LEGISLATURE OF THE STATE OF IDAHO

Sixty-fifth Legislature  First Regular Session - 2019

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 9

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHYSICIANS AND PHYSICIAN ASSISTANTS; AMENDING THE HEADING FOR CHAPTER 18, TITLE 54, IDAHO CODE; AMENDING SECTION 54-1802, IDAHO CODE, TO PROVIDE FOR PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1803, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1804, IDAHO CODE, TO PROVIDE EXCEPTIONS TO UNLICENSED PRACTICE, TO PROVIDE FOR PHYSICIAN ASSISTANTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1805, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COMPOSITION OF THE STATE BOARD OF MEDICINE AND TO PROVIDE FOR PHYSICIAN ASSISTANT MEMBERSHIP; AMENDING SECTION 54-1806, IDAHO CODE, TO REVISE PROVISIONS REGARDING COMPLAINT AND INVESTIGATION OF LICENSEES, TO PROVIDE FOR PHYSICIAN ASSISTANTS, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1806A, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE COMMITTEE ON PROFESSIONAL DISCIPLINE AND TO PROVIDE FOR PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1807, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO REVISE PROCEDURES REGARDING REGISTRATION FEE RENEWAL; AMENDING SECTION 54-1807A, IDAHO CODE, TO REVISE PROVISIONS REGARDING PHYSICIAN ASSISTANT SUPERVISION, LICENSING FEE RENEWALS, AND THE PHYSICIAN ASSISTANT ADVISORY COMMITTEE; AMENDING SECTION 54-1808, IDAHO CODE, TO REVISE PROCEDURES REGARDING ISSUANCE OF MEDICAL LICENSURE AND TO PROVIDE FOR PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1809, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE STATE BOARD OF MEDICINE FUND; AMENDING SECTION 54-1810, IDAHO CODE, TO REVISE PROCEDURES REGARDING PHYSICIAN LICENSURE BY WRITTEN EXAMINATION; AMENDING CHAPTER 18, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1810A, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PHYSICIAN ASSISTANT LICENSURE; AMENDING SECTION 54-1811, IDAHO CODE, TO REVISE PROVISIONS REGARDING PHYSICIAN LICENSURE BY ENDORSEMENT; AMENDING SECTION 54-1813, IDAHO CODE, TO REVISE PROVISIONS REGARDING TEMPORARY LICENSES AND REGISTRATION; AMENDING SECTION 54-1814, IDAHO CODE, TO REVISE PROVISIONS REGARDING MEDICAL DISCIPLINE; REPEALING SECTION 54-1817, IDAHO CODE, RELATING TO POST MORTEM EXAMINATIONS; AMENDING SECTION 54-1818, IDAHO CODE, TO PROVIDE FOR PHYSICIAN ASSISTANTS; REPEALING SECTION 54-1819, IDAHO CODE, RELATING TO DETERMINATION OF DEATH; AMENDING SECTION 54-1831, IDAHO CODE, TO REVISE A TITLE; AMENDING SECTION 54-1832, IDAHO CODE, TO REVISE PROVISIONS REGARDING GROUNDS FOR RESTRICTION, SUSPENSION, OR REVOCATION OF LICENSES; AMENDING SECTION 54-1833, IDAHO CODE, TO PROVIDE FOR PHYSICIAN ASSISTANTS AND TO SPECIFY CERTAIN REQUIREMENTS REGARDING PHYSICIAN ASSISTANT LICENSURE; REPEALING SECTION 54-1834, IDAHO CODE, RELATING TO EXAMINATION BY COMMITTEE; REPEALING SECTION 54-1835, IDAHO CODE, RELATING TO VOLUNTARY RESTRICTION OF LICENSURE; REPEALING SECTION 54-1836, IDAHO CODE, RELATING TO COMMITTEE REPORTS AND RECOMMENDATIONS; AMENDING SECTION 54-1837, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS REGARDING PROCEEDINGS AGAINST PHYSICIANS AND PHYSICIAN ASSISTANTS; AMENDING SECTION 54-1838, IDAHO
CODE, TO REDESIGNATE THE SECTION AND TO REVISE PROVISIONS REGARDING
APPEAL AND REINSTATEMENT OF LICENSES; AMENDING SECTION 54-1839, IDAHO
CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION;
REPEALING SECTION 54-1840, IDAHO CODE, RELATING TO PROTECTED ACTION AND
COMMUNICATION; AMENDING SECTION 54-1841, IDAHO CODE, TO REVISE PRO-
VISIONS REGARDING VOLUNTEER LICENSES; AND AMENDING SECTION 56-1012,
IDAHO CODE, TO REMOVE AN OBSOLETE REFERENCE.

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

SECTION 1. That the Heading for Chapter 18, Title 54, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 18

PHYSICIANS AND SURGEONS PHYSICIAN ASSISTANTS

SECTION 2. That Section 54-1802, Idaho Code, be, and the same is hereby amended to read as follows:

54-1802. PURPOSE. Recognizing that the practice of medicine is a priv-
ilege granted by the state of Idaho and is not a natural right of individu-
als, the purpose of this chapter is to assure the public health, safety and
welfare in the state by the licensure and regulation of physicians and physi-
cian assistants, and the exclusion of unlicensed persons from the practice
of medicine.

SECTION 3. That Section 54-1803, Idaho Code, be, and the same is hereby amended to read as follows:

54-1803. DEFINITIONS. As used in this chapter:
(1) The "practice of medicine" means:
   (a) To investigate, diagnose, treat, correct or prescribe The inves-
tigation, diagnosis, treatment, correction, or prevention of or pre-
scription for any human disease, ailment, injury, infirmity, deformity
or other condition, physical or mental, by any means or instrumentality
that involves the application of
   (b) To apply principles or techniques of medical science in the pre-
vention of any of the conditions listed in paragraph (a) of this subsec-
tion; or
   (c) To offer, undertake, attempt to do or hold Offering, undertaking,
or holding oneself out as able to do any of the acts described in para-
graphs (a) and (b) of this subsection.
(2) The word "Board" means the state board of medicine.
(3) The term "physician" means any person who holds a license to prac-
tice medicine and surgery, osteopathic medicine and surgery, or osteopathic
medicine, provided further, that others authorized by law to practice any of
the healing arts shall not be considered physicians for the purposes of this
chapter.
(4) "Alternate supervising physician" means a physician who is regis-
tered with the board as set forth in board rule and who is responsible for su-
supervising a physician assistant or graduate physician assistant in the temporary absence of the supervising physician.

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

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

(7) A "license to practice osteopathic medicine and surgery" means a license issued by the board to a person who either graduated from an acceptable osteopathic school of medicine subsequent to January 1, 1963, or who has been licensed by endorsement of a license to practice osteopathic medicine issued by another state where a composite examining board exists and where physicians licensed to practice medicine and surgery and osteopathic physicians take the same examination and hold equal licenses, and who has fulfilled the licensing requirements of this chapter.

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

(9) The word "person," the word "he" and the word "his" mean a natural person.

(10) An "Acceptable school of medicine" means any school of medicine or school of osteopathic medicine that meets the standards or requirements of a national medical school accrediting organization acceptable to the board.

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

(12) The word "Intern" or "resident" means any person who has completed a course of study at an acceptable school of medicine and who is enrolled in a postgraduate medical training program.

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

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

(a) Has not yet taken and passed the certification examination and who has been authorized by the board to render patient services under the direction of a supervising physician for a period of six (6) months; or
(b) Has passed the certification examination but who has not yet ob-
tained a college baccalaureate degree and who has been authorized by the
board to render patient services under the direction of a supervising
physician for a period of not more than five (5) years.

