

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 9

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PHYSICIANS AND PHYSICIAN ASSISTANTS; AMENDING THE HEADING FOR  
2 CHAPTER 18, TITLE 54, IDAHO CODE; AMENDING SECTION 54-1802, IDAHO CODE,  
3 TO PROVIDE FOR PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1803, IDAHO  
4 CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1804, IDAHO CODE,  
5 TO PROVIDE EXCEPTIONS TO UNLICENSED PRACTICE, TO PROVIDE FOR PHYSI-  
6 CIAN ASSISTANTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION  
7 54-1805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COMPOSITION  
8 OF THE STATE BOARD OF MEDICINE AND TO PROVIDE FOR PHYSICIAN ASSISTANT  
9 MEMBERSHIP; AMENDING SECTION 54-1806, IDAHO CODE, TO REVISE PROVISIONS  
10 REGARDING COMPLAINT AND INVESTIGATION OF LICENSEES, TO PROVIDE FOR  
11 PHYSICIAN ASSISTANTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SEC-  
12 TION 54-1806A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COMMITTEE  
13 ON PROFESSIONAL DISCIPLINE AND TO PROVIDE FOR PHYSICIAN ASSISTANTS;  
14 AMENDING SECTION 54-1807, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND  
15 TO REVISE PROCEDURES REGARDING REGISTRATION FEE RENEWAL; AMENDING SEC-  
16 TION 54-1807A, IDAHO CODE, TO REVISE PROVISIONS REGARDING PHYSICIAN  
17 ASSISTANT SUPERVISION, LICENSING FEE RENEWALS, AND THE PHYSICIAN AS-  
18 SISTANT ADVISORY COMMITTEE; AMENDING SECTION 54-1808, IDAHO CODE, TO  
19 REVISE PROCEDURES REGARDING ISSUANCE OF MEDICAL LICENSURE AND TO PRO-  
20 VIDE FOR PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1809, IDAHO CODE, TO  
21 REVISE PROVISIONS REGARDING THE STATE BOARD OF MEDICINE FUND; AMENDING  
22 SECTION 54-1810, IDAHO CODE, TO REVISE PROCEDURES REGARDING PHYSICIAN  
23 LICENSURE BY WRITTEN EXAMINATION; AMENDING CHAPTER 18, TITLE 54, IDAHO  
24 CODE, BY THE ADDITION OF A NEW SECTION 54-1810A, IDAHO CODE, TO ES-  
25 TABLISH PROVISIONS REGARDING PHYSICIAN ASSISTANT LICENSURE; AMENDING  
26 SECTION 54-1811, IDAHO CODE, TO REVISE PROVISIONS REGARDING PHYSI-  
27 CIAN LICENSURE BY ENDORSEMENT; AMENDING SECTION 54-1813, IDAHO CODE,  
28 TO REVISE PROVISIONS REGARDING TEMPORARY LICENSES AND REGISTRATION;  
29 AMENDING SECTION 54-1814, IDAHO CODE, TO REVISE PROVISIONS REGARDING  
30 MEDICAL DISCIPLINE; REPEALING SECTION 54-1817, IDAHO CODE, RELATING  
31 TO POST MORTEM EXAMINATIONS; AMENDING SECTION 54-1818, IDAHO CODE, TO  
32 PROVIDE FOR PHYSICIAN ASSISTANTS; REPEALING SECTION 54-1819, IDAHO  
33 CODE, RELATING TO DETERMINATION OF DEATH; AMENDING SECTION 54-1831,  
34 IDAHO CODE, TO REVISE A TITLE; AMENDING SECTION 54-1832, IDAHO CODE,  
35 TO REVISE PROVISIONS REGARDING GROUNDS FOR RESTRICTION, SUSPENSION,  
36 OR REVOCATION OF LICENSES; AMENDING SECTION 54-1833, IDAHO CODE, TO  
37 PROVIDE FOR PHYSICIAN ASSISTANTS AND TO SPECIFY CERTAIN REQUIREMENTS  
38 REGARDING PHYSICIAN ASSISTANT LICENSURE; REPEALING SECTION 54-1834,  
39 IDAHO CODE, RELATING TO EXAMINATION BY COMMITTEE; REPEALING SECTION  
40 54-1835, IDAHO CODE, RELATING TO VOLUNTARY RESTRICTION OF LICENSURE;  
41 REPEALING SECTION 54-1836, IDAHO CODE, RELATING TO COMMITTEE REPORTS  
42 AND RECOMMENDATIONS; AMENDING SECTION 54-1837, IDAHO CODE, TO REDESIG-  
43 NATE THE SECTION AND TO REVISE PROVISIONS REGARDING PROCEEDINGS AGAINST  
44 PHYSICIANS AND PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1838, IDAHO  
45

1 CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS REGARDING  
 2 APPEAL AND REINSTATEMENT OF LICENSES; AMENDING SECTION 54-1839, IDAHO  
 3 CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION;  
 4 REPEALING SECTION 54-1840, IDAHO CODE, RELATING TO PROTECTED ACTION AND  
 5 COMMUNICATION; AMENDING SECTION 54-1841, IDAHO CODE, TO REVISE PRO-  
 6 VISIONS REGARDING VOLUNTEER LICENSES; AND AMENDING SECTION 56-1012,  
 7 IDAHO CODE, TO REMOVE AN OBSOLETE REFERENCE.

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That the Heading for Chapter 18, Title 54, Idaho Code, be,  
 10 and the same is hereby amended to read as follows:

11 CHAPTER 18  
 12 PHYSICIANS AND ~~SURGEONS~~ PHYSICIAN ASSISTANTS

13 SECTION 2. That Section 54-1802, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 54-1802. PURPOSE. Recognizing that the practice of medicine is a priv-  
 16 ilege granted by the state of Idaho and is not a natural right of individu-  
 17 als, the purpose of this chapter is to assure the public health, safety and  
 18 welfare in the state by the licensure and regulation of physicians and physi-  
 19 cian assistants, and the exclusion of unlicensed persons from the practice  
 20 of medicine.

21 SECTION 3. That Section 54-1803, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 54-1803. DEFINITIONS. As used in this chapter:

24 (1) ~~The "p~~Practice of medicine" means:

25 (a) ~~To investigate, diagnose, treat, correct or prescribe~~ The inves-  
 26 tigation, diagnosis, treatment, correction, or prevention of or pre-  
 27 scription for any human disease, ailment, injury, infirmity, deformity  
 28 or other condition, physical or mental, by any means or instrumentality  
 29 that involves the application of;

30 ~~(b) To apply principles or techniques of medical science in the pre-~~  
 31 ~~vention of any of the conditions listed in paragraph (a) of this subsec-~~  
 32 ~~tion; or~~

33 ~~(eb) To offer, undertake, attempt to do or hold~~ Offering, undertaking,  
 34 or holding oneself out as able to do any of the acts described in para-  
 35 graphs (a) and (b) of this subsection.

36 (2) ~~The word "b~~Board" means the state board of medicine.

37 (3) ~~The term "p~~Physician" means any person who holds a license to prac-  
 38 tice medicine and surgery, osteopathic medicine and surgery, or osteopathic  
 39 medicine, provided further, that others authorized by law to practice any of  
 40 the healing arts shall not be considered physicians for the purposes of this  
 41 chapter.

42 (4) ~~"Alternate supervising physician" means a physician who is regis-~~  
 43 ~~tered with the board as set forth in board rule and who is responsible for su-~~

1 ~~per~~ ~~supervising a physician assistant or graduate physician assistant in the tem-~~  
 2 ~~porary absence of the supervising physician.~~

3 ~~(5)~~ "Supervising physician" and "alternate supervising physician"  
 4 means a physician who is registered with the board as set forth in board rule  
 5 and who is responsible for the direction and supervision of the activities of  
 6 and patient services provided by a physician assistant or graduate physician  
 7 assistant.

8 ~~(65)~~ A "License to practice medicine and surgery" means a license is-  
 9 sued by the board to a person who has graduated from an acceptable school of  
 10 medicine and who has fulfilled the licensing requirements of this chapter.

11 ~~(76)~~ A "License to practice osteopathic medicine and surgery" means a  
 12 license issued by the board to a person who either graduated from an accept-  
 13 able osteopathic school of medicine subsequent to January 1, 1963, or who has  
 14 been licensed by endorsement of a license to practice osteopathic medicine  
 15 issued by another state ~~where a composite examining board exists and where~~  
 16 ~~physicians licensed to practice medicine and surgery and osteopathic physi-~~  
 17 ~~cians take the same examination and hold equal licenses,~~ and who has ful-  
 18 filled the licensing requirements of this chapter.

19 ~~(8)~~ A "license to practice osteopathic medicine" means a license issued  
 20 by the state board of medicine to a person who graduated from an acceptable  
 21 osteopathic school of medicine and who prior to January 1, 1963, has ful-  
 22 filled the licensing requirements of this chapter.

23 ~~(9)~~ The word "person," the word "he" and the word "his" mean a natural  
 24 person.

25 ~~(107)~~ An "Acceptable school of medicine" means any school of medicine  
 26 or school of osteopathic medicine that meets the standards or requirements  
 27 of a national medical school accrediting organization acceptable to the  
 28 board.

29 ~~(11)~~ The word "extern" means a bona fide student enrolled in an accept-  
 30 able school of medicine who has not received his degree.

31 ~~(128)~~ The word "Intern" or "resident" means any person who has com-  
 32 pleted a course of study at an acceptable school of medicine and who is  
 33 enrolled in a postgraduate medical training program.

34 ~~(139)~~ The term "Physician assistant" means any person who is a gradu-  
 35 ate of an acceptable physician assistant training program and who is quali-  
 36 fied by specialized education, training, experience and personal character  
 37 and who has been licensed by the board to render patient services under the  
 38 direction of a supervising and alternate supervising physician. ~~Nothing in~~  
 39 ~~this chapter shall be construed to authorize physician assistants to perform~~  
 40 ~~those specific functions and duties specifically delegated by law to those~~  
 41 ~~persons licensed as pharmacists under chapter 17, title 54, Idaho Code, as~~  
 42 ~~dentists or dental hygienists under chapter 9, title 54, Idaho Code, or as~~  
 43 ~~optometrists under chapter 15, title 54, Idaho Code.~~

44 ~~(1410)~~ "Graduate physician assistant" means a person who is a graduate  
 45 of an approved program for the education and training of physician assis-  
 46 tants and who meets all of the requirements in this chapter for licensure,  
 47 but who:

48 (a) Has not yet taken and passed the certification examination and who  
 49 has been authorized by the board to render patient services under the  
 50 direction of a supervising physician for a period of six (6) months; or

1 (b) Has passed the certification examination but who has not yet ob-  
 2 tained a college baccalaureate degree and who has been authorized by the  
 3 board to render patient services under the direction of a supervising  
 4 physician for a period of not more than five (5) years.

