

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 7
CHIROPRACTIC PRACTICE ACT

54-701. SHORT TITLE. This act may be cited as the "Chiropractic Practice Act."

[54-701, added 1980, ch. 334, sec. 2, p. 862.]

54-702. LEGISLATIVE INTENT. Recognizing that the practice of chiropractic is a privilege granted by the state of Idaho and is not a natural right of individuals, the purpose of this chapter is to insure the public health, safety and welfare in the state of Idaho by the licensure and regulation of chiropractic physicians and the exclusion of unlicensed persons from the practice of chiropractic.

[54-702, added 1980, ch. 334, sec. 2, p. 862.]

54-703. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meaning, unless the context clearly indicates another meaning:

(1) "Acceptable school of chiropractic" means any school of chiropractic that meets the standards or requirements of a national chiropractic school accrediting organization acceptable to the board or that has status as a candidate for accreditation before such organization.

(2) "Board" means the state board of chiropractic physicians.

(3) "License to practice chiropractic" means a license issued by the board to a person who has graduated from an acceptable school of chiropractic and who has fulfilled the licensure requirements of this chapter.

(4) "Person" means a natural person.

(5) "Physician" means any person who holds a license to practice chiropractic; provided further, that others authorized by law to use the term "physician" shall not be considered physicians for the purpose of this chapter.

(6) The "practice of chiropractic" means:

(a) To investigate, examine, and diagnose for any human disease, ailment, injury, infirmity, deformity, or other condition; and

(b) To apply principles or techniques of chiropractic practice as set forth in section [54-704](#), Idaho Code, in the prevention or treatment of any of the conditions listed in paragraph (a) of this subsection; or

(c) To offer, undertake, attempt to do or hold oneself out as able to do any of the acts prescribed in paragraphs (a) and (b) of this subsection.

[54-703, added 1980, ch. 334, sec. 2, p. 862; am. 2017, ch. 190, sec. 1, p. 431.]

54-704. CHIROPRACTIC PRACTICE. (1) Chiropractic practice and procedures that may be employed by physicians are as follows: the system of specific adjustment or manipulation of the articulations and tissues of the body; the investigation, examination and clinical diagnosis of conditions of the human body and the treatment of the human body by the application of

manipulative, manual, mechanical, physiotherapeutic or clinical nutritional methods and may include the use of diagnostic X-rays.

(2) As used in this section:

(a) "Adjustment" means the application of a precisely controlled force applied by hand or by mechanical device to a specific focal point on the anatomy for the express purpose of creating a desired angular movement in skeletal joint structures in order to eliminate or decrease interference with neural transmission and correct or attempt to correct subluxation complex; "chiropractic adjustment" utilizes, as appropriate, short-lever force, high-velocity force, short-amplitude force, or specific line-of-correction force to achieve the desired angular movement, as well as low-force neuromuscular, neurovascular, neuro-cranial, or neuro-lymphatic reflex technique procedures.

(b) "Manipulation" means an application of a resistive movement by applying a nonspecific force without the use of a thrust that is directed into a region and not into a focal point of the anatomy for the general purpose of restoring movement and reducing fixation.

(c) "Massage therapy," also called massology, means the systematic manual or mechanical mobilization of the soft tissue of the body by such movements as rubbing, kneading, pressing, rolling, slapping and tapping for the purpose of promoting circulation of the blood and lymph, relaxation of muscles, release from pain, restoration of metabolic balance, and the other benefits both physical and mental.

(3) Nothing herein contained shall allow a physician to:

(a) Perform surgical operations or practice obstetrics; or

(b) Prescribe, dispense, independently administer, distribute, or direct to a patient a drug, substance or product that:

(i) Under federal law is required, prior to being dispensed or delivered, to be labeled with any of the following statements:

1. "Caution: Federal law prohibits dispensing without prescription";

2. "Rx only"; or

3. "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or

(ii) Is required by any applicable federal or state law, rule or regulation to be dispensed on prescription only or prescription drug order only, or is restricted to use by practitioners only.

