

Dear Senators VANORDEN, Wintrow, and
Representatives VANDER WOUDE, Erickson, Rubel:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - Medicine, Board of:
IDAPA 24.33.02 - Rules for the Licensure of Physician Assistants (ZBR Chapter Rewrite) - Proposed
Rule (Docket No. 24-3302-2401).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 08/23/2024. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/20/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondoff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Division Manager - Matt Drake

DATE: August 7, 2024

SUBJECT: Division of Occupational and Professional Licenses - Medicine, Board of

IDAPA 24.33.02 - Rules for the Licensure of Physician Assistants (ZBR Chapter Rewrite) - Proposed Rule
(Docket No. 24-3302-2401)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licences - Idaho State Board of Medicine submits notice of proposed rulemaking at Docket No. 24-3302-2401. The Division notes that this is a Zero-Based Regulation ("ZBR") chapter rewrite pursuant to Executive Order 2020-01. Accordingly, the Division states that this rulemaking is intended to streamline and simplify existing rules that were previously submitted to and reviewed by the Legislature. The Division also states that the rulemaking reflects a comprehensive review of the chapter in collaboration with the public to streamline the rules, use plain language, and to update the rules to comply with statute. The Division states that no fees are being increased and no new fees are being imposed by the rulemaking.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. The rulemaking is not anticipated to have a fiscal impact.

Statutory Authority

This rulemaking appears to be authorized pursuant to sections 54-1806, 54-1807A, and 67-2614, Idaho Code.

cc: Division of Occupational and Professional Licenses - Medicine, Board of
Krissy Veseth

*** PLEASE NOTE ***

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.33.02 – RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS

DOCKET NO. 24-3302-2401 (ZBR CHAPTER REWRITE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 6-1002, 54-1806, 54-1807A, 67-2614, 67-9406 and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

24.33.02 – Rules for the Licensure of Physician Assistants
Monday, July 15, 2024 – 3:00 p.m. (MT) Division of Occupational and Professional Licenses Coolwater Room, Chinden Campus Building 4 11341 W. Chinden Blvd. Boise, ID 83714
Virtual Meeting Link
Telephone and web conferencing information will be posted on https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/ .

The hearing site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Under [Executive Order 2020-01, Zero-Based Regulation](#), the Idaho State Board of Medicine is striving to prevent the accumulation of costly, ineffective, and outdated regulations and reduce regulatory burden to achieve a more efficient operation of government. In conjunction with stakeholders, the proposed rule changes reflect a comprehensive review of this chapter by collaborating with the public to streamline or simplify the rule language in this chapter and to use plain language for better understanding. This proposed rulemaking updates the rules to comply with governing statute and Executive Order 2020-01.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A. The proposed amendments to the rules do not impose any new or increased fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the state General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-ZBRR-2401. The Omnibus Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the April 3, 2024, Idaho Administrative Bulletin, [Vol. 24-4, p.43](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

N/A. No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Krissy Veseth, Bureau Chief, at (208) 577-2491. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 7th day of June, 2024.

Krissy Veseth
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2491
Email: krissy.veseth@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3302-2401
(ZBR Chapter Rewrite.)

24.33.02 – RULES FOR THE LICENSURE OF PHYSICIAN ASSISTANTS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to Sections 54-1806 ~~and 54-1807A, 54-1810A~~ Idaho Code. ~~(3-28-23)~~()

001. SCOPE.

These rules govern the practice of physician assistants and graduate physician assistants. (3-28-23)

~~002.—009.~~ **(RESERVED)**

~~010.~~ **DEFINITIONS.**

~~01.~~ **Approved Program.** A course of study for the education and training of physician assistants that is accredited by the Accreditation Review Commission on Education for Physician Assistants (ARC-PA) or predecessor agency or equivalent agency recognized by the Board as recommended by the Committee. (3-28-23)

~~011.—019.~~ **(RESERVED)**

~~020.~~ **REQUIREMENTS FOR LICENSURE.**

Requirements for licensure and renewal are found in Title 54, Chapter 18, Idaho Code, IDAPA 24.33.03, and on Board-approved forms. (3-28-23)

~~021-002.~~ -- ~~027-029.~~ **(RESERVED)**

100. LICENSURE.

~~01. Acceptable Examination. National Commission on Certification of Physician Assistants (NCCPA) Physician Assistant National Certifying Examination (PANCE). ()~~

~~02. Graduate Physician Assistant. ()~~

~~104. -- 199. (RESERVED)~~

~~200. PRACTICE STANDARDS.~~

~~028. SCOPE OF PRACTICE.~~

~~01. Scope. The scope of practice of physician assistants and graduate physician assistants includes only those duties and responsibilities identified in a collaborative practice agreement or the facility bylaws or procedures of any facility with credentialing and privileging systems. (3-28-23)~~

~~021. Collaborative Practice Agreement. A collaborative practice agreement will comply with Title 54, Chapter 18, Idaho Code and, in addition to complying Idaho Code *54-1807A(2) will contain the following elements: (3-28-23)()~~

