

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 195

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO CHIROPRACTIC PRACTICE; AMENDING SECTION 54-703, IDAHO CODE, TO
2 REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
3 54-704, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHIROPRACTIC PRAC-
4 TICE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-705, IDAHO
5 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-707,
6 IDAHO CODE, TO REVISE THE BOARD'S RULEMAKING AUTHORITY; AMENDING CHAP-
7 TER 7, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-707A,
8 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING FEES; AMENDING SECTION
9 54-708, IDAHO CODE, TO REVISE PROVISIONS REGARDING LICENSES AND TO PRO-
10 VIDE FOR CERTIFICATION IN CLINICAL NUTRITION; AMENDING CHAPTER 7, TITLE
11 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-716, IDAHO CODE, TO
12 PROVIDE REQUIREMENTS FOR ADMINISTERING CERTAIN PRESCRIPTION PRODUCTS;
13 AMENDING CHAPTER 7, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
14 TION 54-717, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR CERTIFICATION IN
15 CLINICAL NUTRITION; AND AMENDING SECTION 54-1734, IDAHO CODE, TO PRO-
16 VIDE THAT CHIROPRACTIC PHYSICIANS CERTIFIED IN CLINICAL NUTRITION MAY
17 POSSESS CERTAIN LEGEND DRUGS AND TO MAKE A TECHNICAL CORRECTION.
18

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

20 SECTION 1. That Section 54-703, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 54-703. DEFINITIONS. As used in this chapter, the terms defined in
23 this section shall have the following meaning, unless the context clearly
24 indicates another meaning:

25 (1) "Acceptable school of chiropractic" means any school of chiro-
26 practic that meets the standards or requirements of a national chiropractic
27 school accrediting organization acceptable to the board or that has status
28 as a candidate for accreditation before such organization.

29 (2) "Board" means the state board of chiropractic physicians.

30 (3) "License to practice chiropractic" means a license issued by the
31 board to a person who has graduated from an acceptable school of chiropractic
32 and who has fulfilled the licensure requirements of this chapter.

33 (4) "Person" means a natural person.

34 (5) "Physician" means any person who holds a license to practice chi-
35 ropractic; provided further, that others authorized by law to use the term
36 "physician" shall not be considered physicians for the purpose of this chap-
37 ter.

38 (6) The "practice of chiropractic" means:

39 (a) To investigate, examine, and diagnose for any human disease, ail-
40 ment, injury, infirmity, deformity, or other condition; and

41 (b) To apply principles or techniques of chiropractic practice as set
42 forth in section 54-704, Idaho Code, in the prevention or treatment

1 of any of the conditions listed in ~~subsection~~ paragraph (a) of this
2 subsection; or

3 (c) To offer, undertake, attempt to do or hold oneself out as able to do
4 any of the acts prescribed in ~~subsections~~ paragraphs (a) and (b) of this
5 subsection.

6 ~~(2) "Board" means the state board of chiropractic physicians.~~

7 ~~(3) "Physician" means any person who holds a license to practice chi-~~
8 ~~ropractic; provided further, that others authorized by law to use the term~~
9 ~~"physician" shall not be considered physicians for the purpose of this chap-~~
10 ~~ter.~~

11 ~~(4) "License to practice chiropractic" means a license issued by the~~
12 ~~board to a person who was graduated from an acceptable school of chiropractic~~
13 ~~and who has fulfilled the licensure requirements of this chapter.~~

14 ~~(5) The word "person," the word "he," and the word "his," means a natu-~~
15 ~~ral person.~~

16 ~~(6) "Acceptable school of chiropractic" means any school of chiroprac-~~
17 ~~tic which meets the standards or requirements of a national chiropractic~~
18 ~~school accrediting organization acceptable to the board, or which has status~~
19 ~~as a candidate for accreditation before such organization.~~

20 SECTION 2. That Section 54-704, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 54-704. CHIROPRACTIC PRACTICE. (1) Chiropractic practice and proce-
23 dures ~~which that~~ may be employed by physicians are as follows: ~~(1)~~ ~~The~~ sys-
24 tem of specific adjustment or manipulation of the articulations and tissues
25 of the body; the investigation, examination and clinical diagnosis of condi-
26 tions of the human body and the treatment of the human body by the application
27 of manipulative, manual, mechanical, physiotherapeutic or clinical nutri-
28 tional methods and may include the use of diagnostic X-rays.