(4) Notwithstanding the provisions of subsection (3) of this section, a chiropractic physician certified in clinical nutrition may independently administer prescription drug products as provided in section [54-716](#), Idaho Code.

(5) Notwithstanding the provisions of subsection (3) of this section, a chiropractic physician certified in clinical nutrition may issue a prescription for drug products provided in section [54-716](#), Idaho Code, to be:

(a) Dispensed by an Idaho licensed pharmacy;

(b) Delivered directly to the prescribing chiropractic physician's office; and

(c) Administered directly to the patient in the prescribing chiropractic physician's office.

(6) Chiropractic practice, as herein defined, is hereby declared not to be the practice of medicine within the meaning of the laws of the state of Idaho defining the same, and physicians licensed pursuant to this chapter shall not be subject to the provisions of [chapter 18, title 54](#), Idaho Code,

nor liable to any prosecution thereunder, when acting within the scope of practice as defined in this chapter.

[54-704, added 1980, ch. 334, sec. 2, p. 863; am. 1993, ch. 157, sec. 1, p. 402; am. 2017, ch. 190, sec. 2, p. 431; am. 2020, ch. 234, sec. 1, p. 689.]

54-705. EXCEPTIONS -- PROHIBITED PRACTICES -- NEGLIGENCE ESTABLISHED. (1) Under the circumstances described and, subject in each case to the limitations stated, the following persons, though not holding a license to practice chiropractic in this state, may engage in activities included in the practice of chiropractic:

- (a) A person licensed by this state pursuant to [chapter 18, title 54](#), Idaho Code;
- (b) A chiropractic assistant as shall be defined and regulated by the board, administering a procedure set forth in section [54-704](#), Idaho Code, but not including the adjustment or manipulation of articulations of the body, as specifically directed by a chiropractic physician as long as such directions are within the scope of chiropractic practice;
- (c) A person rendering aid in an emergency, for which no fee for the services is contemplated, charged or received;
- (d) A person residing in another state or country and authorized to practice chiropractic there, who is called in consultation by a person licensed in this state to practice chiropractic, or who for the purpose of furthering chiropractic education is invited into this state to conduct a lecture, clinic or demonstration, while engaged in activities in connection with the consultation, lecture, clinic or demonstration, so long as he does not open an office or appoint a place to meet patients or receive calls in this state;
- (e) A person authorized to practice chiropractic in another state or country rendering chiropractic care in a time of disaster or while caring for an ill or injured person while at the scene of an emergency and while continuing to care for such person;
- (f) Nothing in this chapter shall be construed as preventing or restricting the practice, services or activities or requiring licensure pursuant to the provisions of this chapter, of any person licensed or registered in this state by any other law, from engaging in any health care profession or occupation for which such person is licensed or registered;
- (g) A medical officer of the armed forces of the United States, of the United States public health service, or of the veterans administration, while engaged in the performance of his official duties;
- (h) A person administering a remedy, diagnostic procedure or advice as specifically directed by a physician;
- (i) A person administering a family remedy to a member of the family;
- (j) A person authorized or licensed by this state to engage in activities which may involve the practice of medicine;
- (k) A person who administers treatment or provides advice regarding the human body and its functions that:
 - (i) Does not use legend drugs or prescription drugs in such practice;
 - (ii) Uses natural elements such as air, heat, water and light;

(iii) Only uses class I or class II nonprescription, approved, medical devices as defined in section 513 of the federal food, drug and cosmetic act;

(iv) Only uses vitamins, minerals, herbs, natural food products and their extracts, and nutritional supplements; and who

(v) Does not perform surgery;

(vi) Requires each person receiving services to sign a declaration of informed consent which includes an overview of the health care provider's education which states that the health care provider is not an "M.D." or "D.O." and is not licensed under the provisions of this chapter;

(1) Any person who practices massage therapy as defined in section [54-704](#)(2)(c), Idaho Code;

(m) A chiropractic intern, as defined and regulated by the board, who is registered with the board to practice chiropractic under the direct supervision of a licensed chiropractic physician pursuant to a preceptor program adopted and developed by the rules of the board.