SECTION 4. That Section 54-1804, Idaho Code, be, and the same is hereby
amended to read as follows:

54-1804. UNLICENSED PRACTICE -- PENALTIES AND REMEDIES RELATING TO
UNLICENSED PRACTICE. (1) Under the circumstances described and subject in
each case to limitations stated, the following persons, though not holding
a license to practice medicine in this state, may engage in activities in-
cluded in the practice of medicine:
(a) A medical officer of the armed forces of the United States, of the
United States public health service, or of the United States department
of veterans affairs, while engaged in the performance of his official
duties;
(b) A person residing in another state or country and authorized to
practice medicine there, who is called in consultation by a person li-
censed in this state to practice medicine, or who for the purpose of
furthering medical education is invited into this state to conduct a
lecture, clinic, or demonstration, while engaged in activities in con-
nection with the consultation, lecture, clinic, or demonstration, as
long as he does not open an office or appoint a place to meet patients or
receive calls in this state;
(c) A person authorized to practice medicine in another jurisdiction of
the United States called upon to conduct an examination in Idaho for the
purpose of offering testimony in a criminal or civil legal proceeding;
(d) A person authorized to practice medicine in another state or coun-
try while rendering medical care in a time of disaster or while caring
for an ill or injured person at the scene of an emergency and while con-
tinuing to care for such person;
(e) An extern, intern or resident who is registered with the board
as provided in this chapter and while engaged in programs authorized
pursuant to rules of the board or a physician assistant licensed by the
board;
(f) A person authorized or licensed by this state to engage in activ-
ities which may involve the practice of medicine if acting within the
scope of that license;
(g) A person engaged in good faith in the practice of the religious
tenets of any church or religious beliefs;
(h) A person administering a remedy, diagnostic procedure or advice as
specified by a physician;
(i) A person rendering aid in an emergency, where no fee for the
service is contemplated, charged or received. This exception shall
specifically include ski patrollers who are members of the national ski
patrol system, Inc., and are trained in and holding a current outdoor
emergency care (CEC) credential, as issued by the national ski patrol
system, Inc., while rendering aid in accordance with the standards of
training of such credential, where no fee for the service is contem-
plated, charged or received, and in the course of alpine, nordic or
cross-country skiing and other recreational activities conducted in
whole or in part at ski areas in the state of Idaho;

(a) A person authorized to practice medicine in another jurisdiction
of the United States who briefly provides critical medical service
at the specific lawful direction of a medical institution or federal
agency that assumes full responsibility for that treatment or service
and is approved by the state medical board;

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

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

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

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

(iii) Uses only class I or class II nonprescription, ap-
proved, medical devices as defined in section 513 of the federal
food, drug and cosmetic act;

(iv) Uses only vitamins, minerals, herbs, natural food
products and their extracts, and nutritional supplements; and who

(v) Does not perform surgery; and who

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

(m) A physician or physician assistant licensed and in good standing
in another jurisdiction of the United States or credentialed in another
country who:

(i) Is affiliated with or employed by an established athletic
team, athletic organization or performing arts company temporarily
practicing, competing or performing in this state for no more
than sixty (60) days in a calendar year; and

(ii) Is practicing only on patients, clients or team staff affiliated
with or employed by such team, organization or company.

(2) Nothing in subsection (1)(m) of this section shall be construed
to permit a physician or physician assistant to provide care or consulta-
tion to any person residing in this state, other than a person specified in sub-
section (1)(m) of this section. Further, nothing in subsection (1)(m) of
this section shall be construed to permit a physician or physician assistant
to practice at a licensed health care facility in this state or to have pre-
scriptive rights in this state unless in accordance with federal law.

(3) Except as provided in subsection (1) of this section, it shall con-
stitute a felony for any person to practice medicine in this state without a
license and upon conviction thereof shall be imprisoned in the state prison
for a period not to exceed five (5) years, or shall be fined no more than ten
thousand dollars ($10,000), or shall be punished by both such fine and im-
prisonment.

(4) Except as provided in subsections (1)(a), (1)(b), and (1)(c) above,
and (d) of this section, it is unlawful for any person to assume or use
the title or designation "medical doctor," "medical physician," "osteop-
pathic doctor," "osteopathic physician," "physician assistant," "M.D.," or
"D.O.," or "P.A.," or any other title, designation, words, letters, abbreviation, sign, card, or device to indicate to the public that such person is licensed to practice medicine pursuant to this chapter unless such person is so licensed and, upon conviction thereof, such person shall be imprisoned not to exceed one (1) year, or shall be fined no more than three thousand dollars ($3,000), or shall be punished by both fine and imprisonment.

(5) When a person has been the recipient of services constituting the unlawful practice of medicine, whether or not he knew the rendition of the services was unlawful, proof of the rendition of such unlawful services by the recipient or his personal representative in an action against the provider of such services for damages allegedly caused by the services constitutes prima facie evidence of negligence shifting the burden of proof to such provider of unlawful services. The following damages in addition to any other remedies provided by law may be recovered in such an action:

(a) The amount of any fees paid for the unlawful services.
(b) Reasonable attorney's fees and court costs.

(6) The board shall may refer all violations of this section made known to it to appropriate prosecuting attorneys. The board may render assistance to a prosecuting attorney in the prosecution of a case pursuant to this section.

SECTION 5. That Section 54-1805, Idaho Code, be, and the same is hereby amended to read as follows:

54-1805. THE STATE BOARD OF MEDICINE ESTABLISHED. (1) There is hereby established in the department of self-governing agencies a state board of medicine to be composed of ten eleven (101) members. The membership of the state board of medicine as it exists on the effective date of this act is hereby confirmed as members of the board for the terms to which they were originally appointed.

(2) (a) The board shall consist of ten eleven (101) members. The director of the Idaho state police or the director's designated agent shall be a member of the board. Seven (7) members shall be physicians who are residents of this state and engaged in the active practice of medicine in this state, and two (2) members shall be public members, and one (1) member shall be a physician assistant who is a resident of this state and engaged in the active practice of medicine in this state.
(b) All physician and physician assistant appointments to the board shall be for a single six (6) year terms. The physician members shall consist of six (6) members who are licensed to practice medicine and surgery in this state and one (1) member who is licensed to practice osteopathic medicine or osteopathic medicine and surgery in this state. The physician assistant member shall be licensed to practice medicine in this state. Whenever a term of a member of the board who is licensed to practice medicine and surgery or osteopathic medicine expires or becomes vacant, the Idaho medical association shall recommend three (3) persons licensed to practice medicine and surgery for each such vacancy, and forward such recommendations to the governor who shall consider them for appointment, as well as recommendations from any individual residing in this state. Whenever a term of the member of the board who is licensed to practice osteopathic medicine or osteopathic
medicine and surgery expires or becomes vacant, the Idaho osteopathic
association shall recommend three (3) persons licensed to practice
osteopathic medicine or osteopathic medicine and surgery for such va-
cency, and shall forward their names to the governor who shall consider
them for appointment, as well as recommendations from any individ-
ual residing in this state governor shall consider recommendations
provided by professional organizations of physicians and physician as-
tsists and by any individual residing in this state for appointment.
(c) All public members shall be appointed by the governor for three (3)
year terms. Public members must reside in the state and be persons of
integrity and good reputation who have lived in this state for at least
five (5) years immediately preceding their appointment, who have never
been authorized to practice a healing art, and who have never had a sub-
stantial personal, business, professional, or pecuniary connection
with a healing art or with a medical education or health care facility,
except as patients or potential patients.
(3) Appointments to fill vacancies occurring from some other reason
than expiration of a term for which a member was appointed, shall be made in
the same manner as hereinabove set forth for the unexpired term. All board
members shall serve at the pleasure of the governor.
(4) The board shall elect a chairman from its membership. The members
of the board, except for state employees, shall be compensated as provided
by section 59-509(2), Idaho Code. Five (5) members of the board shall
constitute a quorum, and the board may act by virtue of a majority vote of
members present at a meeting.

