

Idaho Certified Shorthand Reporters Board

Board/Commission Members:

- Byrl Cinnamon, Hayden - Chair
- The Honorable Darren B. Simpson, District Judge, Blackfoot
- Michael F. Peacock, J.D., Kellogg
- Susan G. Gambée, Boise
- Susan P. Israel, Ketchum

Board/Commission Composition: Two (2) Certified Shorthand Reporters, one (1) Idaho district judge nominated by the Idaho Supreme Court, one (1) member of the Idaho State Bar and nominated by the Idaho State Bar Association, one (1) public member; each have a three (3) year term. [Idaho Code § 54-3105](#).

Operating costs per licensee: \$96.49. This number represents the dollar amount required annually to serve each applicant or licensee based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal and investigative services.

Total number of licensees in Idaho on May 19, 2018: **151**.

For the Idaho Certified Shorthand Reporters Board, the **shortest time** from complete application to issuing a license was the **same day**. The **longest time** from complete application to issuing a license was **2 days**. Of all licenses, **87.5 percent** were issued the **same day**. The **average time** from complete application to issuing a license was **0.3 days**. The Board issued **8 licenses** between May 19, 2017 and May 19, 2018.

Note: All Board meetings are subject to Idaho's Open Meeting Law. The law requires a minimum of five (5) calendar days' notice for regular meetings, and a forty-eight (48) hour notice for the agenda. Special meetings require twenty-four (24) hour meeting and agenda notice. [Idaho Code § 74-204](#).

Idaho Certified Shorthand Reporters Board

A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

| | | Statute Title 54, Chapter 31 | Rule IDAPA 49.01.01 | *Policy | Application | Basis to Deny Issuance or Renewal | Fees |
|--------------------|------------------------------|---|--|----------------|---|--|--|
| Shorthand Reporter | Issuance for Initial License | I.C. § 54-3108 | IDAPA 49.01.01.200 | * | Application Exam Application | I.C. §§ 54-3108(1) and (2) I.C. § 54-3112 | \$50 Application Fee \$50 Examination Fee |
| | Renewal Requirements | I.C. § 54-3108 | IDAPA 49.01.01.150 | * | | I.C. § 54-3112 I.C. § 67-2614 | \$75 Renewal Fee |
| Temporary Permit | Issuance for Initial License | I.C. § 54-3109 | IDAPA 49.01.01.400 | * | Application | I.C. § 54-3109 I.C. § 54-3112 | \$50 Application Fee |
| | Renewal Requirements | I.C. § 54-3109 | N/A | * | | I.C. § 54-3109 I.C. § 54-3112 | \$75 Renewal Fee |

**All of the Board's requirements for licensure and renewal are in statute or rule. The Board does not have any requirements in policy.*

Idaho Certified Shorthand Reporters Board

B. Applications and Renewals Denied from May 19, 2017-May 19, 2018

Refusal to Issue Initial License [Total Number: 0]

| | Statutory Basis | Summary of Factual Basis |
|--|------------------------|---------------------------------|
| | None | |

Refusal to Renew License [Total Number: 0]

| | Statutory Basis | Summary of Factual Basis |
|--|------------------------|---------------------------------|
| | None | |

C. Disciplinary Actions in the Last Five (5) Years

The Idaho Certified Shorthand Reporters Board received **2 complaints** from Fiscal Year 2013 through May 19, 2018. **Both complaints were closed** by the Board with no disciplinary action.

| Case No. | Date of Final Action | Action Taken | Statutory Basis | Summary of Factual Basis |
|-----------------|-----------------------------|---------------------|------------------------|---------------------------------|
| None | | | | |

