

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 436

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO HEALTH PROFESSIONS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDI-
2 TION OF A NEW CHAPTER 1, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE,
3 TO ESTABLISH PROVISIONS REGARDING THE ALLIED HEALTH ADVISORY BOARD, AND
4 TO PROVIDE FOR POWERS AND DUTIES OF THE ALLIED HEALTH ADVISORY BOARD AND
5 THE BOARD OF MEDICINE; AMENDING SECTION 54-3502, IDAHO CODE, TO DEFINE A
6 TERM AND TO REMOVE A DEFINITION; REPEALING SECTION 54-3504, IDAHO CODE,
7 RELATING TO THE DIETETIC LICENSURE BOARD; REPEALING SECTION 54-3505,
8 IDAHO CODE, RELATING TO THE BOARD OF MEDICINE AND DIETETIC LICENSURE
9 BOARD; AMENDING CHAPTER 35, TITLE 54, IDAHO CODE, BY THE ADDITION OF A
10 NEW SECTION 54-3505, IDAHO CODE, TO PROVIDE FOR CERTAIN FEES; AMENDING
11 SECTION 54-3506, IDAHO CODE, TO PROVIDE FOR THE ALLIED HEALTH ADVISORY
12 BOARD; AMENDING SECTION 54-3508, IDAHO CODE, TO PROVIDE FOR THE ALLIED
13 HEALTH ADVISORY BOARD; AMENDING SECTION 54-3509, IDAHO CODE, TO REVISE
14 PROVISIONS REGARDING LICENSE EXPIRATION AND RENEWAL; AMENDING SECTION
15 54-3510, IDAHO CODE, TO PROVIDE FOR THE ALLIED HEALTH ADVISORY BOARD;
16 AMENDING SECTION 54-3510A, IDAHO CODE, TO PROVIDE FOR THE ALLIED HEALTH
17 ADVISORY BOARD; AMENDING SECTION 54-3902, IDAHO CODE, TO DEFINE A TERM,
18 TO REVISE A DEFINITION, AND TO REMOVE A DEFINITION; AMENDING SECTION
19 54-3903, IDAHO CODE, TO REMOVE A REQUIREMENT AND TO REVISE TERMINOL-
20 OGY; AMENDING SECTION 54-3906, IDAHO CODE, TO PROVIDE FOR THE ALLIED
21 HEALTH ADVISORY BOARD; AMENDING SECTION 54-3907, IDAHO CODE, TO PRO-
22 VIDE FOR THE ALLIED HEALTH ADVISORY BOARD; AMENDING SECTION 54-3908,
23 IDAHO CODE, TO PROVIDE FOR THE ALLIED HEALTH ADVISORY BOARD; AMENDING
24 SECTION 54-3909, IDAHO CODE, TO PROVIDE FOR THE ALLIED HEALTH ADVISORY
25 BOARD; AMENDING SECTION 54-3910, IDAHO CODE, TO PROVIDE FOR THE ALLIED
26 HEALTH ADVISORY BOARD; AMENDING SECTION 54-3911, IDAHO CODE, TO PROVIDE
27 FOR THE ALLIED HEALTH ADVISORY BOARD AND TO MAKE A TECHNICAL CORREC-
28 TION; REPEALING SECTION 54-3912, IDAHO CODE, RELATING TO THE BOARD OF
29 ATHLETIC TRAINERS; REPEALING SECTION 54-3913, IDAHO CODE, RELATING TO
30 POWERS AND DUTIES OF THE BOARD OF MEDICINE AND BOARD OF ATHLETIC TRAIN-
31 ERS; REPEALING SECTION 54-3914, IDAHO CODE, RELATING TO COMPENSATION OF
32 THE BOARD OF ATHLETIC TRAINERS; REPEALING SECTION 54-3915, IDAHO CODE,
33 RELATING TO THE BOARD OF MEDICINE AND ADMINISTRATIVE PROVISIONS; AMEND-
34 ING CHAPTER 39, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
35 54-3915, IDAHO CODE, TO PROVIDE FOR FEES; AMENDING SECTION 54-4303,
36 IDAHO CODE, TO DEFINE A TERM AND TO REMOVE A DEFINITION; REPEALING SEC-
37 TION 54-4304, IDAHO CODE, RELATING TO THE RESPIRATORY CARE LICENSURE
38 BOARD; REPEALING SECTION 54-4305, IDAHO CODE, RELATING TO THE POWERS
39 AND DUTIES OF THE BOARD OF MEDICINE AND THE RESPIRATORY CARE LICENSURE
40 BOARD; AMENDING CHAPTER 43, TITLE 54, IDAHO CODE, BY THE ADDITION OF A
41 NEW SECTION 54-4305, IDAHO CODE, TO PROVIDE FOR FEES; AMENDING SECTION
42 54-4308, IDAHO CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR
43 LICENSURE; AMENDING SECTION 54-4310, IDAHO CODE, TO REVISE PROVISIONS
44 REGARDING LICENSES AND PERMITS; AMENDING SECTION 54-5101, IDAHO CODE,
45

1 TO DEFINE A TERM AND TO REMOVE A DEFINITION; AMENDING SECTION 54-5102,
 2 IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 54-5103,
 3 IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; REPEALING SECTION 54-5104,
 4 IDAHO CODE, RELATING TO THE NATUROPATHIC MEDICAL BOARD; REPEALING SEC-
 5 TION 54-5105, IDAHO CODE, RELATING TO POWERS, DUTIES, AND FUNDS OF THE
 6 BOARD OF MEDICINE AND NATUROPATHIC MEDICAL BOARD; AMENDING CHAPTER 51,
 7 TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-5105, IDAHO
 8 CODE, TO PROVIDE FOR FEES; AMENDING SECTION 54-5106, IDAHO CODE, TO
 9 REVISE PROVISIONS REGARDING QUALIFICATIONS FOR LICENSURE; AMENDING
 10 SECTION 54-5107, IDAHO CODE, TO PROVIDE FOR WAIVERS OF CERTAIN REQUIRE-
 11 MENTS UPON RECOMMENDATION OF THE ALLIED HEALTH ADVISORY BOARD AND TO
 12 REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 54-5108, IDAHO CODE, TO
 13 REVISE PROVISIONS REGARDING LICENSE EXPIRATION AND RENEWAL; AMENDING
 14 SECTION 54-5109, IDAHO CODE, TO REVISE PROVISIONS REGARDING DISCIPLINE
 15 OR DENIAL OF A LICENSE; AMENDING SECTION 54-5110, IDAHO CODE, TO REMOVE
 16 OBSOLETE LANGUAGE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY
 17 AND PROVIDING AN EFFECTIVE DATE.