SECTION 6. 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, invest-
igators, 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 adminis-
trative 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 board
staff has undertaken to investigate that person and shall provide an oppor-
tunity for a person under investigation to meet with the committee or its
board staff before the initiation of formal disciplinary proceedings by the
board.
(3) Conduct investigations and examinations and hold hearings as au-
thorized 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 through-
out 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 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 to compel compliance with the subpoena by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or for refusal to testify therein. The licensed person accused in such formal contested case shall have the same right of subpoena upon making application to the board therefor.

(5) Seek injunctive relief prohibiting the unlawful practice of medicine.
(6) Make and enter into contracts.
(7) Operate, manage, superintend and control the licensure of physicians and physician assistants.
(8) Develop and submit a proposed budget setting forth the amount necessary to perform its functions.
(9) Perform such other duties as set forth in the laws of this state.
(10) Provide such other services and perform such other functions as are necessary to fulfill its responsibilities.
(11) Apply the provisions of section 12-117(5), Idaho Code, regarding the assessment of costs and fees incurred in the investigation and prosecution or defense of a licensee under this chapter.
(12) Prepare an annual report.
(13) Share with the department of labor personal identifying information of persons licensed under the provisions of this chapter necessary for the department of labor to identify workforce shortage areas in Idaho. The information provided to the department of labor concerning any person licensed under this chapter shall remain confidential and not subject to public disclosure, as required in section 74-106, Idaho Code.

SECTION 7. That Section 54-1806A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1806A. MEDICAL DISCIPLINARY ENFORCEMENT. The board of medicine shall create a committee on professional discipline which shall have the authority under the direct supervision and control of the board to conduct professional disciplinary enforcement investigations under this chapter and particularly under sections 54-1810 and 54-1814, Idaho Code, and to recommend appropriate action to the board with respect thereto. The committee on professional discipline shall have no authority to impose sanctions or
limitations or conditions on licenses issued under this chapter and shall be authorized only to make recommendations to the board with respect thereto. The board shall provide as follows respecting the committee on professional discipline:

(1) Membership. The committee shall consist of five (5) members appointed by the board. Initially, it shall consist of the members of the board of professional discipline as it is constituted on the effective date of this act who shall serve on the committee on professional discipline until the expiration of their current terms. Thereafter, it shall consist of: four (4) members licensed to practice medicine and surgery in the state of Idaho, two (2) of whose terms shall expire at midnight on June 30 in each of two (2) successive years, and one (1) member who is an adult Idaho citizen of good character and reputation who shall not be licensed to practice medicine and surgery in the state of Idaho, whose term shall expire at midnight on June 30 in the year in which no physician member's term shall expire. All terms of appointment shall be for three (3) years. No member of the committee on professional discipline may be appointed after the effective date of this act to serve more than two (2) terms (which shall include terms served on the board of professional discipline prior to the effective date of this act).

(2) Chairman. The board of medicine shall designate one (1) member of the committee as its chairman who shall serve and function in that capacity for one (1) year or until a successor is duly appointed, whichever is later.

(3) Quorum. Three (3) members shall constitute a quorum though no meeting of the committee shall be held without reasonable prior notice of at least three (3) days to all members, which notice may be given by the chairman or any three (3) members. Notice may be waived unanimously; otherwise, it shall be in writing and state the time, place and purpose of the meeting.

(4) Compensation. Members of the committee shall be compensated as provided by section 59-509(4), Idaho Code, from the state board of medicine fund for expenses incurred in the course of serving on the committee.

(5) Conflicts and Disqualification. Members shall disqualify themselves and, on motion of any interested party may, on proper showing, be disqualified in any proceeding concerning which they have an actual conflict of interest or bias which interferes with their fair and impartial service.

(6) Additional Powers of the Committee on Professional Discipline. In addition to its other powers, the committee shall be empowered and authorized:

(a) To recommend to the board that it be authorized by the board to initiate or commence proceedings, studies or investigations, to investigate or inquire into misconduct or unprofessional behavior and to recommend that the board take such action with respect thereto as it deems best in the interest of the public and justice, and to obtain the assistance of staff and legal counsel hired by the board of medicine to administer, process and assist in its work.

(b) To recommend to the board that it be authorized by the board to appoint hearing officers or hearing committees to take evidence, conduct hearings and make recommended findings and conclusions to the committee in any matter or proceeding assigned to the committee, which hearing committees shall be of such number and size as the board directs, composed of licensed physicians resident and licensed to practice medicine
and surgery in Idaho, who shall serve without pay and for such term as the board may specify, not to exceed one (1) year or during the pendency of any matters referred to it, whichever is longer. All investigations and proceedings of the committee and any hearing officers or hearing committees shall be conducted as provided by rules adopted by the board of medicine pursuant to the administrative procedure act, chapter 52, title 67, Idaho Code.

(c) To recommend findings respecting matters coming before it or before any hearing committee or authorized hearing officer acting on its behalf, and to recommend conclusions and orders for the consideration of the board dispositive of such proceedings. The committee may make recommendations for the consideration of the board and the board is authorized to enter appropriate orders and take appropriate action including, without limitation, disciplinary orders as provided by Idaho Code respecting misconduct or other grounds for discipline respecting any licensed physician and surgeon licensed to practice medicine and surgery in the state of Idaho, which authority shall, for good cause shown, include the power to suspend, restrict, condition, limit or revoke the license or present or future right or privilege to practice medicine of any physician, surgeon or other person licensed or purporting to be qualified or authorized to practice medicine and surgery in the state of Idaho.

(d) To recommend that the board reprimand by informal admonition any licensed physician and surgeon respecting any matter it finds is minor misconduct. Such reprimand shall be subject to disclosure according to chapter 1, title 74, Idaho Code.

(e) To recommend that the board accept the resignation and surrender of license of any physician and surgeon under investigation or prosecution who tenders the same, and to impose terms and conditions in connection therewith as it may deem appropriate in the best interest of the public and of justice.

(f) To recommend that the board order initiate, for good cause, nondisciplinary suspension or transfer to inactive status of proceedings under the disabled physicians act for any licensed physician and surgeon or physician assistant incapacitated by illness, senility, disability, or addiction to drugs, intoxicants or other chemicals or like substances, and to provide terms and conditions therefor, including provisions and conditions controlling reinstatement and any request therefor; provided, this subparagraph shall not be construed to amend or repeal specific legislation expressly dealing with disabled physicians whether heretofore or hereafter enacted by the legislature of the state of Idaho but rather shall be construed as complementary thereto.

(gq) To recommend that the board provide by order for reciprocal discipline in cases involving the discipline of a licensed physician and surgeon or physician assistant disciplined in any other jurisdiction, provided that such licensee or applicant shall be entitled to appear and show cause why such order should not apply in his or her case.

(h) To recommend that the board adopt rules to provide for and permit the committee to conduct informal proceedings to encourage fair and
expeditious disposition of business, complaints and matters properly
coming before it.

(7) Openness. All formal hearings conducted by the board or by the com-
mittee under the board's direction and control shall be open to the public.
Formal dispositions or other formal actions taken by the board under sec-
tions 54-1806 and 54-1806A, Idaho Code, also shall be public. Proceedings,
studies and investigations which do not result in formal hearings, formal
dispositions or other formal actions by the board shall be conducted in pri-
vate and shall remain confidential.