Idaho Certified Shorthand Reporters Board

D. Changes or Attempted Changes in the Last (5) Years to Eliminate Barriers to Entry

Law and Rule

| Session | Legislation or Rule | Summary |
|----------------|---|---|
| 2015 | Docket No. 49-0101-1401 | <p>The Board proposed and the Legislature approved the docket. These rules clarify the nature and scope of the exam, segments of the exam and temporary permit. These changes establish clear standards for the exam, its content and the qualifications for a temporary permit.</p> <p>Impact:</p> <ul style="list-style-type: none"> • Provides clarity for applicants with regard to the exam. • Allows the Board to accept equivalent qualifications to the Certified Shorthand Reporter certificate in order to issue a temporary permit. |
| 2015 | House Bill 30 | <p>This Board proposed and the Legislature approved this bill, which accomplishes the following:</p> <ul style="list-style-type: none"> • In I.C. § 54-3105, updates the name of the state association based upon its name change. • In I.C. § 54-3109, clarifies the issuance of a temporary permit and its duration. Idaho is one of only a few states that allow an out-of-state shorthand reporter to work with a temporary permit. Some of the others include NJ, MI, and TN. • In I.C. § 54-3110, reduces a license reinstatement fee. • In I.C. § 54-3111, clarifies the examination section by eliminating the exam notice requirement and application deadline. The Board believes that the notice and deadline requirements could limit its ability to provide someone with an exam in an expedited manner. <p>Impact: This bill makes it easier for people to get to work because the changes make it more convenient for people to take the examination. They can register right up until the time the examination is given.</p> |
| 2016 | Docket No. 49-0101-1501 | <p>The Board proposed and the Legislature approved the docket. The rule aligns the Board’s reinstatement fee with Idaho Code § 67-2614, raising the fee from \$30 to \$35 and eliminating the payment of the licensure fees applied to each year a license had been expired.</p> |

Idaho Certified Shorthand Reporters Board

Policy

| Date | Policy | Summary |
|------|---------------|---|
| 2013 | Updated exams | <p>In 2012, the Board began researching new exams since the exams had not been updated in at least 10 years. The Board was concerned that the older exams were a barrier to applicants. In 2013, the Board purchased new examinations and continues to work with the exam provider to ensure it has updated exams.</p> <p>Impact: The new tests are based on syllabic density which is now the national standard. Using syllabic density ensures the tests are uniform and standard throughout the nation.</p> |

Additional Barriers Eliminated/Opportunities Provided

| Date | Barrier/Opportunity | Summary |
|------|---|---|
| 2017 | Implemented Idaho Code for military service and added it to the Board's website | <p>I.C. § 67-2620 For military service members and veterans, the Board added to its website a link to a law that says the Board may accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications.</p> <p>I.C. § 67-2602A Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked.</p> |

Idaho Certified Shorthand Reporters Board

Additional Barriers Eliminated/Opportunities Provided (continued)

| Date | Barrier/Opportunity | Summary |
|------|--------------------------------|--|
| 2015 | I.C. § 67-2614 | <p>This change allows boards to use the law to set its reinstatement fee, or to set a reinstatement fee by rule. It eliminated the requirement that, in addition to the reinstatement fee, the licensee had to include payment of the license fees for all of the years the license had been expired. In addition, anyone whose license had been expired for more than five (5) years had to apply as a new applicant.</p> <p>Impact: This law change reduced barriers to reentry in two ways. For those whose licenses have been expired for less than five (5) years, it eliminated the requirement to pay licensure fees for each year the license was expired. For those whose licenses have been expired for more than five (5) years, it allows the Board to consider education, supervised practice, examination or practice in another jurisdiction in determining the person's competency when reviewing applications.</p> |

Idaho Certified Shorthand Reporters Board

E. Assessment of Public Interest

The Idaho Legislature declared in Idaho Code [§ 54-3101](#) that in order to safeguard life, health and property, and to promote the public welfare, the practice of shorthand reporting is subject to regulation and in the public interest.

"Shorthand reporting" means the making of written symbols or abbreviations in shorthand or machine shorthand writing of a verbatim record of any oral court proceedings, depositions, or proceedings before any grand jury, referee, or court commissioner, contemporaneous with the event. The lives and livelihoods of Idahoans have the potential to be gravely impacted if court documents are not accurate.