5 SECTION 4. That Section 54-1804, Idaho Code, be, and the same is hereby  
 6 amended to read as follows:

7 54-1804. UNLICENSED PRACTICE -- PENALTIES AND REMEDIES RELATING TO  
 8 UNLICENSED PRACTICE. (1) Under the circumstances described and subject in  
 9 each case to limitations stated, the following persons, though not holding  
 10 a license to practice medicine in this state, may engage in activities in-  
 11 cluded in the practice of medicine:

12 (a) A medical officer of the armed forces of the United States, of the  
 13 United States public health service, or of the United States department  
 14 of veterans affairs, while engaged in the performance of his official  
 15 duties;

16 (b) A person residing in another state or country and authorized to  
 17 practice medicine there, who is called in consultation by a person li-  
 18 censed in this state to practice medicine, or who for the purpose of  
 19 furthering medical education is invited into this state to conduct a  
 20 lecture, clinic, or demonstration, while engaged in activities in con-  
 21 nection with the consultation, lecture, clinic, or demonstration, as  
 22 long as he does not open an office or appoint a place to meet patients or  
 23 receive calls in this state;

24 (c) A person authorized to practice medicine in another jurisdiction of  
 25 the United States called upon to conduct an examination in Idaho for the  
 26 purpose of offering testimony in a criminal or civil legal proceeding;

27 (d) A person authorized to practice medicine in another state or coun-  
 28 try while rendering medical care in a time of disaster or while caring  
 29 for an ill or injured person at the scene of an emergency and while con-  
 30 tinuing to care for such person;

31 (de) ~~An extern,~~ intern or resident who is registered with the board  
 32 as provided in this chapter and while engaged in programs authorized  
 33 pursuant to rules of the board or a physician assistant licensed by the  
 34 board;

35 (ef) A person authorized or licensed by this state to engage in activ-  
 36 ities which may involve the practice of medicine if acting within the  
 37 scope of that license;

38 (fg) A person engaged in good faith in the practice of the religious  
 39 tenets of any church or religious beliefs;

40 (gh) A person administering a remedy, diagnostic procedure or advice as  
 41 specifically directed by a physician;

42 (hi) A person rendering aid in an emergency, where no fee for the  
 43 service is contemplated, charged or received. ~~This exception shall~~  
 44 ~~specifically include ski patrollers who are members of the national ski~~  
 45 ~~patrol system, inc., and are trained in and holding a current outdoor~~  
 46 ~~emergency care (OEC) credential, as issued by the national ski patrol~~  
 47 ~~system, inc., while rendering aid in accordance with the standards of~~  
 48 ~~training of such credential, where no fee for the service is contem-~~  
 49 ~~plated, charged or received, and in the course of alpine, nordic or~~

1 ~~cross-country skiing and other recreational activities conducted in~~  
 2 ~~whole or in part at ski areas in the state of Idaho;~~

3 (j) A person authorized to practice medicine in another jurisdiction  
 4 of the United States who briefly provides critical medical service  
 5 at the specific lawful direction of a medical institution or federal  
 6 agency that assumes full responsibility for that treatment or service  
 7 and is approved by the state medical board;

8 (k) A person administering a family remedy to a member of the family;

9 (j~~l~~) A person who administers treatment or provides advice regarding  
 10 the human body and its functions ~~that~~ and who:

11 (i) Does not use legend drugs or prescription drugs in such prac-  
 12 tice;

13 (ii) Uses natural elements such as air, heat, water and light;

14 (iii) ~~Only u~~Uses only class I or class II nonprescription, ap-  
 15 proved, medical devices as defined in section 513 of the federal  
 16 food, drug and cosmetic act;

17 (iv) ~~Only u~~Uses only vitamins, minerals, herbs, natural food  
 18 products and their extracts, and nutritional supplements; ~~and who~~

19 (v) Does not perform surgery; and who

20 (vi) Requires each person receiving services to sign a declara-  
 21 tion of informed consent ~~which~~ that includes an overview of the  
 22 health care provider's education ~~which~~ that states that the health care  
 23 provider is not an "M.D." or "D.O." and is not licensed under the  
 24 provisions of this chapter; or

25 (~~k~~m) A physician or physician assistant licensed and in good standing  
 26 in another jurisdiction of the United States or credentialed in another  
 27 country who:

28 (i) Is affiliated with or employed by an established athletic  
 29 team, athletic organization or performing arts company temporar-  
 30 ily practicing, competing or performing in this state for no more  
 31 than sixty (60) days in a calendar year; and

32 (ii) Is practicing only on patients, clients or team staff affili-  
 33 ated with or employed by such team, organization or company.

34 (2) Nothing in subsection (1) (~~k~~m) of this section shall be construed  
 35 to permit a physician or physician assistant to provide care or consultation  
 36 to any person residing in this state, other than a person specified in sub-  
 37 section (1) (~~k~~m) of this section. Further, nothing in subsection (1) (~~k~~m) of  
 38 this section shall be construed to permit a physician or physician assistant  
 39 to practice at a licensed health care facility in this state or to have pre-  
 40 scriptive rights in this state unless in accordance with federal law.

41 (3) Except as provided in subsection (1) of this section, it shall con-  
 42 stitute a felony for any person to practice medicine in this state without a  
 43 license and upon conviction thereof shall be imprisoned in the state prison  
 44 for a period not to exceed five (5) years, or shall be fined no more than ten  
 45 thousand dollars (\$10,000), or shall be punished by both such fine and im-  
 46 prisonment.

47 (4) Except as provided in subsections (1) (a), ~~(1) (b)~~, ~~and (1) (c)~~ above,  
 48 and (d) of this section, it is unlawful for any person to assume or use  
 49 the title or designation "medical doctor," "medical physician," "osteo-  
 50 pathic doctor," "osteopathic physician," "physician assistant," "M.D.," or

1 "D.O.," or "P.A.," or any other title, designation, words, letters, abbrevi-  
 2 viation, sign, card, or device to indicate to the public that such person is  
 3 licensed to practice medicine pursuant to this chapter unless such person is  
 4 so licensed, and, upon conviction thereof, such person shall be imprisoned  
 5 not to exceed one (1) year, or shall be fined no more than three thousand  
 6 dollars (\$3,000), or shall be punished by both fine and imprisonment.

7 (5) When a person has been the recipient of services constituting the  
 8 unlawful practice of medicine, whether or not he knew the rendition of the  
 9 services was unlawful, proof of the rendition of such unlawful services  
 10 by the recipient or his personal representative in an action against the  
 11 provider of such services for damages allegedly caused by the services con-  
 12 stitutes prima facie evidence of negligence shifting the burden of proof to  
 13 such provider of unlawful services. The following damages in addition to any  
 14 other remedies provided by law may be recovered in such an action:

15 (a) The amount of any fees paid for the unlawful services.

16 (b) Reasonable attorney's fees and court costs.

17 (6) The board ~~shall~~ may refer all violations of this section made known  
 18 to it to appropriate prosecuting attorneys. The board may render assistance  
 19 to a prosecuting attorney in the prosecution of a case pursuant to this sec-  
 20 tion.

21 SECTION 5. That Section 54-1805, Idaho Code, be, and the same is hereby  
 22 amended to read as follows:

23 54-1805. THE STATE BOARD OF MEDICINE ESTABLISHED. (1) There is hereby  
 24 established in the department of self-governing agencies a state board of  
 25 medicine to be composed of ~~ten eleven~~ (101) members. ~~The membership of the~~  
 26 ~~state board of medicine as it exists on the effective date of this act is~~  
 27 ~~hereby confirmed as members of the board for the terms to which they were~~  
 28 ~~originally appointed.~~

29 (2) (a) The board shall consist of ~~ten eleven~~ (101) members. The direc-  
 30 tor of the Idaho state police or the director's designated agent shall  
 31 be a member of the board. Seven (7) members shall be physicians who are  
 32 residents of this state and engaged in the active practice of medicine  
 33 in this state, ~~and~~ two (2) members shall be public members, and one (1)  
 34 member shall be a physician assistant who is a resident of this state and  
 35 engaged in the active practice of medicine in this state.

36 (b) All physician and physician assistant appointments to the board  
 37 shall be for a single six (6) year terms. The physician members shall  
 38 consist of six (6) members who are licensed to practice medicine ~~and~~  
 39 ~~surgery~~ in this state and one (1) member who is licensed to practice  
 40 osteopathic medicine ~~or osteopathic medicine and surgery~~ in this state.  
 41 The physician assistant member shall be licensed to practice medicine  
 42 in this state. Whenever a term of a member of the board who is licensed  
 43 to practice medicine ~~and surgery~~ or osteopathic medicine expires or  
 44 becomes vacant, the ~~Idaho medical association shall recommend three~~  
 45 ~~(3) persons licensed to practice medicine and surgery for each such~~  
 46 ~~vacancy, and forward such recommendations to the governor who shall~~  
 47 ~~consider them for appointment, as well as recommendations from any in-~~  
 48 ~~dividual residing in this state. Whenever a term of the member of the~~  
 49 ~~board who is licensed to practice osteopathic medicine or osteopathic~~

1 ~~medicine and surgery expires or becomes vacant, the Idaho osteopathic~~  
 2 ~~association shall recommend three (3) persons licensed to practice~~  
 3 ~~osteopathic medicine or osteopathic medicine and surgery for such va-~~  
 4 ~~cancy, and shall forward their names to the governor who shall consider~~  
 5 ~~them for appointment, as well as recommendations from any individ-~~  
 6 ~~ual residing in this state~~ governor shall consider recommendations  
 7 provided by professional organizations of physicians and physician as-  
 8 assistants and by any individual residing in this state for appointment.

9 (c) All public members shall be appointed by the governor for three (3)  
 10 year terms. Public members must reside in the state and be persons of  
 11 integrity and good reputation who have lived in this state for at least  
 12 five (5) years immediately preceding their appointment, who have never  
 13 been authorized to practice a healing art, and who have never had a sub-  
 14 stantial personal, business, professional, or pecuniary connection  
 15 with a healing art or with a medical education or health care facility,  
 16 except as patients or potential patients.

17 (3) Appointments to fill vacancies occurring from some other reason  
 18 than expiration of a term for which a member was appointed, shall be made in  
 19 the same manner as hereinabove set forth for the unexpired term. All board  
 20 members shall serve at the pleasure of the governor.

21 (4) The board shall elect a chairman from its membership. The members  
 22 of the board, except for state employees, shall be compensated as provided  
 23 by section 59-509 (mp), Idaho Code. ~~Five Six (56)~~ Five Six (56) members of the board shall  
 24 constitute a quorum, and the board may act by virtue of a majority vote of  
 25 members present at a meeting.