(8) Voluntary Restriction of Licensure. A physician may request in
writing to the board or the committee a restriction of his license to prac-
tice medicine and the board is authorized to grant such request and, if
it deems it appropriate to do so, to attach conditions to the licensure of
the physician to practice medicine. The board is also authorized in such
cases thereafter to waive the commencement of proceedings under this act or
other provisions of the medical practice act if in the interest of justice
it determines that such voluntary proceedings restrictions have rendered
the same unnecessary. Removal of a voluntary restriction on or suspension
of licensure to practice medicine shall be subject to the procedures for
reinstatement elsewhere in this act, in the medical practice act or by rule
of the board; provided also, such reinstatements may be subject to further
conditions specially imposed in the individual case as a condition of the
order entered therein.

(9) Adjudication of Discipline or Exoneration. The board shall make a
determination of the merits of all proceedings, studies and investigations
and, if grounds therefor are found to exist, may issue its order:
(a) Revoking the respondent physician's or physician assistant's li-
cense to practice medicine;
(b) Suspending or restricting the respondent physician's or physician
assistant's license to practice medicine;
(c) Imposing conditions or probation upon the respondent physician and
requiring rehabilitation planning, commitment and conditions upon such
respondent physician's licensure or physician assistant's license, in-
cluding requiring rehabilitation or remediation;
(d) Issuing a public reprimand;
(e) Imposing an administrative fine not to exceed ten thousand dollars
($10,000) for each count or offense; and/or
(ef) Assessing costs and attorney's fees against the respondent physi-
cian for any investigation and/or administrative proceeding.
If grounds for any of the foregoing are not found to exist, the board shall
enter its order so stating and dismissing the proceedings and shall provide
the respondent and, if there be one, the complainant or petitioner in the
proceedings a true copy thereof. Every person subject to disciplinary pro-
ceedings shall be afforded an opportunity for hearing after reasonable not-
ice, and all investigations, proceedings, and hearings conducted pursuant
to this act shall be conducted in accordance with the administrative proce-
dure act, chapter 52, title 67, Idaho Code, and any rules adopted by the board
pursuant thereto.

(10) Temporary Suspension or Restriction Pending Final Order. The
board may temporarily suspend or restrict the license of any physician or
enter an appropriate order of temporary probation, ex parte, or physician assistant on its own motion or on verified petition of any person, pending further or final order, without prior hearing, simultaneously with or at any time after the institution of proceedings under this chapter, but only if it first finds, on the basis of a responsible showing which satisfactorily demonstrates that the physician in his capacity as such and or physician assistant, for reasons set forth by petition, affidavit, or other verified showing, or determined by it in reliance upon other reliable proof, is causing great harm to the public or to any patient or group of patients, or is imminently likely to cause such harm, for which reason he or she and his or her license to practice medicine should be immediately suspended or restricted or he or she should be specially controlled, suspended in or restricted from the practice of medicine. In such cases, the board may summarily, and ex parte, order temporary conditions of probation, suspension or restriction of said physician and his or her license and authority to practice medicine in the state of Idaho, pending further or final order in the proceedings. Thereafter the physician or physician assistant may, for good cause, request dissolution or amendment of any such temporary order by petition filed with the board, which petition shall be set for prompt hearing before the board or a designated hearing officer or special committee appointed by the board for that purpose, which officer or committee shall forthwith hear said matter and report to the board its his report and recommendations. The board, consistent with due process and the rules adopted by the board pursuant to the administrative procedure act, chapter 52, title 67, Idaho Code, shall rule on such petition for dissolution or amendment with the least amount of delay reasonably possible. Neither the record of the proceeding nor any order entered therein may be used against the respondent physician in any other legal proceeding except upon judicial review as provided elsewhere herein.

(11) Judicial Review. All final decisions by the board shall be subject to judicial review pursuant to the procedures of the administrative procedure act, chapter 52, title 67, Idaho Code.

(12) Protected Action and Communication. There shall be no liability on the part of and no action for damages against:

(a) Any member of the board, the committee on professional discipline or the staff or officials thereof for any action undertaken or performed within the scope of the functions of the board or the committee under this chapter when acting without malice in good faith and in the reasonable belief that such action is warranted; or

(b) Any person providing information or testimony to the board, the committee, or their staff or officials without malice in good faith and in the reasonable belief that such information is accurate.

SECTION 8. That Section 54-1807, Idaho Code, be, and the same is hereby amended to read as follows:

54-1807. STATE BOARD OF MEDICINE -- REGISTRATION. Externs, Interns and residents must register with the board prior to the commencement of any activities constituting the practice of medicine in this state. Registration shall include disclosure of the applicant's prior education and training, the program or course of study the extern, intern or resident intends to follow, the physicians or group of physicians who will supervise the program
or course of study and such other information as the board deems relevant. The board shall reserve the right to approve any such program or course of study and shall require registration by the supervising physician. A registration fee shall be fixed by the board and registration must be renewed annually or biannually.

SECTION 9. That Section 54-1807A, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

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

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

(a) The physician assistant advisory committee shall consist of three (3) members appointed by the board. In making appointments to fill a vacancy created by the expiration of a term Four (4) members shall be physician assistants who are residents in this state and engaged in the active practice of medicine in this state, and one (1) member shall be a public member. Whenever a term of a member of the advisory committee expires or becomes vacant, the board shall give consideration to recommendations made by professional organizations of physician assistants and physicians. The board shall send notice to such professional organizations requesting recommendations. If recommendations from such professional organizations are not received by the board within sixty (60) days of notification, the board may appoint any qualified individual without consideration of any such recommendations. In the event of a vacancy in any unexpired term, the professional organizations may recommend, as soon as practical, at least two (2) and not more than three (3) persons to fill that vacancy. As soon as practical, the board shall appoint one (1) person to complete the unexpired term. If such professional organizations do not provide recommendations, the board shall appoint a person to complete the unexpired term without consideration of any such recommendations, and any individual residing in the state. The board may remove any committee member for misconduct, incompetency or neglect of duty after giving the member a written statement of the charges and an opportunity to be heard thereon. The executive director of the Idaho state board of medicine shall serve as the executive director to the physician assistant advisory committee.

(b) Each member of the physician assistant advisory committee shall be currently licensed as a physician assistant in Idaho and shall have actively practiced as a physician assistant in Idaho for three (3) years immediately preceding appointment. Members will serve a term of three (3) years and terms will be staggered. Members may serve two (2) successive terms. The committee shall elect a chairman from its membership. The committee shall meet as often as necessary to fulfill its responsibilities. Members will be compensated according to section 59-509(5), Idaho Code.
(c) The physician assistant advisory committee shall not have author-
ity to revoke licenses or impose limitations or conditions on licenses
issued pursuant to this chapter. The committee has authority to make
recommendations to the board. The board shall make all final decisions
with respect thereto.
(d) The physician assistant advisory committee shall work in the fol-
lowing areas in conjunction with and make recommendations to the board
and shall perform other duties and functions assigned to it by the
board, including:

(i) Evaluating the qualifications of applicants for licensure
and registration;
(ii) Performing investigations of misconduct and making recom-
mendations regarding discipline;
(iii) Maintaining a list of currently licensed physician assis-
tants and graduate physician assistants in this state; and
(iv) Advising the board on rule changes necessary to license and
regulate physician assistants and graduate physician assistants
in this state.

