

IN THE SENATE

SENATE BILL NO. 1313

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHYSICIANS AND SURGEONS; AMENDING SECTION 54-1806, IDAHO CODE,
TO REVISE PROVISIONS RELATING TO THE BOARD'S POWERS.

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

SECTION 1. That Section 54-1806, Idaho Code, be, and the same is hereby
amended to read as follows:

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

(1) Hire or appoint employees, including an executive director,
investigators, attorneys, consultants and independent hearing examiners.

(2) Establish pursuant to the administrative procedure act rules for
administration of this chapter, including rules governing all activities
of persons employed as physician's assistants by persons licensed to
practice medicine in this state. The board shall adopt rules pursuant to
the administrative procedure act establishing procedures for the receipt
of complaints and for the investigation and disposition thereof. Such
rules shall provide for notice to a person when the board has authorized the
committee to investigate that person and shall provide an opportunity for a
person under investigation to meet with the committee or its staff before the
initiation of formal disciplinary proceedings by the board.

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

(4) The board shall have the power in any investigation or disciplinary
proceeding pursuant to this chapter to administer oaths, take depositions
of witnesses within or without the state in the manner consistent with rules
adopted by the board pursuant to the administrative procedure act, and
upon a determination that there is good cause the board shall have power
throughout the state of Idaho to require the attendance of such witnesses and
the production of such books, records, and papers as it may deem appropriate
~~at for~~ any investigation, deposition or hearing. For that purpose the board
may issue a subpoena for any witnesses or a subpoena duces tecum to compel the
production of any books, records or papers, directed to the sheriff of any
county of the state of Idaho, where such witness resides, or may be found,
which shall be served and returned in the same manner as a subpoena in a
criminal case is served and returned. The fees and mileage of the witnesses
shall be the same as that allowed in the district courts in criminal cases,
which fees and mileage shall be paid from any funds in the state treasury
in the same manner as other expenses of the board are paid. In any case of
disobedience to, or neglect of, any subpoena or subpoena duces tecum served
upon any person, or the refusal of any witness to testify to any matter
regarding which he may lawfully be interrogated, it shall be the duty of
the district court of any county in this state in which such disobedience,
neglect or refusal occurs, or any judge thereof, on application by the board

1 to compel compliance with the subpoena by proceedings for contempt as in
2 the case of disobedience of the requirements of a subpoena issued from such
3 court or for refusal to testify therein. The licensed person accused in such
4 ~~proceedings~~ formal contested case shall have the same right of subpoena upon
5 making application to the board therefor.

6 (5) Seek injunctive relief prohibiting the unlawful practice of
7 medicine.

8 (6) Make and enter into contracts.

9 (7) Operate, manage, superintend and control the licensure of
10 physicians.

11 (8) Develop and submit a proposed budget setting forth the amount
12 necessary to perform its functions.

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

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

16 (11) Provide for reasonable fees through rules for administrative costs
17 and assess costs reasonably and necessarily incurred in the enforcement
18 of this chapter when a licensee has been found to be in violation of this
19 chapter.

20 (12) Prepare an annual report.