

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 28

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PROFESSIONS, VOCATIONS, AND BUSINESSES; AMENDING TITLE 54,
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 1, TITLE 54, IDAHO CODE, TO
3 PROVIDE A SHORT TITLE AND TO ESTABLISH PROVISIONS REGARDING THE IDAHO
4 ALLIED HEALTH PROFESSIONALS BOARD; AMENDING SECTION 54-2203, IDAHO
5 CODE, TO PROVIDE FOR THE IDAHO ALLIED HEALTH PROFESSIONALS BOARD AND
6 TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-2205, IDAHO CODE,
7 RELATING TO THE PHYSICAL THERAPY LICENSURE BOARD; AMENDING SECTION
8 54-3502, IDAHO CODE, TO PROVIDE FOR THE IDAHO ALLIED HEALTH PROFESSION-
9 ALS BOARD AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-3504,
10 IDAHO CODE, RELATING TO THE DIETETIC LICENSURE BOARD; AMENDING SEC-
11 TION 54-3505, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE DIETETIC
12 LICENSURE BOARD AND THE BOARD OF MEDICINE AND TO MAKE TECHNICAL COR-
13 RECTIONS; AMENDING SECTION 54-3510A, IDAHO CODE, TO REMOVE A PROVISION
14 REGARDING THE BOARD OF MEDICINE; AMENDING SECTION 54-3702, IDAHO CODE,
15 TO PROVIDE FOR THE IDAHO ALLIED HEALTH PROFESSIONALS BOARD AND TO MAKE
16 TECHNICAL CORRECTIONS; REPEALING SECTION 54-3714, IDAHO CODE, RELATING
17 TO THE OCCUPATIONAL THERAPY LICENSURE BOARD; AMENDING SECTION 54-3717,
18 IDAHO CODE, TO REVISE PROVISIONS REGARDING THE OCCUPATIONAL THERAPY
19 LICENSURE BOARD; AMENDING SECTION 54-3902, IDAHO CODE, TO PROVIDE FOR
20 THE IDAHO ALLIED HEALTH PROFESSIONALS BOARD, TO REMOVE A PROVISION
21 REGARDING THE BOARD OF ATHLETIC TRAINERS, AND TO MAKE TECHNICAL COR-
22 RECTIONS; AMENDING SECTION 54-3903, IDAHO CODE, TO REMOVE A PROVISION
23 REGARDING BOARD REGISTRATION AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
24 ING SECTION 54-3906, IDAHO CODE, TO REMOVE PROVISIONS REGARDING THE
25 BOARD OF ATHLETIC TRAINERS AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
26 ING SECTION 54-3907, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE
27 BOARD OF ATHLETIC TRAINERS AND TO MAKE A TECHNICAL CORRECTION; AMEND-
28 ING SECTION 54-3908, IDAHO CODE, TO REMOVE A PROVISION REGARDING THE
29 BOARD OF ATHLETIC TRAINERS; AMENDING SECTION 54-3909, IDAHO CODE, TO
30 REMOVE PROVISIONS REGARDING THE BOARD OF ATHLETIC TRAINERS AND TO MAKE
31 TECHNICAL CORRECTIONS; AMENDING SECTION 54-3910, IDAHO CODE, TO REMOVE
32 PROVISIONS REGARDING THE BOARD OF ATHLETIC TRAINERS AND TO MAKE TECH-
33 NICAL CORRECTIONS; AMENDING SECTION 54-3911, IDAHO CODE, TO REMOVE A
34 PROVISION REGARDING THE BOARD OF ATHLETIC TRAINERS AND TO MAKE TECHNICAL
35 CORRECTIONS; REPEALING SECTION 54-3912, IDAHO CODE, RELATING TO THE
36 BOARD OF ATHLETIC TRAINERS; AMENDING SECTION 54-3913, IDAHO CODE, TO
37 REMOVE PROVISIONS REGARDING THE BOARD OF ATHLETIC TRAINERS AND TO MAKE
38 TECHNICAL CORRECTIONS; REPEALING SECTION 54-3914, IDAHO CODE, RELATING
39 TO COMPENSATION OF THE BOARD OF ATHLETIC TRAINERS; REPEALING SECTION
40 54-3915, IDAHO CODE, RELATING TO ADMINISTRATIVE PROVISIONS OF THE BOARD
41 OF MEDICINE; AMENDING CHAPTER 39, TITLE 54, IDAHO CODE, BY THE ADDITION
42 OF A NEW SECTION 54-3915, IDAHO CODE, TO PROVIDE FOR FEES RECEIVED BY THE
43 BOARD; AMENDING SECTION 54-4303, IDAHO CODE, TO PROVIDE FOR THE IDAHO
44 ALLIED HEALTH PROFESSIONALS BOARD AND TO REMOVE A PROVISION REGARDING A
45

1 LICENSURE BOARD; REPEALING SECTION 54-4304, IDAHO CODE, RELATING TO A
2 LICENSURE BOARD; AMENDING SECTION 54-4305, IDAHO CODE, TO PROVIDE FOR
3 THE IDAHO ALLIED HEALTH PROFESSIONALS BOARD AND TO REMOVE PROVISIONS
4 REGARDING THE BOARD OF MEDICINE; AND PROVIDING AN EFFECTIVE DATE.

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

6 SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended
7 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
8 ter 1, Title 54, Idaho Code, and to read as follows:

9 CHAPTER 1
10 ALLIED HEALTH PROFESSIONALS PRACTICE ACT

11 54-101. SHORT TITLE. This chapter shall be known and may be cited as
12 the "Allied Health Professionals Practice Act."

13 54-102. ALLIED HEALTH PROFESSIONALS BOARD. (1) There is hereby cre-
14 ated in the division of occupational and professional licenses the Idaho al-
15 lied health professionals board.

16 (2) The Idaho allied health professionals board shall consist of nine
17 (9) members who shall be appointed by and serve at the pleasure of the gov-
18 ernor, two (2) of whom shall be licensed physical therapists under chapter
19 22, title 54, Idaho Code, one (1) of whom shall be a licensed dietitian un-
20 der chapter 35, title 54, Idaho Code, two (2) of whom shall be licensed occu-
21 pational therapists under chapter 37, title 54, Idaho Code, one (1) of whom
22 shall be a licensed athletic trainer under chapter 39, title 54, Idaho Code,
23 two (2) of whom shall be licensed respiratory therapists under chapter 43,
24 title 54, Idaho Code, and one (1) of whom shall be a member of the public with
25 an interest in the rights of consumers of allied health professional ser-
26 vices.