SECTION 10. That Section 54-1808, Idaho Code, be, and the same is hereby
amended to read as follows:

54-1808. BOARD TO ISSUE LICENSES. (1) The board shall issue licenses
to practice medicine and surgery, and osteopathic medicine and surgery, to
persons who have qualified therefor in accordance with the provisions of
this act. The board may refuse licensure if it finds that the applicant has
engaged in conduct prohibited by section 54-1814, Idaho Code. Provided,
that the board shall take into consideration the rehabilitation of the ap-
plicant and other mitigating circumstances. Such licenses shall be issued
after payment of a licensing fee in an amount to be fixed by the board, and
such licenses shall be issued for a period of not less than one (1) year nor
more than five (5) years, the exact period to be fixed by the board. Licenses
to practice medicine and surgery, osteopathic medicine and surgery, and os-
teopathic medicine shall be renewed on their expiration upon completion of a
renewal application and upon payment of a renewal fee, the amount of which is
to be fixed by the board.

(2) The board may renew on an inactive basis, the license of a physi-
cian or physician assistant who is not practicing medicine in this state.
The board shall fix and collect an inactive license fee for each inactive li-
cense renewal, and each inactive license shall be issued for a period of not
less than one (1) year nor no more than five (5) years, the exact period to
be fixed by the board. A physician or physician assistant holding an inac-
tive license may not engage in the practice of medicine in this state. If
a physician person wishes to convert his inactive license to an active li-
cense, he must account to the board for that period of time in which he held an
inactive license.

(3) Whenever the board determines that an applicant for a license to
practice medicine and surgery, or osteopathic medicine and surgery
is not qualified for such a license pursuant to the provisions of this act, the
board shall notify the applicant by certified mail of its denial of licensure
and the reasons for denial.
SECTION 11. That Section 54-1809, Idaho Code, be, and the same is hereby amended to read as follows:

54-1809. STATE BOARD OF MEDICINE FUND -- CREATION OF. All fees of any kind collected under the provisions of this act shall be deposited in the state treasury to the credit of a separate fund to be known as the state board of medicine fund and all such moneys as are now in or may hereafter come into such fund are hereby appropriated to the board to be used for carrying out the purposes and objects objectives of this act, and to pay all costs and expenses incurred in connection therewith. All moneys in the state board of medicine fund on the effective date of this act are hereby transferred and appropriated to the state board of medicine fund hereby created. Moneys shall be paid out of the fund upon warrants drawn by the state controller upon presentation of proper vouchers approved by the board.

SECTION 12. That Section 54-1810, Idaho Code, be, and the same is hereby amended to read as follows:

54-1810. PHYSICIAN LICENSURE BY WRITTEN EXAMINATION. Any person seeking to be licensed to practice medicine and surgery or osteopathic medicine or osteopathic medicine and surgery as a physician in this state must successfully complete the following requirements before a license will be issued:

(1) Each applicant must submit a completed written application to the board on forms furnished by the board which shall require proof of graduation from a medical school acceptable to the board and successful completion of a postgraduate training program acceptable to the board. The application shall require a fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database. Each applicant must submit a full set of the applicant's fingerprints on forms supplied by the board which shall be forwarded to the Idaho state police and the federal bureau of investigation identification division for this purpose or for the purpose of qualifying an applicant for an expedited license as the state of principal license as provided in section 54-1847, Idaho Code. The board shall not disseminate data acquired from a fingerprint-based criminal history check except as allowed by law.

(2) Each applicant must pass an examination conducted by or acceptable to the board which shall thoroughly test the applicant's fitness to practice medicine. If an applicant fails to pass any step of the examination on two separate occasions, he shall not be eligible to take the examination for at least one (1) year, and before taking the examination again, he must make a showing to the board that he has successfully engaged in a course of study for the purpose of improving his ability to engage in the practice of medicine. Applicants who fail two (2) separate examinations in another state, territory, or district of the United States or Canada, must make the same showing of successful completion of a course of study prior to examination for licensure the applicant may be required to be interviewed, evaluated, or examined by the board.

(3) The board may require an applicant to be personally interviewed by the board or a designated committee of the board. Such an interview shall be
limited to a review of the applicant's qualifications and professional credentials.

SECTION 13. That Chapter 18, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1810A, Idaho Code, and to read as follows:

54-1810A. PHYSICIAN ASSISTANT LICENSURE. Any person seeking to be licensed to practice medicine as a physician assistant in this state must successfully complete the following requirements before a license will be issued:

(1) Each applicant must submit a completed written application to the board on forms furnished by the board, which shall require proof of a college baccalaureate degree from a nationally accredited school and completion of a physician assistant training program acceptable to the board and accredited by the accreditation review commission on education for physician assistants;

(2) Each applicant must submit proof of current certification by the national commission on certification of physician assistants or similar certifying agency approved by the board; and

(3) The application shall require a fingerprint-based criminal history check of the Idaho central criminal database and the federal bureau of investigation criminal history database. Each applicant must submit a full set of the applicant's fingerprints on forms supplied by the board, which shall be forwarded to the Idaho state police and the federal bureau of investigation identification division for this purpose. The board shall not disseminate data acquired from a fingerprint-based criminal history check except as allowed by law.

SECTION 14. That Section 54-1811, Idaho Code, be, and the same is hereby amended to read as follows:

54-1811. PHYSICIAN LICENSURE BY ENDORSEMENT. Any person seeking to be licensed to practice medicine as a physician in this state who is licensed to practice medicine in another state must successfully complete the following requirements before a license to practice medicine will be issued:

(1) Each applicant must submit a completed written application to the board on forms furnished by the board which shall require proof of graduation from a medical school acceptable to the board and successful completion of a postgraduate training program acceptable to the board and which contains proof that the applicant has any one (1) of the following qualifications:

(a) The applicant is a diplomate of the national board of medical examiners or the national board of examiners for osteopathic physicians and surgeons;

(b) The applicant holds a valid, unrevoked, unsuspended license to practice medicine and surgery, or osteopathic medicine and surgery in a state, territory or district of the United States or Canada, and the applicant demonstrates that he possesses the requisite qualifications to provide the same standard of health care as provided by licensed physicians in this state. The board may require further examination to establish such qualifications. An applicant with any
disciplinary action, including past, pending, or confidential, by any
board of medicine, licensing authority, medical society, professional
society, hospital, medical school, or institution staff in any state, 
territory, district, or country is not eligible for licensure by en-
dorsement.
(2) The application shall require a fingerprint-based criminal history
check of the Idaho central criminal database and the federal bureau of inves-
tigation criminal history database. Each applicant must submit a full set
of the applicant's fingerprints on forms supplied by the board which shall be
forwarded to the Idaho state police and the federal bureau of investigation
identification division for this purpose or for the purpose of qualifying an
applicant for an expedited license as the state of principal license as pro-
vided in section 54-1847, Idaho Code. The board shall not disseminate data
acquired from a fingerprint-based criminal history check except as allowed
by law.
(3) The board may require an applicant to be personally interviewed by
the board or a designated committee of the board. The interview shall be lim-
ited to a review of the applicant's qualifications and professional creden-
tials.

SECTION 15. That Section 54-1813, Idaho Code, be, and the same is hereby
amended to read as follows:

54-1813. TEMPORARY LICENSE AND REGISTRATION. (1) The board may by rule
provide for the issuance of a temporary license to a person licensed to prac-
tice medicine and surgery or osteopathic medicine and surgery in some other
state, territory or district of the United States or Canada or to a person
who is a diplomate of the national board of medical examiners or a diplo-
mate of the national board of osteopathic medical examiners or osteopathic
physicians and surgeons or a physician assistant, excluding any volun-
teer license applicant, provided that such temporary license shall be issued
only to persons who have made an application for a permanent license in this
state. The board shall fix and collect a fee for a temporary license and it
shall be valid from the date of issuance to the next regular meeting of the
board for one hundred twenty (120) days, unless extended by the board or its
designated representative upon a showing of good cause.
(2) The board may by rule provide for temporary registration of
externs, interns, and residents. The board shall fix and collect a fee for
the temporary registration and it shall specify the time period of the tem-
porary registration.

