

At various places throughout this article, the terms "certificate" and "registered" also appear. "Certificate" is used to signify a sheet of paper used for documentation -- e.g., one that documents the grant of a license or certification. "Certificate" is not used as a substitute for "license", "certification", or "permit". "Registered" is used only as a descriptive adjective and does not denote any sort of grant of authority by this State. Thus, e.g., a qualified individual may be "licensed" as a "registered nurse" or "certified" as a "registered sanitarian".

In describing the role of the Secretary of Health and Mental Hygiene in the process of appointing members of the health occupation boards governed by this article, the present law uses inconsistent language. Some of the present provisions refer to the appointments being made "with the advice of the Secretary", while others use the language "upon the recommendation of the Secretary". After thorough consultation with the Governor's office, the Department of Health and Mental Hygiene, and the Attorney General's office, the Commission found that, in practice, the Secretary's input is considered to be advisory in either case. Since the word "advice" more clearly indicates the advisory nature of this input, the Commission chose to use the phrase "with the advice of the Secretary" uniformly throughout this article. This approach also seems to reflect the legislative intent behind the present provisions. Cf. Ingard v. Barker, 27 Idaho 124, 147 P. 293 (1915) (statute requiring governor to consider "recommendations" of a specified association in making appointments to state board of horticultural inspectors held not to bind governor to appoint a "recommended" individual).

In the "Membership" section of each title of this article, except Title 1, there is a subsection captioned "Tenure; vacancies". A standard paragraph included in each of those subsections provides that a "member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies". That paragraph applies: (1) When a successor is appointed to replace a member who has died, resigned, or failed for any other reason to complete a term; (2) When a member is appointed to succeed a member who has "held over" to part of the next term, pending the delayed appointment and qualification of the successor; or (3) When, in any other situation, a member takes office after a term has begun, e.g., when at the completion of a term there is a delay in the appointment of a successor, but the member who served the prior term does not "hold over".

In the "Examinations" section of each title of this article, except Title 1, there is included a standard subsection captioned "Right to examination". That subsection is included to provide expressly that an applicant who otherwise qualifies is entitled to an opportunity to meet the final requirement for licensing -- i.e., the opportunity to take the required examination.