29 (2) As used in this section:

30 (a) "Adjustment" means the application of a precisely controlled
31 force applied by hand or by mechanical device to a specific focal point
32 on the anatomy for the express purpose of creating a desired angular
33 movement in skeletal joint structures in order to eliminate or de-
34 crease interference with neural transmission and correct or attempt to
35 correct subluxation complex; "chiropractic adjustment" utilizes, as
36 appropriate, short lever force, high velocity force, short amplitude
37 force, or specific line-of-correction force to achieve the desired
38 angular movement, as well as low force neuromuscular, neurovascular,
39 neuro-cranial, or neuro-lymphatic reflex technique procedures.

40 (b) "Manipulation" means an application of a resistive movement by ap-
41 plying a nonspecific force without the use of a thrust, that is directed
42 into a region and not into a focal point of the anatomy for the general
43 purpose of restoring movement and reducing fixation.

44 (c) "Massage therapy," also called massology, means the systematic
45 manual or mechanical mobilization of the soft tissue of the body by such
46 movements as rubbing, kneading, pressing, rolling, slapping and tap-
47 ping, for the purpose of promoting circulation of the blood and lymph,
48 relaxation of muscles, release from pain, restoration of metabolic bal-
49 ance, and the other benefits both physical and mental.

1 (23) Nothing herein contained shall allow ~~any~~ a physician to:

2 (a) Perform surgical operations or practice obstetrics; or

3 (b) Prescribe, dispense, independently administer, distribute, or
 4 direct or suggest to the a patient that such patient shall use a drug,
 5 substance which, or product that:

6 (i) Under federal law is required, prior to being dispensed or
 7 delivered, to be labeled with either any of the following state-
 8 ments:

9 ~~(i)~~ 1. "Caution: Federal Law Prohibits Dispensing
 10 ~~W~~without Prescription"; or

11 ~~(ii)~~ 2. "Rx only"; or

12 3. "Caution: Federal Law Restricts This Drug To Use
 13 ~~B~~by or ~~O~~on ~~T~~the ~~O~~order ~~O~~f ~~A~~a ~~L~~icensed ~~V~~veterinarian"; or

14 (iii) ~~a product which is~~ required by any applicable federal or
 15 state law, rule or regulation to be dispensed on prescription only
 16 or prescription drug order only, or is restricted to use by practi-
 17 tioners only.

18 (4) Notwithstanding the provisions of subsection (3) of this section,
 19 a chiropractic physician certified in clinical nutrition may independently
 20 administer prescription drug products as provided in section 54-716, Idaho
 21 Code.

22 (35) Chiropractic practice, as herein defined, is hereby declared not
 23 to be the practice of medicine within the meaning of the laws of the state
 24 of Idaho defining the same, and physicians licensed pursuant to this chapter
 25 shall not be subject to the provisions of chapter 18, title 54, Idaho Code,
 26 nor liable to any prosecution thereunder, when acting within the scope of
 27 practice as defined in this chapter.