(2) Except as provided in subsection (1) of this section, it is unlawful for any person to practice chiropractic in this state without a license and, upon conviction thereof, shall be fined not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or imprisoned for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment.

(3) It is unlawful for any person to assume or use the title or designation "chiropractor," "chiropractic physician," "doctor of chiropractic," the initials "D.C.," or any word, title or abbreviation thereof calculated to induce the belief that he is engaged in the practice of chiropractic or to indicate to the public that such person is licensed to practice chiropractic pursuant to this chapter unless such person is so licensed, and upon conviction thereof, such person shall be fined not less than five hundred dollars (\$500) nor more than three thousand dollars (\$3,000), or imprisoned for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment.

(4) When a person has been a recipient of services constituting the unlawful practice of chiropractic, whether or not he knew the rendition of the services was unlawful, proof of the rendition of unlawful services to the recipient, in an action against the provider of such services for damages allegedly caused by the services, constitutes prima facie evidence of negligence, shifting the burden of proof to such provider of unlawful services. The following damages in addition to any other remedies provided by law may be recovered in such an action:

(a) Amount of any fees paid for the unlawful services; and

(b) Reasonable attorney's fees and court costs.

(5) The board shall refer all violations made known to it to an appropriate prosecuting attorney. The board shall render assistance to a prosecuting attorney in the prosecution of a case pursuant to this section.

[54-705, added 1980, ch. 334, sec. 2, p. 863; am. 1987, ch. 144, sec. 1, p. 286; am. 1993, ch. 157, sec. 2, p. 402; am. 2001, ch. 80, sec. 1, p. 201; am. 2003, ch. 277, sec. 1, p. 742; am. 2017, ch. 190, sec. 3, p. 432.]

54-706. STATE BOARD OF CHIROPRACTIC PHYSICIANS CREATED. (1) There is hereby established in the department of self-governing agencies a state board of chiropractic physicians to be composed of five (5) members. The

members of the board shall be appointed by the governor for a term of three (3) years. The governor may consider recommendations for appointment to the board from any chiropractic association or any individual residing in this state. No person may be appointed for more than two (2) consecutive terms.

(2) The board shall consist of four (4) physicians who are licensed to practice chiropractic in this state, and each of whom shall have been engaged continuously in the practice of chiropractic within the state of Idaho for a period of not less than three (3) years prior to his appointment.

(3) The governor shall appoint a representative of the public as one (1) member of the board who shall be designated as the public member. The public member of the board shall be a resident of the state of Idaho who has attained the age of twenty-one (21) years, and shall not be nor shall ever have been a physician, the spouse of a physician, a person licensed under the laws of any state to practice a healing art, or a person who has or has had a material financial interest in providing health care services.

(4) The board shall elect a chairman from its membership. The members of the board, except for state employees, shall be compensated as provided by section [59-509\(n\)](#), Idaho Code. Three (3) members of the board shall constitute a quorum, and the board may act by virtue of a majority vote of members present at a meeting.

(5) The members of the board serve at the pleasure of the governor.

[54-706, added 1980, ch. 334, sec. 2, p. 864; am. 1982, ch. 142, sec. 1, p. 400; am. 1996, ch. 66, sec. 3, p. 201; am. 1999, ch. 164, sec. 1, p. 451; am. 2011, ch. 308, sec. 1, p. 875.]