26 SECTION 6. That Section 54-1806, Idaho Code, be, and the same is hereby  
 27 amended to read as follows:

28 54-1806. POWERS AND DUTIES. The board shall have the authority to:

29 (1) Hire or appoint employees, including an executive director, inves-  
 30 tigators, attorneys, consultants and independent hearing examiners.

31 (2) Establish, pursuant to the administrative procedure act, rules for  
 32 administration of this chapter, including rules ~~governing all activities of~~  
 33 ~~persons employed as physician's assistants by persons licensed to practice~~  
 34 ~~medicine in this state. The board shall adopt rules pursuant to the adminis-~~  
 35 ~~trative procedure act~~ establishing procedures for the receipt of complaints  
 36 and for the investigation and disposition thereof. Such rules shall provide  
 37 for notice to a person when ~~the board has authorized the committee to board~~  
 38 staff has undertaken to investigate that person and shall provide an oppor-  
 39 tunity for a person under investigation to meet with the committee or its  
 40 board staff before the initiation of formal disciplinary proceedings by the  
 41 board.

42 (3) Conduct investigations and examinations and hold hearings as au-  
 43 thorized by this section and by section 54-1806A, Idaho Code.

44 (4) The board shall have the power in any investigation or disciplinary  
 45 proceeding pursuant to this chapter to administer oaths, take depositions  
 46 of witnesses within or without the state in the manner consistent with rules  
 47 adopted by the board pursuant to the administrative procedure act, and, upon  
 48 a determination that there is good cause, the board shall have power through-  
 49 out the state of Idaho to require the attendance of such witnesses and the

1 production of such books, records, and papers as it may deem appropriate for  
 2 any investigation, deposition or hearing. For that purpose, the board may  
 3 issue a subpoena for any witnesses or a subpoena duces tecum to compel the  
 4 production of any books, records or papers, directed to the sheriff of any  
 5 county of the state of Idaho, where such witness resides, or may be found,  
 6 which shall be served and returned in the same manner as a subpoena in a crim-  
 7 inal case is served and returned. The fees and mileage of the witnesses shall  
 8 be the same as that allowed in the district courts in criminal cases, which  
 9 fees and mileage shall be paid from any funds in the state treasury in the  
 10 same manner as other expenses of the board are paid. In any case of disobe-  
 11 dience to, or neglect of, any subpoena or subpoena duces tecum served upon  
 12 any person, or the refusal of any witness to testify to any matter regard-  
 13 ing which he may lawfully be interrogated, it shall be the duty of the dis-  
 14 trict court of any county in this state in which such disobedience, neglect  
 15 or refusal occurs, or any judge thereof, on application by the board to com-  
 16 pel compliance with the subpoena by proceedings for contempt as in the case  
 17 of disobedience of the requirements of a subpoena issued from such court or  
 18 for refusal to testify therein. The licensed person accused in such formal  
 19 contested case shall have the same right of subpoena upon making application  
 20 to the board therefor.

21 (5) Seek injunctive relief prohibiting the unlawful practice of  
 22 medicine.

23 (6) Make and enter into contracts.

24 (7) Operate, manage, superintend and control the licensure of physi-  
 25 cians and physician assistants.

26 (8) Develop and submit a proposed budget setting forth the amount nec-  
 27 essary to perform its functions.

28 (9) Perform such other duties as set forth in the laws of this state.

29 (10) Provide such other services and perform such other functions as are  
 30 necessary to fulfill its responsibilities.

31 (11) Apply the provisions of section 12-117(5), Idaho Code, regarding  
 32 the assessment of costs and fees incurred in the investigation and prosecu-  
 33 tion or defense of a licensee under this chapter.

34 (12) Prepare an annual report.

35 (13) Share with the department of labor personal identifying informa-  
 36 tion of persons licensed under the provisions of this chapter necessary for  
 37 the department of labor to identify workforce shortage areas in Idaho. The  
 38 information provided to the department of labor concerning any person li-  
 39 censed under this chapter shall remain confidential and not subject to pub-  
 40 lic disclosure, as required in section 74-106, Idaho Code.

41 SECTION 7. That Section 54-1806A, Idaho Code, be, and the same is hereby  
 42 amended to read as follows:

43 54-1806A. MEDICAL DISCIPLINARY ENFORCEMENT. The board of medicine  
 44 shall create a committee on professional discipline which shall have the  
 45 authority under the direct supervision and control of the board to conduct  
 46 professional disciplinary enforcement investigations under this chapter  
 47 and particularly under sections 54-1810 and 54-1814, Idaho Code, and to rec-  
 48 ommend appropriate action to the board with respect thereto. The committee  
 49 on professional discipline shall have no authority to impose sanctions or



1 limitations or conditions on licenses issued under this chapter and shall be  
 2 authorized only to make recommendations to the board with respect thereto.  
 3 The board shall provide as follows respecting the committee on professional  
 4 discipline:

5 (1) Membership. The committee shall consist of five (5) members ap-  
 6 pointed by the board. ~~Initially, it shall consist of the members of the board~~  
 7 ~~of professional discipline as it is constituted on the effective date of this~~  
 8 ~~act who shall serve on the committee on professional discipline until the~~  
 9 ~~expiration of their current terms. Thereafter, it shall consist of:~~ four  
 10 (4) members licensed to practice medicine and surgery in the state of Idaho,  
 11 two (2) of whose terms shall expire at midnight on June 30 in each of two (2)  
 12 successive years, and one (1) member who is an adult Idaho citizen of good  
 13 character and reputation who shall not be licensed to practice medicine and  
 14 surgery in the state of Idaho, whose term shall expire at midnight on June 30  
 15 in the year in which no physician member's term shall expire. All terms of  
 16 appointment shall be for three (3) years. No member of the committee on pro-  
 17 fessional discipline may be appointed ~~after the effective date of this act~~ to  
 18 serve more than two (2) terms ~~(which shall include terms served on the board~~  
 19 ~~of professional discipline prior to the effective date of this act).~~

20 (2) Chairman. The board of medicine shall designate one (1) member of  
 21 the committee as its chairman who shall serve and function in that capacity  
 22 for one (1) year or until a successor is duly appointed, whichever is later.

23 (3) Quorum. Three (3) members shall constitute a quorum ~~though no~~  
 24 ~~meeting of the committee shall be held without reasonable prior notice of at~~  
 25 ~~least three (3) days to all members, which notice may be given by the chairman~~  
 26 ~~or any three (3) members. Notice may be waived unanimously; otherwise, it~~  
 27 ~~shall be in writing and state the time, place and purpose of the meeting.~~

28 (4) Compensation. Members of the committee shall be compensated as  
 29 provided by section 59-509 (np), Idaho Code, from the state board of medicine  
 30 fund for expenses incurred in the course of serving on the committee.

31 (5) Conflicts and Disqualification. Members shall disqualify them-  
 32 selves and, on motion of any interested party may, on proper showing, be  
 33 disqualified in any proceeding concerning which they have an actual conflict  
 34 of interest or bias which interferes with their fair and impartial service.

35 (6) ~~Additional Powers of the Committee on Professional Discipline. In~~  
 36 ~~addition to its other powers, t~~The committee shall be empowered and autho-  
 37 rized:

38 (a) ~~To recommend to the board that it be authorized by the board to ini-~~  
 39 ~~tiate or commence proceedings, studies or investigations, to investi-~~  
 40 ~~gate or inquire into misconduct or unprofessional behavior and to rec-~~  
 41 ~~ommend that the board take such action with respect thereto as it deems~~  
 42 ~~best in the interest of the public and justice, and to obtain the assis-~~  
 43 ~~tance of staff and legal counsel hired by the board of medicine to admin-~~  
 44 ~~ister, process and assist in its work.~~

45 (b) ~~To recommend to the board that it be authorized by the board to ap-~~  
 46 ~~point hearing officers or hearing committees to take evidence, conduct~~  
 47 ~~hearings and make recommended findings and conclusions to the committee~~  
 48 ~~in any matter or proceeding assigned to the committee, which hearing~~  
 49 ~~committees shall be of such number and size as the board directs, com-~~  
 50 ~~posed of licensed physicians resident and licensed to practice medicine~~

1 and surgery in Idaho, who shall serve without pay and for such term as  
2 the board may specify, not to exceed one (1) year or during the pendency  
3 of any matters referred to it, whichever is longer. All investigations  
4 and proceedings of the committee and any hearing officers or hearing  
5 committees shall be conducted as provided by rules adopted by the board  
6 of medicine pursuant to the administrative procedure act, chapter 52,  
7 title 67, Idaho Code.

8 ~~(c) To recommend findings respecting matters coming before it or be-~~  
9 ~~fore any hearing committee or authorized hearing officer acting on its~~  
10 ~~behalf, and to recommend conclusions and orders for the consideration~~  
11 ~~of the board dispositive of such proceedings. The committee may make~~  
12 ~~recommendations for the consideration of the board and the board is~~  
13 ~~authorized to enter appropriate orders and take appropriate action in-~~  
14 ~~cluding, without limitation, disciplinary orders as provided by Idaho~~  
15 ~~Code respecting misconduct or other grounds for discipline respecting~~  
16 ~~any licensed physician and surgeon licensed to practice medicine and~~  
17 ~~surgery in the state of Idaho, which authority shall, for good cause~~  
18 ~~shown, include the power to suspend, restrict, condition, limit or~~  
19 ~~revoke the license or present or future right or privilege to practice~~  
20 ~~medicine of any physician, surgeon or other person licensed or purport-~~  
21 ~~ing to be qualified or authorized to practice medicine and surgery in~~  
22 ~~the state of Idaho.~~

23 ~~(d) To recommend that the board reprimand by informal admonition any~~  
24 ~~licensed physician and surgeon respecting any matter it finds is minor~~  
25 ~~misconduct. Such reprimand shall be subject to disclosure according to~~  
26 ~~chapter 1, title 74, Idaho Code.~~

27 ~~(e) To recommend that the board accept the resignation and surrender of~~  
28 ~~license of any physician and surgeon under investigation or prosecution~~  
29 ~~who tenders the same, and to impose terms and conditions in connection~~  
30 ~~therewith as it may deem appropriate in the best interest of the public~~  
31 ~~and of justice.~~

32 ~~(f) To recommend that the board order initiate, for good cause,~~  
33 ~~nondisciplinary suspension or transfer to inactive status of~~  
34 ~~proceedings under the disabled physicians act for any licensed physi-~~  
35 ~~cian and surgeon or physician assistant incapacitated by illness,~~  
36 ~~senility, disability, or addiction to drugs, intoxicants or other chem-~~  
37 ~~ical or like substances, and to provide terms and conditions therefor,~~  
38 ~~including provisions and conditions controlling reinstatement and any~~  
39 ~~request therefor; provided, this subparagraph shall not be construed to~~  
40 ~~amend or repeal specific legislation expressly dealing with disabled~~  
41 ~~physicians whether heretofore or hereafter enacted by the legislature~~  
42 ~~of the state of Idaho but rather shall be construed as complementary~~  
43 ~~thereto.~~

44 ~~(g) To recommend that the board provide by order for reciprocal dis-~~  
45 ~~cipline in cases involving the discipline of a licensed physician and~~  
46 ~~surgeon or physician assistant disciplined in any other jurisdiction,~~  
47 ~~provided that such licensee or applicant shall be entitled to appear and~~  
48 ~~show cause why such order should not apply in his or her case.~~

49 ~~(h) To recommend that the board adopt rules to provide for and permit~~  
50 ~~the committee to conduct informal proceedings to encourage fair and~~

1 ~~expeditious disposition of business, complaints and matters properly~~  
2 ~~coming before it.~~

3 (7) Openness. All formal hearings ~~conducted by the board or by the com-~~  
4 ~~mittee~~ under the board's direction and control shall be open to the public.  
5 Formal dispositions or other formal actions taken by the board under sec-  
6 tions 54-1806 and 54-1806A, Idaho Code, also shall be public. Proceedings,  
7 studies and investigations which do not result in formal hearings, formal  
8 dispositions or other formal actions by the board shall be conducted in pri-  
9 vate and shall remain confidential.