28 SECTION 3. That Section 54-705, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 54-705. EXCEPTIONS -- PROHIBITED PRACTICES -- NEGLIGENCE ESTAB-
 31 LISHED. (1) Under the circumstances described and, subject in each case to
 32 the limitations stated, the following persons, though not holding a license
 33 to practice chiropractic in this state, may engage in activities included in
 34 the practice of chiropractic:

35 (a) A person licensed by this state pursuant to chapter 18, title 54,
 36 Idaho Code;

37 (b) A chiropractic assistant as shall be defined and regulated by the
 38 board, administering a procedure set forth in section 54-704, Idaho
 39 Code, but not including the adjustment or manipulation of articulations
 40 of the body, as specifically directed by a chiropractic physician as
 41 long as such directions are within the scope of chiropractic practice;

42 (c) A person rendering aid in an emergency, for which no fee for the ser-
 43 vices is contemplated, charged or received;

44 (d) A person residing in another state or country and authorized to
 45 practice chiropractic there, who is called in consultation by a person
 46 licensed in this state to practice chiropractic, or who for the purpose
 47 of furthering chiropractic education is invited into this state to con-
 48 duct a lecture, clinic or demonstration, while engaged in activities in
 49 connection with the consultation, lecture, clinic or demonstration, so

1 long as he does not open an office or appoint a place to meet patients or
2 receive calls in this state;

3 (e) A person authorized to practice chiropractic in another state or
4 country rendering chiropractic care in a time of disaster or while car-
5 ing for an ill or injured person while at the scene of an emergency and
6 while continuing to care for such person;

7 (f) Nothing in this chapter shall be construed as preventing or re-
8 stricting the practice, services or activities or requiring licensure
9 pursuant to the provisions of this chapter, of any person licensed or
10 registered in this state by any other law, from engaging in any health
11 care profession or occupation for which such person is licensed or reg-
12 istered;

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

16 (h) A person administering a remedy, diagnostic procedure or advice as
17 specifically directed by a physician;

18 (i) A person administering a family remedy to a member of the family;

19 (j) A person authorized or licensed by this state to engage in activi-
20 ties which may involve the practice of medicine;

21 (k) A person who administers treatment or provides advice regarding the
22 human body and its functions that:

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

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

26 (iii) Only uses class I or class II nonprescription, approved,
27 medical devices as defined in section 513 of the federal food, drug
28 and cosmetic act;

29 (iv) Only uses vitamins, minerals, herbs, natural food products
30 and their extracts, and nutritional supplements; and who

31 (v) Does not perform surgery;

32 (vi) Requires each person receiving services to sign a decla-
33 ration of informed consent which includes an overview of the
34 health care provider's education which states that the health care
35 provider is not an "M.D." or "D.O." and is not licensed under the
36 provisions of this chapter;

37 (1) Any person who practices massage therapy as defined in section
38 54-704(~~1~~2) (c), Idaho Code;

39 (m) A chiropractic intern, as defined and regulated by the board, who is
40 registered with the board to practice chiropractic under the direct su-
41 pervision of a licensed chiropractic physician pursuant to a preceptor
42 program adopted and developed by the rules of the board.

43 (2) Except as provided in subsection (1) of this section, it is unlaw-
44 ful for any person to practice chiropractic in this state without a license
45 and, upon conviction thereof, shall be fined not less than one thousand dol-
46 lars (\$1,000) nor more than three thousand dollars (\$3,000), or imprisoned
47 for not less than six (6) months nor more than one (1) year, or by both such
48 fine and imprisonment.

49 (3) It is unlawful for any person to assume or use the title or desig-
50 nation "chiropractor," "chiropractic physician," "doctor of chiropractic,"

1 the initials "D.C.," or any word, title or abbreviation thereof calculated
2 to induce the belief that he is engaged in the practice of chiropractic or to
3 indicate to the public that such person is licensed to practice chiropractic
4 pursuant to this chapter unless such person is so licensed, and upon convic-
5 tion thereof, such person shall be fined not less than five hundred dollars
6 (\$500) nor more than three thousand dollars (\$3,000), or imprisoned for not
7 less than six (6) months nor more than one (1) year, or by both such fine and
8 imprisonment.