54-707. POWERS AND DUTIES. The board shall have the authority to:

(1) Hire or appoint employees, including an executive director, investigators, attorneys, consultants and independent hearing examiners;

(2) Establish, pursuant to the provisions of [chapter 52, title 67](#), Idaho Code, rules for the administration of the provisions of this chapter;

(3) Conduct investigations and examinations and hold hearings;

(4) Revoke or suspend licenses to practice chiropractic after providing the licensee with an opportunity for an appropriate contested case in accordance with the provisions of [chapter 52, title 67](#), Idaho Code;

(5) In any disciplinary proceeding pursuant to this chapter to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have the power throughout the state of Idaho to require the attendance of such witnesses and the production of such books, records, and papers as it may desire at any hearing and, for that purpose, the board may issue a subpoena for any witnesses or subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county in the state of Idaho, where such witness resides or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as allowed in the district courts in criminal cases, which fees and mileage shall be paid from any funds in the state treasury in the same manner as other expenses of the board are paid. The licensee accused in such proceedings shall have the same right of subpoena upon making application to the board therefor. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum, served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court of any county in this state in which this disobedience, ne-

glect or refusal occurs, on application by the board to compel compliance with the subpoena, to issue its order directing compliance with such subpoena, and in the event of a violation of such order, to compel compliance with such order by proceedings for contempt as in the case of disobedience of the requirement of a subpoena issued from such court or for refusal to testify therein;

(6) Seek injunctive relief prohibiting the unlawful practice of chiropractic;

(7) Make and enter into contracts in the necessary performance of its duties pursuant to this chapter;

(8) Develop and submit a proposed budget setting forth the amount necessary to perform its functions;

(9) Perform such other duties as set forth in the laws of this state;

(10) Provide such other services and perform such other functions as are necessary to fulfill its responsibilities;

(11) Adopt rules to provide for reasonable fees and for administrative costs and to assess costs reasonably and necessarily incurred in the enforcement of this chapter when a licensee has been found to be in violation thereof; and

(12) Adopt a rule requiring continuing education as a condition of continued licensure or continued certification in clinical nutrition.

[54-707, added 1980, ch. 334, sec. 2, p. 865; am. 1991, ch. 141, sec. 1, p. 333; am. 1993, ch. 216, sec. 56, p. 641; am. 2017, ch. 190, sec. 4, p. 434; am. 2019, ch. 79, sec. 1, p. 184.]

54-707A. FEES. (1) The board shall establish by rule fees for licensure under the provisions of this chapter including, but not limited to, the following:

(a) Application fee not to exceed two hundred fifty dollars (\$250);

(b) Initial license fee not to exceed two hundred fifty dollars (\$250);

(c) Endorsement license fee not to exceed two hundred fifty dollars (\$250);

(d) Annual renewal of license fee not to exceed two hundred fifty dollars (\$250);

(e) Inactive license fee not to exceed one hundred fifty dollars (\$150);

(f) Temporary permit fee not to exceed one hundred fifty dollars (\$150);

(g) Intern permit fee not to exceed one hundred fifty dollars (\$150); and

(h) Continuing education provider application fee not to exceed five hundred dollars (\$500); and

(i) Clinical nutrition certification fee not to exceed two hundred fifty dollars (\$250).

(2) Fees charged pursuant to paragraphs (b), (c), (f), (g), and (i) of subsection (1) of this section shall be in addition to the application fee.

(3) All fees received under the provisions of this chapter shall be non-refundable and shall be deposited in the state treasury to the credit of the occupational license [licenses] account in the dedicated fund, and all costs and expenses incurred by the board under the provisions of this chapter shall be a charge against and paid from the account for such purposes, and the funds collected hereunder shall be immediately available for the administration of this chapter, the provisions of any other law notwithstanding.

[54-707A, added 2017, ch. 26, sec. 1, p. 47; added 2017, ch. 190, sec. 5, p. 435.]