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

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

22 CHAPTER 1
 23 ALLIED HEALTH ADVISORY BOARD

24 54-101. SHORT TITLE. This chapter shall be known and may be cited as
 25 the "Idaho Allied Health Advisory Board Act."

26 54-102. ALLIED HEALTH ADVISORY BOARD. (1) There is hereby created in
 27 the division of occupational and professional licenses the Idaho allied
 28 health advisory board.

29 (2) The allied health advisory board shall serve as an advisory board
 30 to the Idaho board of medicine. The board shall consist of seven (7) members
 31 who shall be appointed by the board of medicine: one (1) of whom shall be a
 32 licensed physician pursuant to chapter 18, title 54, Idaho Code; one (1) of
 33 whom shall be a licensed dietitian pursuant to chapter 35, title 54, Idaho
 34 Code; one (1) of whom shall be a licensed athletic trainer pursuant to chap-
 35 ter 39, title 54, Idaho Code; one (1) of whom shall be a licensed respiratory
 36 therapist pursuant to chapter 43, title 54, Idaho Code; one (1) of whom shall
 37 be authorized to provide polysomnography-related respiratory care services
 38 pursuant to chapter 43, title 54, Idaho Code; one (1) of whom shall be a li-
 39 censed naturopathic medical doctor pursuant to chapter 51, title 54, Idaho
 40 Code; and one (1) of whom shall be a member of the public with an interest in
 41 the rights of consumers of allied health services.

42 (3) For the initial appointments: one (1) member shall be appointed for
 43 a period of one (1) year; two (2) members shall be appointed for a period of
 44 two (2) years; one (1) member shall be appointed for a period of three (3)
 45 years; two (2) members shall be appointed for a period of four (4) years; and
 46 one (1) member shall be appointed for a period of five (5) years. After this

1 initial appointment, all terms of appointment shall be for a period of five
2 (5) years.

3 (4) Each member may serve a maximum of two (2) consecutive terms. A par-
4 tial term of less than five (5) years shall not constitute a term for purposes
5 of this subsection.

6 (5) An election of the board chair and vice chair shall occur on an an-
7 nual basis. Any appointed member of the board is eligible to serve as chair
8 or vice chair.

9 (6) A quorum is established if a majority of appointed members are
10 present at the board meeting.

11 (7) The board shall meet at least once annually. Additional meetings
12 may be held at the call of the chair or at the request of any two (2) members of
13 the board.

14 (8) Any association or individual residing in this state may submit an
15 allied health advisory board member recommendation to the Idaho board of
16 medicine. The board of medicine will consider but is not bound by any such
17 recommendation.

18 54-103. POWERS AND DUTIES OF THE ALLIED HEALTH ADVISORY BOARD AND THE
19 BOARD OF MEDICINE. (1) The board of medicine shall administer, coordinate,
20 and enforce the provisions of: chapter 35, title 54, Idaho Code, relating to
21 dietitians; chapter 39, title 54, Idaho Code, relating to athletic trainers;
22 chapter 43, title 54, Idaho Code, relating to respiratory therapists; and
23 chapter 51, title 54, Idaho Code, relating to naturopathic medical doctors.
24 The allied health advisory board shall make recommendations to, and consult
25 with, the board of medicine concerning qualification of applicants for li-
26 censure, issuance of licenses, discipline of licensees, and rules to be pro-
27 mulgated under the chapters listed in this subsection.

28 (2) The board of medicine may, upon recommendation of the allied health
29 advisory board, adopt rules pursuant to chapter 52, title 67, Idaho Code,
30 necessary to implement the provisions of the chapters listed in subsection
31 (1) of this section, including but not limited to rules relating to profes-
32 sional licensure, examination, the establishment of ethical standards of
33 practice, disciplinary proceedings, and license suspension, restriction,
34 or revocation for persons holding a license to practice dietetics, athletic
35 training, respiratory therapy, or naturopathic medicine, respectively, in
36 Idaho.

37 (3) The allied health advisory board shall hold meetings, conduct hear-
38 ings, and keep records and minutes as are necessary to carry out its func-
39 tions.

40 (4) All fees received pursuant to the provisions of the chapters listed
41 in subsection (1) of this section shall be deposited in the state treasury
42 to the credit of the occupational licenses fund. All costs and expenses in-
43 curred by the board of medicine or the allied health advisory board pursuant
44 to the provisions of the chapters listed in subsection (1) of this section
45 shall be a charge against and paid from said fund for such purposes, and the
46 moneys collected pursuant to this section shall be immediately available for
47 the administration of the chapters listed in subsection (1) of this section.

48 SECTION 2. That Section 54-3502, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 54-3502. DEFINITIONS. As used in this chapter:

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

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

10 (3) "Allied health advisory board" means the Idaho allied health advi-
11 sory board established pursuant to chapter 1, title 54, Idaho Code.

12 ~~(3)~~ (4) "Board" means the Idaho state board of medicine.

13 ~~(4)~~ (5) "Commission on dietetic registration" or "CDR" means the cre-
14 dentialing organization of the academy of nutrition and dietetics that
15 awards and administers credentials to individuals at entry, specialist
16 and advanced levels who have met CDR's specified criteria to practice in
17 the dietetics profession, including successful completion of its national
18 accredited certification examination and recertification by continuing
19 professional education and/or examination.

20 ~~(5)~~ (6) "Dietetics" means the integration, application and communica-
21 tion of principles derived from food, nutrition, social, business and ba-
22 sic sciences to achieve and maintain optimal nutrition status of individuals
23 through the development, provision and management of effective food and nu-
24 trition services in a variety of settings.

25 ~~(6)~~ (7) "Dietitian" means a person licensed under the provisions of
26 this chapter as a licensed dietitian (LD) who:

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

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

37 ~~(7)~~ (8) "Evidence-based dietetics practice" means the process of ask-
38 ing questions, systematically finding research evidence and assessing its
39 validity, applicability and importance to food and nutrition practice deci-
40 sions, including the application of relevant evidence in the context of the
41 practice situation and the values of clients, customers and communities to
42 achieve positive outcomes.