9 (4) When a person has been a recipient of services constituting the un-
10 lawful practice of chiropractic, whether or not he knew the rendition of the
11 services was unlawful, proof of the rendition of unlawful services to the re-
12 cipient, in an action against the provider of such services for damages al-
13 legedly caused by the services, constitutes prima facie evidence of negli-
14 gence, shifting the burden of proof to such provider of unlawful services.
15 The following damages in addition to any other remedies provided by law may
16 be recovered in such an action:

17 (a) Amount of any fees paid for the unlawful services; and

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

19 (5) The board shall refer all violations made known to it to an appro-
20 priate prosecuting attorney. The board shall render assistance to a prose-
21 cuting attorney in the prosecution of a case pursuant to this section.

22 SECTION 4. That Section 54-707, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 54-707. POWERS AND DUTIES. The board shall have the authority to:

25 (1) Hire or appoint employees, including an executive director, inves-
26 tigators, attorneys, consultants and independent hearing examiners;

27 (2) Establish, pursuant to the provisions of chapter 52, title 67,
28 Idaho Code, rules for the administration of the provisions of this chapter;

29 (3) Conduct investigations and examinations and hold hearings;

30 (4) Revoke or suspend licenses to practice chiropractic after provid-
31 ing the licensee with an opportunity for an appropriate contested case in ac-
32 cordance with the provisions of chapter 52, title 67, Idaho Code;

33 (5) In any disciplinary proceeding pursuant to this chapter to adminis-
34 ter oaths, take depositions of witnesses within or without the state in the
35 manner provided by law in civil cases, and shall have the power throughout
36 the state of Idaho to require the attendance of such witnesses and the pro-
37 duction of such books, records, and papers as it may desire at any hearing
38 and, for that purpose, the board may issue a subpoena for any witnesses or
39 subpoena duces tecum to compel the production of any books, records or pa-
40 pers, directed to the sheriff of any county in the state of Idaho, where such
41 witness resides or may be found, which shall be served and returned in the
42 same manner as a subpoena in a criminal case is served and returned. The fees
43 and mileage of the witnesses shall be the same as that allowed in the district
44 courts in criminal cases, which fees and mileage shall be paid from any funds
45 in the state treasury in the same manner as other expenses of the board are
46 paid. The licensee accused in such proceedings shall have the same right of
47 subpoena upon making application to the board therefor. In any case of dis-
48 obedience to, or neglect of, any subpoena or subpoena duces tecum, served
49 upon any person, or the refusal of any witness to testify to any matter re-

1 garding which he may lawfully be interrogated, it shall be the duty of the
 2 district court of any county in this state in which this disobedience, ne-
 3 glect or refusal occurs, on application by the board to compel compliance
 4 with the subpoena, to issue its order directing compliance with such sub-
 5 poena, and in the event of a violation of such order, to compel compliance
 6 with such order by proceedings for contempt as in the case of disobedience of
 7 the requirement of a subpoena issued from such court or for refusal to tes-
 8 tify therein;

9 (6) Seek injunctive relief prohibiting the unlawful practice of chiro-
 10 practic;

11 (7) Make and enter into contracts in the necessary performance of its
 12 duties pursuant to this chapter;

13 (8) Develop and submit a proposed budget setting forth the amount nec-
 14 essary to perform its functions;

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

16 (10) Provide such other services and perform such other functions as are
 17 necessary to fulfill its responsibilities;

18 (11) Adopt rules to provide for reasonable fees and for administrative
 19 costs and to assess costs reasonably and necessarily incurred in the en-
 20 forcement of this chapter when a licensee has been found to be in violation
 21 thereof;

22 (12) Adopt a rule requiring continuing education as a condition of con-
 23 tinued licensure or continued certification in clinical nutrition; and

24 (13) Adopt rules pursuant to chapter 52, title 67, Idaho Code, to estab-
 25 lish and operate a system of peer review for chiropractic physicians ~~which~~
 26 that shall include, but not be limited to, the appropriateness, quality,
 27 utilization, and cost of chiropractic services and the ethical performance
 28 of chiropractic care.

