

From: Anne Lawler <Anne.Lawler@bom.idaho.gov>
Sent: Monday, March 2, 2020 1:45 PM
To: Stewart Lawrence <slawrence@me.com>
RE: Proposed Bill H519 "Simon's Bill"

Dear Dr. Lawrence,

Thank you for your inquiry. The Medical Practice Act and related IDAPA Rules govern the licensure and regulation of all physicians and physician assistants. Please note that the Medical Practice Act and Rules do not specifically address the fact pattern you have presented. The Medical Practice Act and Rules are structured on a Community Standard of Care standard: Failure to provide medical care that meets the community standard of care is a violation of both the Act and Rules. This community standard of care would likely require that all medical treatments (or lack of treatment) are subject to appropriate consent.

If placement of a DNR order on a hospital chart without appropriate informed consent would violate the community standard of care, then that would violate the Medical Practice Act and Rules. In addition, failure to follow all state or local laws and rules governing the practice of medicine also violates the Medical Practice Act and Rules. If there are regulations in other sections of Idaho Code that address informed consent, and those sections are violated, then that could in turn violate the Medical Practice Act and Rules. Accordingly, a licensee taking any actions that do not meet the community standard of care and/or violate other state or local laws, then that licensee may be subject to discipline by the Board of Medicine.

Please let me know if you have further questions.

Kind regards,

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