

IN THE SENATE

SENATE BILL NO. 1314

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PHYSICIANS AND SURGEONS; AMENDING SECTION 54-1803, IDAHO CODE,
2 TO REVISE A DEFINITION, TO DEFINE TERMS, TO PROVIDE CORRECT TERMINOLOGY
3 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1807, IDAHO
4 CODE, TO REMOVE LICENSURE REQUIREMENTS FOR PHYSICIAN ASSISTANTS AND TO
5 MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 18, TITLE 54, IDAHO
6 CODE, BY THE ADDITION OF A NEW SECTION 54-1807A, IDAHO CODE, TO PROVIDE
7 REQUIREMENTS RELATING TO PHYSICIAN ASSISTANTS, SUPERVISING PHYSICIANS
8 AND ALTERNATE SUPERVISING PHYSICIANS AND TO ESTABLISH THE PHYSICIAN
9 ASSISTANT ADVISORY COMMITTEE.
10

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

12 SECTION 1. That Section 54-1803, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 54-1803. DEFINITIONS. (1) The "practice of medicine" means:

15 (a) To investigate, diagnose, treat, correct, or prescribe for
16 any human disease, ailment, injury, infirmity, deformity or other
17 condition, physical or mental, by any means or instrumentality;

18 (b) To apply principles or techniques of medical science in the
19 prevention of any of the conditions listed in ~~subsection~~ paragraph (a)
20 of this ~~subsection~~ paragraph; or

21 (c) To offer, undertake, attempt to do or hold oneself out as able to do
22 any of the acts described in ~~subsections~~ paragraphs (a) and (b) of this
23 subsection.

24 (2) The word "board" means the state board of medicine.

25 (3) The term "physician" means any person who holds a license to
26 practice medicine and surgery, osteopathic medicine and surgery, or
27 osteopathic medicine, provided further, that others authorized by law to
28 practice any of the healing arts shall not be considered physicians for the
29 purposes of this chapter.

30 (4) "Alternate supervising physician" means a physician who is
31 registered with the board as set forth in board rule and who is responsible
32 for supervising a physician assistant or graduate physician assistant in the
33 temporary absence of the supervising physician.

34 (5) "Supervising physician" means a physician who is registered with
35 the board as set forth in board rule and who is responsible for the direction
36 and supervision of the activities of and patient services provided by a
37 physician assistant or graduate physician assistant.

38 (6) A "license to practice medicine and surgery" means a license issued
39 by the board to a person who ~~was~~ has graduated from an acceptable school of
40 medicine and who has fulfilled the licensing requirements of this chapter.

41 (7) A "license to practice osteopathic medicine and surgery" means
42 a license issued by the board to a person who either graduated from an

1 acceptable osteopathic school of medicine subsequent to January 1, 1963, or
 2 who has been licensed by endorsement of a license issued by another state
 3 where a composite examining board exists and where physicians licensed
 4 to practice medicine and surgery and osteopathic physicians take the same
 5 examination and hold equal licenses, and who has fulfilled the licensing
 6 requirements of this chapter.

7 (~~68~~) A "license to practice osteopathic medicine" means a license
 8 issued by the state board of medicine to a person who graduated from an
 9 acceptable osteopathic school of medicine and who prior to January 1, 1963,
 10 has fulfilled the licensing requirements of this chapter.

11 (~~79~~) The word "person," the word "he" and the word "his" means a natural
 12 person.

13 (~~810~~) An "acceptable school of medicine" means any school of medicine
 14 or school of osteopathic medicine ~~which~~ that meets the standards or
 15 requirements of a national medical school accrediting organization
 16 acceptable to the board.

17 (~~911~~) The word "extern" means a bona fide student enrolled in an
 18 acceptable school of medicine who has not received his degree.

19 (~~102~~) The word "intern" or "resident" means any person who has completed
 20 a course of study at an acceptable school of medicine and who is enrolled in a
 21 ~~post graduate~~ postgraduate medical training program.

