

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 5

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO CHIROPRACTIC PRACTICE; AMENDING SECTION 54-707, IDAHO CODE, TO  
2 REMOVE A PROVISION REGARDING PEER REVIEW AND TO MAKE A TECHNICAL CORREC-  
3 TION; AND REPEALING SECTION 54-715, IDAHO CODE, RELATING TO A PEER RE-  
4 VIEW COMMITTEE.  
5

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

7 SECTION 1. That Section 54-707, Idaho Code, be, and the same is hereby  
8 amended to read as follows:

9 54-707. POWERS AND DUTIES. The board shall have the authority to:  
10 (1) Hire or appoint employees, including an executive director, inves-  
11 tigators, attorneys, consultants and independent hearing examiners;  
12 (2) Establish, pursuant to the provisions of chapter 52, title 67,  
13 Idaho Code, rules for the administration of the provisions of this chapter;  
14 (3) Conduct investigations and examinations and hold hearings;  
15 (4) Revoke or suspend licenses to practice chiropractic after provid-  
16 ing the licensee with an opportunity for an appropriate contested case in ac-  
17 cordance with the provisions of chapter 52, title 67, Idaho Code;  
18 (5) In any disciplinary proceeding pursuant to this chapter to adminis-  
19 ter oaths, take depositions of witnesses within or without the state in the  
20 manner provided by law in civil cases, and shall have the power throughout  
21 the state of Idaho to require the attendance of such witnesses and the pro-  
22 duction of such books, records, and papers as it may desire at any hearing  
23 and, for that purpose, the board may issue a subpoena for any witnesses or  
24 subpoena duces tecum to compel the production of any books, records or pa-  
25 pers, directed to the sheriff of any county in the state of Idaho, where such  
26 witness resides or may be found, which shall be served and returned in the  
27 same manner as a subpoena in a criminal case is served and returned. The fees  
28 and mileage of the witnesses shall be the same as ~~that~~ allowed in the district  
29 courts in criminal cases, which fees and mileage shall be paid from any funds  
30 in the state treasury in the same manner as other expenses of the board are  
31 paid. The licensee accused in such proceedings shall have the same right of  
32 subpoena upon making application to the board therefor. In any case of dis-  
33 obedience to, or neglect of, any subpoena or subpoena duces tecum, served  
34 upon any person, or the refusal of any witness to testify to any matter re-  
35 garding which he may lawfully be interrogated, it shall be the duty of the  
36 district court of any county in this state in which this disobedience, ne-  
37 glect or refusal occurs, on application by the board to compel compliance  
38 with the subpoena, to issue its order directing compliance with such sub-  
39 poena, and in the event of a violation of such order, to compel compliance  
40 with such order by proceedings for contempt as in the case of disobedience of  
41 the requirement of a subpoena issued from such court or for refusal to tes-  
42 tify therein;

- 1           (6) Seek injunctive relief prohibiting the unlawful practice of chiro-  
2     practic;  
3           (7) Make and enter into contracts in the necessary performance of its  
4     duties pursuant to this chapter;  
5           (8) Develop and submit a proposed budget setting forth the amount nec-  
6     essary to perform its functions;  
7           (9) Perform such other duties as set forth in the laws of this state;  
8           (10) Provide such other services and perform such other functions as are  
9     necessary to fulfill its responsibilities;  
10          (11) Adopt rules to provide for reasonable fees and for administrative  
11     costs and to assess costs reasonably and necessarily incurred in the en-  
12     forcement of this chapter when a licensee has been found to be in violation  
13     thereof; and  
14          (12) Adopt a rule requiring continuing education as a condition of con-  
15     tinued licensure or continued certification in clinical nutrition; ~~and~~  
16     ~~(13) Adopt rules pursuant to chapter 52, title 67, Idaho Code, to es-~~  
17     ~~tablish and operate a system of peer review for chiropractic physicians that~~  
18     ~~shall include, but not be limited to, the appropriateness, quality, utiliza-~~  
19     ~~tion, and cost of chiropractic services and the ethical performance of chi-~~  
20     ~~ropractic care.~~
- 21           SECTION 2. That Section [54-715](#), Idaho Code, be, and the same is hereby  
22     repealed.