27 (3) Each member may serve a maximum of two (2) consecutive terms, with
28 each term consisting of a five (5) year period. A partial term of less than
29 five (5) years shall not constitute a term for purposes of this subsection.

30 (4) An election of the board chair and vice chair shall occur on an an-
31 nual basis. Any appointed member of the board is eligible to serve as chair
32 or vice chair.

33 (5) A quorum is established if a majority of appointed members are
34 present at the board meeting.

35 (6) The board shall meet at least once annually. Additional meetings
36 may be held at the call of the chair or at the request of any two (2) members of
37 the board.

38 (7) Any association or individual residing in this state may submit a
39 board member recommendation to the governor. The governor shall consider
40 but is not bound by any such recommendation.

41 SECTION 2. That Section 54-2203, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 54-2203. DEFINITIONS. As used in this chapter:

- 1 (1) "Applicant" means a person applying for a license or permit under
2 this chapter.
- 3 (2) "Board" means the Idaho ~~physical therapy licensure board~~ allied
4 health professionals board created pursuant to chapter 1, title 54, Idaho
5 Code.
- 6 (3) "Department" means the department of self-governing agencies.
- 7 (4) "Division" means the division of occupational and professional li-
8 censes.
- 9 (5) "Dry needling" means a skilled intervention performed by a phys-
10 ical therapist that uses a thin filiform needle to penetrate the skin and
11 stimulate underlying neural, muscular and connective tissues for the eval-
12 uation and management of neuromusculoskeletal conditions, pain and movement
13 impairments.
- 14 (6) "License" means a document issued by the board to a person under
15 this chapter authorizing the person to practice as a physical therapist or
16 physical therapist assistant.
- 17 (7) "Physical therapist" means a person licensed under the provisions
18 of this chapter to engage in the practice of physical therapy.
- 19 (8) "Physical therapist assistant" means a person who meets the re-
20 quirements of this chapter and who performs physical therapy procedures and
21 related tasks that have been selected and delegated only by a supervising
22 physical therapist.
- 23 (9) "Physical therapy" means the care and services provided by or under
24 the direction and supervision of a physical therapist.
- 25 (10) "Practice of physical therapy" means the exercise of the profes-
26 sion of physical therapy by a person who engages in the following health care
27 activities:
- 28 (a) Examining, evaluating and testing individuals with mechanical,
29 physiological and developmental impairments, functional limitations,
30 and disability or other health and movement-related conditions in order
31 to determine a diagnosis for physical therapy and prognosis for phys-
32 ical therapy, ~~and a plan of therapeutic intervention,~~ and to assess the
33 ongoing effects of intervention;
- 34 (b) Alleviating impairments and functional limitations by designing,
35 implementing and modifying therapeutic interventions that include, but
36 are not limited to: therapeutic exercise; functional mobility training
37 in self-care and in-home, community or work reintegration; manual ther-
38 apy; assistive, adaptive, protective and supportive devices and equip-
39 ment; bronchopulmonary hygiene; debridement and wound care; physical
40 agents or modalities; mechanical and electrotherapeutic modalities;
41 and patient-related instruction; and ~~to reduce~~ reducing the risk of in-
42 jury, impairment, functional limitation, and disability, including the
43 promotion and maintenance of fitness, health, and quality of life in all
44 age populations. The practice of physical therapy shall not include the
45 use of radiology, surgery or medical diagnosis of disease; and
- 46 (c) Engaging in administration, consultation, testing, education and
47 research as related to paragraphs (a) and (b) of this subsection.
- 48 (11) "Supportive personnel" means a person or persons trained under the
49 direction of a physical therapist who performs designated and supervised
50 routine physical therapy tasks.

1 SECTION 3. That Section [54-2205](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 4. That Section 54-3502, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-3502. DEFINITIONS. As used in this chapter:

6 (1) "Academy of nutrition and dietetics" means the national organiza-
7 tion that credentials dietetics professionals and accredits undergraduate
8 and graduate programs that prepare dietetics professionals.

9 (2) "Accreditation council for education in nutrition and dietetics"
10 or "ACEND" means the accrediting organization of the academy of nutrition
11 and dietetics that is recognized by the United States department of educa-
12 tion as the accrediting agency for education programs that prepare dietetics
13 professionals.

14 (3) "Board" means the Idaho ~~state board of medicine~~ allied health pro-
15 professionals board created pursuant to chapter 1, title 54, Idaho Code.

16 (4) "Commission on dietetic registration" or "CDR" means the cre-
17 dentialing organization of the academy of nutrition and dietetics that
18 awards and administers credentials to individuals at entry, specialist
19 and advanced levels who have met CDR's specified criteria to practice in
20 the dietetics profession, including successful completion of its national
21 accredited certification examination and recertification by continuing
22 professional education and/or examination.

23 (5) "Dietetics" means the integration, application and communication
24 of principles derived from food, nutrition, social, business and basic
25 sciences to achieve and maintain optimal nutrition status of individuals
26 through the development, provision and management of effective food and nu-
27 trition services in a variety of settings.

28 (6) "Dietitian" means a person licensed under the provisions of this
29 chapter as a licensed dietitian (LD) who:

30 (a) Is trained in the science of nutrition and dietetics and who has
31 met current minimum academic requirements with successful completion
32 of specified didactic education and supervised practice experiences
33 through programs accredited by ACEND or a similar agency approved by the
34 board with substantially equivalent educational requirements; and

35 (b) Has successfully completed the registration examination for dieti-
36 tians administered by the CDR or a similar agency approved by the board
37 with a substantially equivalent examination and has been granted and
38 maintains the title registered dietitian (RD) or registered dietitian
39 nutritionist (RDN).

40 (7) "Evidence-based dietetics practice" means the process of asking
41 questions, and systematically finding research evidence and assessing its
42 validity, applicability and importance to food and nutrition practice deci-
43 sions, including the application of relevant evidence in the context of the
44 practice situation and the values of clients, customers and communities to
45 achieve positive outcomes.

46 ~~(8) "Licensure board" means the dietetic licensure board established~~
47 ~~by this chapter.~~

48 ~~(9)~~ (8) "Medical nutrition therapy" or "MNT" means an evidence-based
49 application of the nutrition care process. The provision of MNT to a

1 ~~patient/client~~ patient or client may include one (1) or more of the fol-
 2 lowing: nutrition assessment or reassessment, nutrition diagnosis, and
 3 nutrition intervention for the prevention, delay or management of diseases
 4 or conditions.