54-708. BOARD TO ISSUE LICENSES -- RENEWAL AND REINSTATEMENT -- INACTIVE LICENSE -- CLINICAL NUTRITION CERTIFICATION. (1) The board shall issue licenses to practice chiropractic to persons who have qualified therefor in accordance with the provisions of this chapter. The board may refuse licensure if it finds that the applicant has engaged in conduct prohibited by sections [54-704](#) and [54-712](#), Idaho Code, provided, that the board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. An applicant for a license or permit under this chapter must submit the fee set by board rules. All licenses issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education, and fees. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

(2) A physician holding a current active license in this state who is not practicing chiropractic in this state may be issued an inactive license. The physician must submit the fee set by board rules and a written request for an inactive license. Each inactive license shall be issued for a period of one (1) year. A physician holding an inactive license may not engage in the practice of chiropractic in this state. A physician wishing to convert an inactive license to an active license must account to the board for that period of time in which the license was inactive and must fulfill requirements that demonstrate competency to resume practice. Those requirements may include, but are not limited to, education, supervised practice and examination. The board may consider practice in another jurisdiction in determining competency.

(3) The board may issue a clinical nutrition certification to a licensee under this chapter who submits a completed application, pays the application fee set by board rule, and provides proof to the board of successful completion of the educational requirements provided in section [54-717](#), Idaho Code.

[54-708, added 1980, ch. 334, sec. 2, p. 866; am. 1993, ch. 157, sec. 3, p. 404; am. 2003, ch. 21, sec. 6, p. 81; am. 2003, ch. 277, sec. 2, p. 744.; am. 2017, ch. 26, sec. 2, p. 47; am. 2017, ch. 190, sec. 6, p. 435.]

54-709. LICENSURE BY WRITTEN EXAMINATION. (1) Any person seeking to be licensed to practice chiropractic in this state must successfully complete the following requirements before a license will be issued:

(a) Each applicant must submit the fee set by board rules and a completed application to the board on forms furnished by the board, which shall require proof of graduation from an acceptable school of chiropractic;

(b) Each applicant must pass an examination required by board rules. Such examination must include, but shall not be limited to, the following subjects: anatomy and histology; clinical blood chemistry and hematology; pathology; bacteriology; clinical nutrition; hygiene and sanitation; physiology; symptomatology; urinalysis; chiropractic jurisprudence; chiropractic orthopedics; physiotherapy; chiropractic principles, clinical and physical diagnosis; chiropractic adjustment; neurology, and palpation.

(2) If an applicant fails to pass an examination on two (2) separate occasions, he shall not be eligible to take the examination again for at least one (1) year, and before taking the examination again, he must make a showing to the board that he has successfully engaged in a course of study for the purpose of improving his ability to engage in the practice of chiropractic. Applicants who fail two (2) separate examinations in another state, territory or district of the United States or Canada must make a showing to the board of successful completion of a course of study prior to examination for licensure.

[54-709, added 1980, ch. 334, sec. 2, p. 867; am. 1993, ch. 157, sec. 4, p. 405; am. 2003, ch. 277, sec. 3, p. 744; am. 2017, ch. 26, sec. 3, p. 48.]

54-710. LICENSURE BY ENDORSEMENT. Any person seeking to be licensed to practice chiropractic in this state who is licensed to practice chiropractic in another state must successfully complete the following requirements before a license to practice chiropractic will be issued.

(1) Each applicant must submit the fee set by board rules and a completed application to the board on forms furnished by the board that require proof of graduation from an acceptable school of chiropractic and that contains proof that the applicant has for five (5) consecutive years immediately prior to application practiced chiropractic and holds a valid, unrevoked, unsuspended license to practice chiropractic in a state, territory or district of the United States or Canada, and a national board of chiropractic examiner's certificate.

(2) Each applicant must demonstrate that he possesses the requisite qualifications to provide the same standard of chiropractic care as provided by physicians in this state. The board may require further examination to establish such qualifications.

[54-710, added 1980, ch. 334, sec. 2, p. 868; am. 1987, ch. 144, sec. 2, p. 288; am. 2003, ch. 277, sec. 4, p. 745; am. 2017, ch. 26, sec. 4, p. 49.]