SECTION 16. That Section 54-1814, Idaho Code, be, and the same is hereby
amended to read as follows:

54-1814. GROUNDS FOR MEDICAL DISCIPLINE. Every person licensed to
practice medicine, licensed to practice as a physician assistant or regis-
tered as an extern, intern or resident in this state is subject to discipline
by the board pursuant to the procedures set forth in this chapter and rules
promulgated pursuant thereto upon any of the following grounds:
(1) Conviction Being convicted of a felony, or a crime involving moral
turpitude, or the entering of a plea of pleading guilty to a felony, or the
finding of guilt by a jury or court of commission of a felony or a crime involving moral turpitude.

(2) Use of Using false, fraudulent or forged statements or documents, diplomas or credentials in connection with any licensing or other requirements of this act.

(3) Practicing medicine under a false or assumed name in this or any other state.

(4) Advertising the practice of medicine in any unethical or unprofessional manner.

(5) Knowingly aiding or abetting any person to practice medicine who is not authorized to practice medicine as provided in this chapter.

(6) Performing or procuring an unlawful abortion or aiding or abetting the performing or procuring of an unlawful abortion.

(7) The provision of Providing health care which fails to meet the standard of health care provided by other qualified physicians or physician assistants in the same community or similar communities, taking into account his training, experience and the degree of expertise to which he holds himself out to the public.

(8) Dividing of Dividing fees or gifts or agreement agreeing to split or divide fees or gifts received for professional services with any person, institution or corporation in exchange for referral.

(9) Giving or receiving or aiding or abetting the giving or receiving of rebates, either directly or indirectly.

(10) Inability to obtain or renew a license to practice medicine, or revocation of, or suspension, or other discipline of a license to practice medicine by any other state, territory, district of the United States or Canada, unless it can be shown that such action was not related to the competence of the person to practice medicine or to any conduct designated herein.

(11) Prescribing or furnishing narcotic or hallucinogenic drugs to addicted persons to maintain their addictions and level of usage without attempting to treat the primary condition requiring the use of narcotics.

(12) Prescribing or furnishing narcotic, hypnotic, hallucinogenic, stimulating or dangerous drugs for other than treatment of any disease, injury or medical condition.

(13) Failure Failing to safeguard the confidentiality of medical records or other medical information pertaining to identifiable patients, except as required or authorized by law.

(14) The direct promotion by a physician of Directly promoting the sale of drugs, devices, appliances or goods to a patient that are unnecessary and not medically indicated.

(15) Abandonment of Abandoning a patient.

(16) Willfully and intentionally representing that a manifestly incurable disease or injury or other manifestly incurable condition can be permanently cured.

(17) Failure Failing to supervise the activities of externs, interns, residents, nurse practitioners, certified nurse-midwives, clinical nurse specialists, or physician assistants.

(18) Practicing medicine when a license pursuant to this chapter is suspended, revoked or inactive.
(19) Practicing medicine in violation of a voluntary restriction or terms of probation pursuant to this chapter.
(20) Refusing to divulge to the board upon demand the means, method, device or instrumentality used in the treatment of a disease, injury, ailment, or infirmity.
(21) Commission of committing any act constituting a felony or commission of any act constituting a crime involving moral turpitude.
(22) Engaging in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the physician by the patient.
(23) Being convicted of or pleading guilty to driving under the influence of alcohol, drugs or other intoxicating substances or being convicted of or pleading guilty to other drug or alcohol related criminal charges.
(24) Failure Failing to comply with a board order entered by the board.
(25) Failure Failing to comply with the requirements of the abortion complications reporting act, chapter 95, title 39, Idaho Code.
(26) Engaging in a pattern of unprofessional or disruptive behavior or interaction in a health care setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient. Such behavior does not have to have caused actual patient harm to be considered unprofessional or disruptive.
(27) Interfering with an investigation or disciplinary proceeding by willful misrepresentation of facts or by use of threats of harassment against any patient, member of a board or committee on professional discipline, board staff, hearing officer, or witness in an attempt to influence the outcome of a disciplinary proceeding, investigation, or other legal action.
(28) Delegating professional responsibilities to:
(a) An unlicensed person when the licensee knows or has reason to know that such person is not qualified by training, experience, or license to carry them out; or
(b) A person licensed by this state to engage in activities which may involve the practice of medicine when the delegating licensee knows or has reason to know that the delegated activities are outside the licensed person’s scope of practice.
(29) Failure to report the charge or conviction of a felony to the board within thirty (30) days of the charge.

SECTION 17. That Section 54-1817, Idaho Code, be, and the same is hereby repealed.

SECTION 18. That Section 54-1818, Idaho Code, be, and the same is hereby amended to read as follows:

54-1818. REPORTING OF VIOLATIONS BY PHYSICIANS. A licensed physician or surgeon or physician assistant possessing knowledge of a violation of section 54-1814, Idaho Code, by any other physician or surgeon or physician assistant licensed to practice medicine in Idaho shall with reasonable promptness report such knowledge to the board of medicine or its duly authorized committee, agency or representative, and failure to do so shall subject such person to disciplinary action by the state board of medicine as in
its discretion the board shall deem proper, pursuant to procedures provided in chapter 18, title 54, Idaho Code; provided, no person shall be civilly liable for communications, reports or acts of any kind made, given or handled under the provisions of this act. However, notwithstanding the foregoing, no physician or surgeon, physician assistant shall be required to report, nor shall any physician or surgeon, physician assistant report, any information known, learned or discovered by that person as a result of participation in peer review or access to peer review records, as defined in section 39-1392a, Idaho Code. This provision shall not relieve a health care organization of its notification obligations as set forth in section 39-1393, Idaho Code.

SECTION 19. That Section 54-1819, Idaho Code, be, and the same is hereby repealed.

SECTION 20. That Section 54-1831, Idaho Code, be, and the same is hereby amended to read as follows:

54-1831. SHORT TITLE. This act shall be known as the "Disabled Physician and Physician Assistant Act."

SECTION 21. That Section 54-1832, Idaho Code, be, and the same is hereby amended to read as follows:

54-1832. GROUNDS FOR RESTRICTION, SUSPENSION, OR REVOCATION OF LICENSE. The license of any physician or physician assistant to practice medicine in this state shall be subject to restriction, suspension, or revocation, as hereinafter provided, in case of inability of the licensee to practice medicine with reasonable skill or safety to patients by reason of one (1) or more of the following:

(a) Mental illness;
(b) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill; or
(c) Excessive use or abuse of drugs, including alcohol.

SECTION 22. That Section 54-1833, Idaho Code, be, and the same is hereby amended to read as follows:

54-1833. DUTIES OF BOARD OF MEDICINE. (a) If the board of medicine ("board") has reasonable cause to believe that a physician or physician assistant licensed to practice medicine in this state is unable to practice medicine with reasonable skill and safety to patients because of a condition described in section 54-1832, such Idaho Code, the board shall cause an examination of such physician to be made and shall, following such examination, take appropriate action within the provisions of this act serve upon the physician or physician assistant a notice of hearing on the sole issue of the capacity of the physician or physician assistant to competently and safely engage in the practice of medicine.

