pathways (e.g. corrective action plans)

**2.3.5** By January 2023, investigator teams for each Bureau will perform a substance use disorder data analysis for complaints, informal discipline, and final disciplinary action to determine what boards and commissions should be prioritized as a focus for professional recovery network programs.



**Benchmarks** – We will measure our Division progress tracking the percentage of discipline cases resolved through informal pathways, measuring the percentage of implementation of a new professional recovery program for four healthcare boards, and measuring the percentage of data analysis completed to determine which licensing boards have an immediate need for a professional recovery network program.

### **Objective 2.4 – Organize legal services to provide consistent advice and timely enforcement**

The DOPL boards and commissions receive support from attorneys. Currently, some receive support from inhouse counsel, Deputy Attorney Generals, outside contract counsel, or a combination of the three. Creating a consistent approach to how the DOPL boards and commissions utilize attorneys and creating oversight for these attorneys will result in consistent legal training and advice given to the boards and commissions, consistent enforcement of regulations within and across the various boards and commissions.

#### **Performance Measures**

**2.4.1** By March 2023, the Administration Bureau will create a process for retaining administrative hearing officers to create efficiencies in both the process and costs to Division boards and commissions. The process will include recruiting candidates through an RFP or other means approved by the Division of Purchasing and evaluating the use of the Administrative Hearing Office, which will begin conducting hearings in January 2023

**2.4.2** Annually, 100% of regularly scheduled board and commission meetings will include a relevant training or presentation by general counsel to board members. Annually in December, general counsel will develop and create a training/presentation plan that is specific to the needs of the Boards and Commissions for each Bureau

**2.4.3** By September 2022, the Administration Bureau will implement a process for retaining outside legal counsel for Division needs, which may include Board support, discipline prosecution, or administrative hearing officers. The process will provide consistent rates for services rendered and expense reimbursement, remove duplication of fees, and complicated billing practices by outside counsel, and require pre-payment review by Division fees and expenses billed



**2.4.4** By July 2023, will evaluate inhouse support staff, such as paralegals or a legal assistant, and implement changes to support efficient Division legal processes at reduced costs

**2.4.5** Beginning in FY 2022, the Administration Bureau will evaluate all Division contracts, contract needs, and develop contract templates to create consistency in contract terms and alignment of services provided to the Division

**2.4.6** Annually, the Administration Bureau will review and implement guidelines for general and prosecution counsel to increase efficiencies and consistency in legal services provided

**Benchmarks** – We will measure our progress for all boards and commissions by measuring the percentage of completing a legal services plan for the Division, measuring the percentage of completing a process for retaining outside counsel, measuring the percentage of completing an evaluation of legal support staffing needs, measuring the number of board and commission meetings annually that include legal training for board members, and measuring the number and types of Division contracts.

### **Goal 3: Make recognizable and measurable reform through permissionless innovation**

#### **Key External Factors – The Success of Goal 3 Depends Upon**

- Keep the focus on public safety
- Strategic planning meetings to align the Boards and Commissions around direction and framework before getting into the rulemaking or agency legislation details
- Empower Division staff to draft new rules or statute language and not to wordsmith in public meetings
- Start with a zero-based regulation model of rulemaking or agency legislation
- Place the burden of proof on those advocating to keep unnecessary regulations
- Not judging policy by personal interests
- Not treating every issue as brand new and learning from the experiences of other professions or jurisdictions



### **Objective 3.1 – Prevent the accumulation of costly, ineffective, and outdated regulations through applying zero-based regulation to all the Division rule chapters**

Though our primary responsibility is to protect the public, we also have a duty to treat the industries we regulate fairly and in a way that doesn't create unnecessary administrative burdens or "red-tape." Permissionless innovation refers to the notion that experimentation with new technologies and business models should generally be permitted by default. Unless a compelling case can be made that a new invention or business model will bring serious harm to individuals, innovation should be allowed to continue unabated and problems, if they develop at all, can be addressed later. We strive to set clear expectations and collaboration with regulated entities so that regulatory processes don't cause unnecessary delays or barriers in their ability to do business.