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

45 (9) "Medical nutrition therapy" or "MNT" means an evidence-based
46 application of the nutrition care process. The provision of MNT to a
47 patient/client may include one (1) or more of the following: nutrition as-
48 sessment or reassessment, nutrition diagnosis, and nutrition intervention
49 for the prevention, delay or management of diseases or conditions.

1 (10) "Nutrition care process" means a systematic approach to providing
2 high-quality nutrition care that consists of four (4) distinct, interre-
3 lated steps:

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

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

10 (c) Nutrition intervention, which means a purposefully planned action
11 intended to positively change a nutrition-related behavior, environ-
12 mental condition or aspect of health status for the patient/client and
13 family or caregivers, target group or the community at large; and

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

15 (i) Nutrition monitoring means the preplanned review and
16 measurement of selected nutrition care indicators of the pa-
17 tient/client's status relevant to the defined needs, nutrition
18 diagnosis, nutrition intervention and outcomes; and

19 (ii) Nutrition evaluation means the systematic comparison of cur-
20 rent findings with the previous status, nutrition intervention
21 goals, effectiveness of overall nutrition care or comparison to a
22 reference standard.

23 (11) "Provisionally licensed dietitian" means a person provisionally
24 licensed under the provisions of this chapter.

25 SECTION 3. That Section [54-3504](#), Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 4. That Section [54-3505](#), Idaho Code, be, and the same is hereby
28 repealed.

29 SECTION 5. That Chapter 35, Title 54, Idaho Code, be, and the same is
30 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
31 ignated as Section 54-3505, Idaho Code, and to read as follows:

32 54-3505. FEES. In accordance with section 54-103, Idaho Code, all fees
33 received under the provisions of this chapter shall be deposited in the state
34 treasury to the credit of the occupational licenses fund. All costs and ex-
35 penses incurred by the board or the allied health advisory board under the
36 provisions of this chapter shall be a charge against and paid from said fund
37 for such purposes, and the moneys collected pursuant to this section shall be
38 immediately available for the administration of this chapter.

39 SECTION 6. That Section 54-3506, Idaho Code, be, and the same is hereby
40 amended to read as follows:

41 54-3506. REQUIREMENTS FOR LICENSURE AS A DIETITIAN. A person applying
42 for a license shall file a written application provided by the board show-
43 ing to the satisfaction of the board that such person meets the following re-
44 quirements:

1 (1) Has successfully completed the following academic and supervised
2 practice requirements:

3 (a) A minimum of a baccalaureate degree granted by a United States re-
4 regionally accredited college or university or a foreign equivalent;

5 (b) An ACEND-accredited didactic program in dietetics or a substan-
6 tially similar program approved by the board;

7 (c) An ACEND-accredited supervised practice program in the United
8 States or its territories or a substantially similar program approved
9 by the board; and

10 (2) Has successfully completed the registration examination for regis-
11 tered dietitians as administered by the commission on dietetic registration
12 or its successor organization as recognized by the ~~licensure~~ allied health
13 advisory board.

14 The board may require an applicant to be personally interviewed by the
15 board or by a designated committee of the board. Such an interview shall be
16 limited to a review of the applicant's qualifications and professional cre-
17 dentials.

18 SECTION 7. That Section 54-3508, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 54-3508. LICENSURE BY ENDORSEMENT. ~~The licensure~~ Upon recommendation
21 of the allied health advisory board, or upon its own motion, the board may
22 waive the examination, education, or experience requirements and grant a li-
23 cence by endorsement to any applicant who:

24 (1) Presents proof of current registration by the commission on di-
25 etetic registration;

26 (2) Presents proof of current licensure to engage in the practice of di-
27 etetics in another state or the District of Columbia that requires standards
28 for licensure considered by the board to be equivalent to the requirements
29 for licensure pursuant to this chapter; and

30 (3) Does not have any disciplinary action, whether past, pending, pub-
31 lic or confidential, by any licensing board, licensing authority, profes-
32 sional association, hospital or institution in any state or district.

33 SECTION 8. That Section 54-3509, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 54-3509. LICENSE EXPIRATION AND RENEWAL. (1) A license issued under
36 the provisions of this chapter shall be subject to annual or biennial renewal
37 and shall expire unless renewed in the manner prescribed by the rules ~~of the~~
38 licensure board for the licensure of dietitians, upon payment of a renewal
39 fee.

40 (2) The board shall establish the following fees relating to licensing,
41 which fees shall be established in an amount sufficient to defray all costs
42 necessary for the administration of this chapter:

43 (a) Initial license and examination fee;

44 (b) Renewal of license fee;

45 (c) Inactive license fee;

46 (d) Limited permit fee;

47 (e) Late renewal fees.

1 (3) No license that has been expired for more than twenty-four (24)
 2 months may be renewed. The applicant shall comply with the requirements of
 3 section 54-3506, Idaho Code, for obtaining an initial license.

4 (4) Maintenance of registration by the CDR or its successor organiza-
 5 tion is required for license renewal.

6 SECTION 9. That Section 54-3510, Idaho Code, be, and the same is hereby
 7 amended to read as follows:

8 54-3510. GROUNDS FOR DISCIPLINE. The board, in accordance with the re-
 9 quirements of chapter 52, title 67, Idaho Code, may, upon recommendation of
 10 the ~~licensure board~~ allied health advisory board, refuse to issue a license
 11 or permit, refuse to renew a license or permit, or may suspend, restrict or
 12 revoke a license or permit, under such conditions as the board may determine,
 13 if the licensee, permittee or applicant for license:

14 (1) Has been convicted of, or has entered a plea of guilty to, or been
 15 found guilty of, the commission of a crime that is deemed relevant in accor-
 16 dance with section 67-9411(1), Idaho Code;

17 (2) Obtained a license or permit pursuant to this chapter by means of
 18 fraud, misrepresentation or concealment of material facts;

19 (3) Practiced dietetics under a false or an assumed name in this or any
 20 other state;

21 (4) Knowingly aided or abetted the unlicensed practice of dietetics;

22 (5) Engaged in the practice of dietetics in a manner that does not meet
 23 the generally accepted standards for the practice of dietetics within the
 24 state of Idaho;

25 (6) Divided fees or gifts or agreed to split or divide fees or gifts re-
 26 ceived for professional services with any person, institution or corpora-
 27 tion in exchange for a referral;

28 (7) Failed to maintain the confidentiality of medical records or other
 29 medical information pertaining to identifiable patients, except as required
 30 or authorized by law;

31 (8) Engaged in any conduct that constitutes an abuse or exploitation of
 32 a patient arising out of the trust and confidence placed in the dietitian by
 33 the patient;

34 (9) Failed to supervise the activities of a provisionally licensed di-
 35 etitian;

36 (10) Continued to practice as a dietitian when a license pursuant to
 37 this chapter was suspended, revoked or inactive;

38 (11) Practiced as a dietitian in violation of a voluntary restriction or
 39 terms of probation pursuant to this chapter;

40 (12) Continued to practice as a dietitian when registration by the CDR
 41 or its successor organization was not renewed or was suspended or revoked; or

42 (13) Failed to comply with a board order.

