

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 453

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO LICENSURE OF MEDICAL LABORATORY SCIENCE PRACTITIONERS; AMEND-
2 ING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 58, TITLE 54,
3 IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT,
4 TO DEFINE TERMS, TO REQUIRE LICENSURE, TO PROVIDE QUALIFICATIONS FOR
5 LICENSURE OF A MEDICAL LABORATORY SCIENTIST OR TECHNOLOGIST, TO PRO-
6 VIDE QUALIFICATIONS FOR LICENSURE OF A MEDICAL LABORATORY TECHNICIAN,
7 TO PROVIDE QUALIFICATIONS FOR LICENSURE OF A CATEGORICAL MEDICAL LAB-
8 ORATORY SCIENTIST, TO PROVIDE EXEMPTIONS, TO PROVIDE AUTHORITY FOR
9 ENDORSEMENT LICENSURE, TO PROVIDE FOR RENEWAL OF LICENSURE, TO ESTAB-
10 LISH FEES, TO PROVIDE FOR SUSPENSION AND REVOCATION OF LICENSURE AND
11 REFUSAL TO RENEW, TO PROVIDE APPLICATION OF DUE PROCESS PROCEDURES, TO
12 ESTABLISH THE MEDICAL LABORATORY BOARD AND TO PROVIDE FOR APPOINTMENT,
13 TO PROVIDE POWERS AND DUTIES OF THE BOARD, TO PROVIDE FOR EXPENSES AND
14 DISPOSITION OF RECEIPTS, TO AUTHORIZE ADOPTION OF RULES, TO SPECIFY
15 APPLICATION PROCEDURES AND TO PROHIBIT MISREPRESENTATION.
16

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

18 SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended
19 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
20 ter 58, Title 54, Idaho Code, and to read as follows:

21 CHAPTER 58

22 MEDICAL LABORATORY SCIENCE PRACTICE ACT

23 54-5801. SHORT TITLE. The provisions of this chapter shall be known
24 and may be cited as the "Medical Laboratory Science Practice Act."

25 54-5802. LEGISLATIVE INTENT. It is hereby declared to be a policy of
26 this state that the practice of medical laboratory science by health care
27 professionals affects the public health, safety and welfare and is subject
28 to control and regulation in the public interest. It is further declared
29 that medical laboratories and medical laboratory science practitioners pro-
30 vide essential services by furnishing vital information that may be used in
31 the diagnosis, prevention and treatment of disease or impairment, and the
32 assessment of the health of humans. The purpose of this chapter is to provide
33 for the better protection of public health by providing minimum qualifica-
34 tions for medical laboratory science professionals and by ensuring that med-
35 ical laboratory tests are performed with the highest degree of professional
36 competency by those engaged in providing such services in this state. It is
37 the purpose of the provisions of this chapter to provide for the licensure
38 and regulation of persons performing medical laboratory procedures for the
39 public.

1 54-5803. DEFINITIONS. As used in this chapter:

2 (1) "Accredited medical laboratory program" means a program, as pro-
3 vided in rule, that provides appropriate instruction and experience in medi-
4 cal laboratory science that has been accredited by one (1) of the accrediting
5 agencies recognized by the United States department of education.

6 (2) "Board" means the medical laboratory board created in section
7 54-5814, Idaho Code.

8 (3) "Categorical medical laboratory scientist" means an individual el-
9 igible under the provisions of this chapter who is qualified to perform med-
10 ical laboratory tests only in a specialized testing field, such as microbio-
11 ology, chemistry, immunology, hematology, immunohematology or future cate-
12 gories according to approved protocols, including those that require the ex-
13 ercise of independent judgment.

14 (4) "Inactive license" means a license issued pursuant to section
15 54-5810, Idaho Code, for a person who does not engage in any practice defined
16 by this chapter.

17 (5) "Medical laboratory" or "laboratory" means any facility in which
18 medical laboratory tests are performed.