29 SECTION 5. That Chapter 7, Title 54, Idaho Code, be, and the same is
 30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 31 ignated as Section 54-707A, Idaho Code, and to read as follows:

32 54-707A. FEES. (1) The board shall establish by rule fees for licen-
 33 sure under the provisions of this chapter including, but not limited to, the
 34 following:

35 (a) Application fee not to exceed two hundred fifty dollars (\$250);

36 (b) Initial license fee not to exceed two hundred fifty dollars (\$250);

37 (c) Endorsement license fee not to exceed two hundred fifty dollars
 38 (\$250);

39 (d) Annual renewal of license fee not to exceed two hundred fifty dol-
 40 lars (\$250);

41 (e) Inactive license fee not to exceed one hundred fifty dollars
 42 (\$150);

43 (f) Temporary permit fee not to exceed one hundred fifty dollars
 44 (\$150);

45 (g) Intern permit fee not to exceed one hundred fifty dollars (\$150);

46 (h) Continuing education provider application fee not to exceed five
 47 hundred dollars (\$500); and

48 (i) Clinical nutrition certification fee not to exceed two hundred
 49 fifty dollars (\$250).

1 (2) Fees charged pursuant to paragraphs (b), (c), (f), (g), and (i) of
2 subsection (1) of this section shall be in addition to the application fee.

3 (3) All fees received under the provisions of this chapter shall be non-
4 refundable and shall be deposited in the state treasury to the credit of the
5 occupational license account in the dedicated fund, and all costs and ex-
6 penses incurred by the board under the provisions of this chapter shall be
7 a charge against and paid from the account for such purposes, and the funds
8 collected hereunder shall be immediately available for the administration
9 of this chapter, the provisions of any other law notwithstanding.

10 SECTION 6. That Section 54-708, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 54-708. BOARD TO ISSUE LICENSES -- RENEWAL AND REINSTATEMENT -- INAC-
13 TIVE LICENSE -- CLINICAL NUTRITION CERTIFICATION. (1) The board shall issue
14 licenses to practice chiropractic to persons who have qualified therefor in
15 accordance with the provisions of this chapter. The board may refuse licen-
16 sure if it finds that the applicant has engaged in conduct prohibited by sec-
17 tions 54-704 and 54-712, Idaho Code, provided, that the board shall take into
18 consideration the rehabilitation of the applicant and other mitigating cir-
19 cumstances. ~~Such licenses shall be issued after payment of the licensing fee~~
20 ~~in an amount to be fixed by the board not to exceed one hundred fifty dollars~~
21 ~~(\$150) An applicant for a license or permit under this chapter must submit~~
22 ~~the fee set by board rule.~~ All licenses issued under the provisions of this
23 chapter shall be subject to annual renewal and shall expire unless renewed in
24 the manner prescribed by the board regarding applications for renewal, con-
25 tinuing education, and fees. License renewal and reinstatement shall be in
26 accordance with section 67-2614, Idaho Code.

27 (2) ~~The board may renew, on an inactive basis, the license of a A physi-~~
28 ~~cian holding a current active license in this state who is not practicing~~
29 ~~chiropractic in this state may be issued an inactive license. The physician~~
30 ~~must submit the fee set by board rule and a written request for an inactive~~
31 ~~license. The board shall fix and collect an inactive license fee for such an~~
32 ~~inactive license renewal in an amount not to exceed one hundred fifty dol-~~
33 ~~lars (\$150) and e~~Each inactive license shall be issued for a period of one (1)
34 year. A physician holding an inactive license may not engage in the practice
35 of chiropractic in this state. If a A physician wishes wishing to convert his
36 an inactive license to an active license, he must account to the board for
37 that period of time in which he held an the license was inactive license and
38 must fulfill requirements that demonstrate competency to resume practice.
39 Those requirements may include, but are not limited to, education, super-
40 vised practice and examination. The board may consider practice in another
41 jurisdiction in determining competency. All fees authorized by subsections
42 (1) and (2) of this section shall be paid to the bureau of occupational li-
43 enses.