#### **Performance Measures**

**3.1.1** Annually, the Administration Section will conduct training in the Division regulatory philosophy of permissionless innovation and zero-based regulation rulemaking process to all Division employees who work with administrative rules

**3.1.2** By December of the year preceding a board or commission scheduled to undergo zero-based rulemaking, the Executive Officers will conduct board member training in the Division regulatory philosophy of permissionless innovation and zero-based regulation administrative rulemaking process

**3.1.3** By December of the year preceding a board or commission scheduled to undergo zero-based rulemaking, the Legal Counsel will complete the required prospective analyses for rule chapters scheduled for upcoming review

**3.1.4** By December 2025, achieve 30% reduction in total word count, total restrictive words, and total administrative rule chapters through zero-based rulemaking

**Benchmarks** – We will measure our progress for all boards and commissions in further reducing the regulatory burden by tracking the year-over-year overall number of words in administrative rule chapters, the number of rule chapters, and the number of restrictive words, such as "must," "shall," "required," "prohibited" and "may not." Year-over-year progress for each board and commission progress will account for a zero-based rulemaking philosophy for any non-scheduled rulemaking such as implementing new legislation or addressing an immediate consumer protection need.



### **Objective 3.2 – Limit regulatory capture**

Because regulatory boards and commissions are of necessity intimately involved in the affairs of a particular industry, the board members and their staff are exposed to strong interest group pressures. Regulatory capture can occur when special interests co-opt regulatory agencies or board members to further their own ends or prevent the inconvenience of competition. We seek to always distinguish between the protection of the profession versus the protection of the consumer in all Division legislation and rulemaking efforts. We recognize regulatory capture in occupational licensing can lead to increased consumer prices, limiting competition, or undermining innovation that could better serve the public.

#### **Performance Measures**

**3.2.1** By November 2022, the Administration Bureau will review Idaho Code and administrative rules for all boards and commissions and develop a Division wide report to be delivered to the Governor, making specific evidence-based recommendations to reduce regulatory capture among Idaho occupational licensing boards and commissions

**3.2.2** Through zero-based regulation, each board and commission will work towards an evidence-based approach to harmonizing professional scope of practice with the education, training, and practice experience of the professionals they regulate – transitioning to a standard of care model for scope of practice, supervision, and delegation

**3.2.3** Through zero-based regulation, each board and commission will work towards removing occupational licensing barriers to entry, endorsement, reciprocity, renewal, and reinstatement of the professionals they regulate

**3.2.4** Through zero-based regulation, each board and commission will work towards being technology agnostic in education, practice, and supervision

**Benchmarks** – We will measure our progress for all boards and commissions by year-over-year of tracking targeted items that seek to align board processes and prevent regulatory capture. For example, we will determine and track which professions regulate via standard of care versus bright line regulation. We will measure which professions regulate by board approved processes versus through a marketplace solution for the same process seen in another similar profession. We will track which boards place limitations on the use and function of technology for education, practice, and supervision.



### **Objective 3.3 – Collaborate on statute reform with the Idaho Legislative Occupational and Professional Licensure Review Committee (OPLR) and Interim Occupational Licensing and Certification Laws Committee (OLCL)**

Through SB 1351 (2020) and SB1084 (2021), the Idaho Legislature has created the Occupational and Professional Licensure Review Committee and the framework for both sunrise and sunset reviews for occupational licensing. The new framework for reform allows the Division to partner with the legislature to create a cadenced process that sets specific dates that a board, commission, or function of Division will terminate unless the legislature passes new legislation to continue. So, the “sun sets” on that part of the Division if it is not reauthorized. In fact, the term "sunset legislation" was originally coined in Colorado in the 1970s as a response to problems with regulatory boards, regulatory efficiencies, and government transparency. The sunset review process will generally question the need for regulation to protect the public. If regulation is determined to be needed, the sunset review will look for the least restrictive level of regulation consistent with the public interest and protection. We recognize the value of statute reform and a review process to determine whether restrictions that were once justified on consumer protection grounds, accomplished those goals, or are still needed today. As a regulator, we must be held accountable for our successes and failures, and implementation of a sunset and sunset review process will act as a beneficial feedback loop that produces better results and performance.