19 (6) "Medical laboratory science" means the practice by an individual
20 who manages, supervises, educates, consults, researches or performs medical
21 laboratory testing or technical procedures in a medical laboratory. "Med-
22 ical laboratory science" does not include an activity that constitutes the
23 practice of medicine.

24 (7) "Medical laboratory scientist or technologist" means an individual
25 eligible under the provisions of this chapter to perform any medical labora-
26 tory test including those that require the exercise of independent judgment.
27 In addition, the individual may be responsible for the establishment and im-
28 plementation of protocols, quality assessment, method development and se-
29 lection, equipment selection and maintenance, and all activities related to
30 the pre-analytic, analytic and post-analytic phases of testing. The medical
31 laboratory scientist or technologist may also direct, supervise, consult,
32 educate or perform research functions.

33 (8) "Medical laboratory technician" means an individual eligible under
34 the provisions of this chapter who is qualified to perform medical labora-
35 tory tests pursuant to established and approved protocols that require lim-
36 ited exercise of independent judgment and that are performed with oversight
37 from a medical laboratory scientist or technologist, laboratory supervisor
38 or laboratory director.

39 (9) "Medical laboratory test" or "laboratory test" means a microbio-
40 logical, serological, chemical, biological, hematological, immunological,
41 immunohematological, radiobioassay, biophysical or any other test or proce-
42 dure performed on material derived from or existing in a human body that pro-
43 vides information for the diagnosis, prevention or monitoring of a disease
44 or impairment or assessment of a medical condition. Medical laboratory test
45 encompasses the pre-analytic, analytic and post-analytic phases of testing.

46 (10) "Point-of-care testing" means those analytical patient testing
47 activities provided within an institution but performed outside the physi-
48 cal facilities of the central medical laboratory. The primary criterion of
49 point-of-care testing is that it does not require permanent dedicated space.
50 Examples include analytical instruments that are temporarily brought to a

1 patient care location. Point-of-care testing must be under the direction,
2 authority, jurisdiction and responsibility of a person licensed under this
3 chapter.

4 (11) "Temporary license" means a license issued to an applicant eligi-
5 ble to sit for and registered to take the certification examination within
6 six (6) months of issuance of the temporary license or who has taken the ex-
7 amination and is awaiting the results or who meets the educational require-
8 ments for the license and is seeking to qualify for the certification exami-
9 nation by completing the medical laboratory experience required.

10 (12) "Trainee" or "student" means an individual who has not fulfilled
11 the educational requirements to take an approved, nationally recognized
12 certification examination or who needs to obtain full-time comprehensive
13 experience under supervision.

14 (13) "Waived test" means a simple laboratory examination or procedure
15 that, under a federal interpretation of the clinical laboratory improvement
16 amendments of 1988, employs a simple and accurate methodology that renders
17 the likelihood of erroneous results negligible or poses no reasonable risk
18 of harm to the patient if performed incorrectly.

19 54-5804. LICENSE REQUIRED. (1) On and after July 1, 2017, a license
20 shall be required to engage in the practice of medical laboratory science.
21 No person shall perform medical laboratory tests, or hold himself out as or
22 use in connection with his name or place of business the title of medical lab-
23 oratory scientist or technologist, medical laboratory technician or cate-
24 gorical medical laboratory scientist in this state unless the person pos-
25 sesses a valid license issued under the provisions of this chapter or is ex-
26 empt from the requirements of this chapter.

27 (2) Until July 1, 2018, the board may issue a license to a person en-
28 gaged in the practice of medical laboratory science on the effective date of
29 this chapter if the applicant can provide documentation, verified by oath,
30 of the equivalent of at least three (3) years of full-time experience in med-
31 ical laboratory science in Idaho within the last five (5) years. The appli-
32 cant's level of practice on the effective date of this chapter determines the
33 type of license issued. Application for licensure under this provision must
34 be submitted within one (1) year of the effective date of this chapter.