43 SECTION 10. That Section 54-3510A, Idaho Code, be, and the same is
 44 hereby amended to read as follows:

45 54-3510A. DISCIPLINARY SANCTIONS. If grounds for discipline are found
 46 to exist, the board of medicine, upon the recommendation of the ~~licensure~~
 47 ~~board~~ allied health advisory board, may issue an order to:

- 1 (1) Revoke the dietitian's license to practice dietetics;
 2 (2) Suspend or restrict the dietitian's license to practice dietetics;
 3 and/or
 4 (3) Impose conditions or probation upon the dietitian's license to
 5 practice dietetics.

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

8 54-3902. DEFINITIONS. As used in this chapter:

9 (1) "Allied health advisory board" means the Idaho allied health advi-
 10 sory board established in chapter 1, title 54, Idaho Code.

11 ~~(1)~~ (2) "Athlete" means a person who participates in exercises, sports,
 12 or games requiring physical strength, agility, flexibility, range of mo-
 13 tion, speed or stamina and which exercises, sports or games are of the type
 14 generally conducted in association with an educational institution or pro-
 15 fessional, amateur or recreational sports club or organization.

16 ~~(2)~~ (3) "Athletic injury" means a physical injury, harm, hurt or com-
 17 mon condition (such as heat disorders), incurred by an athlete, preventing
 18 or limiting participation in athletic activity, sports or recreation, which
 19 athletic trainers are educated to evaluate and treat or refer to the direct-
 20 ing physician.

21 ~~(3)~~ (4) "Athletic trainer" means a person who has met the qualifica-
 22 tions for licensure as set forth in this chapter, is licensed under this
 23 chapter, and carries out the practice of athletic training under the direc-
 24 tion of a designated Idaho licensed physician, registered with the board or a
 25 designated Idaho licensed chiropractic physician.

26 ~~(4)~~ (5) "Athletic training" means the application by a licensed ath-
 27 letic trainer of principles and methods of:

- 28 (a) Prevention of athletic injuries;
 29 (b) Recognition, evaluation and assessment of athletic injuries and
 30 conditions;
 31 (c) Immediate care of athletic injuries including common emergency
 32 medical situations;
 33 (d) Rehabilitation and reconditioning of athletic injuries;
 34 (e) Athletic training services administration and organization; and
 35 (f) Education of athletes.

36 ~~(5)~~ (6) "Board" means the Idaho state board of medicine.

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

39 (7) "Directing physician" means a designated person duly licensed
 40 to practice medicine in Idaho, ~~registered with the board~~ or a designated
 41 Idaho licensed chiropractic physician, who is responsible for the athletic
 42 training services provided by the athletic trainer and oversees the prac-
 43 tice of athletic training of the athletic trainer, as established by board
 44 rule. This chapter does not authorize the practice of medicine or any of its
 45 branches by a person not so licensed by the board.

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

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

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

8 54-3903. SCOPE OF PRACTICE. The scope of practice of athletic trainers
9 under the direction of ~~the a~~ a designated Idaho licensed physician, ~~registered~~
10 ~~with the board,~~ or a designated Idaho licensed chiropractic physician, in-
11 cludes:

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

16 (2) Recognition and evaluation of athletic injuries by obtaining a
17 history of the injury, individual inspection of the injured body part and
18 associated structures and ~~palpation~~ palpation of bony landmarks and soft
19 tissue structures. Immediate care of athletic injuries may require initia-
20 tion of cardiopulmonary resuscitation, administration of basic or advanced
21 first aid, removal of athletic equipment, immobilization and transportation
22 of the injured athlete. Concurrent with athletic training service plans or
23 protocols, the athletic trainer will determine if the athlete may return
24 to participation or, if the injury requires further definitive care, the
25 athletic trainer will refer the injured athlete to the appropriate directing
26 physician.

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

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

36 (5) Education of athletes to facilitate physical conditioning and re-
37 conditioning by designing and implementing appropriate programs to minimize
38 the risk of injury.

39 (6) The scope of practice excludes any independent practice of athletic
40 training by an athletic trainer. An athlete with an athletic injury not in-
41 curred in association with an educational institution, professional, ama-
42 teur or recreational sports club or organization shall be referred by a di-
43 recting physician, but only after such directing physician has first evalu-
44 ated the athlete and referred such athlete to the athletic trainer.

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

1 54-3906. QUALIFICATIONS FOR LICENSURE. An applicant for an athletic
2 trainer license must: ~~possess the following qualifications:~~

3 (1) Have received a bachelor's or advanced degree from an accredited
4 four (4) year college or university and have met the minimum athletic train-
5 ing curriculum requirement established by the board as recommended by the
6 board of athletic trainers allied health advisory board and adopted by board
7 rule.

8 (2) Have successfully completed the certification examination admin-
9 istered by the national athletic trainers' association board of certifica-
10 tion or equivalent examination approved or recognized by the board as recom-
11 mended by the board of athletic trainers allied health advisory board.

12 (3) Be in good standing with and provide documentation of current cer-
13 tification by the national athletic trainers' association or a nationally
14 recognized credentialing agency, ~~adopted~~ approved by the board as recom-
15 mended by the board of athletic trainers allied health advisory board.

16 (4) Submit an application to the ~~board of athletic trainers~~ allied
17 health advisory board on forms prescribed by the board and pay the licensure
18 fee required under this chapter.