44 (3) ~~Whenever the board determines that an applicant for a license to~~
45 ~~practice chiropractic is not qualified for such a license pursuant to the~~
46 ~~provisions of this chapter, the board shall notify the applicant by certi-~~
47 ~~fied mail of its denial of licensure and the reasons for denial~~ The board may
48 issue a clinical nutrition certification to a licensee under this chapter
49 who submits a completed application, pays the application fee set by board

1 rule, and provides proof to the board of successful completion of the educa-
 2 tional requirements provided in section 54-717, Idaho Code.

3 SECTION 7. That Chapter 7, 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 54-716, Idaho Code, and to read as follows:

6 54-716. ADMINISTERING PRESCRIPTION DRUG PRODUCTS. (1) A licensee un-
 7 der this chapter who is certified in clinical nutrition may obtain and in-
 8 dependently administer, during chiropractic practice, the following pre-
 9 scription drug products:

- 10 (a) Vitamins:
 11 (i) Vitamin A;
 12 (ii) All B vitamins; and
 13 (iii) Vitamin C;
 14 (b) Minerals:
 15 (i) Ammonium molybdate;
 16 (ii) Calcium;
 17 (iii) Chromium;
 18 (iv) Copper;
 19 (v) Iodine;
 20 (vi) Magnesium;
 21 (vii) Manganese;
 22 (viii) Potassium;
 23 (ix) Selenium;
 24 (x) Sodium; and
 25 (xi) Zinc;
 26 (c) Fluids:
 27 (i) Dextrose;
 28 (ii) Lactated ringers;
 29 (iii) Plasma lyte;
 30 (iv) Saline; and
 31 (v) Sterile water;
 32 (d) Epinephrine; and
 33 (e) Oxygen for use during an emergency or allergic reaction.

34 (2) The prescription drug products listed in subsection (1) of this
 35 section may be administered through oral, topical, intravenous, intramuscu-
 36 lar or subcutaneous routes. The route of administration and dosing shall be
 37 in accordance with the product's labeling as approved by the federal food and
 38 drug administration or with the manufacturer's instructions.

39 (3) The prescription drug products listed in subsection (1) of this
 40 section shall be obtained from a wholesale distributor, manufacturer, phar-
 41 macy or outsourcing facility licensed under chapter 17, title 54, Idaho
 42 Code.

43 (4) No vitamin or mineral may be compounded, as defined in section
 44 54-1705, Idaho Code, by a chiropractic physician. A compounded drug prod-
 45 uct containing two (2) or more of the approved vitamins or minerals shall be
 46 obtained for office use from an outsourcing facility licensed under chapter
 47 17, title 54, Idaho Code.

1 (5) Nothing herein would remove or impact the ability of a chiropractic
2 physician who does not obtain a clinical nutrition certification to continue
3 to utilize nonprescriptive nutritional supplements.

4 SECTION 8. That Chapter 7, Title 54, Idaho Code, be, and the same is
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
6 ignated as Section 54-717, Idaho Code, and to read as follows:

7 54-717. CERTIFICATION IN CLINICAL NUTRITION. (1) To qualify for cer-
8 tification in clinical nutrition, a licensee of this chapter must have suc-
9 cessfully completed a minimum of the following courses:

10 (a) Seven (7) credits (seventy-seven (77) hours) of didactic human nu-
11 trition, nutrition biochemistry and nutritional pharmacology; and

12 (b) Twenty-four (24) hours of practicum in intravenous and injectable
13 nutrient therapy, which must include: sterile needle practices, phle-
14 botomy, proper injection techniques, intravenous therapy techniques,
15 intramuscular injection techniques, safety practices, and use and ex-
16 pected outcomes utilizing micronutrients, response to adverse effects,
17 lab testing and blood chemistry interpretation.