35 54-5805. QUALIFICATIONS FOR LICENSURE -- MEDICAL LABORATORY SCIEN-
36 TIST OR TECHNOLOGIST. (1) A person performing laboratory procedures as a
37 medical laboratory scientist or technologist and who meets the requirements
38 for licensure under the provisions of this section and who is not licensed
39 pursuant to section 54-5804, Idaho Code, or exempt under section 54-5808,
40 Idaho Code, shall apply to the board for the issuance of a license. The ap-
41 plication shall be on a form provided by the board.

42 (2) The board may issue a license to the applicant without restriction
43 to any area of practice specialty if the applicant successfully passes a na-
44 tionally recognized certification examination as provided in rule and au-
45 thorized by the board and provides proof to the board that he meets at least
46 one (1) of the following criteria:

47 (a) The applicant has earned a baccalaureate degree from an accredited
48 college or university including, or in addition to, successful comple-

1 tion of a medical laboratory scientist or technologist program accredited
2 ited by an agency recognized by the United States department of educa-
3 tion and certification by a board-approved, nationally recognized cer-
4 tifying agency as provided in rule;

5 (b) The applicant has earned a baccalaureate degree from an accredited
6 college or university, including a minimum of sixteen (16) semester
7 hours or twenty-four (24) quarter hours of biology coursework accept-
8 able toward a major in biological science and pertinent to the medical
9 laboratory sciences, sixteen (16) semester hours or twenty-four (24)
10 quarter hours of chemistry coursework acceptable toward a major in
11 chemistry and one (1) course in college-level mathematics, certifica-
12 tion by a board-approved, nationally recognized certification agency,
13 plus two (2) years of full-time medical laboratory experience within
14 the past four (4) years that has included a minimum of four (4) months in
15 each of the four (4) major disciplines of laboratory practice, which are
16 medical chemistry, hematology, immunohematology and microbiology; and

17 (i) Holds certification as a medical laboratory technician; or

18 (ii) Has successfully completed a medical laboratory technician
19 program accredited by an agency recognized by the United States
20 department of education; or

21 (c) The applicant has earned a baccalaureate degree from an accredited
22 college or university, including a minimum of sixteen (16) semester
23 hours or twenty-four (24) quarter hours of biology coursework accept-
24 able toward a major in biological science and pertinent to the medical
25 laboratory sciences, sixteen (16) semester hours or twenty-four (24)
26 quarter hours of chemistry coursework acceptable toward a major in
27 chemistry and one (1) course in college-level mathematics, certifica-
28 tion by a board-approved, nationally recognized certification agency,
29 plus five (5) years of full-time medical laboratory experience within
30 the past ten (10) years that has included a minimum of four (4) months in
31 each of the four (4) major disciplines of laboratory practice, which are
32 medical chemistry, hematology, immunohematology and microbiology.

33 54-5806. QUALIFICATIONS FOR LICENSURE -- MEDICAL LABORATORY TECHNI-
34 CIAN. (1) A person performing laboratory procedures as a medical laboratory
35 technician and who meets the requirements for licensure under the provisions
36 of this section and who is not licensed pursuant to section 54-5804, Idaho
37 Code, or exempt under section 54-5808, Idaho Code, shall apply to the board
38 for the issuance of a license. The application shall be on a form provided by
39 the board.