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

21 54-3907. LICENSURE FEES. The board, upon recommendation of the ~~board~~
22 ~~of athletic trainers allied health advisory board~~, shall adopt rules estab-
23 lishing fees for the following:

24 (1) Initial licensure fee;

25 (2) Renewal of licensure fee;

26 (3) Provisional licensure fee;

27 (4) Inactive licensure fee;

28 (5) Application and renewal fees. Necessary nonrefundable fees shall
29 be made for the exact amount of the transaction and accompany all applica-
30 tions for initial licensure and renewal.

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

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

37 54-3908. PROVISIONAL LICENSURE. The board, based upon the recommenda-
38 tion of the ~~board of athletic trainers~~ allied health advisory board, may is-
39 sue provisional licensure to applicants who are actively engaged in prepar-
40 ing themselves to meet the qualifications prescribed in this chapter. A pro-
41 visional license shall be valid for a term of one (1) year, but may be renewed
42 only twice, at the discretion of the board upon recommendation of the ~~board~~
43 ~~of athletic trainers~~ allied health advisory board.

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

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

5 (2) The board, upon recommendation of the ~~board of athletic trainers~~
6 allied health advisory board, may refuse to issue or renew the license of an
7 applicant who has been convicted of an offense or disciplined by an athletic
8 trainer licensing body in a manner that bears, in the judgment of the board,
9 a demonstrable relationship to the ability of the applicant to practice ath-
10 letic training in accordance with the provisions of this chapter, or who has
11 falsified an application for licensure, or the board may refuse any appli-
12 cant for any cause described under section 54-3911, Idaho Code.

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

15 54-3910. RENEWAL OF LICENSURE. (1) Any licensure issued under this
16 chapter shall be subject to renewal and shall expire unless renewed in the
17 manner prescribed by the rules of the board. The board, upon recommenda-
18 tion of the ~~board of athletic trainers~~ allied health advisory board, may
19 reinstate a licensure canceled for failure to renew upon compliance with
20 requirements of the board for renewal of licenses.

21 (a) A license shall be issued for a period of not less than one (1) year
22 nor more than five (5) years, in conformance with administrative rules
23 adopted by the board. Each license shall set forth its expiration date
24 on the face of the certificate. The failure of any licensee to renew his
25 or her license, as required herein and by the rules of the board, shall
26 not deprive such person of the right to renewal, except as provided for
27 in this chapter.

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

30 (c) All licensed athletic trainers must be in good standing with and
31 provide documentation of current certification by the national ath-
32 letic trainers' association board of certification or a nationally
33 recognized credentialing agency, accepted by the board. All athletic
34 trainers holding current Idaho registration/licensure who are not
35 certified by the national athletic trainers' association board of cer-
36 tification or a nationally recognized credentialing agency, accepted
37 by the board, are required to provide documentation of successful com-
38 pletion of eighty (80) hours of board approved continuing educational
39 units during each three (3) year reporting period on forms provided by
40 the board.

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

44 (2) Reinstatement of licensure.

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

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

6 (c) Reinstatement of a license that has lapsed for a period of more than
7 three (3) consecutive years shall require reapplying for a license and
8 payment of fees in accordance with the rules adopted by the board. The
9 applicant shall successfully demonstrate to the board, upon recommen-
10 dation of the ~~board of athletic trainers~~ allied health advisory board,
11 competency in the practice of athletic training. The board, upon rec-
12 ommendation of the ~~board of athletic trainers~~ allied health advisory
13 board, may also require the applicant to take an examination, reme-
14 dial courses, or both, as shall be recommended by the ~~board of athletic~~
15 ~~trainers~~ allied health advisory board.

16 (3) Upon application and recommendation by the ~~board of athletic train-~~
17 ~~ers~~ allied health advisory board, the board shall grant inactive status to a
18 licensed athletic trainer who:

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

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

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

26 54-3911. DENIAL -- SUSPENSION AND REVOCATION OF LICENSE -- REFUSAL TO
27 RENEW. (1) Subject to the provisions of chapter 52, title 67, Idaho Code, the
28 board, upon recommendation of the ~~board of athletic trainers~~ allied health
29 advisory board, may deny a license or refuse to renew a license, or may sus-
30 pend or revoke a license or may impose probationary conditions if the appli-
31 cant for licensure has been found guilty of unprofessional conduct which has
32 endangered or is likely to endanger the health, welfare, or safety of the
33 public. All petitions for reconsideration of a denial of a license appli-
34 cation or reinstatement application must be made to the board within one (1)
35 year from the date of the denial. Such unprofessional conduct includes, but
36 is not limited to:

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

39 (b) Being guilty of unprofessional conduct, negligence or incompetence
40 in the practice of athletic training as defined by the rules established
41 by the board, or violating the code of ethics adopted and published by
42 the board;

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

44 (d) The unauthorized practice of medicine;

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

47 (f) Making statements that the licensee knows, or should have known,
48 are false or misleading regarding skill or efficacy or value of treat-

1 ment or remedy administered by the licensee in the treatment of any con-
2 dition pertaining to athletic training;

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

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

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

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

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

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

20 4. Sexual or romantic relationship with a former client beyond the
21 period of time set forth herein may also be a violation if the ath-
22 letic trainer uses or exploits the trust, knowledge, emotions or
23 influence derived from the prior professional relationship with
24 the client;

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

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

29 (l) Failing to report to the board any act or omission of a licensee, ap-
30 plicant, or any other person, which violates any provision of this chap-
31 ter;

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

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

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

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

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

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

1 (3) Any person who shall be aggrieved by any action of the board in deny-
2 ing, refusing to renew, suspending or revoking a licensure, issuing a cen-
3 sure, imposing any restriction upon a licensee, or imposing any fine, may
4 seek judicial review thereof in accordance with the provisions of chapter
5 52, title 67, Idaho Code.

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

8 SECTION 20. That Section [54-3913](#), Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 21. That Section [54-3914](#), Idaho Code, be, and the same is hereby
11 repealed.

12 SECTION 22. That Section [54-3915](#), Idaho Code, be, and the same is hereby
13 repealed.

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

17 54-3915. FEES. In accordance with section 54-103, Idaho Code, all fees
18 received under the provisions of this chapter shall be deposited in the state
19 treasury to the credit of the occupational licenses fund. All costs and ex-
20 penses incurred by the board or the allied health advisory board under the
21 provisions of this chapter shall be a charge against and paid from said fund
22 for such purposes, and the moneys collected pursuant to this section shall be
23 immediately available for the administration of this chapter.