22 (~~113~~) The term "physician assistant" means any person who is a
 23 graduate of an acceptable training program and who is qualified by ~~general~~
 24 specialized education, training, experience and personal character and who
 25 has been licensed by the board to render patient services under the direction
 26 of a supervising and alternate supervising physician. Nothing in this ~~act~~
 27 chapter shall be construed to authorize physician assistants to perform
 28 those specific functions and duties specifically delegated by law to those
 29 persons licensed as pharmacists under chapter 17, title 54, Idaho Code, as
 30 dentists or dental hygienists under chapter 9, title 54, Idaho Code, or as
 31 optometrists under chapter 15, title 54, Idaho Code.

32 (14) "Graduate physician assistant" means a person who is a graduate of
 33 an approved program for the education and training of physician assistants
 34 and who meets all of the requirements in this chapter for licensure, but who:

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

38 (b) Has passed the certification examination but who has not yet
 39 obtained a college baccalaureate degree and who has been authorized
 40 by the board to render patient services under the direction of a
 41 supervising physician for a period of not more than five (5) years.

42 SECTION 2. 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. ~~(1)~~ Externs,
 45 interns and residents must register with the board prior to the commencement
 46 of any activities constituting the practice of medicine in this state.
 47 Registration shall include disclosure of the applicant's prior education
 48 and training, the program or course of study the extern, intern or resident
 49 intends to follow, the physicians or group of physicians who will supervise

1 the program or course of study~~7~~ and such other information as the board deems
2 relevant. The board shall reserve the right to approve any such program or
3 course of study and shall require registration by the supervising physician.
4 A registration fee shall be fixed by the board~~7~~ and registration must be
5 renewed annually.

6 ~~(2) Physician assistants must be licensed by the board prior to the
7 commencement of activities which may involve the practice of medicine
8 in this state. The licensure requirements shall include passage of an
9 examination acceptable to the board. The board shall determine and limit
10 the scope of activities of physician assistants on the basis of completed
11 courses of study or programs of instruction they have received. Upon
12 completion of licensure, the board shall authorize physician assistants to
13 assist a physician or group of physicians who are qualified and approved
14 by the board to supervise physician assistants to engage in activities as
15 limited by the board. The board shall fix a license fee, and the license must
16 be renewed annually.~~

17 SECTION 3. That Chapter 18, Title 54, Idaho Code, be, and the same is
18 hereby amended by the addition thereto of a NEW SECTION, to be known and
19 designated as Section 54-1807A, Idaho Code, and to read as follows:

20 54-1807A. PHYSICIAN ASSISTANTS -- SUPERVISING PHYSICIANS --
21 PHYSICIAN ASSISTANT ADVISORY COMMITTEE. (1) Physician assistants must
22 be licensed by the board prior to the commencement of activities which may
23 involve the practice of medicine in this state. The licensure requirements
24 for physician assistants shall include passage of an examination acceptable
25 to the board and submission of a completed application to the board on forms
26 furnished by the board. All applicants for original licensure as a physician
27 assistant shall submit to a fingerprint-based criminal history check of the
28 Idaho central criminal database and the federal bureau of investigation
29 criminal history database. Each applicant shall submit a full set of the
30 applicant's fingerprints on forms supplied by the board which shall be
31 forwarded by the board to the Idaho department of law enforcement and to the
32 federal bureau of investigation identification division. The board shall
33 determine and limit the scope of activities of each physician assistant on
34 the basis of completed courses of study or programs of instruction received.
35 Upon licensure, the board shall authorize each physician assistant to assist
36 a physician or group of physicians who are qualified and approved by the
37 board to supervise physician assistants to engage in activities as limited
38 by the board. The board shall fix a license fee. All physician assistants
39 shall renew their licenses annually.

40 (2) After a supervising physician or alternate supervising physician
41 receives board approval to supervise a physician assistant, the physician
42 may delegate medical services to the physician assistant as set forth
43 in the delegation of services agreement on forms approved by and filed
44 with the board. The physician assistant may perform delegated medical
45 services in any setting authorized by the supervising physician or alternate
46 supervising physician and the board, including clinics, hospitals,
47 ambulatory surgical centers, patient homes, nursing homes and other health
48 care institutions.