(b) Examination of a physician under this section shall be conducted by an examining committee which the board shall designate and which shall be composed of three (3) licensed, practicing physicians including at least one
(1) Psychiatrist if a question of mental illness is involved in the particular examination of the particular physician in any given case.

(2) Every physician and physician assistant who accepts the privilege of being licensed under this chapter gives consent to:

(a) Submitting at the licensee's own expense to an immediate mental or physical examination when directed in writing by the board to do so; and

(b) The admissibility of the reports of the examining physician's testimony or examination, and waives all objections on the ground the reports constitute a privileged communication.

(3) The examination may be ordered by the board, only upon a finding of reasonable cause to believe:

(a) The physician or physician assistant is unable to practice medicine with reasonable skill and safety because of a condition described in section 54-1832, Idaho Code; and

(b) Immediate action by the board is necessary to prevent harm to patients or the general public.

(4) Failure of a physician to submit to the examination ordered under this section is a ground for the board's immediate suspension of the physician's license by written order.

SECTION 23. That Section 54-1834, Idaho Code, be, and the same is hereby repealed.

SECTION 24. That Section 54-1835, Idaho Code, be, and the same is hereby repealed.

SECTION 25. That Section 54-1836, Idaho Code, be, and the same is hereby repealed.

SECTION 26. That Section 54-1837, Idaho Code, be, and the same is hereby amended to read as follows:

54-18324. PROCEEDINGS. (a) The board may proceed against a physician or physician assistant under this act by serving upon such physician or physician assistant at least fifteen (15) days' notice of a time and place fixed for a hearing, together with copies of the examining committee's report and diagnosis. Such notice and reports shall be served upon the physician licensee either personally or by registered or certified mail with return receipt requested.

(b) At said hearing the physician licensee shall have the right to be present, to be represented by counsel, to produce witnesses or evidence in his behalf, to cross-examine witnesses, and to have subpoenas issued by the board.

(3) The results of any examination ordered by the board pursuant to section 54-1833(c), Idaho Code, including evidence and testimony offered by the examining physician shall be admissible at said hearing, along with any other evidence, or witness testimony relevant to the licensee's fitness to practice.

(4) At the conclusion of the hearing, the board shall make a determination of the merits and, if grounds therefor are found to exist, may issue an order imposing one (1) or more of the following:
(a) Make a recommendation that the physician licensee submit to the care, counseling, or treatment by physicians acceptable to the board; or

(b) Suspend or restrict the license of the physician; Suspension or restriction of the licensee's license to practice medicine for the duration of his impairment; or

(c) Revocation of the licensee's license of the physician to practice medicine; and

(d) If grounds are not found to exist, the board shall enter its order stating, shall dismiss the proceedings and shall provide the respondent a true copy thereof.

(d) The board may temporarily suspend or restrict the license of any physician or enter an appropriate order of temporary probation, ex parte, on its own motion or on petition of the examining committee, pending further or final order without prior hearing, simultaneously with or at any time after the institution of proceedings for a hearing under this section, but only if it first finds, on the basis of a responsible showing which satisfactorily demonstrates that the physician, in his capacity as such and for reasons set forth by petition, affidavit, or other verified showing, is causing great harm to the public, or to any patient or group of patients, or is likely to cause such harm and therefore should be immediately suspended, restricted or specially controlled or from the practice of medicine.

(1) In such cases, the board may summarily, and ex parte, order temporary conditions of probation, suspension or restriction of said physician and his or her licensee and authority to practice medicine in the state of Idaho, pending further or final order in the proceedings.

(2) In cases of extreme emergency the board may enter said temporary order under this section without prior referral to or recommendation from the examining committee.

(3) In cases in which the examining committee first determines that such temporary suspension, restriction or probation of such physician is necessary and in the public interest pending the final conclusion of proceedings or further order, it shall so recommend to the board, and the board, if it finds that the evidence in support of such determination and recommendation is clear and convincing and that the physician's continuation in the practice would constitute an imminent danger to public health and safety or pose a threat or menace of the kind hereinabove specified, may, in its discretion, enter an order in keeping with the recommendation of the examining committee or provide such modifications, conditions or orders as it deems appropriate.

(4) The physician may, for good cause, request dissolution or amendment of any such temporary order by petition filed with the board, which petition shall be set for prompt hearing before the board or, if necessary and on request of the physician in the interest of early consideration, before a hearing officer or special committee designated by the board for that purpose, which officer or committee shall forthwith hear said matter and report to the board its report and recommendation. The board, consistent with due process, shall rule with the least amount of delay reasonably possible.
(a) Neither the record of the proceeding nor any order entered against a physician may be used against him in any other legal proceeding except upon judicial review as provided herein, it being the intent and purpose of this act that all evidence, testimony, showings and proceedings are subject to disclosure according to chapter 1, title 74, Idaho Code, but not to be used in criminal or civil proceedings concerning the subject physician.

SECTION 27. That Section 54-1838, Idaho Code, be, and the same is hereby amended to read as follows:

54-18385. RIGHT TO APPEAL AND REINSTATMENT OF LICENSE. (a) A physician whose license has been restricted, suspended or revoked under this act, voluntarily or by action of the board, shall have a right, at reasonable intervals, to petition for reinstatement of his license and to demonstrate that he can resume the competent practice of medicine with reasonable skill and safety to patients. Such petition shall be made in writing and on a form prescribed by the board. Action of the board on such petition shall be initiated by referral to and examination by the examining committee pursuant to the provisions of sections 54-1834 and 54-1835. The board may, upon written recommendation of the examining committee, restore the licensure of the physician on a general or limited basis or institute a proceeding pursuant to this section for the determination of the fitness of the physician to resume his practice. A physician or physician assistant whose license is suspended under section 54-1833(4) has the right to a hearing to appeal the suspension within ten (10) days after the license is suspended. The hearing held under this subsection shall be conducted in accordance with section 54-1834, Idaho Code, for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the licensee's patients or the general public.

(2) A physician or physician assistant whose license is revoked, suspended, or in any way restricted under section 54-1833 or 54-1834, Idaho Code, may request that the board consider, at reasonable intervals, evidence presented by the physician or physician assistant under procedures established by rule, regarding any change in the licensee's condition to determine whether the licensee is or is not able to safely and competently engage in the practice of medicine; and is qualified to have the physician or physician assistant license to practice under this chapter restored completely or in part.

SECTION 28. That Section 54-1839, Idaho Code, be, and the same is hereby amended to read as follows:

54-18396. JUDICIAL REVIEW. All final decisions by the board of medicine shall be subject to judicial review pursuant to the procedures of the administrative procedures act, chapter 52, title 67, Idaho Code.

SECTION 29. That Section 54-1840, Idaho Code, be, and the same is hereby repealed.

SECTION 30. That Section 54-1841, Idaho Code, be, and the same is hereby amended to read as follows:
54-1841. VOLUNTEER'S LICENSE -- QUALIFICATIONS. (1) Upon application and qualification, the board may issue, without examination, a volunteer's license to a physician or physician assistant who is retired from the active practice of medicine and surgery or osteopathic medicine and surgery to enable the retired physician or physician assistant to provide medical services to persons who, due to age, infirmity, indigence or disability, are unable to receive regular medical treatment.

(2) (a) For purposes of this section, a physician or physician assistant previously holding a license to practice medicine and surgery, osteopathic medicine and surgery or osteopathic medicine with active status in Idaho or another state shall be considered to be retired if, prior to the date of application for a volunteer's license:

(i) He has surrendered or allowed his license with active status to expire with the intention of ceasing to actively practice as a physician or physician assistant for remuneration;

(ii) He has converted his license with active status to a license with inactive status with the intention of ceasing to actively practice as a physician or physician assistant for remuneration; or

(iii) He has converted his license with active or inactive status to a license with retirement or similar status that proscribed the active practice of medicine and surgery or osteopathic medicine and surgery.

