

IN THE SENATE

SENATE BILL NO. 1138

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1
2 RELATING TO THE CHIROPRACTIC PRACTICE ACT; AMENDING SECTION 54-706, IDAHO
3 CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT OF MEMBERS TO THE
4 STATE BOARD OF CHIROPRACTIC PHYSICIANS, TO REMOVE LANGUAGE RELATING TO
5 VACANCIES IN THE MEMBERSHIP OF SUCH BOARD AND TO PROVIDE THAT MEMBERS OF
6 SUCH BOARD SERVE AT THE PLEASURE OF THE GOVERNOR; AND DECLARING AN EMER-
7 GENCY.

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

9 SECTION 1. That Section 54-706, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 54-706. STATE BOARD OF CHIROPRACTIC PHYSICIANS CREATED. (1) There
12 is hereby established in the department of self-governing agencies a state
13 board of chiropractic physicians to be composed of five (5) members. ~~Members~~
14 ~~of the board of chiropractic examiners, as it exists on the effective date of~~
15 ~~this act are hereby confirmed as members of the board for the terms to which~~
16 ~~they were originally appointed. The additional members of the board shall be~~
17 ~~appointed by the governor, with one (1) member appointed for a term of one (1)~~
18 ~~year and one (1) member for a term of two (2) years. Thereafter, as each mem-~~
19 ~~ber's term expires, the subsequent appointment shall be for a term of three~~
20 ~~(3) years. The governor may consider recommendations for appointment to the~~
21 ~~board from any chiropractic association or any individual residing in this~~
22 ~~state. No person may be appointed for more than two (2) consecutive terms.~~

23 (2) ~~The board shall be appointed by the governor, and shall consist of~~
24 ~~four (4) physicians who are licensed to practice chiropractic in this state,~~
25 ~~and each of whom shall have been engaged continuously in the practice of chi-~~
26 ~~ropractic within the state of Idaho for a period of not less than three (3)~~
27 ~~years prior to his appointment. Sixty (60) days prior to the expiration of~~
28 ~~the regular term of a member of the board, or upon the occurrence or decla-~~
29 ~~ration of a vacancy in the membership of the board, a notice of such vacancy~~
30 ~~shall be sent by the board to each licensed physician within the state. Dur-~~
31 ~~ing the following thirty (30) days, the board shall receive petitions for~~
32 ~~nominations for physicians to be appointed to fill said vacancies and, in the~~
33 ~~event such petitions shall be signed by not less than ten (10) physicians li-~~
34 ~~icensed to practice within the state, said petitions shall be forwarded by the~~
35 ~~board to the governor. The governor shall within fifteen (15) days follow-~~
36 ~~ing receipt of said petitions appoint a physician to fill said vacancy from~~
37 ~~among the persons nominated by petition as hereinbefore set forth. Appoint-~~
38 ~~ments to fill vacancies occurring for some other reason than expiration of a~~
39 ~~term for which a member was appointed, shall be made in the same manner as set~~
40 ~~forth for the unexpired term. The governor may remove any member of the board~~
41 ~~found guilty of malfeasance, misfeasance or nonfeasance.~~

1 (3) The governor shall appoint a representative of the public as one (1)
2 member of the board who shall be designated as the public member. The public
3 member of the board shall be a resident of the state of Idaho who has attained
4 the age of twenty-one (21) years, and shall not be nor shall ever have been
5 a physician, the spouse of a physician, a person licensed under the laws of
6 any state to practice a healing art, or a person who has or has had a material
7 financial interest in providing health care services.

8 (4) The board shall elect a chairman from its membership. The members
9 of the board, except for state employees, shall be compensated as provided by
10 section 59-509(n), Idaho Code. Three (3) members of the board shall consti-
11 tute a quorum, and the board may act by virtue of a majority vote of members
12 present at a meeting.

13 (5) The members of the board serve at the pleasure of the governor.

14 SECTION 2. An emergency existing therefor, which emergency is hereby
15 declared to exist, this act shall be in full force and effect on and after its
16 passage and approval.