The legal process relies on skilled court reporters that provide transcripts related to criminal trials, arraignments, plea hearings, evidentiary suppression hearings, and sentence hearings in the court system. Appeals are based solely on the words in the transcripts. A person's property, liberty and life can be taken based on what is in those transcripts. Real-time reporting and closed-captioning are also invaluable to the hearing impaired in the legal setting and in their daily lives.

As the Board worked on this report, it reached out to judges about the need for court reporting. One stated, "An extremely capable court reporter is essential for a judge as they review the record in the decision-making process. There is no other method that can produce the accuracy a court reporter can."

Idaho Certified Shorthand Reporters Board

F. Recommendations for Improvement, Modification, or Elimination of Requirements

1. The Board received comments through the Executive Order public comment process, and public comment in Board meetings, regarding endorsement. The Board is reviewing the exam requirements and a pathway that eliminates the time frame in which the exam must be taken, including an option for a provision for those continuously and actively employed and satisfactorily performing. Additionally, the Board would like to add the Certified Real-time Captioner (CRC) exam to the list of Board-approved exams.
2. The Board is reviewing the examination requirements and a pathway that eliminates the time frame in which a former certification has been obtained and includes a provision for reciprocity based upon a showing of being continuously employed and satisfactorily performing
3. Research the possibility and economic feasibility of online testing, and review the opportunity to provide testing around the state if online is not an option.
4. Research the issue of remote reporting (telework).
5. Update [IDAPA 49.01.01.101](#) to delete the secretary language.
6. Review I.C. [§ 54-3112](#) to see if rules may be helpful to applicants and the Board in assessing past criminal convictions of applicants for certification.
7. The Idaho Court Reporters Association is supportive of adding continuing education as a renewal requirement. The Board is researching the issue and discussing it with the Association with regard to public protection and enhancing portability among states.

Idaho Certified Shorthand Reporters Board

Summary of Objectives

The Licensing Freedom Act asked that all of Idaho's professional licensing entities critically look at their processes, laws and rules. The goal is to document the elimination of barriers and make recommendations for future changes that improve, modify or eliminate laws and rules governing professional licensure. In response, the Idaho Certified Shorthand Reporters Board respectfully submits the above report and summarizes with a checklist to ensure all of the objectives were met:

- ✓ Objectives of Executive Order
 - ✓ Protect the public. (*I.C. [§ 54-3101](#)*)
 - ✓ Portability of licensure. (*I.C. [§ 54-3109](#) allows licensed individuals to come to work immediately under a temporary permit, see Section F*)
 - ✓ Eliminate barriers to entry to work. (*I.C. [§ 54-3109](#) and [IDAPA 49.01.01.400](#) temporary permit; I.C. [§ 54-3104](#), temporary appointment as a district court reporter, see Section F*)
 - ✓ Do away with unnecessary regulation. (*[House Bill 30](#), see Section D; see Section F*)
 - ✓ Modernize licensure and regulatory requirements. (*See Section F*)
- ✓ Comprehensive Review - consider some of the issues raised in the background material, such as,
 - ✓ Telework – Idaho recently passed laws related to telehealth but other occupations may be facing similar issues regarding telework. (*The Board recommends review, see Section F*)
 - ✓ Distance/Online Learning/Testing – distance/online education and testing are increasingly available and may influence the resources that applicants or licensees can access to obtain education, continuing education or to test. (*The Board recommends review, see Section F*)
 - ✓ Criminal History – What barriers or additional obstacles do applicants/licensees face who have a criminal conviction? Do our laws consider the relevance or proximity in time of a conviction to the individuals applying for licensure or for those currently in practice? (*I.C. [§ 54-3112](#) the Board may consider, see Section F*)
 - ✓ Early Examination – What can be addressed in the timing of processes to eliminate unnecessary delays? (*[House Bill 30](#), see Section D*)
 - ✓ CE Hardship – Is there an allowance for extenuating circumstances? (*This Board does not require CE*)
 - ✓ Temporary Permits – Are there opportunities to work while minimum requirements are being met? (*The Board has a temporary permit, [IDAPA 49.01.01.400](#)*)