5 ~~(10)~~ (9) "Nutrition care process" means a systematic approach to pro-
 6 viding high-quality nutrition care that consists of four (4) distinct, in-
 7 terrelated steps:

8 (a) Nutrition assessment, which means a systematic method for obtain-
 9 ing, verifying and interpreting data needed to identify nutrition-re-
 10 lated problems, their causes and their significance;

11 (b) Nutrition diagnosis, which means the identification of a specific
 12 nutrition problem that a dietitian is responsible for treating indepen-
 13 dently;

14 (c) Nutrition intervention, which means a purposefully planned action
 15 intended to positively change a nutrition-related behavior, environ-
 16 mental condition or aspect of health status for the ~~patient/client~~
 17 patient or client and family or caregivers, target group or the commu-
 18 nity at large; and

19 (d) Nutrition monitoring and evaluation, in which:

20 (i) Nutrition monitoring means the preplanned review and
 21 measurement of selected nutrition care indicators of the
 22 ~~patient/client's~~ patient's or client's status relevant to the
 23 defined needs, nutrition diagnosis, nutrition intervention and
 24 outcomes; and

25 (ii) Nutrition evaluation means the systematic comparison of cur-
 26 rent findings with the previous status, nutrition intervention
 27 goals, effectiveness of overall nutrition care or comparison to a
 28 reference standard.

29 ~~(11)~~ (10) "Provisionally licensed dietitian" means a person provision-
 30 ally licensed under the provisions of this chapter.

31 SECTION 5. That Section [54-3504](#), Idaho Code, be, and the same is hereby
 32 repealed.

33 SECTION 6. That Section 54-3505, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 54-3505. ~~BOARD OF MEDICINE AND DIETETIC LICENSURE BOARD -- POWERS AND~~
 36 ~~DUTIES -- FUNDS.~~ (1) The board of medicine shall administer, coordinate,
 37 and enforce the provisions of this chapter and, ~~for that purpose,~~ may hire
 38 such employees as may be necessary. ~~The dietetic licensure board shall make~~
 39 ~~recommendations to, and consult with, the board~~ shall make determinations
 40 concerning qualification of applicants for licensure, issuance of licenses,
 41 discipline of licensees, and rules to be promulgated under this chapter.

42 (2) ~~The board of medicine may, upon recommendation of the dietetic li-~~
 43 ~~ensure board,~~ may adopt rules pursuant to chapter 52, title 67, Idaho Code,
 44 necessary to implement the provisions of this chapter, including, but not
 45 limited to, rules relating to professional licensure, examination, the es-
 46 tablishment of ethical standards of practice, disciplinary proceedings and
 47 license suspension, and restriction or revocation for persons holding a li-
 48 cense to practice dietetics in this state.

1 (3) The ~~dietetic licensure~~ board shall hold meetings, conduct hear-
2 ings, and keep records and minutes as are necessary to carry out its func-
3 tions.

4 (4) All fees received under the provisions of this chapter shall be
5 deposited in the state treasury to the credit of the occupational licenses
6 fund, and all costs and expenses incurred by the ~~board and dietetic licensure~~
7 board under the provisions of this chapter shall be a charge against and paid
8 from said fund for such purposes, and the funds collected ~~hereunder~~ pursuant
9 to this section shall be immediately available for the administration of
10 this chapter. Money paid into the occupational licenses fund pursuant to
11 this chapter is hereby continuously appropriated to the board for expendi-
12 ture in the manner prescribed herein to defray the expenses of the board ~~and~~
13 ~~dietetic licensure board~~ in carrying out and enforcing the provisions of
14 this chapter.

15 SECTION 7. That Section 54-3510A, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 54-3510A. DISCIPLINARY SANCTIONS. If grounds for discipline are found
18 to exist, the board ~~of medicine, upon the recommendation of the licensure~~
19 ~~board,~~ may issue an order to:

- 20 (1) Revoke the dietitian's license to practice dietetics;
21 (2) Suspend or restrict the dietitian's license to practice dietetics;
22 and/or
23 (3) Impose conditions or probation upon the dietitian's license to
24 practice dietetics.

25 SECTION 8. That Section 54-3702, Idaho Code, be, and the same is hereby
26 amended to read as follows:

27 54-3702. DEFINITIONS. As used in this chapter:

- 28 (1) "Association" means the Idaho occupational therapy association.
29 (2) "Board" means the ~~occupational therapy licensure board of Idaho~~
30 ~~as set out in section 54-3717, Idaho Code~~ Idaho allied health professionals
31 board created pursuant to chapter 1, title 54, Idaho Code.
32 (3) "Department" means the department of self-governing agencies.
33 (4) "Division" means the division of occupational and professional li-
34 censes.
35 (5) "Good standing" means the individual's license is not currently
36 suspended or revoked by any state regulatory entity.
37 (6) "Graduate occupational therapist" means a person who holds a cer-
38 tificate of graduation from an approved occupational therapy curriculum,
39 who has submitted a completed application for certification by examination,
40 and who may practice occupational therapy in association with and under the
41 supervision of an occupational therapist and under authority of a limited
42 permit.
43 (7) "Graduate occupational therapy assistant" means a person who holds
44 a certificate of graduation from an approved occupational therapy assistant
45 curriculum, who has submitted a completed application for licensure by ex-
46 amination under this chapter, and who is performing the duties of an occupa-

1 tional therapy assistant in association with and under the supervision of an
2 occupational therapist and under the authority of a limited permit.

3 (8) "License" means a document issued by the board ~~to a person~~ under
4 this chapter authorizing ~~the~~ a person to practice as an occupational ther-
5 apist or occupational therapy assistant.

6 (9) "Occupational therapist" means a person licensed under this chap-
7 ter to practice occupational therapy.

8 (10) "Occupational therapy" means the care and services provided by or
9 under the direction and supervision of an occupational therapist.

10 (11) "Aide in the delivery of occupational therapy services" means a
11 person who is not licensed by the board and who provides supportive services
12 to occupational therapists and occupational therapy assistants. An aide
13 shall function only under the guidance, responsibility and line-of-sight
14 supervision of the licensed occupational therapist or an occupational
15 therapy assistant who is appropriately supervised by an occupational ther-
16 apist. The aide provides only specifically selected client-related or
17 nonclient-related tasks for which the aide has been trained and has demon-
18 strated competence.

19 (12) "Occupational therapy assistant" means a person licensed under
20 this chapter to practice occupational therapy and who works under the super-
21 vision of an occupational therapist.