40 (2) The board may issue a license to the applicant without restriction
41 to any area of practice specialty if the applicant successfully passes a na-
42 tionally recognized certification examination authorized by the board and
43 provides proof to the board that he meets at least one (1) of the following
44 criteria:

45 (a) The applicant has earned an associate degree from an accredited
46 college or university, including successful completion of a medical
47 laboratory science technician program accredited by an agency approved
48 by the United States department of education, and certification by a
49 board-approved, nationally recognized certifying agency;

1 (b) The applicant has earned an associate degree or successfully com-
2 pleted at least sixty (60) semester hours or ninety (90) quarter hours
3 from an accredited college or university, including a minimum of six (6)
4 semester hours or nine (9) quarter hours of biology coursework accept-
5 able toward a major in biological science and pertinent to the medical
6 laboratory sciences, six (6) semester hours or nine (9) quarter hours of
7 chemistry coursework acceptable toward a major in chemistry and one (1)
8 course of college-level mathematics, plus successful completion of a
9 medical laboratory science technician program accredited by an organi-
10 zation recognized by the United States department of education, includ-
11 ing successful completion of an advanced military laboratory special-
12 ist program, and certification by a board-approved, nationally recog-
13 nized certifying agency; or

14 (c) The applicant has earned an associate degree or successfully com-
15 pleted at least sixty (60) semester hours or ninety (90) quarter hours
16 from an accredited college or university, including a minimum of six (6)
17 semester hours or nine (9) quarter hours of biology coursework accept-
18 able toward a major in biological sciences and pertinent to the medical
19 laboratory sciences, six (6) semester hours or nine (9) quarter hours
20 of chemistry coursework acceptable toward a major in chemistry and one
21 (1) course of college-level mathematics, certification by a board-ap-
22 proved, nationally recognized certifying agency, plus three (3) years
23 of full-time medical laboratory experience within the past six (6)
24 years that has included a minimum of four (4) months in each of the four
25 (4) major disciplines of laboratory practice, which are medical chem-
26 istry, hematology, immunohematology and microbiology.

27 54-5807. QUALIFICATIONS FOR LICENSURE -- CATEGORICAL MEDICAL LABORA-
28 TORY SCIENTIST. (1) A person practicing or performing laboratory procedures
29 as a categorical medical laboratory scientist and who meets the requirements
30 for licensure under the provisions of this section and who is not licensed
31 pursuant to section 54-5804, Idaho Code, or exempt under section 54-5808,
32 Idaho Code, shall apply to the board for the issuance of a license. The ap-
33 plication shall be on a form provided by the board.

34 (2) The board may issue a license to the applicant with restriction to
35 a specified category of practice specialty, if the applicant successfully
36 passes a nationally recognized certification examination authorized by the
37 board and has earned a baccalaureate degree in the appropriate medical lab-
38 oratory specialty from an accredited college or university, certification
39 by a board-approved, nationally recognized certifying organization issuing
40 certification in that category of expertise, plus one (1) year of experience
41 in the last five (5) years in the appropriate specialty.

42 54-5808. EXEMPTIONS. Nothing in this chapter shall be construed as
43 preventing or restricting the practice or performance of medical laboratory
44 science requiring licensure pursuant to this chapter:

45 (1) Of any person licensed in this state under any other chapter who,
46 as part of the person's licensed professional practice and within the scope
47 and discipline of the person's profession, is permitted to practice medical
48 laboratory science;

1 (2) Of any medical laboratory science practitioners employed by the
 2 United States government or any bureau, division or agency thereof, if such
 3 person practices or provides medical laboratory services solely under the
 4 direction and control of the organization by which such person is employed;

5 (3) Of medical laboratory science practitioners engaged in teaching or
 6 research, provided that the results of any such examination performed are
 7 not used in health maintenance, diagnosis or treatment of disease;

8 (4) Of students enrolled in supervised medical laboratory science ed-
 9 ucation courses of study, provided that such activities constitute a part
 10 of an accredited, planned course of education, or the equivalent as deter-
 11 mined by the board, that the persons are designated by title such as intern,
 12 trainee, or student, and the persons work directly under the supervision of
 13 an individual licensed by this state to practice medical laboratory science;

14 (5) Of any person solely performing waived tests under the clinical
 15 laboratory improvement amendments of 1988, P.L. 100-578; or

16 (6) Of personnel performing point-of-care testing, provided that the
 17 acute care facility complies with the following requirements:

18 (a) Within the point-of-care testing laboratory, a licensed medical
 19 laboratory scientist or technologist is responsible for:

20 (i) Designing and providing or supervising the training programs
 21 for the point-of-care testing personnel;

22 (ii) Supervising and monitoring the quality assurance and quality
 23 control activities of the testing site;

24 (iii) Assisting in the selection of technology;

25 (iv) Reviewing the results of proficiency testing and recommend-
 26 ing corrective action, if necessary; and

27 (v) Monitoring the continued competency of the testing person-
 28 nel; and

29 (b) Processes are in place and are acceptable to the board that ensure
 30 and document the continued competency of the point-of-care testing per-
 31 sonnel.

32 Failure to comply with the requirements of this section shall subject
 33 the point-of-care testing personnel to loss of the exemption.

34 54-5809. ENDORSEMENT LICENSURE. An applicant who satisfies the board
 35 that he is licensed or registered under the laws of another state, territory
 36 or jurisdiction of the United States, which in the opinion of the board im-
 37 poses substantially equivalent licensing requirements as this chapter, may,
 38 upon the payment of the required fee and the approval of the application, be
 39 licensed by endorsement pursuant to this chapter.

40 54-5810. RENEWAL AND REINSTATEMENT OF LICENSE -- INACTIVE LI-
 41 CENSE. (1) Licenses issued under this chapter shall be valid for one (1)
 42 year.

43 (2) All licenses issued under the provisions of this chapter shall be
 44 subject to annual renewal. License renewal and reinstatement shall be in ac-
 45 cordance with section 67-2614, Idaho Code.

46 (3) The board may issue inactive licenses pursuant to rules adopted by
 47 the board that may specify the terms and procedures necessary to maintain an

1 inactive license. The holder of an inactive license shall not engage in any
2 practice defined by this chapter.

3 54-5811. FEES. (1) The board shall establish the following fees relat-
4 ing to licensing in amounts sufficient to defray all costs necessary for the
5 administration of this chapter:

6 (a) Application fee for a license or a temporary license of twenty-five
7 dollars (\$25.00);

8 (b) Initial licensure fee, not to exceed one hundred dollars (\$100);

9 (c) Renewal fee, not to exceed one hundred dollars (\$100);

10 (d) Reinstatement fees in accordance with section 67-2614, Idaho Code;

11 (e) Temporary license fee, not to exceed fifty dollars (\$50.00), which
12 may be applied to the initial licensure fee if the practitioner success-
13 fully passes the nationally recognized certification examination; and

14 (f) Inactive license fee, not to exceed twenty-five dollars (\$25.00).

15 (2) All fees are nonrefundable, except that if a license fee is tendered
16 but the board does not issue a license, the respective license fee shall be
17 returned.

18 54-5812. SUSPENSION AND REVOCATION OF LICENSE -- REFUSAL TO RENEW. The
19 board may refuse to issue or renew, may revoke, or may suspend a license, may
20 place a licensee on probation, and may take such other disciplinary action as
21 the board may deem appropriate, including the imposition of a civil penalty
22 not to exceed one thousand dollars (\$1,000) for conduct that may result from,
23 but not necessarily be limited to:

24 (1) Having been convicted of a felony or being convicted of any crime
25 that has a bearing on any practice pursuant to this chapter in the courts of
26 this state or any other state, territory or country. Conviction, as used in
27 this subsection, shall include a finding or verdict of guilt, an admission
28 of guilt or a plea of nolo contendere or its equivalent. The record of con-
29 viction, or a certified copy thereof, certified by the clerk of the court or
30 by the judge in whose court the conviction occurred, shall be conclusive evi-
31 dence of such conviction;

32 (2) Making any material misrepresentation for the purpose of obtaining
33 licensure or violating any provision of this chapter;

34 (3) Failing to adhere to the recognized standards of ethics of the medi-
35 cal laboratory science profession as adopted by board rule;