10 (8) Voluntary Restriction of Licensure. A physician may request in  
11 writing to the board ~~or the committee~~ a restriction of his license to prac-  
12 tice medicine and the board is authorized to grant such request and, if  
13 it deems it appropriate to do so, to attach conditions to the licensure of  
14 the physician to practice medicine. The board is also authorized in such  
15 cases thereafter to waive the commencement of proceedings under this act or  
16 other provisions of the medical practice act if in the interest of justice  
17 it determines that such voluntary proceedings restrictions have rendered  
18 the same unnecessary. Removal of a voluntary restriction on or suspension  
19 of licensure to practice medicine shall be subject to the procedures for  
20 reinstatement elsewhere in this act, ~~in the medical practice act~~ or by rule  
21 of the board; provided also, such reinstatements may be subject to further  
22 conditions specially imposed in the individual case as a condition of the  
23 order entered therein.

24 (9) Adjudication of Discipline or Exoneration. The board shall make a  
25 determination of the merits of all proceedings, studies and investigations  
26 and, if grounds therefor are found to exist, may issue its order:

27 (a) Revoking the respondent physician's or physician assistant's li-  
28 cense to practice medicine;

29 (b) Suspending or restricting the respondent physician's or physician  
30 assistant's license to practice medicine;

31 (c) Imposing conditions or probation upon the respondent physician and  
32 ~~requiring rehabilitation planning, commitment and conditions upon such~~  
33 ~~respondent physician's licensure or physician assistant's license, in-~~  
34 ~~cluding requiring rehabilitation or remediation;~~

35 (d) Issuing a public reprimand;

36 (e) Imposing an administrative fine not to exceed ten thousand dollars  
37 (\$10,000) for each count or offense; and/or

38 (ef) Assessing costs and attorney's fees against the respondent physi-  
39 cian for any investigation and/or administrative proceeding.

40 ~~If grounds for any of the foregoing are not found to exist, the board shall~~  
41 ~~enter its order so stating and dismissing the proceedings and shall provide~~  
42 ~~the respondent and, if there be one, the complainant or petitioner in the~~  
43 ~~proceedings a true copy thereof~~ Every person subject to disciplinary pro-  
44 ceedings shall be afforded an opportunity for hearing after reasonable no-  
45 tice, and all investigations, proceedings, and hearings conducted pursuant  
46 to this act shall be conducted in accordance with the administrative proce-  
47 dure act, chapter 52, title 67, Idaho Code, and any rules adopted by the board  
48 pursuant thereto.

49 (10) Temporary Suspension or Restriction Pending Final Order. The  
50 board may temporarily suspend or restrict the license of any physician or

1 ~~enter an appropriate order of temporary probation, ex parte, or physician~~  
 2 ~~assistant on its own motion or on verified petition of any person, pending~~  
 3 ~~further or final order, without prior hearing, simultaneously with or at any~~  
 4 ~~time after the institution of proceedings under this chapter, but only if~~  
 5 ~~it first finds, on the basis of a responsible showing which satisfactorily~~  
 6 ~~demonstrates that the physician in his capacity as such and or physician~~  
 7 ~~assistant, for reasons set forth by petition, affidavit, or other verified~~  
 8 ~~showing, or determined by it in reliance upon other reliable proof, is caus-~~  
 9 ~~ing great harm to the public or to any patient or group of patients, or is im-~~  
 10 ~~minently likely to cause such harm, for which reason he or she and his or her~~  
 11 ~~license to practice medicine should be immediately suspended or restricted~~  
 12 ~~or he or she should be specially controlled, suspended in or restricted from~~  
 13 ~~the practice of medicine. In such cases, the board may summarily, and ex~~  
 14 ~~parte, order temporary conditions of probation, suspension or restriction~~  
 15 ~~of said physician and his or her license and authority to practice medicine~~  
 16 ~~in the state of Idaho, pending further or final order in the proceedings.~~  
 17 ~~Thereafter the physician or physician assistant may, for good cause, request~~  
 18 ~~dissolution or amendment of any such temporary order by petition filed with~~  
 19 ~~the board, which petition shall be set for prompt hearing before the board or~~  
 20 ~~a designated hearing officer or special committee appointed by the board for~~  
 21 ~~that purpose, which officer or committee shall forthwith hear said matter~~  
 22 ~~and report to the board its his report and recommendations. The board, con-~~  
 23 ~~sistent with due process and the rules adopted by the board pursuant to the~~  
 24 ~~administrative procedure act, chapter 52, title 67, Idaho Code, shall rule~~  
 25 ~~on such petition for dissolution or amendment with the least amount of delay~~  
 26 ~~reasonably possible. Neither the record of the proceeding nor any order en-~~  
 27 ~~tered therein may be used against the respondent physician in any other legal~~  
 28 ~~proceeding except upon judicial review as provided elsewhere herein.~~

29 (11) Judicial Review. All final decisions by the board shall be subject  
 30 to judicial review pursuant to the procedures of the administrative proce-  
 31 dure act, chapter 52, title 67, Idaho Code.

32 (12) Protected Action and Communication. There shall be no liability on  
 33 the part of and no action for damages against:

34 (a) Any member of the board, the committee on professional discipline  
 35 or the staff or officials thereof for any action undertaken or performed  
 36 within the scope of the functions of the board or the committee under  
 37 this chapter when acting without malice in good faith and in the reason-  
 38 able belief that such action is warranted; or

39 (b) Any person providing information or testimony to the board, the  
 40 committee, or their staff or officials without malice in good faith and  
 41 in the reasonable belief that such information is accurate.

42 SECTION 8. That Section 54-1807, Idaho Code, be, and the same is hereby  
 43 amended to read as follows:

44 54-1807. STATE BOARD OF MEDICINE -- REGISTRATION. ~~Externs, i~~Interns  
 45 and residents must register with the board prior to the commencement of any  
 46 activities constituting the practice of medicine in this state. Registra-  
 47 tion shall include disclosure of the applicant's prior education and train-  
 48 ing, the program or course of study the ~~extern,~~ intern or resident intends to  
 49 follow, the physicians or group of physicians who will supervise the program

1 or course of study and such other information as the board deems relevant.  
2 The board shall reserve the right to approve any such program or course of  
3 study and shall require registration by the supervising physician. A regis-  
4 tration fee shall be fixed by the board and registration must be renewed an-  
5 nually or biannually.

6 SECTION 9. That Section 54-1807A, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 54-1807A. PHYSICIAN ASSISTANTS -- SUPERVISING PHYSICIANS -- PHYSI-  
9 CIAN ASSISTANT ADVISORY COMMITTEE. (1) Physician assistants must be li-  
10 censed by the board prior to the commencement of activities which may involve  
11 the practice of medicine in this state. The licensure requirements for  
12 physician assistants shall include passage of an examination acceptable to  
13 the board and submission of a completed application to the board on forms  
14 furnished by the board. All applicants for original licensure as a physi-  
15 cian assistant shall submit to a fingerprint-based criminal history check  
16 of the Idaho central criminal database and the federal bureau of investiga-  
17 tion criminal history database. Each applicant shall submit a full set of  
18 the applicant's fingerprints on forms supplied by the board which shall be  
19 forwarded by the board to the Idaho department of law enforcement and to the  
20 federal bureau of investigation identification division. ~~The board shall~~  
21 ~~determine and limit the scope of activities of each physician assistant on~~  
22 ~~the basis of completed courses of study or programs of instruction received.~~  
23 Upon licensure, the board shall authorize each physician assistant to assist  
24 a physician or group of physicians who are qualified and approved by the  
25 board to supervise physician assistants to engage in activities as limited  
26 by the board. The board shall fix a license fee. All physician assistants  
27 shall renew their licenses annually or biannually.

28 (2) After a supervising physician or alternate supervising physician  
29 receives board approval to supervise a physician assistant, the physician  
30 may delegate medical services to the physician assistant as set forth in  
31 the delegation of services agreement on forms approved by and filed with  
32 the board. The physician assistant may perform delegated medical services  
33 in any setting authorized by the supervising physician or alternate super-  
34 vising physician and the board, including clinics, hospitals, ambulatory  
35 surgical centers, patient homes, nursing homes and other health care insti-  
36 tutions.

37 (3) The supervising physician and alternate supervising physician are  
38 responsible for all aspects of the performance of a physician assistant,  
39 whether or not the supervising physician or alternate supervising physician  
40 actually pays the physician assistant a salary. ~~The supervising physician~~  
41 ~~and alternate supervising physician, and~~ are responsible for supervising  
42 the physician assistant and ensuring that the medical services performed  
43 by the physician assistant are within the physician assistant's scope of  
44 training and experience and have been properly delegated by the supervising  
45 physician or alternate supervising physician.

46 (4) Supervision by a supervising physician or alternate supervising  
47 physician shall be continuous but shall not be construed as necessarily  
48 requiring the constant physical presence of the supervising physician or

1 alternate supervising physician at the time and place where medical services  
2 are performed by the physician assistant.

3 (5) A supervising physician or alternate supervising physician shall  
4 not delegate to a physician assistant the performance of any medical ser-  
5 vices for which the supervising physician or alternate supervising physi-  
6 cian does not have training or experience and does not perform.