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

26 54-4303. DEFINITIONS. As used in this chapter:

27 (1) "Allied health advisory board" means the Idaho allied health advi-
28 sory board established pursuant to chapter 1, title 54, Idaho Code.

29 ~~(1)~~ (2) "Board" means the state board of medicine.

30 ~~(2)~~ (3) "Certified respiratory therapist" or "CRT" means the profes-
31 sional designation earned by a person who has successfully completed the en-
32 try level examination required by the board.

33 ~~(3) "Licensure board" means the licensure board established by this~~
34 ~~chapter.~~

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

37 (5) "Polysomnographic technologist" means a person who holds a permit
38 and meets requirements as set forth in section 54-4307, Idaho Code.

39 (6) "Polysomnography" means the process of analysis, attended monitor-
40 ing, and recording of physiologic data during sleep and wakefulness to as-
41 sist in the assessment and diagnosis of sleep/wake disorders and other dis-
42 orders, syndromes, and dysfunctions that are sleep-related, manifest during
43 sleep, or disrupt normal sleep/wake cycles and activities.

1 (7) "Polysomnography-related respiratory care services" means the
2 limited practice of respiratory care in the provision of polysomnography
3 services.

4 (8) "Practice of respiratory care" means the provision of cardiopul-
5 monary care services as directed by a qualified health care practitioner li-
6 censed in the state, including but not limited to the diagnostic and thera-
7 peutic use of the following:

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

10 (b) Environmental control mechanisms and hyperbaric therapy;

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

12 (d) Mechanical or physiological ventilatory support;

13 (e) Bronchopulmonary hygiene;

14 (f) Cardiopulmonary resuscitation;

15 (g) Maintenance of artificial airways;

16 (h) Specific diagnostic and testing techniques employed in the medi-
17 cal management of patients to assist in diagnosis, monitoring, treat-
18 ment, and research of pulmonary abnormalities, including measurement
19 of ventilatory volumes, pressures, and flows, collection of specimens
20 of blood and blood gases, expired and inspired gas samples, respiratory
21 secretions, and pulmonary functioning testing;

22 (i) Hemodynamic and other related physiologic measurements of the car-
23 diopulmonary system;

24 (j) Accepting and carrying out a practitioner's written, verbal, or
25 telephonic prescription or order specifically relating to respiratory
26 care in a hospital or other health care setting; and

27 (k) Functioning in situations of patient contact requiring individual
28 judgment in administering respiratory care under the general supervi-
29 sion of a qualified practitioner.

30 (9) "Registered respiratory therapist" or "RRT" means the professional
31 designation earned by a person who has successfully completed the written
32 registry and clinical simulation examinations administered by the national
33 board for respiratory care.

34 (10) "Respiratory care" means the treatment, management, diagnostic
35 testing, monitoring, and care of patients with deficiencies and abnormali-
36 ties associated with the cardiopulmonary system.

37 (11) "Respiratory care practitioner" means a person who has been issued
38 a license or permit by the board under the provisions of this chapter to prac-
39 tice respiratory care under the general supervision of a licensed physician
40 or other authorized licensed health care professional.

41 (12) "Sleep disorder center or laboratory" means a facility for sleep-
42 related disorders that provides polysomnography and is under the supervi-
43 sion of a physician or medical director licensed in the state of Idaho.

44 (13) "Written registry and clinical simulation examinations" means the
45 certification examinations administered by a board-approved national ac-
46 crediting organization.

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

1 SECTION 26. That Section 54-4305, Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 27. That Chapter 43, Title 54, Idaho Code, be, and the same is
4 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
5 ignated as Section 54-4305, Idaho Code, and to read as follows:

6 54-4305. FEES. In accordance with section 54-103, Idaho Code, all fees
7 received under the provisions of this chapter shall be deposited in the state
8 treasury to the credit of the occupational licenses fund. All costs and ex-
9 penses incurred by the board or the allied health advisory board under the
10 provisions of this chapter shall be a charge against and paid from said fund
11 for such purposes, and the moneys collected pursuant to this section shall be
12 immediately available for the administration of this chapter.

13 SECTION 28. That Section 54-4308, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 54-4308. REQUIREMENTS FOR LICENSURE. (1) A person who meets the re-
16 quirements for licensure under the provisions of this section and who is not
17 exempt from the requirements of this chapter pursuant to section 54-4312,
18 Idaho Code, shall apply to the licensure allied health advisory board for the
19 issuance of a license. The completed application shall be on a form provided
20 by the board.

21 (2) The board shall issue a license to an applicant if the applicant
22 makes a satisfactory showing to the licensure allied health advisory board
23 that he has:

24 (a) Not been convicted of a crime deemed relevant in accordance with
25 section 67-9411(1), Idaho Code;

26 (b) Not been subjected to disciplinary action in any state or territory
27 of the United States or in any foreign country arising from a showing of
28 gross negligence or intentional misconduct directly related to the pro-
29 vision of respiratory care; and

30 (c) Successfully received respiratory care credentialing by a board-
31 approved national accrediting organization.

32 SECTION 29. That Section 54-4310, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 54-4310. LICENSE OR PERMIT EXPIRATION AND RENEWAL. (1) A license or
35 permit issued under the provisions of this chapter shall be subject to re-
36 newal every one (1) or two (2) years and shall expire unless renewed in the
37 manner prescribed by the rules of the licensure board for licensing and per-
38 mitting related to respiratory care upon payment of a renewal fee.

39 (2) Each individual applicant for renewal of an active license shall,
40 on or before the expiration of the license, submit satisfactory proof to the
41 licensing board of successful completion of no fewer than twelve (12) hours
42 of board-approved continuing education in addition to any other require-
43 ments for renewal.

44 (3) Upon application, the board shall grant inactive status to the
45 holder of a license who does not practice or provide respiratory care.

1 (4) The board shall establish the following fees relating to licensing,
2 which fees shall be established in an amount sufficient to defray all costs
3 necessary for the administration of this chapter:

4 (a) Initial license and examination fee;

5 (b) Renewal of license fee;

6 (c) Inactive license fee; and

7 (d) Provisional license or permit fee.

8 (5) No license that has been expired for more than twenty-four (24)
9 months may be renewed. The applicant shall comply with the requirements of
10 section 54-4308, Idaho Code, for obtaining an initial license.