22 (13) "Practice of occupational therapy" means the therapeutic use of
23 everyday life activities (occupations) with individuals or groups for the
24 purpose of participation in roles and situations in home, school, workplace,
25 community, and other settings. Occupational therapy services are provided
26 for the purpose of promoting health and wellness ~~and~~ to those who have or are
27 at risk ~~for~~ of developing an illness, injury, disease, disorder, condition,
28 impairment, disability, activity limitation, or participation restriction.
29 Occupational therapy addresses the physical, cognitive, psychosocial, sen-
30 sory, and other aspects of performance in a variety of contexts to support
31 engagement in everyday life activities that affect health, well-being and
32 quality of life. The practice of occupational therapy includes:

33 (a) Development of occupation-based plans, methods or strategies se-
34 lected to direct the process of interventions such as:

35 (i) Establishment, remediation, or restoration of a skill or
36 ability that has not yet developed or is impaired.

37 (ii) Compensation, modification, or adaptation of activity or en-
38 vironment to enhance performance.

39 (iii) Maintenance and enhancement of capabilities without which
40 performance in everyday life activities would decline.

41 (iv) Health promotion and wellness to enable or enhance perfor-
42 mance in everyday life activities.

43 (v) Prevention of barriers to performance, including disability
44 prevention.

45 (b) Evaluation of factors affecting a client's occupational perfor-
46 mance areas of activities of daily living (ADL), instrumental activ-
47 ities of daily living (IADL), rest and sleep, education, work, play,
48 leisure, and social participation, including:

49 (i) Client factors, including body functions (such as neuromus-
50 cular, sensory, visual, perceptual, cognitive), values, beliefs,

1 and spirituality, and body structures (such as cardiovascular,
2 digestive, integumentary, genitourinary systems).

3 (ii) Performance patterns, including habits, routines, roles,
4 and behavior patterns.

5 (iii) Contexts and activity demands that affect performance, in-
6 cluding cultural, physical, environmental, social, virtual and
7 temporal.

8 (iv) Performance skills, including sensory perceptual skills,
9 motor and praxis skills, emotional regulation skills, cognitive
10 skills, communication and social skills.

11 (c) Interventions and procedures to promote or enhance safety and per-
12 formance in activities of daily living (ADL), instrumental activities
13 of daily living (IADL), education, work, play, leisure, and social par-
14 ticipation, rest and sleep, including:

15 (i) Therapeutic use of occupations, exercises, and activities.

16 (ii) Training in self-care, self-management, home management,
17 and community/work reintegration.

18 (iii) Development, remediation, or compensation of physical,
19 cognitive, neuromuscular, sensory functions and behavioral
20 skills.

21 (iv) Therapeutic use of self, including one's personality, in-
22 sights, perceptions, and judgments, as part of the therapeutic
23 process.

24 (v) Education and training of individuals, including family mem-
25 bers, caregivers, and others.

26 (vi) Care coordination, case management, and transition ser-
27 vices.

28 (vii) Consultative services to groups, programs, organizations,
29 or communities.

30 (viii) Modification of environments (home, work, school, or com-
31 munity) and adaptation of processes, including the application of
32 ergonomic principles.

33 (ix) Assessment, design, fabrication, application, fitting, and
34 training in assistive technology, adaptive devices, orthotic de-
35 vices, and prosthetic devices.

36 (x) Assessment, recommendation, and training in techniques to
37 enhance functional mobility, including wheelchair management.

38 (xi) Driver rehabilitation and community mobility.

39 (xii) Management of feeding, eating, and swallowing to enable
40 eating and feeding performance.

41 (xiii) Application of superficial, thermal and mechanical physi-
42 cal agent modalities, and use of a range of specific therapeutic
43 procedures (such as basic wound management; techniques to enhance
44 sensory, perceptual, and cognitive processing; therapeutic ex-
45 ercise techniques to facilitate participation in occupations) to
46 enhance performance skills.

47 (xiv) Use of specialized knowledge and skills as attained through
48 continuing education and experience for the application of deep
49 thermal and electrotherapeutic modalities, therapeutic proced-
50 ures specific to occupational therapy and wound care management

1 for treatment to enhance participation in occupations as defined
2 by rules adopted by the board.

3 (d) Engaging in administration, consultation, testing, education and
4 research as related to paragraphs (a), (b) and (c) of this subsection
5 and further established in rule.

6 SECTION 9. That Section 54-3714, Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 10. That Section 54-3717, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 54-3717. ~~OCCUPATIONAL THERAPY LICENSURE BOARD OF IDAHO -- POWERS AND~~
11 ~~DUTIES.~~ (1) The licensure board shall administer, coordinate, and enforce
12 the provisions of this chapter, evaluate the qualifications, and approve the
13 examinations for licensure under this chapter, and may issue subpoenas, ex-
14 amine witnesses, and administer oaths, and may investigate practices that
15 are alleged to violate the provisions of this chapter.

16 (2) The licensure board shall adopt rules and regulations, pursuant to
17 chapter 52, title 67, Idaho Code, relating to professional conduct to carry
18 out the policy of this chapter including, but not limited to, regulations
19 relating to professional licensure and to the establishment of ethical
20 standards of practice, disciplinary proceedings, license suspension pro-
21 ceedings, or license revocation proceedings for persons holding a license to
22 practice occupational therapy in this state.

23 ~~(3) The licensure board shall hold meetings, conduct hearings and keep~~
24 ~~records and minutes as are necessary to carry out its functions.~~

25 ~~(4) Authorize, by written agreement, the division of occupational and~~
26 ~~professional licenses to act as its agent in its interests as set out in the~~
27 ~~written agreement.~~

28 ~~(5) (3) Communicate~~ The board may communicate disciplinary actions to
29 relevant state and federal authorities, the national board for certifica-
30 tion in occupational therapy (NBCOT), the American occupational therapy as-
31 sociation (AOTA) and to other state occupational licensing authorities.

32 ~~(6) (4) Adopt~~ The board may adopt rules requiring continuing education
33 for the renewal of a license.

34 SECTION 11. That Section 54-3902, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 54-3902. DEFINITIONS. As used in this chapter:

37 (1) "Athlete" means a person who participates in exercises, sports, or
38 games requiring physical strength, agility, flexibility, range of motion,
39 speed or stamina and which exercises, sports or games are of the type gen-
40 erally conducted in association with an educational institution or profes-
41 sional, amateur or recreational sports club or organization.

42 (2) "Athletic injury" means a physical injury, harm, hurt or common
43 condition (such as heat disorders), incurred by an athlete, preventing or
44 limiting participation in athletic activity, sports or recreation, which
45 that athletic trainers are educated to evaluate and treat or refer to the
46 directing physician.