7 (6) A physician assistant or a group of physician assistants may inde-  
8 pendently own a medical practice in this state provided that the supervis-  
9 ing physician, alternate supervising physician and each physician assistant  
10 comply with all requirements of this section and board rules. Each physician  
11 assistant must be licensed, registered or certified as a physician assistant  
12 in any state, territory or jurisdiction of the United States for at least two  
13 (2) years before the physician assistant may independently own a practice in  
14 this state.

15 (7) A physician assistant advisory committee is hereby established as  
16 follows:

17 (a) The physician assistant advisory committee shall consist of ~~three~~  
18 five (35) members appointed by the board. ~~In making appointments to~~  
19 ~~fill a vacancy created by the expiration of a term~~ Four (4) members shall  
20 be physician assistants who are residents in this state and engaged in  
21 the active practice of medicine in this state, and one (1) member shall  
22 be a public member. Whenever a term of a member of the advisory commit-  
23 tee expires or becomes vacant, the board shall give consideration to  
24 recommendations made by professional organizations of physician assis-  
25 tants and physicians. The board shall send notice to such professional  
26 organizations requesting recommendations. If recommendations from  
27 such professional organizations are not received by the board within  
28 sixty (60) days of notification, the board may appoint any qualified  
29 individual without consideration of any such recommendations. In the  
30 event of a vacancy in any unexpired term, the professional organiza-  
31 tions may recommend, as soon as practical, at least two (2) and not more  
32 than three (3) persons to fill that vacancy. As soon as practical, the  
33 board shall appoint one (1) person to complete the unexpired term. If  
34 such professional organizations do not provide recommendations, the  
35 board shall appoint a person to complete the unexpired term without  
36 consideration of any such recommendations, and any individual residing  
37 in the state. The board may remove any committee member for miscon-  
38 duct, incompetency or neglect of duty after giving the member a written  
39 statement of the charges and an opportunity to be heard thereon. The  
40 executive director of the Idaho state board of medicine shall serve as  
41 the executive director to the physician assistant advisory committee.

42 (b) ~~Each member of the physician assistant advisory committee shall be~~  
43 ~~currently licensed as a physician assistant in Idaho and shall have ac-~~  
44 ~~tively practiced as a physician assistant in Idaho for three (3) years~~  
45 ~~immediately preceding appointment.~~ Members will serve a term of three  
46 (3) years and terms will be staggered. Members may serve two (2) succes-  
47 sive terms. The committee shall elect a chairman from its membership.  
48 The committee shall meet as often as necessary to fulfill its responsi-  
49 bilities. Members will be compensated according to section 59-509 (ap),  
50 Idaho Code.

1 (c) The physician assistant advisory committee shall not have author-  
 2 ity to revoke licenses or impose limitations or conditions on licenses  
 3 issued pursuant to this chapter. The committee has authority to make  
 4 recommendations to the board. The board shall make all final decisions  
 5 with respect thereto.

6 (d) The physician assistant advisory committee shall work in the fol-  
 7 lowing areas in conjunction with and make recommendations to the board  
 8 and shall perform other duties and functions assigned to it by the  
 9 board, including:

10 (i) Evaluating the qualifications of applicants for licensure  
 11 and registration;

12 (ii) Performing investigations of misconduct and making recom-  
 13 mendations regarding discipline;

14 (iii) Maintaining a list of currently licensed physician assis-  
 15 tants and graduate physician assistants in this state; and

16 (iv) Advising the board on rule changes necessary to license and  
 17 regulate physician assistants and graduate physician assistants  
 18 in this state.

19 SECTION 10. That Section 54-1808, Idaho Code, be, and the same is hereby  
 20 amended to read as follows:

21 54-1808. BOARD TO ISSUE LICENSES. (1) The board shall issue licenses  
 22 to practice medicine ~~and surgery~~, and osteopathic medicine ~~and surgery~~, to  
 23 persons who have qualified therefor in accordance with the provisions of  
 24 this act. The board may refuse licensure if it finds that the applicant has  
 25 engaged in conduct prohibited by section 54-1814, Idaho Code. Provided,  
 26 that the board shall take into consideration the rehabilitation of the ap-  
 27 plicant and other mitigating circumstances. Such licenses shall be issued  
 28 after payment of a licensing fee in an amount to be fixed by the board, and  
 29 such licenses shall be issued for a period of ~~not less than one (1) year nor no~~  
 30 more than five (5) years, the exact period to be fixed by the board. Licenses  
 31 to practice medicine ~~and surgery~~, osteopathic medicine ~~and surgery~~, and os-  
 32 teopathic medicine shall be renewed on their expiration upon completion of a  
 33 renewal application and upon payment of a renewal fee, the amount of which is  
 34 to be fixed by the board.

35 (2) The board may renew on an inactive basis, the license of a physi-  
 36 cian or physician assistant who is not practicing medicine in this state.  
 37 The board shall fix and collect an inactive license fee for each inactive li-  
 38 cense renewal, and each inactive license shall be issued for a period of ~~not~~  
 39 ~~less than one (1) year nor no~~ more than five (5) years, the exact period to  
 40 be fixed by the board. A physician or physician assistant holding an inac-  
 41 tive license may not engage in the practice of medicine in this state. If  
 42 a physician person wishes to convert his inactive license to an active li-  
 43 cense, he must account to the board for that period of time in which he held an  
 44 inactive license.

45 (3) Whenever the board determines that an applicant for a license to  
 46 practice medicine ~~and surgery~~, or osteopathic medicine ~~and surgery~~ is not  
 47 qualified for such a license pursuant to the provisions of this act, the  
 48 board shall notify the applicant by certified mail of its denial of licensure  
 49 and the reasons for denial.

1 SECTION 11. That Section 54-1809, Idaho Code, be, and the same is hereby  
2 amended to read as follows:

3 54-1809. STATE BOARD OF MEDICINE FUND -- CREATION OF. All fees of any  
4 kind collected under the provisions of this act shall be deposited in the  
5 state treasury to the credit of a separate fund to be known as the state board  
6 of medicine fund ~~and all such moneys as are now in or may hereafter come into~~  
7 ~~such fund are hereby appropriated to the board to be used for carrying out~~  
8 ~~the purposes and objects~~ objectives of this act, and to pay all costs and  
9 expenses incurred in connection therewith. ~~All moneys in the state board~~  
10 ~~of medicine fund on the effective date of this act are hereby transferred~~  
11 ~~and appropriated to the state board of medicine fund hereby created.~~ Moneys  
12 shall be paid out of the fund upon warrants drawn by the state controller upon  
13 presentation of proper vouchers approved by the board.

14 SECTION 12. That Section 54-1810, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 54-1810. PHYSICIAN LICENSURE BY WRITTEN EXAMINATION. Any person seek-  
17 ing to be licensed to practice medicine ~~and surgery~~ or osteopathic medicine  
18 ~~or osteopathic medicine and surgery as a physician~~ in this state must suc-  
19 cessfully complete the following requirements before a license will be is-  
20 sued:

21 (1) Each applicant must submit a completed written application to the  
22 board on forms furnished by the board which shall require proof of gradua-  
23 tion from a medical school acceptable to the board and successful completion  
24 of a postgraduate training program acceptable to the board. The applica-  
25 tion shall require a fingerprint-based criminal history check of the Idaho  
26 central criminal database and the federal bureau of investigation criminal  
27 history database. Each applicant must submit a full set of the applicant's  
28 fingerprints on forms supplied by the board which shall be forwarded to the  
29 Idaho state police and the federal bureau of investigation identification  
30 division for this purpose or for the purpose of qualifying an applicant for  
31 an expedited license as the state of principal license as provided in section  
32 54-1847, Idaho Code. The board shall not disseminate data acquired from a  
33 fingerprint-based criminal history check except as allowed by law.

34 (2) Each applicant must pass an examination conducted by or acceptable  
35 to the board which shall thoroughly test the applicant's fitness to practice  
36 medicine. If an applicant fails to pass any step of the examination on two  
37 (2) separate occasions, ~~he shall not be eligible to take the examination for~~  
38 ~~at least one (1) year, and before taking the examination again, he must make a~~  
39 ~~showing to the board that he has successfully engaged in a course of study for~~  
40 ~~the purpose of improving his ability to engage in the practice of medicine.~~  
41 ~~Applicants who fail two (2) separate examinations in another state, terri-~~  
42 ~~tory, or district of the United States or Canada, must make the same showing~~  
43 ~~of successful completion of a course of study prior to examination for licen-~~  
44 ~~sure~~ the applicant may be required to be interviewed, evaluated, or examined  
45 by the board.

46 (3) The board may require an applicant to be personally interviewed by  
47 the board or a designated committee of the board. Such an interview shall be



1 limited to a review of the applicant's qualifications and professional cre-  
2 dentials.

3 SECTION 13. That Chapter 18, Title 54, Idaho Code, be, and the same is  
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
5 ignated as Section 54-1810A, Idaho Code, and to read as follows:

6 54-1810A. PHYSICIAN ASSISTANT LICENSURE. Any person seeking to be li-  
7 censed to practice medicine as a physician assistant in this state must suc-  
8 cessfully complete the following requirements before a license will be is-  
9 sued:

10 (1) Each applicant must submit a completed written application to the  
11 board on forms furnished by the board, which shall require proof of a college  
12 baccalaureate degree from a nationally accredited school and completion of  
13 a physician assistant training program acceptable to the board and accred-  
14 ited by the accreditation review commission on education for physician as-  
15 sistants;

16 (2) Each applicant must submit proof of current certification by the  
17 national commission on certification of physician assistants or similar  
18 certifying agency approved by the board; and

19 (3) The application shall require a fingerprint-based criminal history  
20 check of the Idaho central criminal database and the federal bureau of inves-  
21 tigation criminal history database. Each applicant must submit a full set of  
22 the applicant's fingerprints on forms supplied by the board, which shall be  
23 forwarded to the Idaho state police and the federal bureau of investigation  
24 identification division for this purpose. The board shall not disseminate  
25 data acquired from a fingerprint-based criminal history check except as al-  
26 lowed by law.