1 (3) The supervising physician and alternate supervising physician are
2 responsible for all aspects of the performance of a physician assistant
3 whether or not the supervising physician or alternate supervising physician
4 actually pays the physician assistant a salary. The supervising physician
5 and alternate supervising physician are responsible for supervising the
6 physician assistant and ensuring that the medical services performed by the
7 physician assistant are within the physician assistant's scope of training
8 and experience and have been properly delegated by the supervising physician
9 or alternate supervising physician.

10 (4) Supervision by a supervising physician or alternate supervising
11 physician shall be continuous but shall not be construed as necessarily
12 requiring the constant physical presence of the supervising physician or
13 alternate supervising physician at the time and place where medical services
14 are performed by the physician assistant.

15 (5) A supervising physician or alternate supervising physician shall
16 not delegate to a physician assistant the performance of any medical
17 services for which the supervising physician or alternate supervising
18 physician does not have training or experience and does not perform.

19 (6) A physician assistant or a group of physician assistants may
20 independently own a medical practice in this state provided that the
21 supervising physician, alternate supervising physician and each physician
22 assistant comply with all requirements of this section and board rules. Each
23 physician assistant must be licensed, registered or certified as a physician
24 assistant in any state, territory or jurisdiction of the United States for
25 at least two (2) years before the physician assistant may independently own
26 a practice in this state.

27 (7) A physician assistant advisory committee is hereby established as
28 follows:

29 (a) The physician assistant advisory committee shall consist of three
30 (3) members appointed by the board. In making appointments to fill
31 a vacancy created by the expiration of a term, the board shall give
32 consideration to recommendations made by professional organizations
33 of physician assistants and physicians. The board shall send notice
34 to such professional organizations requesting recommendations. If
35 recommendations from such professional organizations are not received
36 by the board within sixty (60) days of notification, the board may
37 appoint any qualified individual without consideration of any such
38 recommendations. In the event of a vacancy in any unexpired term, the
39 professional organizations may recommend, as soon as practical, at
40 least two (2) and not more than three (3) persons to fill that vacancy.
41 As soon as practical, the board shall appoint one (1) person to complete
42 the unexpired term. If such professional organizations do not provide
43 recommendations, the board shall appoint a person to complete the
44 unexpired term without consideration of any such recommendations. The
45 board may remove any committee member for misconduct, incompetency
46 or neglect of duty after giving the member a written statement of the
47 charges and an opportunity to be heard thereon. The executive director
48 of the Idaho state board of medicine shall serve as the executive
49 director to the physician assistant advisory committee.

1 (b) Each member of the physician assistant advisory committee shall
2 be currently licensed as a physician assistant in Idaho and shall have
3 actively practiced as a physician assistant in Idaho for three (3)
4 years immediately preceding appointment. Members will serve a term
5 of three (3) years and terms will be staggered. Members may serve two
6 (2) successive terms. The committee shall elect a chairman from its
7 membership. The committee shall meet as often as necessary to fulfill
8 its responsibilities. Members will be compensated according to section
9 59-509(h), Idaho Code.

10 (c) The physician assistant advisory committee shall not have
11 authority to revoke licenses or impose limitations or conditions on
12 licenses issued pursuant to this chapter. The committee has authority
13 to make recommendations to the board. The board shall make all final
14 decisions with respect thereto.

15 (d) The physician assistant advisory committee shall work in the
16 following areas in conjunction with and make recommendations to the
17 board and shall perform other duties and functions assigned to it by the
18 board, including:

19 (i) Evaluating the qualifications of applicants for licensure
20 and registration;

21 (ii) Performing investigations of misconduct and making
22 recommendations regarding discipline;

23 (iii) Maintaining a list of currently licensed physician
24 assistants and graduate physician assistants in this state;
25 and

26 (iv) Advising the board on rule changes necessary to license and
27 regulate physician assistants and graduate physician assistants
28 in this state.