(b) A physician or physician assistant whose license had been restricted, suspended, revoked, surrendered, resigned, converted, or allowed to lapse or expire as the result of disciplinary action or in lieu of disciplinary action being taken shall not be eligible for a volunteer's license.

(3) An application for a volunteer's license shall include, but not be limited to, the following:

(a) Verification of graduation from an acceptable school of medicine or an acceptable osteopathic school of medicine or an acceptable physician assistant program;

(b) Verification from each state board in which the applicant was licensed that the applicant maintained his license in good standing without disciplinary action that restricted the applicant's license or resulted in the applicant's license being placed on probation, suspended, revoked or being surrendered, resigned or otherwise allowed to lapse or expire in lieu of disciplinary action;

(c) Verification that the applicant held a license in good standing in Idaho or another state as of the date upon which the physician or physician assistant became retired;

(d) Verification that the applicant held an active status license in good standing in Idaho or another state within five (5) years of the date of application for a volunteer's license, provided, that the board may waive the five (5) year requirement in the event that the applicant demonstrates that he possesses the knowledge and skills requisite to the practice of medicine and surgery or osteopathic medicine and surgery by successfully completing such examinations as are required by the board; and
(e) A notarized statement from the applicant on a form prescribed by
the board, that the applicant will not provide any physician or physi-
cian assistant services to any person other than those permitted by
the license and that the applicant will not accept any amount or form
of remuneration, other than as reimbursement for the amount of actual
expenses incurred as a volunteer physician or physician assistant, for
any physician or physician assistant services provided under the au-
thority of a volunteer's license.

(4) A volunteer's license shall be valid for that period specified for
physicians or physician assistants in section 54-1808, Idaho Code, and may
be renewed upon application of the licensee unless the license has been re-
voked in accordance with this section. The board shall maintain a register
of all physicians or physician assistants who hold a volunteer's license.
The board shall not charge an application or licensing fee for issuing or re-
newing a volunteer's license. A volunteer's license cannot be converted to a
license with active, inactive or temporary status.

(5) The board may revoke a volunteer's license upon receiving proof
satisfactory to the board that grounds existed for enforcement or disci-
plinary action against the holder of a volunteer's license under other
sections of this chapter or the administrative rules promulgated under this
chapter.

SECTION 31. That Section 56-1012, Idaho Code, be, and the same is hereby
amended to read as follows:

56-1012. DEFINITIONS. As used in sections 56-1011 through 56-1023,
Idaho Code:

(1) "Advanced emergency medical technician" means a person who has met
the qualifications for licensure as set forth in sections 56-1011 through
56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011
through 56-1023, Idaho Code, carries out the practice of emergency care
within the scope of practice determined by the commission and practices un-
der the supervision of an Idaho licensed physician.

(2) "Agency" means any organization licensed by the EMS bureau that op-
erates an air medical service, ambulance service or nontransport service.

(3) "Air ambulance" means any privately or publicly owned fixed wing
aircraft or rotary wing aircraft used for, or intended to be used for, the
transportation of persons experiencing physiological or psychological ill-
ness or injury who may need medical attention during transport. This may
include dual or multipurpose vehicles which otherwise comply with sections
56-1011 through 56-1023, Idaho Code, and specifications established by
board rule.

(4) "Air medical service" means an agency licensed by the EMS bureau
that responds to requests for patient care and transportation from hospitals
and EMS agencies using a fixed wing aircraft or rotary wing aircraft.

(5) "Ambulance" means any privately or publicly owned motor vehicle
or nautical vessel used for, or intended to be used for, the transportation
of sick or injured persons who may need medical attention during transport.
This may include dual or multipurpose vehicles which otherwise comply with
sections 56-1011 through 56-1023, Idaho Code, and specifications estab-
lished by board rule.
(6) "Ambulance service" means an agency licensed by the EMS bureau operated with the intent to provide personnel and equipment for medical treatment at an emergency scene, during transportation or during transfer of persons experiencing physiological or psychological illness or injury who may need medical attention during transport.

(7) "Applicant" means any organization that is requesting an agency license under this chapter and includes the following:
(a) An organization seeking a new license;
(b) An existing agency that intends to change the level of licensed personnel it utilizes;
(c) An existing agency that intends to change its geographic coverage area, except by agency annexation;
(d) An existing nontransport service that intends to provide ambulance service;
(e) An existing ambulance service that intends to discontinue transport and become a nontransport service.

(8) "Board" means the Idaho board of health and welfare.

(9) "Commission" means the Idaho emergency medical services physician commission.

(10) "Community emergency medical technician" or "community EMT" means an emergency medical technician or advanced emergency medical technician with additional standardized training who works within a designated community health emergency medical services program under local medical control as part of a community-based team of health and social services providers.

(11) "Community health emergency medical services" or "community health EMS" means the evaluation, advice or treatment of an eligible recipient outside of a hospital setting, which is specifically requested for the purpose of preventing or improving a particular medical condition, and which is provided by a licensed emergency medical services agency. Community health EMS involving or related to emergency response must be provided by or in coordination with the primary 911 response agency for that area.

(12) "Community paramedic" means a paramedic with additional standardized training who works within a designated community health emergency medical services program under local medical control as part of a community-based team of health and social services providers.

(13) "Department" means the Idaho department of health and welfare.

(14) "Eligible recipient" means an individual eligible to receive community health emergency medical services, as determined by rule of the EMS bureau or a local community health emergency medical services program.

(15) "Emergency medical responder" means a person who has met the qualifications for licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of emergency care within the scope of practice determined by the commission and practices under the supervision of an Idaho licensed physician.

(16) "Emergency medical services" or "EMS" means aid rendered by an individual or group of individuals who do the following:
(a) Respond to a perceived need for medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury;
(b) Are prepared to provide interventions that are within the scope of practice as defined by the commission;

c) Use an alerting mechanism to initiate a response to requests for medical care; and

d) Offer, advertise or attempt to respond as described in paragraphs (a) through (c) of this subsection.

Aid rendered by a ski patroller, as described in section 54-1804(1)(h), Idaho Code, is not EMS.

(17) "EMS bureau" means the bureau of emergency medical services of the department.

(18) "Emergency medical technician" means a person who has met the qualifications for licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of emergency care within the scope of practice determined by the commission and practices under the supervision of an Idaho licensed physician.

(19) "Licensed personnel" means those individuals who are emergency medical responders, emergency medical technicians, advanced emergency medical technicians and paramedics.

(20) "National emergency medical services information system technical assistance center" means an organization that validates software for compliance with the EMS data set defined by the United States department of transportation national highway traffic safety administration.

(21) "Nontransport service" means an agency licensed by the EMS bureau, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended to be the service that will actually transport sick or injured persons.

(22) "Nontransport vehicle" means any vehicle operated by an agency with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended as the vehicle that will actually transport sick or injured persons.

(23) "Paramedic" means a person who has met the qualifications for licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of emergency care within the scope of practice determined by the commission and practices under the supervision of an Idaho licensed physician.

(24) "Supervision" means the medical direction by a licensed physician of activities provided by licensed personnel affiliated with a licensed ambulance, air medical or nontransport service, including, but not limited to: establishing standing orders and protocols, reviewing performance of licensed personnel, providing instructions for patient care via radio or telephone, and other oversight.

(25) "Transfer" means the transportation of a patient from one (1) medical care facility to another.