11 SECTION 30. That Section 54-5101, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 54-5101. DEFINITIONS. As used in this chapter:

14 (1) "Allied health advisory board" means the allied health advisory
15 board established pursuant to chapter 1, title 54, Idaho Code, to accept
16 applications under this chapter, to make recommendations and consult with
17 the board, and to perform such other duties as may be required or authorized
18 in this chapter or by the board.

19 ~~(1)~~ (2) "Approved naturopathic medical program" means a naturopathic
20 medical education program in the United States or Canada that provides the
21 degree of doctor of naturopathy or doctor of naturopathic medicine, that in-
22 cludes graduate level, full-time, didactic, and supervised clinical train-
23 ing, and is either accredited or has achieved candidacy status for accredi-
24 tation by the nationally recognized accrediting body for naturopathic medi-
25 cal programs.

26 ~~(2)~~ (3) "Board" means the Idaho board of medicine.

27 ~~(3)~~ (4) "Minor office procedures" means the use of operative, electri-
28 cal, or other methods for the repair and care incidental to superficial lac-
29 erations and abrasions, superficial lesions, and the removal of foreign bod-
30 ies located in the superficial tissues and the use of antiseptics and local
31 topical anesthetics in connection with such methods.

32 ~~(4) "Naturopathic medical board" means an advisory naturopathic li-~~
33 ~~censure board established by this chapter to accept applications under this~~
34 ~~chapter, to make recommendations and consult with the board, and to perform~~
35 ~~such other duties as may be required or authorized in this chapter or by the~~
36 ~~board.~~

37 (5) "Naturopathic medical doctor" means a person authorized and li-
38 censed to practice naturopathic medicine under this chapter.

39 (6) "Naturopathic medical formulary" means the prescription medicines
40 used by naturopathic medical doctors, as set forth in rule, which may in-
41 clude legend medications excluding scheduled controlled substances except
42 for testosterone.

43 (7) "Naturopathic medicine" means a distinct and comprehensive system
44 of primary health care practiced by a naturopathic medical doctor.

45 SECTION 31. That Section 54-5102, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 54-5102. SCOPE OF PRACTICE. (1) Naturopathic medical doctors provide
2 primary care, including but not limited to the following services:

3 (a) Naturopathic medical doctors may use physical and laboratory exam-
4 inations consistent with naturopathic medical education and training
5 for diagnostic purposes. Naturopathic medical doctors may order and
6 perform diagnostic and imaging tests consistent with naturopathic
7 medical education and training. All diagnostic and imaging tests not
8 consistent with naturopathic medical education and training must be
9 referred to an appropriately licensed health care professional for
10 treatment and interpretation.

11 (b) Naturopathic medical doctors are authorized to dispense, adminis-
12 ter, and prescribe prescription drugs and medical devices as authorized
13 by the naturopathic medical formulary as set forth in rule.

14 (c) Naturopathic medical doctors may perform minor office procedures.

15 (d) Naturopathic medical doctors may perform those therapies for which
16 they are trained and educated, consistent with the provisions of this
17 chapter.

18 (e) Naturopathic medical doctors may admit patients to a hospital at
19 which they are credentialed and privileged to do so.

20 (2) The practice of naturopathic medicine does not include the practice
21 of obstetrics.

22 ~~(3) This section shall take effect on July 1, 2020.~~

23 SECTION 32. That Section 54-5103, Idaho Code, be, and the same is hereby
24 amended to read as follows:

25 54-5103. EXEMPTIONS FROM LICENSURE. This chapter is not intended to
26 and does not prohibit, restrict, or apply to:

27 (1) The practice of a profession by individuals who are licensed, cer-
28 tified, registered, or otherwise authorized under other laws of this state
29 and are performing services within the authorized scope of practice;

30 (2) The practice of naturopathic medicine by an individual employed by
31 the federal government while the individual is engaged in the performance of
32 duties prescribed by the laws and regulations of the United States;

33 (3) An individual rendering aid in an emergency, when no fee or other
34 consideration for the service is charged, received, expected, or contem-
35 plated;

36 (4) An individual engaged in the sale of vitamins, health foods,
37 over-the-counter homeopathic products, dietary supplements, herbs, or
38 other products of nature, the sale of which is not otherwise prohibited under
39 state or federal law;

40 (5) The practice by a licensed naturopathic physician duly licensed
41 in another state, territory, or the District of Columbia when that licensed
42 naturopathic physician is called into this state for consultation with a
43 physician licensed pursuant to this chapter or chapter 18, title 54, Idaho
44 Code;

45 (6) The practice of naturopathic medicine by a student enrolled in an
46 approved naturopathic medical program. Services shall be performed pur-
47 suant to a course of instruction or assignments from an instructor and under
48 the supervision and observation of the instructor or a naturopathic medical
49 doctor; or

1 (7) The practice of the complementary and alternative healing methods
2 and treatments as described in section 54-1804(1) (1), Idaho Code.

3 ~~(8) This section shall take effect on July 1, 2020.~~

4 SECTION 33. That Section 54-5104, Idaho Code, be, and the same is hereby
5 repealed.

6 SECTION 34. That Section 54-5105, Idaho Code, be, and the same is hereby
7 repealed.

8 SECTION 35. That Chapter 51, Title 54, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 54-5105, Idaho Code, and to read as follows:

11 54-5105. FEES. In accordance with section 54-103, Idaho Code, all fees
12 received under the provisions of this chapter shall be deposited in the state
13 treasury to the credit of the occupational licenses fund. All costs and ex-
14 penses incurred by the board or the allied health advisory board under the
15 provisions of this chapter shall be a charge against and paid from said fund
16 for such purposes, and the moneys collected pursuant to this section shall be
17 immediately available for the administration of this chapter.

18 SECTION 36. That Section 54-5106, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 54-5106. QUALIFICATIONS FOR LICENSURE. To be eligible for a license to
21 practice as a naturopathic medical doctor in the state of Idaho, the appli-
22 cant shall submit an application, pay the fee, and fulfill the following re-
23 quirements:

24 (1) The applicant must be a graduate of an approved naturopathic medi-
25 cal program as defined in this chapter.

26 (2) The applicant must provide proof of having received a passing grade
27 on the naturopathic physicians licensing examinations administered by the
28 approved national board of naturopathic examiners.

29 (3) The board may require an applicant to be personally interviewed by
30 the board, the ~~naturopathic medical~~ allied health advisory board, or by a
31 designated committee of the board. Such an interview shall be limited to a
32 review of the applicant's qualifications and professional credentials.