27 SECTION 14. That Section 54-1811, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 54-1811. PHYSICIAN LICENSURE BY ENDORSEMENT. Any person seeking to be  
30 licensed to practice medicine as a physician in this state who is licensed to  
31 practice medicine in another state must successfully complete the following  
32 requirements before a license to practice medicine will be issued:

33 (1) Each applicant must submit a completed written application to the  
34 board on forms furnished by the board which shall require proof ~~of graduation~~  
35 ~~from a medical school acceptable to the board and successful completion of~~  
36 ~~a postgraduate training program acceptable to the board and which contains~~  
37 ~~proof that the applicant has any one (1) of the following qualifications:~~

38 ~~(a) The applicant is a diplomate of the national board of medical exam-~~  
39 ~~iners or the national board of examiners for osteopathic physicians and~~  
40 ~~surgeons;~~

41 ~~(b) The that the applicant holds a valid, unrevoked, unsuspended li-~~  
42 ~~cence to practice medicine and surgery, or osteopathic medicine and~~  
43 ~~surgery in a state, territory or district of the United States or~~  
44 ~~Canada, and the applicant demonstrates that he possesses the requisite~~  
45 ~~qualifications to provide the same standard of health care as provided~~  
46 ~~by licensed physicians in this state. The board may require further~~  
47 ~~examination to establish such qualifications. An applicant with any~~

1 disciplinary action, including past, pending, or confidential, by any  
 2 board of medicine, licensing authority, medical society, professional  
 3 society, hospital, medical school, or institution staff in any state,  
 4 territory, district, or country is not eligible for licensure by en-  
 5 dorsement.

6 (2) The application shall require a fingerprint-based criminal history  
 7 check of the Idaho central criminal database and the federal bureau of inves-  
 8 tigation criminal history database. Each applicant must submit a full set  
 9 of the applicant's fingerprints on forms supplied by the board which shall be  
 10 forwarded to the Idaho state police and the federal bureau of investigation  
 11 identification division for this purpose or for the purpose of qualifying an  
 12 applicant for an expedited license as the state of principal license as pro-  
 13 vided in section 54-1847, Idaho Code. The board shall not disseminate data  
 14 acquired from a fingerprint-based criminal history check except as allowed  
 15 by law.

16 (3) The board may require an applicant to be personally interviewed by  
 17 the board or a designated committee of the board. The interview shall be lim-  
 18 ited to a review of the applicant's qualifications and professional creden-  
 19 tials.

20 SECTION 15. That Section 54-1813, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 54-1813. TEMPORARY LICENSE AND REGISTRATION. (1) The board may by rule  
 23 provide for the issuance of a temporary license to a person licensed to prac-  
 24 tice medicine ~~and surgery~~ or osteopathic medicine ~~and surgery~~ in some other  
 25 state, territory or district of the United States or Canada or to a person  
 26 who is a diplomate of the national board of medical examiners or a diplo-  
 27 mate of the national board of osteopathic medical examiners ~~for osteopathic~~  
 28 ~~physicians and surgeons~~ or to a physician assistant, excluding any volun-  
 29 teer license applicant, provided that such temporary license shall be issued  
 30 only to persons who have made an application for a permanent license in this  
 31 state. The board shall fix and collect a fee for a temporary license and it  
 32 shall be valid from the date of issuance ~~to the next regular meeting of the~~  
 33 ~~board~~ for one hundred twenty (120) days, unless extended by the board or its  
 34 designated representative upon a showing of good cause.

35 (2) The board may by rule provide for temporary registration of  
 36 ~~externs,~~ interns, and residents. The board shall fix and collect a fee for  
 37 the temporary registration and it shall specify the time period of the tem-  
 38 porary registration.

39 SECTION 16. That Section 54-1814, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 54-1814. GROUNDS FOR MEDICAL DISCIPLINE. Every person licensed to  
 42 practice medicine, ~~licensed to practice as a physician assistant~~ or regis-  
 43 tered as an ~~extern,~~ intern or resident in this state is subject to discipline  
 44 by the board pursuant to the procedures set forth in this chapter and rules  
 45 promulgated pursuant thereto upon any of the following grounds:

46 (1) ~~Conviction~~ Being convicted of a felony, ~~or a crime involving moral~~  
 47 ~~turpitude, or the entering of a plea of~~ pleading guilty to a felony, or the

1 finding of guilt by a jury or court of commission of a felony ~~or a crime in-~~  
2 ~~volving moral turpitude.~~

3 (2) ~~Use of~~ Using false, fraudulent or forged statements or documents,  
4 diplomas or credentials in connection with any licensing or other require-  
5 ments of this act.

6 (3) Practicing medicine under a false or assumed name in this or any  
7 other state.

8 (4) Advertising the practice of medicine in any unethical or unprofes-  
9 sional manner.

10 (5) Knowingly aiding or abetting any person to practice medicine who is  
11 not authorized to practice medicine as provided in this chapter.

12 (6) Performing or procuring an unlawful abortion or aiding or abetting  
13 the performing or procuring of an unlawful abortion.

14 (7) ~~The provision of~~ Providing health care which fails to meet the stan-  
15 dard of health care provided by other qualified physicians or physician as-  
16 sistants in the same community or similar communities, taking into account  
17 his training, experience and the degree of expertise to which he holds him-  
18 self out to the public.

19 (8) ~~Division of~~ Dividing fees or gifts or ~~agreement~~ agreeing to split  
20 or divide fees or gifts received for professional services with any person,  
21 institution or corporation in exchange for referral.

22 (9) Giving or receiving or aiding or abetting the giving or receiving of  
23 rebates, either directly or indirectly.

24 (10) Inability to obtain or renew a license to practice medicine, or  
25 revocation ~~of,~~ ~~or~~ suspension, or other discipline of a license to practice  
26 medicine by any other state, territory, district of the United States or  
27 Canada, unless it can be shown that such action was not related to the compe-  
28 tence of the person to practice medicine or to any conduct designated herein.

29 (11) Prescribing or furnishing narcotic or hallucinogenic drugs to ad-  
30 dicted persons to maintain their addictions and level of usage without at-  
31 tempting to treat the primary condition requiring the use of narcotics.

32 (12) Prescribing or furnishing narcotic, hypnotic, hallucinogenic,  
33 stimulating or dangerous drugs for other than treatment of any disease, in-  
34 jury or medical condition.

35 (13) ~~Failure~~ Failing to safeguard the confidentiality of medical  
36 records or other medical information pertaining to identifiable patients,  
37 except as required or authorized by law.

38 (14) ~~The direct promotion by a physician of~~ Directly promoting the sale  
39 of drugs, devices, appliances or goods to a patient that are unnecessary and  
40 not medically indicated.

41 (15) ~~Abandonment of~~ Abandoning a patient.

42 (16) Willfully and intentionally representing that a manifestly incur-  
43 able disease or injury or other manifestly incurable condition can be perma-  
44 nently cured.

45 (17) ~~Failure~~ Failing to supervise the activities of ~~externs,~~ interns,  
46 residents, nurse practitioners, certified nurse-midwives, clinical nurse  
47 specialists, or physician assistants.

48 (18) Practicing medicine when a license pursuant to this chapter is sus-  
49 pended, revoked or inactive.

1 (19) Practicing medicine in violation of a voluntary restriction or  
2 terms of probation pursuant to this chapter.

3 (20) Refusing to divulge to the board upon demand the means, method, de-  
4 vice or instrumentality used in the treatment of a disease, injury, ailment,  
5 or infirmity.

6 ~~(21) Commission of Committing any act constituting a felony or commis-~~  
7 ~~sion of any act constituting a crime involving moral turpitude.~~

8 (22) Engaging in any conduct which constitutes an abuse or exploitation  
9 of a patient arising out of the trust and confidence placed in the physician  
10 by the patient.

11 (23) Being convicted of or pleading guilty to driving under the influ-  
12 ence of alcohol, drugs or other intoxicating substances or being convicted  
13 of or pleading guilty to other drug or alcohol related criminal charges.

14 (24) ~~Failure~~ Failing to comply with a board order entered by the board.

15 (25) ~~Failure~~ Failing to comply with the requirements of the abortion  
16 complications reporting act, chapter 95, title 39, Idaho Code.

17 (26) Engaging in a pattern of unprofessional or disruptive behavior or  
18 interaction in a health care setting that interferes with patient care or  
19 could reasonably be expected to adversely impact the quality of care ren-  
20 dered to a patient. Such behavior does not have to have caused actual patient  
21 harm to be considered unprofessional or disruptive.

22 (27) Interfering with an investigation or disciplinary proceeding  
23 by willful misrepresentation of facts or by use of threats of harassment  
24 against any patient, member of a board or committee on professional disci-  
25 pline, board staff, hearing officer, or witness in an attempt to influence  
26 the outcome of a disciplinary proceeding, investigation, or other legal  
27 action.

28 (28) Delegating professional responsibilities to:

29 (a) An unlicensed person when the licensee knows or has reason to know  
30 that such person is not qualified by training, experience, or license to  
31 carry them out; or

32 (b) A person licensed by this state to engage in activities which may  
33 involve the practice of medicine when the delegating licensee knows or  
34 has reason to know that the delegated activities are outside the li-  
35 censed person's scope of practice.

36 (29) Failure to report the charge or conviction of a felony to the board  
37 within thirty (30) days of the charge.

38 SECTION 17. That Section [54-1817](#), Idaho Code, be, and the same is hereby  
39 repealed.

40 SECTION 18. That Section 54-1818, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 54-1818. REPORTING OF VIOLATIONS BY PHYSICIANS. A licensed physician  
43 ~~and surgeon or physician assistant~~ possessing knowledge of a violation of  
44 section 54-1814, Idaho Code, by any other physician ~~and surgeon or physi-~~  
45 cian assistant licensed to practice medicine in Idaho shall with reasonable  
46 promptness report such knowledge to the board of medicine or its duly autho-  
47 rized committee, agency or representative, and failure to do so shall sub-  
48 ject such person to disciplinary action by the state board of medicine as in

1 its discretion the board shall deem proper, pursuant to procedures provided  
 2 in chapter 18, title 54, Idaho Code; provided, no person shall be civilly li-  
 3 able for communications, reports or acts of any kind made, given or handled  
 4 under the provisions of this act. However, notwithstanding the foregoing,  
 5 no physician or ~~surgeon~~ physician assistant shall be required to report, nor  
 6 shall any physician or ~~surgeon~~ physician assistant report, any information  
 7 known, learned or discovered by that ~~physician or surgeon~~ person as a result  
 8 of participation in peer review or access to peer review records, as defined  
 9 in section 39-1392a, Idaho Code. This provision shall not relieve a health  
 10 care organization of its notification obligations as set forth in section  
 11 39-1393, Idaho Code.

12 SECTION 19. That Section 54-1819, Idaho Code, be, and the same is hereby  
 13 repealed.

14 SECTION 20. That Section 54-1831, Idaho Code, be, and the same is hereby  
 15 amended to read as follows:

16 54-1831. SHORT TITLE. This act shall be known as the "Disabled Physi-  
 17 cian and Physician Assistant Act."