1 (3) "Athletic trainer" means a person who has met the qualifications
 2 for licensure as set forth in this chapter, is licensed under this chapter,
 3 and carries out the practice of athletic training under the direction of a
 4 designated Idaho licensed physician, ~~registered with the board or a desig-~~
 5 ~~nated Idaho licensed chiropractic physician.~~

6 (4) "Athletic training" means the application by a licensed athletic
 7 trainer of principles and methods of:

8 (a) Prevention of athletic injuries;

9 (b) Recognition, evaluation and assessment of athletic injuries and
 10 conditions;

11 (c) Immediate care of athletic injuries including common emergency
 12 medical situations;

13 (d) Rehabilitation and reconditioning of athletic injuries;

14 (e) Athletic training services administration and organization; and

15 (f) Education of athletes.

16 (5) "Board" means the Idaho ~~state board of medicine~~ allied health pro-
 17 professionals board created pursuant to chapter 1, title 54, Idaho Code.

18 ~~(6) "Board of athletic trainers" means the Idaho board of athletic~~
 19 ~~trainers established in this chapter.~~

20 ~~(7) (6) "Directing physician" means a designated person duly licensed~~
 21 ~~to practice medicine in Idaho, registered with the board or a designated~~
 22 ~~Idaho licensed chiropractic physician, who is responsible for the athletic~~
 23 ~~training services provided by the athletic trainer and oversees the prac-~~
 24 ~~tice of athletic training of the athletic trainer, as established by board~~
 25 ~~rule. This chapter does not authorize the practice of medicine or any of its~~
 26 ~~branches by a person not so licensed by the board.~~

27 (a) This direction will be provided by verbal order when the directing
 28 physician is present and by written order or by athletic training ser-
 29 vice plans or protocols, as established by board rule, when the direct-
 30 ing physician is not present.

31 (b) Upon referral from a physician licensed in another state and in good
 32 standing, the practice of athletic training or physical rehabilitation
 33 and/or reconditioning shall be carried out under the written orders of
 34 the referring physician and in collaboration with the directing physi-
 35 cian.

36 SECTION 12. That Section 54-3903, Idaho Code, be, and the same is hereby
 37 amended to read as follows:

38 54-3903. SCOPE OF PRACTICE. The scope of practice of athletic trainers
 39 under the direction of ~~the a~~ a designated Idaho licensed physician, ~~registered~~
 40 ~~with the board,~~ or a designated Idaho licensed chiropractic physician, ~~in-~~
 41 ~~cludes:~~

42 (1) Prevention of athletic injuries by designing and implementing
 43 physical conditioning programs, performing preparticipation screenings,
 44 fitting protective equipment, designing and constructing protective prod-
 45 ucts and continuously monitoring changes in the environment.

46 (2) Recognition and evaluation of athletic injuries by obtaining a
 47 history of the injury, individual inspection of the injured body part and
 48 associated structures and ~~palpation~~ palpation of bony landmarks and soft
 49 tissue structures. Immediate care of athletic injuries may require initia-

1 tion of cardiopulmonary resuscitation, administration of basic or advanced
 2 first aid, removal of athletic equipment, or immobilization and transporta-
 3 tion of the injured athlete. Concurrent with athletic training service
 4 plans or protocols, the athletic trainer will determine if the athlete may
 5 return to participation or, if the injury requires further definitive care,
 6 the athletic trainer will refer the injured athlete to the appropriate di-
 7 recting physician.

8 (3) Rehabilitation and reconditioning of athletic injuries by admin-
 9 istering therapeutic exercise and physical modalities, including cryother-
 10 apy, thermotherapy, and intermittent compression or mechanical devices as
 11 directed by established, written athletic training service plans or proto-
 12 cols or upon the order of the directing physician.

13 (4) Athletic training services administration includes implement-
 14 ing athletic training service plans or protocols, writing organizational
 15 policies and procedures, complying with governmental and institutional
 16 standards and maintaining records to document services rendered.

17 (5) Education of athletes to facilitate physical conditioning and re-
 18 conditioning by designing and implementing appropriate programs to minimize
 19 the risk of injury.

20 (6) The scope of practice excludes any independent practice of athletic
 21 training by an athletic trainer. An athlete with an athletic injury not in-
 22 curred in association with an educational institution, or a professional,
 23 amateur or recreational sports club or organization shall be referred by a
 24 directing physician, but only after such directing physician has first eval-
 25 uated the athlete and referred such athlete to the athletic trainer.

26 SECTION 13. That Section 54-3906, Idaho Code, be, and the same is hereby
 27 amended to read as follows:

28 54-3906. QUALIFICATIONS FOR LICENSURE. An applicant for an athletic
 29 trainer license must ~~possess the following qualifications:~~

30 (1) Have received a bachelor's or advanced degree from an accredited
 31 four (4) year college or university and have met the minimum athletic train-
 32 ing curriculum requirement established by the board as recommended by the
 33 board of athletic trainers and adopted by board rule.;

34 (2) Have successfully completed the certification examination admin-
 35 istered by the national athletic trainers' association board of certifica-
 36 tion or equivalent examination approved or recognized by the board ~~as recom-~~
 37 ~~ended by the board of athletic trainers.;~~

38 (3) Be in good standing with and provide documentation of current cer-
 39 tification by the national athletic trainers' association or a nationally
 40 recognized credentialing agency, ~~adopted~~ approved by the board ~~as recom-~~
 41 ~~ended by the board of athletic trainers.;~~ and

42 (4) Submit an application to the board ~~of athletic trainers~~ on forms
 43 prescribed by the board and pay the licensure fee required under this chap-
 44 ter.

45 SECTION 14. That Section 54-3907, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

1 54-3907. FEES. The board, ~~upon recommendation of the board of athletic~~
2 ~~trainers,~~ shall adopt rules establishing fees for the following:

- 3 (1) Initial licensure fee;
4 (2) Renewal of licensure fee;
5 (3) Provisional licensure fee;

6 (4) Inactive licensure fee;
7 (5) Application and renewal fees. Necessary nonrefundable fees shall
8 be made for the exact amount of the transaction and accompany all applica-
9 tions for initial licensure and renewal; and

10 (6) Extraordinary expenses. In those situations where the processing
11 of an application for initial licensure or renewal requires extraordinary
12 expenses, the board may charge the applicant reasonable fees to cover all or
13 part of the extraordinary expenses.

14 SECTION 15. That Section 54-3908, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 54-3908. PROVISIONAL LICENSURE. The board, ~~based upon the recommen-~~
17 ~~dation of the board of athletic trainers,~~ may issue provisional licensure
18 to applicants who are actively engaged in preparing themselves to meet the
19 qualifications prescribed in this chapter. A provisional license shall be
20 valid for a term of one (1) year, but may be renewed only twice, at the discre-
21 tion of the board ~~upon recommendation of the board of athletic trainers.~~

22 SECTION 16. That Section 54-3909, Idaho Code, be, and the same is hereby
23 amended to read as follows:

24 54-3909. ISSUANCE OF LICENSURE. (1) The board, ~~based upon recommenda-~~
25 ~~tion of the board of athletic trainers,~~ shall issue a license to any person
26 who meets the requirements of this chapter upon receipt of an application and
27 payment of the prescribed fees.