#### **Performance Measures**

**3.3.1** Beginning in FY 2023, annually participate in sunset review process for each Division board and commission practice act on a five-year rotating basis

**3.3.2** Beginning in FY 2023, annually partner with the Occupational and Professional Licensure Review Committee on any new sunrise application requesting that a new lawful profession or occupational group that is not licensed become licensed

**3.3.3** By March 2025, partner with the Occupational and Professional Licensure Review committee to establish and implement a sunset date on each Division board and commission practice act on a five-year rotating basis



**Benchmarks** – We will measure our progress for all boards and commissions in further reducing the regulatory burden by tracking the year-over-year overall number of words in Idaho Code, the number of statute sections, the number of advisory boards, and the number of restrictive words, such as “must,” “shall,” “required,” “prohibited”, and “may not.” Year-over-year progress for each board and commission progress will also account for a “zero-based” philosophy approach any non-scheduled sunset reviews such as agency legislation or partnering with stakeholders on non-agency legislation.

## **Zero-Based Regulation**

The 2019 Red Tape Reduction Act (Executive Order 2019-02) required state agencies to review their administrative rules to identify costly, ineffective, duplicative, or outdated regulations. In January 2020, Governor Little repealed Executive Order 2019-02 and issued Executive Order No. 2020-01, Zero-Based Regulation, requiring agencies to justify every regulation they promulgate. Moving forward, every rule chapter in effect will be reviewed by DOPL, according to a staggered, 5-year schedule. About 20% of rule chapters will be reviewed annually. The first group of boards and commissions will begin their Zero-Based Regulation review in fiscal year 2022.



**STATE PLUMBING BOARD**

**BOARD BUSINESS**

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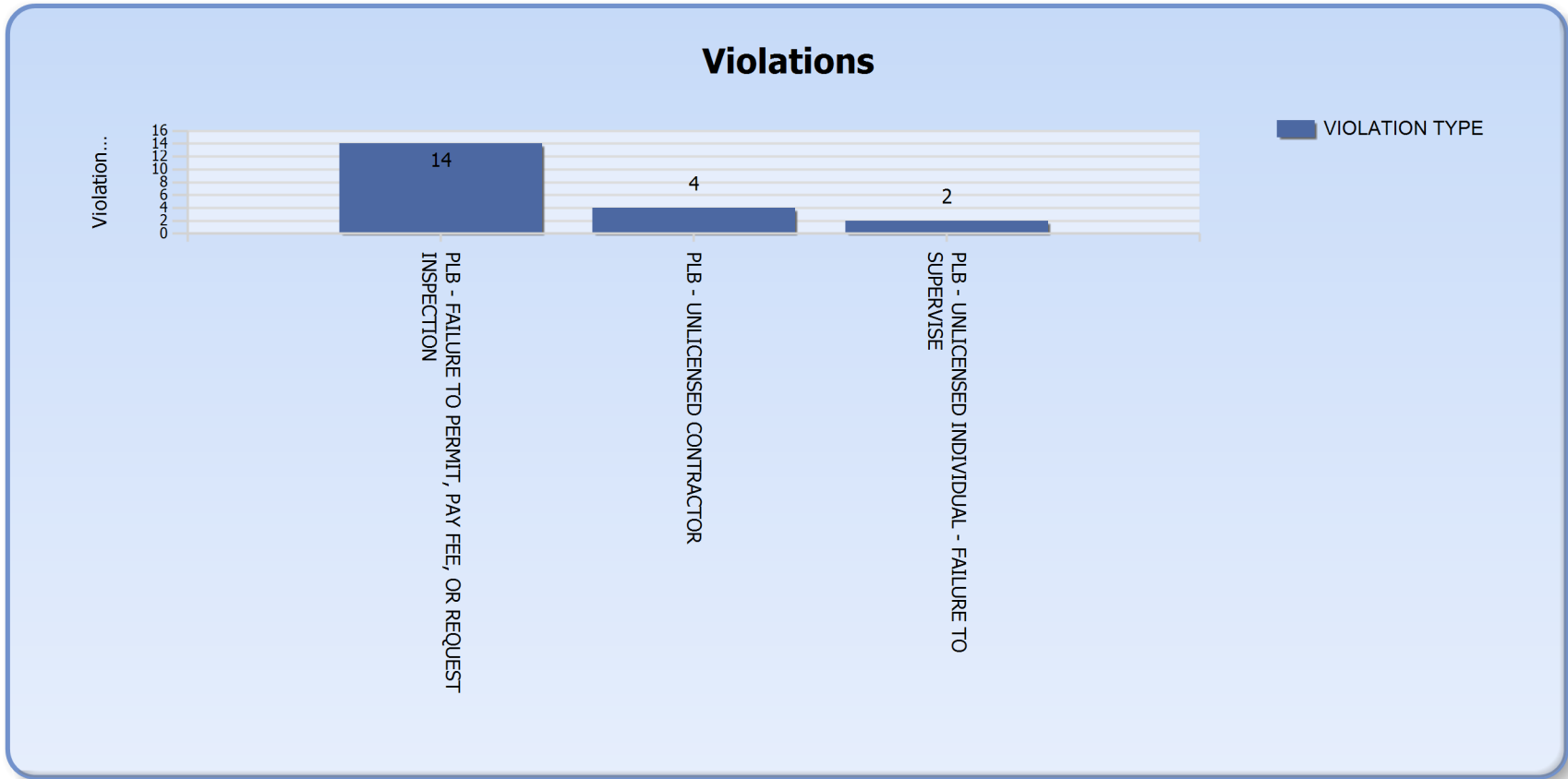




