LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 434

BY WAYS AND MEANS COMMITTEE

AN ACT
RELATING TO OCCUPATIONAL LICENSING; AMENDING TITLE 67, IDAHO CODE, BY THE
ADDITION OF A NEW CHAPTER 97, TITLE 67, IDAHO CODE, TO PROVIDE A SHORT
TITLE, TO DEFINE TERMS, AND TO PROVIDE CERTAIN LICENSING PROTECTION FOR
PHYSICIANS, PHYSICIAN ASSISTANTS, NURSES, AND PHARMACISTS; PROVIDING
SEVERABILITY; AND DECLARING AN EMERGENCY.

Be it enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended
by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
ter 97, Title 67, Idaho Code, and to read as follows:

CHAPTER 97
LICENSING PROTECTION FOR PHYSICIANS, PHYSICIAN ASSISTANTS, NURSES, AND
PHARMACISTS

67-9701. SHORT TITLE. This chapter shall be known and may be cited as
the "Licensing Protection for Physicians, Physician Assistants, Nurses, and
Pharmacists Act."

67-9702. DEFINITIONS. As used in this chapter:
(1) "Advanced practice registered nurse" means a clinical nurse spe-
cialist or a certified nurse practitioner with prescriptive authority pur-
suant to chapter 14, title 54, Idaho Code.
(2) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coron-
avirus disease 2019, including a mutation or variant of the novel coron-
(3) "Licensing authority" means any agency, bureau, commission, de-
partment, division, or professional or occupational licensing board charged
with granting, suspending, or revoking the license, certificate, registra-
tion, permit, or other authorization of any person to practice a profession
or occupation, including but not limited to the professional and occupa-
tional licensing boards within the department of self-governing agencies.
(4) "Pharmacist" means an individual licensed pursuant to chapter 17,
title 54, Idaho Code, to engage in the practice of pharmacy or a pharmacist
registered by this state who is located in another state, territory, or the
District of Columbia and engaged in the practice of pharmacy into Idaho, un-
less exempted.
(5) "Physician" means any person who holds a license to practice
medicine and surgery, osteopathic medicine and surgery, or osteopathic
medicine pursuant to chapter 18, title 54, Idaho Code.
(6) "Physician assistant" means any person licensed by the Idaho board
of medicine to render patient services under the direction of a supervising
and alternate supervising physician pursuant to chapter 18, title 54, Idaho Code.

67-9703. LICENSING PROTECTION. (1) A licensing authority shall not revoke, fail to renew, suspend, or take an action against a physician's, physician assistant's, or advanced practice registered nurse's license based solely on the physician's, physician assistant's, or advanced practice registered nurse's recommendation to a patient regarding treatment for COVID-19, including the prescribing of a drug that the United States food and drug administration (FDA) has not approved to treat COVID-19, as long as the physician, physician assistant, or advanced practice registered nurse exercised independent medical judgment and believes that the medical treatment is in the best interest of the patient and the patient provides written, informed consent.

(2) A pharmacist shall not block or attempt to block a patient's access to a drug prescribed by a physician, physician assistant, or advanced practice registered nurse on the basis that the FDA has not approved such drug to treat COVID-19.

(3) A licensing authority shall not revoke, fail to renew, suspend, or take an action against a pharmacist's license based solely on the pharmacist's dispensing of a drug prescribed by a physician, physician assistant, or advanced practice registered nurse that the FDA has not approved to treat COVID-19.

SECTION 2. SEVERABILITY. The provisions of this act are hereby declared to be severable, and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.