~~a. The parties to the agreement; (3-28-23)~~

~~b. The authorized scope of practice for each licensed physician assistant or graduate physician assistant; (3-28-23)~~

~~e. A requirement that the physician assistant or graduate physician assistant must collaborate with, consult with, or refer to the collaborating physician or another appropriate physician as indicated by: the condition of the patient; the education, experience and competence of the physician assistant or graduate physician assistant; and the community standard of care; and (3-28-23)~~

~~d.c. If necessary, any monitoring parameters. (3-28-23)~~

~~032. Advertise. No physician assistant or graduate physician assistant may advertise or represent himself either directly or indirectly, as a physician. (3-28-23)~~

~~043. Emergency or Disaster Care. A collaborative practice agreement is not necessary for a licensed physician assistant or graduate physician assistant to render medical services to an ill or injured person at the scene of an emergency or disaster (not to be defined as an emergency situation which occurs in the place of one's employment) and while continuing to care for such person. (3-28-23)~~

~~029. CONTINUING EDUCATION REQUIREMENTS.~~

~~04. Continuing Education Requirements. Requirements for Renewal. Prior to renewal of each a license as set forth by the expiration date on the face of the certificate, physician assistants shall attest to maintenance of current certification by the National Commission on Certification of Physician Assistants or a similar certifying agency approved by the Board, which certification requires a minimum of one hundred (100) hours of continuing medical education over a two-year (2) period. (3-28-23)~~

~~030. — 035. (RESERVED)~~

~~036. GRADUATE PHYSICIAN ASSISTANT.~~

~~01. Licensure Prior to Certification Examination — Board Consideration. Any person who has graduated from an approved physician assistant training program and substantially meets all Idaho the requirements, including achieving a college baccalaureate degree, but has not yet taken and passed the certification examination, set forth in 54-1803(10)(a) may be considered by apply to the Board for licensure as a graduate physician assistant for six (6) months when an application for licensure as a graduate physician assistant has been submitted to the Board on forms supplied by the Board and payment of the prescribed fee, provided: (3-28-23)()~~

~~a.~~ The applicant will submit to the Board, ~~within ten (10) business days of receipt,~~ a copy of acknowledgment of sitting for the national certification examination. ~~The applicant will submit to the Board, within ten (10) business days of receipt, a copy of the national certification examination results.~~ (3-28-23)

~~b.~~ After the graduate physician assistant has passed the certification examination, the Board will receive verification of national certification directly from the certifying entity. Once the **Upon primary source** verification is received of passing the examination by the Board, the graduate physician assistant's license will be converted to a permanent license and he may apply for prescribing authority. (3-28-23)()

~~c.~~ The applicant who has failed the certification examination one (1) time, may petition the Board for a one time extension of his graduate physician assistant license for an additional six (6) months. (3-28-23)

~~d.~~ If the graduate physician assistant fails to pass the certifying examination on two (2) separate occasions, the graduate physician assistant's license will automatically be canceled upon receipt of the second failing certification examination score. (3-28-23)

~~e.~~ The graduate physician assistant applicant will agree to execute an authorization for the release of information, attached to his application as Exhibit A, authorizing the Board or its designated agents, having information relevant to the application, including but not limited to the status of the certification examination, to release such information, as necessary, to his supervising physician. (3-28-23)

~~02. Licensure Prior to College Baccalaureate Degree — Board Consideration.~~ Licensure as a graduate physician assistant may also be considered upon application made to the Board on forms supplied by the Board and payment of the prescribed fee when all application requirements have been met as set forth in Section 020 of these rules, except receipt of documentation of a college baccalaureate degree, provided: (3-28-23)

~~a.~~ A college baccalaureate degree from a nationally accredited school with a curriculum approved by the United States Secretary of Education, the Council for Higher Education Accreditation, or both, or from a school accredited by another such agency approved by the Board shall be completed within five (5) years of initial licensure in Idaho; (3-28-23)

035. No-Graduate Physician Assistant Prescribing Authority. Graduate physician assistants shall not be entitled to issue any written or oral prescriptions ~~unless granted an exemption by the Board. Application for an exemption must be in writing and accompany documentation of a minimum of five (5) years of recent practice as a physician assistant in another state.~~ (3-28-23)()

~~037~~**201.** -- ~~050~~**399.**(RESERVED)

051~~400.~~ **FEES — TABLE.**

Nonrefundable fees are as follows:

Fees – Table (Non-Refundable)	
Licensure Fee - Physician Assistant & Graduate Physician Assistant	- Not more than \$250
Annual License Renewal Fee	- Not more than \$150
Reinstatement Fee	- \$50 plus past renewal fees
Reinstatement Fee for Graduate Physician Assistant	- Not more than \$100
Inactive License Fee	- Not more than \$150
Annual Renewal of Inactive License Fee	- Not more than \$100
Inactive Conversion Fee	- Not more than \$150

(3-28-23)()

~~052~~**401.** -- 999. (RESERVED)