



State of Idaho  
Division of Occupational and Professional Licenses  
Health Professions Bureau

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

11341 W Chinden Blvd.  
P.O. Box 83720  
Boise, ID 83720-0063  
(208) 334-3233  
dopl.idaho.gov

**Negotiated Rulemaking Minutes of 05/17/2023**

**Division** Katie Stuart, Executive Officer  
**Staff:** Stephanie Lotridge, Executive Officer  
Madyson Crea, Board Support Specialist  
Russell Spencer, General Counsel

The meeting was called to order at 2:00 PM by Ms. Stuart.

Ms. Stuart stated that board staff would accept comments on specific rule chapters in the order they were listed on the notice as follows:

Idaho Board of Dentistry – 24.31.01  
Idaho Board of Dentistry – 24.16.01  
State Occupational Therapy Licensure Board – 24.06.01  
Physical Therapy Licensure Board – 24.13.01  
Idaho Board of Podiatry – 24.11.01  
Board of Veterinary Medicine – 24.38.01

**IDAHO BOARD OF DENTISTRY – 24.31.01**

Ms. Lotridge stated she has yet to receive any written comment for Dentistry and opened comment up to the public in attendance.

Dr. J. Wagers offered the following comments:

**Rule 024.03.** Limitation of Practice: Requested that the Board look at changing the gender masculine himself, and him to gender-neutral pronouns; With 50% of the graduating dental school classes being female, the language is antiquated.

**Rule 034. 04.** Prohibited practice for dental hygienists. Dr. Wagers asked clarifying questions. Dental hygienists are prohibited from administering general anesthesia and moderate sedation. Are hygienists allowed to administer minimal sedation? Minimal sedation is described for persons licensed to practice dentistry. Does that include dental hygienists that have a restorative endorsement, as technically, they are practicing dentistry and not hygiene when doing restorations?

**Rule 34.02** Operative Preparations: Dr. Wagers requested clarification.

**Rule 48.02:** Dr. Wagers noted that the first line ends with “and record”; likely a typo.

Dr. Wager encouraged the Board of Dentistry to re-examine the educational requirements for a dental therapist. While other dentists may disapprove of restorative hygiene, she feels it is a smarter and safer option than dental therapy. Another option would specify a requirement of direct supervision within the collaboration agreement for all treatment rendered.

Dr. Wagers thanked the Board and Ms. Lotridge for all the time and thought put into the rule chapter. Ms. Lotridge requested an email with all her comments and questions to clarify and ensure she captured everything Dr. Wagers remarked.

Monica S. from True North Training and Compliance asked about removing sterilization. Ms. Lotridge clarified that the Board is deferring to CDC guidelines which are incorporated by reference.

Ms. Lotridge asked for any other comments for the Dentistry rule chapter. Hearing none, Ms. Stuart moved on to the Board of Dentistry.

#### **IDAHO BOARD OF DENTISTRY – 24.16.01**

Ms. Stuart asked for public comment on the Board of Dentistry. Hearing none, she read the following comment into the record:

##### **Written Comment 5/17/23**

I just wanted to reach out in regards to the upcoming changes to the Rules of the State Board of Dentistry. I would propose that in regards to rule 50 the board would look at allowing online and/or virtual continuing education options for licensed denturists. This would provide denturists an option to obtain the necessary CE credits if for some reason they are not able to attend the annual association meetings.

Thank You, Amanda R.

Ms. Stuart asked for any other comments for the Dentistry rule chapter. Hearing none, she moved on to the Board of Occupational Therapy.

#### **STATE OCCUPATIONAL THERAPY LICENSURE BOARD – 24.06.01**

Ms. Stuart requested public comment on the Occupational Therapy Rule chapter. Hearing none, she read the following comment into the record:

##### **Written Comment 5/17/23**

I would like to propose that the occupational therapy profession be added to the allowed practice of dry needling in the state of Idaho.

Thank you, Jana M.

Ms. Stuart once again asked for comments on the Occupational Therapy Rule chapter. Hearing none, she moved on to the Physical Therapy Licensure Board.

#### **PHYSICAL THERAPY LICENSURE BOARD – 24.13.01**

Ms. Stuart invited public comment on the Physical Therapy Licensure Board. The following comments were received.

John Gardunia thanked board staff for holding a public hearing and facilitating a collaborative effort. Mr. Gardunia asked about the comments on the draft rule chapter that states “duplicative of statute.” He wanted to clarify the goal of zero-based regulation and asked if it was to remove redundancies.

Ms. Stuart stated that ZBR is designed to eliminate duplicative or outdated requirements, remove unnecessary barriers, and increase the ease of readability of the administrative rules. The Governor's executive orders asks regulatory agencies to thoroughly review the rules and ask if the benefits intended by the rules are being achieved. In part, the goal of ZBR is to remove redundancies between rule and statute.

**Rule 16.03:** Mr. Gardunia stated he is concerned about on-the-premise supervision for technicians. He would like the Board to consider direct line of sight supervision instead. Additionally, he offered concerns about technicians and aids being used inappropriately and the ethics of a PT billing for services rendered by a technician or an aid.

Ms. Stuart clarified that the supervision definitions were struck, but the language was included in the specific supervision rules that they applied to. Ms. Stuart asked if Mr. Gardunia would like to see similar requirements for support personnel supervision as for student supervision. As for billing, that is regulated by Health and Welfare and outside payers. The licensure Boards do not regulate third-party payers.

Mr. Gardunia noted that the majority of the continuing education rule was struck and asked if the guidance document was available on the website.

Ms. Stuart stated that the Board is still working on the document, and it is not available to the public right now, but it will include guidance that was struck from the rule. The key takeaway from this rule change is that the requirement has shifted to activities germane to the profession of physical therapy rather than Board approved activities.