18 The courses required by this subsection must be taken from an accredited chi-
19 ropractic college or other accredited institution of higher education and
20 must be from an accredited program at the college or institution or be a pro-
21 gram approved by board rule.

22 For purposes of this section, "accredited" means accredited by an ac-
23 crediting agency recognized by the United States department of education.

24 (2) Until January 1, 2019, a licensee of this chapter who commenced ob-
25 taining the education requirements of subsection (1) (a) of this section no
26 earlier than January 1, 2013, and thereafter successfully completed those
27 requirements, may be determined to have satisfied the requirements of sub-
28 section (1) (a) of this section as provided in board rule.

29 (3) The practicum required for certification in clinical nutrition by
30 subsection (1) (b) of this section must commence and be successfully com-
31 pleted after the effective date of this section and pursuant to board rule.

32 (4) All active chiropractic physicians wishing to obtain certifica-
33 tion in clinical nutrition must first successfully complete the education
34 described in subsection (1) of this section.

35 (5) In order to maintain clinical nutrition certification, a chiro-
36 practic physician certified in clinical nutrition must obtain recertifica-
37 tion in clinical nutrition every three (3) years pursuant to board rule.

38 (6) All chiropractic physicians certified in clinical nutrition must
39 maintain a current cardiopulmonary resuscitation (CPR) and basic life sup-
40 port (BLS) certification, as well as have BLS equipment on the chiropractic
41 premises where treatment is being performed.

42 (7) Prior to providing a course of intravenous or injectable nutri-
43 tion therapy, chiropractic physicians certified in clinical nutrition must
44 provide to their patients informed consent documentation that explains
45 the benefits and potential risks of the specific course of intravenous or
46 injectable nutrition therapy that is being proposed. The physician must
47 obtain from the patient written voluntary permission to perform the proposed
48 therapy.

1 SECTION 9. That Section 54-1734, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-1734. POSSESSION OF LEGEND DRUGS. (1) The following persons or
4 their agents or employees may possess legend drugs for use in the usual and
5 lawful course of their business or practice or in the performance of their
6 lawful official duties, without a valid prescription drug order:

7 (a) Pharmacists;

8 (b) Prescribers;

9 (c) Researchers who are prohibited from further distribution;

10 (d) Hospitals and other institutional facilities;

11 (e) Manufacturers and wholesalers;

12 (f) Common carriers solely in the usual course of business of trans-
13 porting prescription drugs;

14 (g) Schools or other authorized entities possessing stock supplies of
15 epinephrine auto-injectors pursuant to section 33-520A or 54-1733C,
16 Idaho Code, upon presenting proof that the authorized entity has at
17 least one (1) individual who has completed the training requirement of
18 section 33-520A(5) (b) or 54-1733C(4), Idaho Code;

19 (h) Persons, agencies and organizations possessing opioid antagonists
20 pursuant to section 54-1733B, Idaho Code;

21 (i) Midwives licensed pursuant to section 54-5507, Idaho Code, limited
22 to formulary drugs consistent with rules promulgated by the Idaho board
23 of midwifery; ~~and~~

24 (j) Home health nurses or agencies, or hospice agencies, possessing
25 emergency kits pursuant to rules of the board; and

26 (k) Chiropractic physicians licensed pursuant to chapter 7, title
27 54, Idaho Code, and certified pursuant to sections 54-708 and 54-717,
28 Idaho Code, limited to the prescription drug products listed in section
29 54-716, Idaho Code.

30 (2) Veterinary drug outlets or their agents or employees may possess
31 legend drugs, excluding controlled substances, for use in the usual and law-
32 ful course of their business or practice or in the performance of their law-
33 ful official duties, without a valid prescription drug order.