28 (2) The board, ~~upon recommendation of the board of athletic trainers,~~
29 may refuse to issue or renew the license of an applicant who has been con-
30 victed of an offense or disciplined by an athletic trainer licensing body in
31 a manner that bears, in the judgment of the board, a demonstrable relation-
32 ship to the ability of the applicant to practice athletic training in accor-
33 dance with the provisions of this chapter, or who has falsified an applica-
34 tion for licensure, or the board may refuse any applicant for any cause de-
35 scribed under section 54-3911, Idaho Code.

36 SECTION 17. That Section 54-3910, Idaho Code, be, and the same is hereby
37 amended to read as follows:

38 54-3910. RENEWAL OF LICENSURE. (1) Any licensure issued under this
39 chapter shall be subject to renewal and shall expire unless renewed in the
40 manner prescribed by the rules of the board. The board, ~~upon recommendation~~
41 ~~of the board of athletic trainers,~~ may reinstate a licensure canceled for
42 failure to renew upon compliance with requirements of the board for renewal
43 of licenses.

44 (a) A license shall be issued for a period of not less than one (1) year
45 nor more than five (5) years, in conformance with administrative rules

1 adopted by the board. Each license shall set forth its expiration date
2 on the face of the certificate. The failure of any licensee to renew his
3 or her license, as required herein and by the rules of the board, shall
4 not deprive such person of the right to renewal, except as provided for
5 in this chapter.

6 (b) Fees for renewal of licensure of athletic trainers shall be fixed by
7 the board in its rules.

8 (c) All licensed athletic trainers must be in good standing with and
9 provide documentation of current certification by the national ath-
10 letic trainers' association board of certification or a nationally
11 recognized credentialing agency, accepted by the board. All athletic
12 trainers holding current Idaho registration/licensure who are not
13 certified by the national athletic trainers' association board of cer-
14 tification or a nationally recognized credentialing agency, accepted
15 by the board, are required to provide documentation of successful com-
16 pletion of eighty (80) hours of board-approved continuing educational
17 units during each three (3) year reporting period on forms provided by
18 the board.

19 (d) All licensed athletic trainers shall report to the board any name
20 change or changes in business and home addresses thirty (30) days after
21 the change becomes final.

22 (2) Reinstatement of licensure.

23 (a) Reinstatement of a license that has lapsed for a period of three
24 (3) consecutive years shall require good standing with and documenta-
25 tion of current certification by the national athletic trainers' asso-
26 ciation board of certification or a nationally recognized credential-
27 ing agency, accepted by the board.

28 (b) Reinstatement of a license that has lapsed for a period of three
29 (3) consecutive years shall require the payment of a renewal fee and
30 reinstatement fee in accordance with the rules adopted by the board,
31 provided however, that no reinstatement fee shall be greater than fifty
32 dollars (\$50.00).

33 (c) Reinstatement of a license that has lapsed for a period of more than
34 three (3) consecutive years shall require reapplying for a license and
35 payment of fees in accordance with the rules adopted by the board. The
36 applicant shall successfully demonstrate to the board, ~~upon recommen-~~
37 ~~dation of the board of athletic trainers,~~ competency in the practice of
38 athletic training. The board, ~~upon recommendation of the board of ath-~~
39 ~~letic trainers,~~ may also require the applicant to take an examination,
40 remedial courses, or both, as shall be recommended by the board of ~~ath-~~
41 ~~letic trainers.~~

42 (3) Upon application and ~~recommendation by the board of athletic train-~~
43 ~~ers,~~ the board shall grant inactive status to a licensed athletic trainer
44 who:

45 (a) Does not practice as an athletic trainer; and

46 (b) Is in good standing with and provides documentation of current cer-
47 tification by the national athletic trainers' association board of cer-
48 tification or a nationally recognized credentialing agency, accepted
49 by the board.

1 SECTION 18. That Section 54-3911, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-3911. DENIAL -- SUSPENSION AND REVOCATION OF LICENSE -- REFUSAL TO
4 RENEW. (1) Subject to the provisions of chapter 52, title 67, Idaho Code, the
5 board, ~~upon recommendation of the board of athletic trainers,~~ may deny a li-
6 cense or refuse to renew a license, or may suspend or revoke a license or may
7 impose probationary conditions if the applicant for licensure has been found
8 guilty of unprofessional conduct ~~which~~ that has endangered or is likely to
9 endanger the health, welfare, or safety of the public. All petitions for re-
10 consideration of a denial of a license application or reinstatement applica-
11 tion must be made to the board within one (1) year from the date of the denial.
12 Such unprofessional conduct includes, but is not limited to:

13 (a) Obtaining licensure by means of fraud, misrepresentation, or con-
14 cealment of material facts;

15 (b) Being guilty of unprofessional conduct, negligence or incompetence
16 in the practice of athletic training as defined by the rules established
17 by the board, or violating the code of ethics adopted and published by
18 the board;

19 (c) Being convicted of a felony by a court of competent jurisdiction;

20 (d) The unauthorized practice of medicine;

21 (e) Use of any advertising statements that deceive or mislead the pub-
22 lic or that are untruthful;

23 (f) Making statements that the licensee knows, or should have known,
24 are false or misleading regarding skill or efficacy or value of treat-
25 ment or remedy administered by the licensee in the treatment of any con-
26 dition pertaining to athletic training;

27 (g) Practicing or offering to practice beyond the scope of athletic
28 training as defined in this chapter or which fails to meet the standard
29 of athletic training provided by other qualified athletic trainers in
30 the same or similar community;

31 (h) Performance of services while under the influence of alcohol, con-
32 trolled substances or other skill-impairing substances so as to create
33 a risk of harm to a client;

34 (i) Commission of any act of sexual contact, misconduct, exploitation
35 or intercourse with a client or former client or related to the li-
36 censee's practice of athletic training;

37 1. Consent of the client shall not be a defense;

38 2. This paragraph shall not apply to sexual contact between an
39 athletic trainer and the athletic trainer's spouse or a person in a
40 domestic relationship who is also a client;

41 3. A former client includes a client for whom the athletic trainer
42 has provided athletic training services within the last twelve
43 (12) months;