33 (4) The application shall require a fingerprint-based criminal history
34 check of the Idaho central criminal database and the federal bureau of inves-
35 tigation criminal history database. Each applicant must submit a full set of
36 the applicant's fingerprints on forms supplied by the board, which shall be
37 forwarded to the Idaho state police and the federal bureau of investigation
38 identification division for this purpose. The board shall not disseminate
39 data acquired from a fingerprint-based criminal history check except as al-
40 lowed by law.

41 ~~(5) This section shall take effect on July 1, 2020.~~

42 SECTION 37. That Section 54-5107, Idaho Code, be, and the same is hereby
43 amended to read as follows:

1 54-5107. ENDORSEMENT. ~~The naturopathic medical~~ Upon recommendation
 2 of the allied health advisory board, or upon its own motion, the board may
 3 waive the examination, education, or experience requirements and grant a
 4 license by endorsement to any applicant who:

5 (1) Presents proof of a current license in good standing to engage in
 6 the practice of naturopathic medicine in another state or the District of Co-
 7 lumbia that requires standards for licensure considered by the board to be
 8 equivalent to the requirements for licensure pursuant to this chapter; and

9 (2) Does not have any disciplinary action, whether past, pending, pub-
 10 lic or confidential, by any licensing board, licensing authority, profes-
 11 sional association, hospital, or institution in any state or district. The
 12 standards for licensure of applicants who are licensed in another jurisdic-
 13 tion shall not be less than the qualifications for licensure in this chapter.

14 ~~(3) This section shall take effect on July 1, 2020.~~

15 SECTION 38. That Section 54-5108, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 54-5108. LICENSE EXPIRATION AND RENEWAL. (1) A license issued under
 18 the provisions of this chapter shall be subject to annual or biennial renewal
 19 and shall expire unless renewed in the manner prescribed by the rules ~~of the~~
 20 ~~naturopathic medical board for the licensure of naturopathic medical doc-~~
 21 ~~tors,~~ upon payment of a renewal fee.

22 (2) The board shall establish the following fees relating to licensing,
 23 which fees shall be established in an amount sufficient to defray all costs
 24 necessary for the administration of this chapter:

25 (a) Initial license and examination fee;

26 (b) Renewal of license fee;

27 (c) Inactive license fee; and

28 (d) Late renewal fees.

29 (3) No license expired for more than twenty-four (24) months may be re-
 30 newed. The applicant shall comply with the requirements of section 54-5106,
 31 Idaho Code, for obtaining an initial license.

32 ~~(4) This section shall take effect on July 1, 2020.~~

33 SECTION 39. That Section 54-5109, Idaho Code, be, and the same is hereby
 34 amended to read as follows:

35 54-5109. GROUNDS FOR DISCIPLINE OR DENIAL OF A LICENSE. (1) The board,
 36 upon recommendation of the ~~naturopathic medical~~ allied health advisory
 37 board, or on its own motion, may refuse to issue or renew a license or may
 38 revoke, suspend, or otherwise discipline a license holder for any of the
 39 following grounds:

40 (a) The use of fraud or deceit in obtaining a license under this chapter
 41 or in connection with services rendered as a naturopathic medical doc-
 42 tor;

43 (b) A legal finding of mental incompetence;

44 (c) Aiding or abetting a person, not duly licensed under this chapter,
 45 in claiming to be a naturopathic medical doctor or in practicing naturo-
 46 pathic medicine;

1 (d) Gross negligence, incompetence, or misconduct in the performance
2 of naturopathic medicine;

3 (e) Conviction of a felony or the entering of a plea of guilty or the
4 finding of guilt by a jury or court of commission of a felony;

5 (f) Providing health care that fails to meet the standard of health care
6 provided by other qualified naturopathic medical doctors in the same
7 community or similar communities, taking into account their training,
8 experience, and the degree of expertise to which they hold themselves
9 out to the public;

10 (g) Violating any law or rule pursuant to this chapter;

11 (h) Engaging in any conduct that constitutes an abuse or exploitation
12 of a patient arising out of the trust and confidence placed in the natur-
13 opathic physician by the patient;

14 (i) Having a license to practice naturopathic medicine or other health
15 care license or certificate refused, revoked, suspended, or otherwise
16 disciplined by any state, territory, district of the United States, or
17 Canada;

18 (j) Prescribing, dispensing, or administering any controlled sub-
19 stance or device except as authorized by this chapter, or as authorized
20 by the medical practice act in section 54-1804 (1) ~~(g)~~ (h), Idaho Code;

21 (k) Performing surgical procedures, except those minor office proce-
22 dures authorized by this chapter;

23 (l) Administering ionizing radioactive substances for therapeutic
24 purposes;

25 (m) Performing surgical procedures using a laser device;

26 (n) Inducing or performing an abortion;

27 (o) Failure to comply with a board order; or

28 (p) Committing an act that constitutes a felony.

29 (2) The board may reinstate any revoked or suspended license on such
30 terms as it may determine upon recommendation of the ~~naturopathic medical~~
31 allied health advisory board or upon its own motion.

32 ~~(3) This section shall take effect on July 1, 2020.~~

33 SECTION 40. That Section 54-5110, Idaho Code, be, and the same is hereby
34 amended to read as follows:

35 54-5110. CERTAIN ACTS PROHIBITED. It shall be unlawful and a misde-
36 meanor for any person to engage in any of the following acts:

37 (1) To practice, attempt, or offer to practice naturopathic medicine
38 as defined in this chapter without a valid, unexpired, unrevoked, and unsus-
39 pended license issued under this chapter; or

40 (2) To represent oneself as licensed to practice naturopathic medicine
41 under this chapter or to use the title or designation "licensed naturopathic
42 physician," "physician of naturopathic medicine," "naturopathic medical
43 doctor," or "NMD," unless such person is so licensed. The use of the term
44 "naturopath," "naturopathic doctor," or "ND" by persons not licensed under
45 this chapter shall not be restricted.

46 ~~(3) This section shall take effect on July 1, 2020.~~

47 SECTION 41. SEVERABILITY. The provisions of this act are hereby de-
48 clared to be severable and if any provision of this act or the application

1 of such provision to any person or circumstance is declared invalid for any
2 reason, such declaration shall not affect the validity of the remaining por-
3 tions of this act.

4 SECTION 42. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after
6 July 1, 2024.