18 SECTION 21. That Section 54-1832, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20 54-1832. GROUNDS FOR RESTRICTION, SUSPENSION, OR REVOCATION OF LI-  
 21 CENSE. The license of any physician or physician assistant to practice  
 22 medicine in this state shall be subject to restriction, suspension, or re-  
 23 vocation, as hereinafter provided, in case of inability of the licensee to  
 24 practice medicine with reasonable skill or safety to patients by reason of  
 25 one (1) or more of the following:

26 (a) ~~m~~Mental illness;

27 (b) ~~p~~Physical illness, including but not limited to, deterioration  
 28 through the aging process, or loss of motor skill; or

29 (c) ~~e~~Excessive use or abuse of drugs, including alcohol.

30 SECTION 22. That Section 54-1833, Idaho Code, be, and the same is hereby  
 31 amended to read as follows:

32 54-1833. DUTIES OF BOARD OF MEDICINE. (a) If the board of medicine  
 33 ("board") has reasonable cause to believe that a physician or physician  
 34 assistant licensed to practice medicine in this state is unable to practice  
 35 medicine with reasonable skill and safety to patients because of a condition  
 36 described in section 54-1832, ~~such Idaho Code,~~ the board shall ~~cause an exam-~~  
 37 ~~ination of such physician to be made and shall, following such examination,~~  
 38 ~~take appropriate action within the provisions of this act~~ serve upon the  
 39 physician or physician assistant a notice of hearing on the sole issue of the  
 40 capacity of the physician or physician assistant to competently and safely  
 41 engage in the practice of medicine.

42 ~~(b) Examination of a physician under this section shall be conducted~~  
 43 ~~by an examining committee which the board shall designate and which shall be~~  
 44 ~~composed of three (3) licensed, practicing physicians including at least one~~

1 ~~(1) psychiatrist if a question of mental illness is involved in the particu-~~  
 2 ~~lar examination of the particular physician in any given case.~~

3 (2) Every physician and physician assistant who accepts the privilege  
 4 of being licensed under this chapter gives consent to:

5 (a) Submitting at the licensee's own expense to an immediate mental or  
 6 physical examination when directed in writing by the board to do so; and

7 (b) The admissibility of the reports of the examining physician's tes-  
 8 timony or examination, and waives all objections on the ground the re-  
 9 ports constitute a privileged communication.

10 (3) The examination may be ordered by the board, only upon a finding of  
 11 reasonable cause to believe:

12 (a) The physician or physician assistant is unable to practice medicine  
 13 with reasonable skill and safety because of a condition described in  
 14 section 54-1832, Idaho Code; and

15 (b) Immediate action by the board is necessary to prevent harm to pa-  
 16 tients or the general public.

17 (4) Failure of a physician to submit to the examination ordered under  
 18 this section is a ground for the board's immediate suspension of the physi-  
 19 cian's license by written order.

20 SECTION 23. That Section [54-1834](#), Idaho Code, be, and the same is hereby  
 21 repealed.

22 SECTION 24. That Section [54-1835](#), Idaho Code, be, and the same is hereby  
 23 repealed.

24 SECTION 25. That Section [54-1836](#), Idaho Code, be, and the same is hereby  
 25 repealed.

26 SECTION 26. That Section 54-1837, Idaho Code, be, and the same is hereby  
 27 amended to read as follows:

28 54-1837. PROCEEDINGS. (a~~1~~) The board may proceed against a physi-  
 29 cian or physician assistant under this act by serving upon such physician  
 30 or physician assistant at least fifteen (15) days' notice of a time and  
 31 place fixed for a hearing, ~~together with copies of the examining commit-~~  
 32 ~~tee's report and diagnosis.~~ Such notice and reports shall be served upon the  
 33 physician licensee either personally or by registered or certified mail with  
 34 return receipt requested.

35 (b~~2~~) At said hearing the physician licensee shall have the right to be  
 36 present, to be represented by counsel, to produce witnesses or evidence in  
 37 his behalf, to cross-examine witnesses, and to have subpoenas issued by the  
 38 board.

39 (3) The results of any examination ordered by the board pursuant to  
 40 section 54-1833(c), Idaho Code, including evidence and testimony offered by  
 41 the examining physician shall be admissible at said hearing, along with any  
 42 other evidence, or witness testimony relevant to the licensee's fitness to  
 43 practice.

44 (e~~4~~) At the conclusion of the hearing, the board shall make a determina-  
 45 tion of the merits and, if grounds therefor are found to exist, may issue an  
 46 order imposing one (1) or more of the following:

1           ~~(1a) Make a A~~ recommendation that the physician licensee submit to the  
2 care, counseling, or treatment by physicians acceptable to the board;  
3 or

4           ~~(2b) Suspend or restrict the license of the physician~~ Suspension or re-  
5 striction of the licensee's license to practice medicine for the dura-  
6 tion of his impairment; or

7           ~~(3c) Revoke~~ Revocation of the licensee's license of the physician to  
8 practice medicine; and if

9           ~~(d) If~~ grounds are not found to exist, the board shall enter its order so  
10 stating, shall dismiss the proceedings and shall provide the respondent  
11 a true copy thereof.

12           ~~(d) The board may temporarily suspend or restrict the license of any~~  
13 ~~physician or enter an appropriate order of temporary probation, ex parte, on~~  
14 ~~its own motion or on petition of the examining committee, pending further or~~  
15 ~~final order without prior hearing, simultaneously with or at any time after~~  
16 ~~the institution of proceedings for a hearing under this section, but only if~~  
17 ~~it first finds, on the basis of a responsible showing which satisfactorily~~  
18 ~~demonstrates that the physician, in his capacity as such and for reasons set~~  
19 ~~forth by petition, affidavit, or other verified showing, is causing great~~  
20 ~~harm to the public, or to any patient or group of patients, or is likely to~~  
21 ~~cause such harm and therefore should be immediately suspended, restricted or~~  
22 ~~specially controlled in or from the practice of medicine.~~

23           ~~(1) In such cases, the board may summarily, and ex parte, order tempo-~~  
24 ~~rary conditions of probation, suspension or restriction of said physi-~~  
25 ~~cian and his or her license and authority to practice medicine in the~~  
26 ~~state of Idaho, pending further or final order in the proceedings.~~

27           ~~(2) In cases of extreme emergency the board may enter said temporary or-~~  
28 ~~der under this section without prior referral to or recommendation from~~  
29 ~~the examining committee.~~

30           ~~(3) In cases in which the examining committee first determines that~~  
31 ~~such temporary suspension, restriction or probation of such physician~~  
32 ~~is necessary and in the public interest pending the final conclusion~~  
33 ~~of proceedings or further order, it shall so recommend to the board,~~  
34 ~~and the board, if it finds that the evidence in support of such de-~~  
35 ~~termination and recommendation is clear and convincing and that the~~  
36 ~~physician's continuation in the practice would constitute an imminent~~  
37 ~~danger to public health and safety or pose a threat or menace of the kind~~  
38 ~~hereinabove specified, may, in its discretion, enter an order in keep-~~  
39 ~~ing with the recommendation of the examining committee or provide such~~  
40 ~~modifications, conditions or orders as it deems appropriate.~~

41           ~~(4) The physician may, for good cause, request dissolution or amend-~~  
42 ~~ment of any such temporary order by petition filed with the board, which~~  
43 ~~petition shall be set for prompt hearing before the board or, if neces-~~  
44 ~~sary and on request of the physician in the interest of early consider-~~  
45 ~~ation, before a hearing officer or special committee designated by the~~  
46 ~~board for that purpose, which officer or committee shall forthwith hear~~  
47 ~~said matter and report to the board its report and recommendation. The~~  
48 ~~board, consistent with due process, shall rule with the least amount of~~  
49 ~~delay reasonably possible.~~

1       ~~(c) Neither the record of the proceeding nor any order entered against~~  
2 ~~a physician may be used against him in any other legal proceeding except upon~~  
3 ~~judicial review as provided herein, it being the intent and purpose of this~~  
4 ~~act that all evidence, testimony, showings and proceedings are subject to~~  
5 ~~disclosure according to chapter 1, title 74, Idaho Code, but not to be used in~~  
6 ~~criminal or civil proceedings concerning the subject physician.~~

7       SECTION 27. That Section 54-1838, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9       54-1838~~5~~. RIGHT TO APPEAL AND REINSTATEMENT OF LICENSE. (a~~1~~) ~~A physi-~~  
10 ~~cian whose license has been restricted, suspended or revoked under this act,~~  
11 ~~voluntarily or by action of the board, shall have a right, at reasonable~~  
12 ~~intervals, to petition for reinstatement of his license and to demonstrate~~  
13 ~~that he can resume the competent practice of medicine with reasonable skill~~  
14 ~~and safety to patients. Such petition shall be made in writing and on a form~~  
15 ~~prescribed by the board. Action of the board on such petition shall be initi-~~  
16 ~~ated by referral to and examination by the examining committee pursuant to~~  
17 ~~the provisions of sections 54-1834 and 54-1835. The board may, upon written~~  
18 ~~recommendation of the examining committee, restore the licensure of the~~  
19 ~~physician on a general or limited basis or institute a proceeding pursuant to~~  
20 ~~this section for the determination of the fitness of the physician to resume~~  
21 ~~his practice~~ A physician or physician assistant whose license is suspended  
22 under section 54-1833(4) has the right to a hearing to appeal the suspension  
23 within ten (10) days after the license is suspended. The hearing held under  
24 this subsection shall be conducted in accordance with section 54-1834, Idaho  
25 Code, for the sole purpose of determining if sufficient basis exists for  
26 the continuance of the order of suspension in order to prevent harm to the  
27 licensee's patients or the general public.

28       (2) A physician or physician assistant whose license is revoked, sus-  
29 pended, or in any way restricted under section 54-1833 or 54-1834, Idaho  
30 Code, may request that the board consider, at reasonable intervals, evi-  
31 dence presented by the physician or physician assistant under procedures  
32 established by rule, regarding any change in the licensee's condition to  
33 determine whether the licensee is or is not able to safely and competently  
34 engage in the practice of medicine; and is qualified to have the physician  
35 or physician assistant license to practice under this chapter restored com-  
36 pletely or in part.

37       SECTION 28. That Section 54-1839, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39       54-1839~~6~~. JUDICIAL REVIEW. All final decisions by the board of  
40 medicine shall be subject to judicial review pursuant to the procedures of  
41 the administrative procedures act, chapter 52, title 67, Idaho Code.

42       SECTION 29. That Section 54-1840, Idaho Code, be, and the same is hereby  
43 repealed.

44       SECTION 30. That Section 54-1841, Idaho Code, be, and the same is hereby  
45 amended to read as follows:



1 54-1841. VOLUNTEER'S LICENSE -- QUALIFICATIONS. (1) Upon application  
2 and qualification, the board may issue, without examination, a volunteer's  
3 license to a physician or physician assistant who is retired from the active  
4 practice of medicine ~~and surgery~~ or osteopathic medicine ~~and surgery~~ to en-  
5 able the retired physician or physician assistant to provide medical ser-  
6 vices to persons who, due to age, infirmity, indigence or disability, are un-  
7 able to receive regular medical treatment.