In addition, Mr. Gardunia expressed concern about removing the jurisprudence exam.

Ms. Stuart stated that a bill passed in the 2023 legislative session prohibits licensing Boards from establishing a jurisprudence exam. However, the physical therapy compact requires a jurisprudence exam and the Board will address this issue when compact language is considered. Ms. Stuart noted that she would bring Mr. Gardunia's concerns to the Board at their next meeting.

Angie L. offered concern with regard to striking the dry needling certification.

Ms. Stuart addressed her unease and noted that the Board will still have authority over dry needling without requiring a certification. If a professional is practicing outside his or her scope of education, training, and experience by practicing dry needling without the proper training, the Board will still have grounds to pursue discipline.

Ms. Stuart asked for public comment once again. Hearing none, she read the following written comments into the record:

**Written Comment 5/16/2023**

I read the proposed changes to Physical Therapy and was confused regarding Dry Needling. Since all of verbiage regarding Dry Needling was struck out, does that mean that it is no longer allowed or that there will be no governance over it, no certification, etc. If the latter is the case, I would like to protest that. Dry Needling needs to be

something that is certified and training maintained specifically for it. Better yet, have it not allowed at all. Regards, Rebecca Hawkins, PT, licensed in ID

**Written Comment 5/16/2023**

In looking at the drafts, it looks like all the information about dry needling is being removed. Will that be in a separate document somewhere? Thank you, Mindy

**Written Comment 5/17/23**

After reviewing the proposed changes to our physical therapy professional rules I have significant concerns about removing any training requirements to perform dry needling. There are serious adverse events possible if dry needling is performed without proper training including pneumothorax and damage to spinal cord structures. While as physical therapists we are trained in anatomy, I do not believe we are prepared to perform dry needling without additional hands on and didactic education which certified courses provide.

If individuals who were not trained begin performing dry needling in Idaho it would put us at risk as a profession for increased adverse events and bad public image for either ineffective treatments or downright dangerous treatments.

I would recommend keeping a certified dry needling course as a requirement to perform dry needling in Idaho to protect patients and our professional image. Continuing education requirements specific to dry needling and a separate DN license after someone has been trained does not seem necessary, but the initial dry needling certification is hugely important for best practice.

Sincerely, Amelie G., DPT

**Written Comment 5/16/2023**

This is my suggested rule for PTA practice as a PTA may currently not receive a verbal order however that is exactly what they do when they call physician offices to verify non weight bearing status or are instructed by Dr of Physical Therapy supervising treatment. As a licensed clinician a physical therapist assistant may receive a verbal order from a physician or authorized prescribing physician as addendum to a patient plan of care. The supervising PT must be notified of changes in patient status which occurs continuously as patient progress in weight bearing status or with progress and are often notified of changes however unlike the LPN nursing counterparts may not take any verbal orders this change would better reflect the education responsibilities and practice of a Physical therapist assistant. Gregory B.

Ms. Stuart opened it up to the public for any other comments on the physical therapy rule chapter. Hearing none, she moved on to the Board of Podiatry

**IDAHO BOARD OF PODIATRY – 24.11.01**

Ms. Stuart requested public comment on the Idaho Board of Podiatry rule chapter. Hearing none and having no written comment, Ms. Lotridge moved on to the Board of Vet Med.

**BOARD OF VETERINARY MEDICINE – 24.38.01**

Ms. Lotridge asked for comment from members of the public present. Hearing none, she read the following public comment from Eric B. (IVMA) into the record:

### **Written Comment 5/16/2023**

- Rule 103.03 - Some veterinarians are not going to like the change to the tooth extraction change even though it specifies “under direct supervision”. A suggest would be that the veterinarian needs to examine the tooth to be extracted prior to the CVT performing the procedure.
- Rule 104 - This rule seems very focused on discipline of CVTs since most of the disciplinary measures focus on ability to renew their license.
- Rule 154 - Record keeping - There is some concerns regarding so much of the rule being move to policy.
  - We understand that this movement allows for easier change when the board sees a need for addition, but there is questions regarding the frequency of these changes, how those changes will be publicized, how much notice is going to be given, how much input would be available between proposed policy change and acceptance.
  - If something like this is moved to policy, we suggest that it have a very prominent place on the DOPL website.
- Rule 204 - See comments above on Rule 154
- Rule 205.02 - see comments above on Rule 154, and include the following: How would changes in policy be communicated to training facilities/partners, and added into written/practical examinations.

As a general overall comment: With the shortage of veterinarians nationally, there is a push to make better use of certified/licensed/registered veterinary technicians. One of the prongs of that push is to encourage people to get their license, but if tooth extraction is the only medical procedure that requires a license (outside of the CET rules), there is very little reason for someone to go to the expense for schooling and licensing. Rule 104 is also not an encouragement to become licensed if the IBOVM has no jurisdiction into uncertified veterinary technicians (other than the issue falling on the supervising veterinarian). Thank you, Eric B

Ms. Lotridge asked for further comment on the veterinary medicine rule chapter. Hearing none, public comment was again invited on the following boards:

Idaho Board of Dentistry – 24.31.01  
Idaho Board of Dentistry – 24.16.01  
State Occupational Therapy Licensure Board – 24.06.01  
Physical Therapy Licensure Board – 24.13.01  
Idaho Board of Podiatry – 24.11.01  
Board of Veterinary Medicine – 24.38.01

Ms. Lotridge reminded the public members in attendance that the ZBR notice lists an email address to which they can submit written comments. She stated the email is:  
[support.hp@dopl.idaho.gov](mailto:support.hp@dopl.idaho.gov)

No further comments were given.

### **Adjourn**

There being no further business, the meeting was adjourned at 2:40 PM.

The next negotiated rulemaking meeting is on 06/07/2023.