# PLB NOV Activity by Date

From 11/1/2022 to 2/24/2023

20 Cases      20 Violations



CASE NO	STARTED	CLOSED	Case Type	FEES CHARGED	FEES PAID	BALANCE DUE	STATUS	
<b>PLB2211-0001</b> WEISER	11/3/2022		NOV	\$500.00	\$0.00	\$500.00	ACTIVE	
VIOLATION: PLB - UNLICENSED CONTRACTOR								
<b>PLB2211-0002</b> STAR	11/3/2022		NOV	\$1000.00	\$0.00	\$1000.00	ACTIVE	
VIOLATION: PLB - UNLICENSED CONTRACTOR								
<b>PLB2211-0003</b> MIDDLETON	11/3/2022		NOV	\$200.00	\$0.00	\$200.00	APPEAL	
VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION								
<b>PLB2211-0004</b> ATHOL	11/3/2022	1/9/2023	NOV	\$100.00	\$100.00	\$0.00	PAID	
VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION								
<b>PLB2211-0005</b> ATHOL	11/3/2022	1/9/2023	NOV	\$100.00	\$100.00	\$0.00	PAID	
VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION								
<b>PLB2211-0006</b> ATHOL	11/3/2022	1/9/2023	NOV	\$100.00	\$100.00	\$0.00	PAID	
VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION								
<b>PLB2211-0007</b> SPIRIT LAKE	11/9/2022	1/26/2023	NOV	\$200.00	\$200.00	\$0.00	PAID	

VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION

<b>PLB2211-0008</b> HAYDEN	11/16/2022	12/22/2022	NOV	\$200.00	\$200.00	\$0.00	PAID	
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VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION

<b>PLB2212-0001</b> CALDWELL	12/2/2022	1/6/2023	NOV	\$200.00	\$200.00	\$0.00	PAID	
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VIOLATION: PLB - UNLICENSED INDIVIDUAL - FAILURE TO SUPERVISE

<b>PLB2212-0002</b> KETCHUM	12/29/2022	1/20/2023	NOV	\$200.00	\$200.00	\$0.00	PAID	
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VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION

<b>PLB2301-0001</b> PRIEST RIVER	1/5/2023	1/19/2023	NOV	\$200.00	\$200.00	\$0.00	PAID	
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VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION

<b>PLB2301-0002</b> HAYDEN	1/6/2023	2/14/2023	NOV	\$200.00	\$200.00	\$0.00	PAID	
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VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION

<b>PLB2301-0004</b> KETCHUM	1/9/2023		NOV	\$200.00	\$0.00	\$200.00	ACTIVE	
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VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION

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<b>PLB2301-0005</b> KETCHUM	1/9/2023	2/13/2023	NOV	\$0.00	\$0.00	\$0.00	CANCELLED	
VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION								
<b>PLB2301-0007</b> MERIDIAN	1/10/2023	2/3/2023	NOV	\$500.00	\$500.00	\$0.00	PAID	
VIOLATION: PLB - UNLICENSED CONTRACTOR								
<b>PLB2301-0008</b> MOUNTAIN HOME	1/25/2023		NOV	\$1000.00	\$0.00	\$1000.00	ACTIVE	
VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION								
<b>PLB2302-0001</b> MOUNTAIN HOME	2/2/2023	2/16/2023	NOV	\$200.00	\$200.00	\$0.00	PAID	
VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION								
<b>PLB2302-0002</b> REXBURG	2/9/2023	2/16/2023	NOV	\$200.00	\$200.00	\$0.00	PAID	
VIOLATION: PLB - UNLICENSED INDIVIDUAL - FAILURE TO SUPERVISE								
<b>PLB2302-0003</b> HAYDEN	2/10/2023		NOV	\$1000.00	\$0.00	\$1000.00	ACTIVE	
VIOLATION: PLB - FAILURE TO PERMIT, PAY FEE, OR REQUEST INSPECTION								
<b>PLB2302-0004</b> COEUR D ALENE	2/17/2023		NOV	\$500.00	\$0.00	\$500.00	ACTIVE	

VIOLATION: PLB - UNLICENSED CONTRACTOR

<b>Total Cases: 20</b>			<b>\$6800.00</b>	<b>\$2400.00</b>	<b>\$4400.00</b>		

**PLUMBING 2022**

<b>PLB 2022</b>		<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>TTL</b>	<b>%</b>
CSI	<b>T</b>	0	0	0	0	0	0	1	0	2	0	1	0	4	100%
	<b>P</b>	0	0	0	0	0	0	1	0	2	0	1	0	4	
CWI	<b>T</b>	3	2	4	2	12	10	5	1	8	2	3	2	54	89%
	<b>P</b>	3	1	2	1	11	10	5	1	7	2	3	2	48	
CEI	<b>T</b>	0	0	1	1	0	1	0	6	1	3	3	3	19	63%
	<b>P</b>	0	0	1	0	0	1	0	4	1	3	1	1	12	
E IDAHO JATC	<b>T</b>	0	0	1	0	0	0	0	0	0	0	0	0	1	0%
	<b>P</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	
ISU	<b>T</b>	0	0	0	1	0	0	0	0	4	0	0	0	5	40%
	<b>P</b>	0	0	0	0	0	0	0	0	2	0	0	0	2	
TVCC	<b>T</b>	0	0	0	1	5	0	0	0	0	0	0	0	6	83%
	<b>P</b>	0	0	0	1	4	0	0	0	0	0	0	0	5	
SW JATC	<b>T</b>	1	8	13	6	2	0	1	0	1	0	0	2	34	62%
	<b>P</b>	1	6	7	1	2	0	1	0	1	0	0	2	21	
LCSC	<b>T</b>	0	1	0	0	0	2	0	0	0	0	0	0	3	100%
	<b>P</b>	0	1	0	0	0	2	0	0	0	0	0	0	3	
NIC	<b>T</b>	1	0	0	3	1	1	2	2	2	2	1	1	16	69%
	<b>P</b>	1	0	0	2	0	1	2	1	1	1	1	1	11	
PREV HELD	<b>T</b>	2	0	1	2	0	0	2	2	1	2	0	2	14	50%
	<b>P</b>	0	0	0	1	0	0	1	1	1	1	0	2	7	
OOS HRS	<b>T</b>	6	5	2	3	5	1	4	4	2	5	2	6	45	76%
	<b>P</b>	4	5	2	2	5	0	1	3	2	4	2	4	34	
IN-STATE HRS	<b>T</b>	1	16	0	1	0	0	0	1	0	0	0	0	19	84%
	<b>P</b>	1	13	0	1	0	0	0	1	0	0	0	0	16	
OOS JATC	<b>T</b>	0	0	0	2	0	0	0	1	0	2	0	0	5	60%
	<b>P</b>	0	0	0	1	0	0	0	1	0	1	0	0	3	
<b>TOTAL</b>	<b>T</b>	<b>14</b>	<b>32</b>	<b>22</b>	<b>20</b>	<b>25</b>	<b>15</b>	<b>15</b>	<b>16</b>	<b>21</b>	<b>14</b>	<b>10</b>	<b>16</b>	<b>220</b>	74%
	<b>P</b>	<b>10</b>	<b>26</b>	<b>12</b>	<b>9</b>	<b>22</b>	<b>14</b>	<b>11</b>	<b>11</b>	<b>17</b>	<b>11</b>	<b>8</b>	<b>12</b>	<b>163</b>	
<b>%</b>		71%	81%	55%	45%	88%	93%	73%	69%	81%	79%	80%	75%	74%	

