

This is a final board approved draft of its legislative proposal.  
The proposal is still subject to technical corrections.

Title 54  
Professions, Vocations, and Businesses

Chapter 7  
Chiropractic Practice Act

54-707. POWERS AND DUTIES. The board shall have the authority to:

- (1) Hire or appoint employees, including an executive director, investigators, attorneys, consultants and independent hearing examiners;
- (2) Establish, pursuant to the provisions of chapter 52, title 67, Idaho Code, rules for the administration of the provisions of this chapter;
- (3) Conduct investigations and examinations and hold hearings;
- (4) Revoke or suspend licenses to practice chiropractic after providing the licensee with an opportunity for an appropriate contested case in accordance with the provisions of chapter 52, title 67, Idaho Code;
- (5) In any disciplinary proceeding pursuant to this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have the power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records, and papers as it may desire at any hearing and, for that purpose, the board may issue a subpoena for any witnesses or subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county in 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. The licensee accused in such proceedings shall have the same right of subpoena upon making application to the board therefor. 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 this disobedience, neglect or refusal occurs, on application by the board to compel compliance with the subpoena, to issue its order directing compliance with such subpoena, and in the event of a violation of such order, to compel compliance with such order by proceedings for contempt as in the case of disobedience of the requirement of a subpoena issued from such court or for refusal to testify therein;
- (6) Seek injunctive relief prohibiting the unlawful practice of chiropractic;
- (7) Make and enter into contracts in the necessary performance of its duties pursuant to this chapter;
- (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) Adopt rules to provide for reasonable fees and for administrative costs and to assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee has been found to be in violation thereof;
- (12) Adopt a rule requiring continuing education as a condition of continued licensure or continued certification in clinical nutrition; and
- ~~(13) Adopt rules pursuant to chapter 52, title 67, Idaho Code, to establish and operate a system of peer review for chiropractic physicians that shall include, but not be limited to, the appropriateness;~~

*Attachment 1*  
*H5*  
*2/26/19*

quality, utilization, and cost of chiropractic services and the ethical performance of chiropractic care.

~~54-715. PEER REVIEW COMMITTEE. The board of examiners may act as a peer review committee or may appoint other licensed chiropractors to perform such functions as set forth in section 54-707(13), Idaho Code.~~

~~(1) No monetary liability on the part of, and no cause of action for damages may arise against any member of a peer review committee duly appointed pursuant to the provisions of this chapter, for any act or proceeding undertaken or performed within the scope of the functions of such committee as provided in rules to be promulgated by the board pursuant to chapter 52, title 67, Idaho Code, if the committee member:~~

~~(a) Acts without malice;~~

~~(b) Has made a reasonable effort to obtain the facts of the matter on which the member acts; and~~

~~(c) Acts in reasonable belief that the action taken is warranted by the facts as known by the member after a reasonable effort to obtain facts.~~

~~(2) The contested case provisions of chapter 52, title 67, Idaho Code, do not apply to activities of the peer review committee.~~

~~(3) All licensees shall, as a condition of licensure, fully cooperate with and promptly respond to inquiries and requests from the committee[.]~~

~~(4) The recommendations of the committee as to necessity for services of a licensee, and as to reasonableness of charges and procedures shall be reported to the person who requested the review and one (1) member of the board of examiners as designated by the board.~~