44 4. Sexual or romantic relationship with a former client beyond the
45 period of time set forth herein may also be a violation if the ath-
46 letic trainer uses or exploits the trust, knowledge, emotions or
47 influence derived from the prior professional relationship with
48 the client;

1 (j) Having been judged mentally incompetent by a court of competent ju-
2 risdiction;

3 (k) Aiding or abetting a person not licensed in this state who directly
4 or indirectly performs activities requiring a license;

5 (l) Failing to report to the board any act or omission of a licensee, ap-
6 plicant, or any other person, ~~which~~ that violates any provision of this
7 chapter;

8 (m) Interfering with an investigation or disciplinary proceeding by
9 willful misrepresentation of facts or by use of threats or harassment
10 against any client or witness to prevent them from providing evidence in
11 a disciplinary proceeding, investigation or other legal action;

12 (n) Failing to maintain client confidentiality unless otherwise re-
13 quired by law;

14 (o) Failing to maintain adequate records. For purposes of this para-
15 graph, "adequate records" means legible records that contain, at a min-
16 imum, the athletic training service plan or protocol, written orders,
17 an evaluation of objective findings, the plan of care and the treatment
18 records;

19 (p) Promoting unnecessary devices, treatment, intervention or service
20 for the financial gain of the practitioner or of a third party;

21 (q) Violating any provisions of this chapter or any of the rules promul-
22 gated by the board under the authority of this chapter.

23 (2) A denial of an application for licensure or application for rein-
24 statement shall be considered a contested case as provided for in chapter 52,
25 title 67, Idaho Code, and be subject to the provisions of that chapter, as
26 well as the rules adopted by the board governing contested cases.

27 (3) Any person who shall be aggrieved by any action of the board in deny-
28 ing, refusing to renew, suspending or revoking a licensure, issuing a cen-
29 sure, imposing any restriction upon a licensee, or imposing any fine, may
30 seek judicial review thereof in accordance with the provisions of chapter
31 52, title 67, Idaho Code.

32 SECTION 19. That Section [54-3912](#), Idaho Code, be, and the same is hereby
33 repealed.

34 SECTION 20. That Section 54-3913, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 54-3913. ~~BOARD OF MEDICINE AND BOARD OF ATHLETIC TRAINERS~~ -- POWERS
37 AND DUTIES. (1) The board shall administer, coordinate, and enforce the pro-
38 visions of this chapter, evaluate the qualifications and fitness of appli-
39 cants, and approve the applications for licensure under this chapter, and
40 may issue subpoenas, examine witnesses, and administer oaths, and may inves-
41 tigate practices which are alleged to violate the provisions of this chap-
42 ter. The board ~~of athletic trainers~~ shall evaluate all applicants for qual-
43 ification and fitness for licensure and make recommendations to and consult
44 with the board concerning issuance of licenses, revocation of licenses and
45 rules to be promulgated under this chapter.

46 (2) The board shall, ~~upon recommendation of the board of athletic~~
47 ~~trainers,~~ adopt rules pursuant to chapter 52, title 67, Idaho Code, relating
48 to professional conduct to carry out the policy of this chapter, including,

1 but not limited to, rules relating to professional licensure and to the
 2 establishment of ethical standards of practice, disciplinary proceedings,
 3 refusal to renew license proceedings, license suspension proceedings, or
 4 license revocation proceedings for persons licensed to practice as an ath-
 5 letic trainer in this state.

6 (3) The board ~~of athletic trainers~~ shall hold meetings, conduct hear-
 7 ings and keep records and minutes as are necessary to carry out its func-
 8 tions.

9 (4) Every person licensed as an athletic trainer in Idaho shall be sub-
 10 ject to discipline pursuant to the powers set forth in this chapter and the
 11 rules of the board ~~of medicine~~ promulgated pursuant thereto. ~~The board of~~
 12 ~~athletic trainers shall have no authority to impose sanctions or limitations~~
 13 ~~or conditions on licenses issued under this chapter and shall be authorized~~
 14 ~~only to make recommendations to the board with respect thereto.~~ Members of
 15 the board ~~of athletic trainers~~ shall disqualify themselves and, on motion of
 16 any interested party, may on proper showing, be disqualified in any proceed-
 17 ing concerning which they have an actual conflict of interest or bias which
 18 interferes with their fair and impartial service.

19 (5) In addition to its other powers, the board ~~of athletic trainers~~
 20 shall be empowered and authorized:

21 (a) ~~To recommend that the board~~ reprimand by informal admonition any
 22 licensed athletic trainer respecting any matter it finds is minor mis-
 23 conduct. Such reprimand shall be subject to disclosure according to
 24 chapter 1, title 74, Idaho Code;i

25 (b) ~~To recommend that the~~ provide by board order, for good cause,
 26 nondisciplinary suspension or transfer to inactive status of any
 27 licensed athletic trainer incapacitated by illness, senility, dis-
 28 ability, or addiction to drugs, intoxicants or other chemical or like
 29 substances, and to provide terms and conditions therefor, including
 30 provisions and conditions controlling reinstatement and any request
 31 therefor; provided, this paragraph shall not be construed to amend or
 32 repeal specific legislation expressly dealing with disabled athletic
 33 trainers whether heretofore or hereafter enacted by the legislature
 34 of the state of Idaho, but rather shall be construed as complementary
 35 thereto;i

36 (c) ~~To recommend that the board~~ accept the resignation and surrender of
 37 the license of any athletic trainer under investigation or prosecution
 38 who tenders the same, and to impose terms and conditions in connection
 39 therewith as it may deem appropriate in the best interests of the public
 40 and of justice;i

41 (d) ~~To recommend that the board~~ provide by order for reciprocal disci-
 42 pline in cases involving a licensed athletic trainer or applicant dis-
 43 ciplined in any other jurisdiction, provided that such licensee or ap-
 44 plicant shall be entitled to appear and show cause why such order should
 45 not apply in his or her case;i and

46 (e) ~~To recommend that the board~~ provide for reasonable fees through
 47 rules for administrative costs.

48 (6) The assessment of attorney's fees and costs incurred in an investi-
 49 gation and prosecution or defense in an administrative proceeding against a

1 licensee under this chapter shall be governed by the provisions of section
2 12-117(5), Idaho Code.

3 SECTION 21. That Section 54-3914, Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 22. That Section 54-3915, Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 23. That Chapter 39, Title 54, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 54-3915, Idaho Code, and to read as follows:

10 54-3915. FEES. All fees received under the provisions of this chapter
11 shall be deposited in the state treasury to the credit of the occupational
12 licenses fund. All costs and expenses incurred by the board under the pro-
13 visions of this chapter shall be a charge against and paid from said fund for
14 such purposes and the moneys collected pursuant to this section shall be im-
15 mediately available for the administration of this chapter.