36 (4) Engaging in dishonorable, unethical or unprofessional conduct as
37 defined by rule;

38 (5) Excessive use or abuse of alcohol and the inability to practice lab-
39 oratory science;

40 (6) Directly or indirectly contracting to perform medical laboratory
41 tests in a manner that offers or implies an offer of rebate, fee-splitting
42 inducements or arrangements, or other remuneration;

43 (7) Aiding or assisting another person in violating any provision of
44 this chapter or any rule adopted hereunder;

45 (8) Practicing or offering to practice beyond the scope of medical lab-
46 oratory science practice, as defined in this chapter, or failing to meet the
47 standard of a medical laboratory scientist provided by other qualified medi-

1 cal laboratory scientists and medical laboratory technicians in the same or
2 similar communities;

3 (9) Engaging in the performance of substandard care, as defined by
4 rule, by a medical laboratory practitioner due to an intentional, negligent
5 or reckless act or failure to act;

6 (10) Having had a license revoked or suspended, other disciplinary ac-
7 tion taken or an application for licensure refused, revoked or suspended by
8 the proper authorities of another state, territory or country, or omitting
9 such information from any application to the board, or failure to divulge
10 such information when requested by the board;

11 (11) Interfering with an investigation or disciplinary proceeding
12 by willful misrepresentation of facts or by use of threats or harassment
13 against any patient or witness to prevent such person from providing evi-
14 dence in a disciplinary proceeding, investigation or other legal action; or

15 (12) Failing to comply with an order of the board.

16 54-5813. DUE PROCESS PROCEDURES. The proceedings for the revocation,
17 suspension or limiting of any license may be initiated by any person, cor-
18 poration, association or public officer, or by the board, by the filing of
19 written charges with the board. The procedures for notification and hearing
20 on such charges, unless dismissed by the board as unfounded or trivial, shall
21 be conducted as provided in chapter 52, title 67, Idaho Code.

22 54-5814. MEDICAL LABORATORY BOARD. (1) There is hereby created a med-
23 ical laboratory board within the bureau of occupational licenses. The board
24 shall consist of five (5) members appointed by the governor from a list sub-
25 mitted by organizations of medical laboratory practitioners, or the gover-
26 nor may consider recommendations for appointment to the board from any med-
27 ical laboratory technology association or any individual residing in this
28 state, four (4) of whom shall be medical laboratory practitioners licensed
29 pursuant to the provisions of this chapter as of July 1, 2017, one (1) public
30 member who is not associated with or financially interested in the practice
31 of medical laboratory science, and all of whom shall be residents of Idaho at
32 the time of their appointment and for their term of service. The persons ap-
33 pointed to the board who are required to be licensed under this chapter shall
34 have been engaged in rendering medical laboratory services to the public, or
35 in teaching, or in research in medical laboratory science for at least two
36 (2) of the five (5) years immediately preceding their appointments.

37 (2) The governor, within sixty (60) days following the effective date
38 of this chapter, shall appoint one (1) board member for a term of one (1)
39 year; two (2) board members for a term of two (2) years; and two (2) board mem-
40 bers for a term of three (3) years. Appointments made thereafter shall be for
41 three (3) year terms, but no person shall be appointed to serve more than two
42 (2) consecutive terms. Terms shall begin on July 1 of each year or until suc-
43 cessors are appointed.

44 (3) Except for the initial appointments to the board, each medical lab-
45 oratory scientist shall be currently licensed and in good standing to engage
46 in medical science practice in this state. The initial medical laboratory
47 scientist members of the board must meet the qualifications for licensure
48 under this chapter.

1 (4) Whenever a vacancy shall occur on the board, the governor shall ap-
2 point a successor for the remainder of the unexpired term.

3 (5) Each member of the board shall be compensated as provided in section
4 59-509(n), Idaho Code.

5 (6) The governor may remove any member from the board for neglect of any
6 duty required by law or for incompetency or unprofessional or dishonorable
7 conduct.