8 (2) (a) For purposes of this section, a physician or physician assis-  
9 tant previously holding a license to practice medicine ~~and surgery~~, ~~os-~~  
10 ~~teopathic medicine and surgery~~ or osteopathic medicine with active statu-  
11 s in Idaho or another state shall be considered to be retired if, prior  
12 to the date of application for a volunteer's license:

13 (i) He has surrendered or allowed his license with active status  
14 to expire with the intention of ceasing to actively practice as a  
15 physician or physician assistant for remuneration;

16 (ii) He has converted his license with active status to a license  
17 with inactive status with the intention of ceasing to actively  
18 practice as a physician or physician assistant for remuneration;  
19 or

20 (iii) He has converted his license with active or inactive status  
21 to a license with retirement or similar status that proscribed the  
22 active practice of medicine ~~and surgery~~ or osteopathic medicine  
23 ~~and surgery~~.

24 (b) A physician or physician assistant whose license had been re-  
25 stricted, suspended, revoked, surrendered, resigned, converted, or  
26 allowed to lapse or expire as the result of disciplinary action or in  
27 lieu of disciplinary action being taken shall not be eligible for a vol-  
28 unteer's license.

29 (3) An application for a volunteer's license shall include, but not be  
30 limited to, the following:

31 (a) Verification of graduation from an acceptable school of medicine or  
32 an acceptable osteopathic school of medicine or an acceptable physician  
33 assistant program;

34 (b) Verification from each state board in which the applicant was li-  
35 censed that the applicant maintained his license in good standing with-  
36 out disciplinary action that restricted the applicant's license or re-  
37 sulted in the applicant's license being placed on probation, suspended,  
38 revoked or being surrendered, resigned or otherwise allowed to lapse or  
39 expire in lieu of disciplinary action;

40 (c) Verification that the applicant held a license in good standing in  
41 Idaho or another state as of the date upon which the physician or physi-  
42 cian assistant became retired;

43 (d) Verification that the applicant held an active status license in  
44 good standing in Idaho or another state within five (5) years of the  
45 date of application for a volunteer's license, provided, that the board  
46 may waive the five (5) year requirement in the event that the appli-  
47 cant demonstrates that he possesses the knowledge and skills requisite  
48 to the practice of medicine ~~and surgery~~ or osteopathic medicine ~~and~~  
49 ~~surgery~~ by successfully completing such examinations as are required by  
50 the board; and

1 (e) A notarized statement from the applicant on a form prescribed by  
2 the board, that the applicant will not provide any physician or physi-  
3 cian assistant services to any person other than those permitted by  
4 the license and that the applicant will not accept any amount or form  
5 of remuneration, other than as reimbursement for the amount of actual  
6 expenses incurred as a volunteer physician or physician assistant, for  
7 any physician or physician assistant services provided under the au-  
8 thority of a volunteer's license.

9 (4) A volunteer's license shall be valid for that period specified for  
10 physicians or physician assistants in section 54-1808, Idaho Code, and may  
11 be renewed upon application of the licensee unless the license has been re-  
12 voked in accordance with this section. The board shall maintain a register  
13 of all physicians or physician assistants who hold a volunteer's license.  
14 The board shall not charge an application or licensing fee for issuing or re-  
15 newing a volunteer's license. A volunteer's license cannot be converted to a  
16 license with active, inactive or temporary status.

17 (5) The board may revoke a volunteer's license upon receiving proof  
18 satisfactory to the board that grounds existed for enforcement or dis-  
19 disciplinary action against the holder of a volunteer's license under other  
20 sections of this chapter or the administrative rules promulgated under this  
21 chapter.

22 SECTION 31. That Section 56-1012, Idaho Code, be, and the same is hereby  
23 amended to read as follows:

24 56-1012. DEFINITIONS. As used in sections 56-1011 through 56-1023,  
25 Idaho Code:

26 (1) "Advanced emergency medical technician" means a person who has met  
27 the qualifications for licensure as set forth in sections 56-1011 through  
28 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011  
29 through 56-1023, Idaho Code, carries out the practice of emergency care  
30 within the scope of practice determined by the commission and practices un-  
31 der the supervision of an Idaho licensed physician.

32 (2) "Agency" means any organization licensed by the EMS bureau that op-  
33 erates an air medical service, ambulance service or nontransport service.

34 (3) "Air ambulance" means any privately or publicly owned fixed wing  
35 aircraft or rotary wing aircraft used for, or intended to be used for, the  
36 transportation of persons experiencing physiological or psychological ill-  
37 ness or injury who may need medical attention during transport. This may  
38 include dual or multipurpose vehicles which otherwise comply with sections  
39 56-1011 through 56-1023, Idaho Code, and specifications established by  
40 board rule.

41 (4) "Air medical service" means an agency licensed by the EMS bureau  
42 that responds to requests for patient care and transportation from hospitals  
43 and EMS agencies using a fixed wing aircraft or rotary wing aircraft.

44 (5) "Ambulance" means any privately or publicly owned motor vehicle  
45 or nautical vessel used for, or intended to be used for, the transportation  
46 of sick or injured persons who may need medical attention during transport.  
47 This may include dual or multipurpose vehicles which otherwise comply with  
48 sections 56-1011 through 56-1023, Idaho Code, and specifications estab-  
49 lished by board rule.

1 (6) "Ambulance service" means an agency licensed by the EMS bureau op-  
2 erated with the intent to provide personnel and equipment for medical treat-  
3 ment at an emergency scene, during transportation or during transfer of per-  
4 sons experiencing physiological or psychological illness or injury who may  
5 need medical attention during transport.

6 (7) "Applicant" means any organization that is requesting an agency li-  
7 cense under this chapter and includes the following:

8 (a) An organization seeking a new license;

9 (b) An existing agency that intends to change the level of licensed per-  
10 sonnel it utilizes;

11 (c) An existing agency that intends to change its geographic coverage  
12 area, except by agency annexation;

13 (d) An existing nontransport service that intends to provide ambulance  
14 service;

15 (e) An existing ambulance service that intends to discontinue trans-  
16 port and become a nontransport service.

17 (8) "Board" means the Idaho board of health and welfare.

18 (9) "Commission" means the Idaho emergency medical services physician  
19 commission.

20 (10) "Community emergency medical technician" or "community EMT" means  
21 an emergency medical technician or advanced emergency medical technician  
22 with additional standardized training who works within a designated commu-  
23 nity health emergency medical services program under local medical control  
24 as part of a community-based team of health and social services providers.

25 (11) "Community health emergency medical services" or "community  
26 health EMS" means the evaluation, advice or treatment of an eligible recip-  
27 ient outside of a hospital setting, which is specifically requested for the  
28 purpose of preventing or improving a particular medical condition, and which  
29 is provided by a licensed emergency medical services agency. Community  
30 health EMS involving or related to emergency response must be provided by or  
31 in coordination with the primary 911 response agency for that area.

32 (12) "Community paramedic" means a paramedic with additional standard-  
33 ized training who works within a designated community health emergency med-  
34 ical services program under local medical control as part of a community-  
35 based team of health and social services providers.

36 (13) "Department" means the Idaho department of health and welfare.

37 (14) "Eligible recipient" means an individual eligible to receive com-  
38 munity health emergency medical services, as determined by rule of the EMS  
39 bureau or a local community health emergency medical services program.

40 (15) "Emergency medical responder" means a person who has met the qual-  
41 ifications for licensure as set forth in sections 56-1011 through 56-1023,  
42 Idaho Code, is licensed by the EMS bureau under sections 56-1011 through  
43 56-1023, Idaho Code, carries out the practice of emergency care within the  
44 scope of practice determined by the commission and practices under the su-  
45 pervision of an Idaho licensed physician.

46 (16) "Emergency medical services" or "EMS" means aid rendered by an in-  
47 dividual or group of individuals who do the following:

48 (a) Respond to a perceived need for medical care in order to prevent  
49 loss of life or aggravation of physiological or psychological illness  
50 or injury;

1 (b) Are prepared to provide interventions that are within the scope of  
2 practice as defined by the commission;

3 (c) Use an alerting mechanism to initiate a response to requests for  
4 medical care; and

5 (d) Offer, advertise or attempt to respond as described in paragraphs  
6 (a) through (c) of this subsection.

7 ~~Aid rendered by a ski patroller, as described in section 54-1804(1)(h),~~  
8 ~~Idaho Code, is not EMS.~~

9 (17) "EMS bureau" means the bureau of emergency medical services of the  
10 department.

11 (18) "Emergency medical technician" means a person who has met the qual-  
12 ifications for licensure as set forth in sections 56-1011 through 56-1023,  
13 Idaho Code, is licensed by the EMS bureau under sections 56-1011 through  
14 56-1023, Idaho Code, carries out the practice of emergency care within the  
15 scope of practice determined by the commission and practices under the su-  
16 pervision of an Idaho licensed physician.

17 (19) "Licensed personnel" means those individuals who are emergency  
18 medical responders, emergency medical technicians, advanced emergency med-  
19 ical technicians and paramedics.

20 (20) "National emergency medical services information system techni-  
21 cal assistance center" means an organization that validates software for  
22 compliance with the EMS data set defined by the United States department of  
23 transportation national highway traffic safety administration.

24 (21) "Nontransport service" means an agency licensed by the EMS bureau,  
25 operated with the intent to provide personnel or equipment for medical sta-  
26 bilization at an emergency scene, but not intended to be the service that  
27 will actually transport sick or injured persons.

28 (22) "Nontransport vehicle" means any vehicle operated by an agency  
29 with the intent to provide personnel or equipment for medical stabilization  
30 at an emergency scene, but not intended as the vehicle that will actually  
31 transport sick or injured persons.

32 (23) "Paramedic" means a person who has met the qualifications for li-  
33 censure as set forth in sections 56-1011 through 56-1023, Idaho Code, is li-  
34 censed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code,  
35 carries out the practice of emergency care within the scope of practice de-  
36 termined by the commission and practices under the supervision of an Idaho  
37 licensed physician.

38 (24) "Supervision" means the medical direction by a licensed physician  
39 of activities provided by licensed personnel affiliated with a licensed  
40 ambulance, air medical or nontransport service, including, but not limited  
41 to: establishing standing orders and protocols, reviewing performance of  
42 licensed personnel, providing instructions for patient care via radio or  
43 telephone, and other oversight.

44 (25) "Transfer" means the transportation of a patient from one (1) medi-  
45 cal care facility to another.