16 SECTION 24. That Section 54-4303, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 54-4303. DEFINITIONS. As used in this chapter:

19 (1) "Board" means the ~~state board of medicine~~ Idaho allied health pro-
20 essionals board created pursuant to chapter 1, title 54, Idaho Code.

21 (2) "Certified respiratory therapist" or "CRT" means the professional
22 designation earned by a person who has successfully completed the entry
23 level examination required by the board.

24 ~~(3) "Licensure board" means the licensure board established by this~~
25 ~~chapter.~~

26 ~~(4)~~ (3) "Polysomnographic technician" means a person who holds a permit
27 and meets requirements as set forth in section 54-4307, Idaho Code.

28 ~~(5)~~ (4) "Polysomnographic technologist" means a person who holds a per-
29 mit and meets requirements as set forth in section 54-4307, Idaho Code.

30 ~~(6)~~ (5) "Polysomnography" means the process of analysis, attended
31 monitoring, and recording of physiologic data during sleep and wakefulness
32 to assist in the assessment and diagnosis of sleep/wake disorders and other
33 disorders, syndromes, and dysfunctions that are sleep-related, manifest
34 during sleep, or disrupt normal sleep/wake cycles and activities.

35 ~~(7)~~ (6) "Polysomnography-related respiratory care services" means the
36 limited practice of respiratory care in the provision of polysomnography
37 services.

38 ~~(8)~~ (7) "Practice of respiratory care" means the provision of car-
39 diopulmonary care services as directed by a qualified health care practi-
40 tioner licensed in the state, including but not limited to the diagnostic and
41 therapeutic use of the following:

42 (a) Except for the purpose of anesthesia, administration of medical
43 gases, aerosols, and humidification;

44 (b) Environmental control mechanisms and hyperbaric therapy;

45 (c) Pharmacologic agents related to respiratory care procedures;

- 1 (d) Mechanical or physiological ventilatory support;
 2 (e) Bronchopulmonary hygiene;
 3 (f) Cardiopulmonary resuscitation;
 4 (g) Maintenance of artificial airways;
 5 (h) Specific diagnostic and testing techniques employed in the medi-
 6 cal management of patients to assist in diagnosis, monitoring, treat-
 7 ment, and research of pulmonary abnormalities, including measurement
 8 of ventilatory volumes, pressures, and flows, collection of specimens
 9 of blood and blood gases, expired and inspired gas samples, respiratory
 10 secretions, and pulmonary functioning testing;
 11 (i) Hemodynamic and other related physiologic measurements of the car-
 12 diopulmonary system;
 13 (j) Accepting and carrying out a practitioner's written, verbal, or
 14 telephonic prescription or order specifically relating to respiratory
 15 care in a hospital or other health care setting; and
 16 (k) Functioning in situations of patient contact requiring individual
 17 judgment in administering respiratory care under the general supervi-
 18 sion of a qualified practitioner.

19 ~~(9)~~ (8) "Registered respiratory therapist" or "RRT" means the profes-
 20 sional designation earned by a person who has successfully completed the
 21 written registry and clinical simulation examinations administered by the
 22 national board for respiratory care.

23 ~~(10)~~ (9) "Respiratory care" means the treatment, management, diagnos-
 24 tic testing, monitoring, and care of patients with deficiencies and abnor-
 25 malities associated with the cardiopulmonary system.

26 ~~(11)~~ (10) "Respiratory care practitioner" means a person who has been
 27 issued a license or permit by the board under the provisions of this chap-
 28 ter to practice respiratory care under the general supervision of a licensed
 29 physician or other authorized licensed health care professional.

30 ~~(12)~~ (11) "Sleep disorder center or laboratory" means a facility for
 31 sleep-related disorders that provides polysomnography and is under the su-
 32 pervision of a physician or medical director licensed in the state of Idaho.

33 ~~(13)~~ (12) "Written registry and clinical simulation examinations"
 34 means the certification examinations administered by a board-approved na-
 35 tional accrediting organization.

36 SECTION 25. That Section [54-4304](#), Idaho Code, be, and the same is hereby
 37 repealed.

38 SECTION 26. That Section 54-4305, Idaho Code, be, and the same is hereby
 39 amended to read as follows:

40 54-4305. ~~BOARD OF MEDICINE AND LICENSURE BOARD -- POWERS AND DUTIES --~~
 41 ~~FUNDS.~~ (1) The board shall administer, coordinate, and enforce the provi-
 42 sions of this chapter and, ~~for that purpose, may hire such employees as may~~
 43 ~~be necessary.~~ The licensure board shall make ~~recommendations to, and con-~~
 44 ~~sult with, the board~~ determinations concerning qualification of applicants
 45 for licensure, issuance of licenses, revocation of licenses, and rules to be
 46 promulgated under this chapter.

47 (2) The board may, ~~upon recommendation of the licensure board,~~ adopt
 48 rules pursuant to chapter 52, title 67, Idaho Code, necessary to implement

1 the provisions of this chapter, including but not limited to rules relating
2 to professional licensure examination, the establishment of ethical stan-
3 dards of practice, disciplinary proceedings, and license suspension or re-
4 vocation for persons holding a license or permit to practice in this state
5 under the provisions of this chapter.

6 (3) The ~~licensure~~ board shall hold meetings, conduct hearings, and keep
7 records and minutes as are necessary to carry out its functions.

8 (4) All fees received under the provisions of this chapter shall be de-
9 posited in the state treasury to the credit of the ~~state board of medicine~~
10 ~~fund created in section 54-1809, Idaho Code~~ occupational licenses fund. All
11 costs and expenses incurred by the board ~~and licensure board~~ under the pro-
12 visions of this chapter shall be a charge against and paid from said fund for
13 such purposes. The funds collected pursuant to this chapter shall be immedi-
14 ately available for the administration of this chapter. ~~In no instance shall~~
15 ~~the state board of medicine fund be obligated to pay any claims that, in ag-~~
16 ~~gregate with claims already allowed, exceed the income to the state board~~
17 ~~of medicine fund that has been derived from the application of this chap-~~
18 ~~ter. Moneys paid into the state board of medicine fund pursuant to this chap-~~
19 ~~ter are hereby continuously appropriated to the board for expenditure in the~~
20 ~~manner prescribed in this chapter to defray the expenses of the board and li-~~
21 ~~ensure board in carrying out and enforcing the provisions of this chapter.~~

22 SECTION 27. This act shall be in full force and effect on and after Jan-
23 uary 1, 2024.