8 (7) The board shall meet at such times as required to conduct the busi-
9 ness of the board and shall annually elect from its members a chairman, vice
10 chairman and such other officers as it chooses. Three(3) members shall con-
11 stitute a quorum, and the vote of a majority of members present at a meeting
12 wherein a quorum is present shall determine the action of the board.

13 54-5815. BOARD POWERS AND DUTIES. (1) The board shall enforce the
14 provisions of this chapter, evaluate the qualifications of the applicants
15 for licensure, and may issue subpoenas, examine witnesses, and adminis-
16 ter oaths, and may investigate practices that are alleged to violate the
17 provisions of this chapter. The board shall review the applications of
18 all applicants for licensure and make decisions concerning issuance of li-
19 censes, revocation of licenses, rules to be promulgated under this chapter,
20 other disciplinary action and any other matters pursuant to the provisions
21 of this chapter.

22 (2) The board shall establish standards for professional conduct.

23 (3) The board shall establish, by rule, criteria for the continuing ed-
24 ucation of medical laboratory science practitioners as required for licen-
25 sure renewal.

26 (4) The board shall authorize, by written agreement, the bureau of oc-
27 cupational licenses to act as its agents in its interests as set out in the
28 written agreement.

29 54-5816. DISPOSITION OF RECEIPTS -- EXPENSES. (1) All fees received
30 under the provisions of this chapter shall be deposited in the state trea-
31 sury to the credit of the occupational licenses account, and all costs and
32 expenses incurred by the board under the provisions of this chapter shall be
33 a charge against and paid from said account for such purposes, and the funds
34 collected hereunder shall be immediately available for the administration
35 of this chapter.

36 (2) Money paid into the board account pursuant to this chapter is hereby
37 appropriated to the board for expenditure in the manner prescribed herein to
38 defray the expenses of the board in carrying out and enforcing the provisions
39 of this chapter.

40 54-5817. RULES. The board shall promulgate and adopt rules necessary
41 to carry out the provisions of this chapter, pursuant to chapter 52 title 67,
42 Idaho Code.

43 54-5818. APPLICATION PROCEDURE. (1) Licensure applicants shall sub-
44 mit their application for licensure to the board upon the forms prescribed
45 and furnished by the board and shall pay the designated fees.

1 (2) Upon receipt of application and payment of fees, the board may issue
2 a license for a medical laboratory scientist or technologist, a medical lab-
3 oratory technician, categorical medical laboratory scientist or an appro-
4 priate license to any person who meets the qualifications specified in this
5 chapter and the rules promulgated hereunder.

6 (3) The board may establish, by rule, procedure for issuance of tempo-
7 rary licenses to individuals otherwise qualified under this chapter to en-
8 gage in medical laboratory science practice in this state for a limited time
9 not to exceed twelve (12) months.

10 54-5819. MISREPRESENTATION. (1) The board may bring any action in
11 district court for a temporary restraining order, preliminary injunction or
12 permanent injunction against any person who violates the provisions of this
13 chapter, or who falsely holds himself out as a medical laboratory scientist
14 or technologist, medical laboratory technician or categorical medical lab-
15 oratory scientist, or against any person who provides medical laboratory
16 services in violation of this chapter.

17 (2) It shall be unlawful and a misdemeanor for any person to engage in
18 any of the following acts:

19 (a) To practice medical laboratory science or to represent himself to
20 be a licensed medical laboratory scientist or technologist, medical
21 laboratory technician or categorical medical laboratory scientist as
22 defined in this chapter without having, at the time of so doing, a valid
23 license issued under this chapter; or

24 (b) To use in connection with his name or place of business the title
25 medical laboratory scientist or technologist, medical laboratory tech-
26 nician or categorical medical laboratory scientist or any words indi-
27 cating or implying that the person holds a medical laboratory scientist
28 license unless he is licensed in accordance with this chapter.