54-711. TEMPORARY PRACTICE, REGISTRATION AND PERMIT. (1) Any person who has submitted an application to the board for licensure by examination to practice chiropractic in the state of Idaho may register with the board and be granted a permit to practice chiropractic prior to examination and licensure in accordance with board rules upon the following conditions:

(a) The applicant must submit the fee set by board rules and a completed registration application to the board on forms furnished by the board and must affirmatively show that the applicant will take the next scheduled examination for licensure approved by the board and that the applicant has not failed two (2) previous examinations for licensure approved by the board; and

(b) A licensed physician certifies to the board that such applicant will practice chiropractic only under the direct and immediate supervision of such physician and only in the office of such physician.

(2) Any person who has completed the required course of study from an acceptable school of chiropractic, but has not yet graduated, may register with the board and be granted a permit to serve a chiropractic internship in accordance with board rules and upon the following conditions:

(a) The applicant must submit the fee set by board rules and a completed registration application to the board on forms furnished by the board; and

(b) A licensed physician certifies to the board that such applicant will practice chiropractic only under the direct and immediate supervision of such physician and only in the office of such physician.

[54-711, added 1980, ch. 334, sec. 2, p. 868; am. 1987, ch. 144, sec. 3, p. 288; am. 2001, ch. 80, sec. 2, p. 202; am. 2003, ch. 277, sec. 5, p. 745; am. 2017, ch. 26, sec. 5, p. 49.]

54-712. DISCIPLINE BY THE BOARD -- GROUNDS. Any license or permit issued under the provisions of this chapter shall be subject to restriction, suspension, revocation or other discipline pursuant to the provisions of sections [54-707](#) and [54-713](#), Idaho Code, if the board finds that the licensee:

(1) Has been convicted, found guilty, received a withheld judgment or suspended sentence in this or any other state of a crime that is deemed relevant in accordance with section [67-9411](#) (1), Idaho Code;

(2) Used false, fraudulent or forged statements or documents, diplomas or credentials in connection with any licensing or other requirements of this chapter or misrepresented or concealed a material fact in obtaining licensing, renewal or reinstatement;

(3) Practiced chiropractic under a false or assumed name in this or any other state;

(4) Advertised the practice of chiropractic in a false, misleading or deceptive manner;

(5) Knowingly aided or abetted any person to practice chiropractic who is not authorized to practice chiropractic as provided in this chapter or failed to adequately supervise auxiliary staff who have contact with patients which creates or results in an unreasonable risk of harm to the patient;

(6) Is unable to obtain or renew a license to practice chiropractic, or whose license to practice chiropractic has been restricted, revoked or suspended by any other state, territory or district of the United States or foreign jurisdiction; a certified copy of the order shall be conclusive evidence of any restriction, revocation or suspension of a license;

(7) Failed to safeguard the confidentiality of chiropractic records or other chiropractic information pertaining to identifiable clients, except as required or authorized by law;

(8) Practiced chiropractic when a license pursuant to this chapter is suspended, revoked, or inactive due to failure to renew the annual license within the time and manner required by the board;

(9) Refused to divulge to the board, upon demand, the means, method, device or instrumentality used in the treatment of a disease, injury, ailment, or infirmity;

(10) Has engaged in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the licensee by the patient;

(11) Has committed any act which constitutes a crime that is deemed relevant in accordance with section [67-9411](#) (1), Idaho Code;

(12) Is unable to practice chiropractic with reasonable skill and safety by reason of:

(a) Mental illness; or

(b) Physical illness including, but not limited to, physical deterioration which adversely affects cognitive, motor or perceptive skills; or

(c) Habitual or excessive use or abuse of drugs defined in law as controlled substances, alcohol, or any other substances which impair ability; or

(d) Having a communicable, contagious or infectious disease which endangers the health of patients;

(13) Has violated the standard of care or code of ethics as adopted by the board or misrepresented or committed fraud in any aspect of the business or practice of chiropractic;

(14) Promoted unnecessary or inefficacious treatment, procedures, devices or services or practiced in an incompetent or negligent manner resulting in or creating an unreasonable risk of harm; or

(15) Has violated any provision of this act or any rule promulgated by the board for the administration or enforcement of this act, interfered with the board's conduct of investigations, hearings or any other matters relating to discipline including, but not limited to, misrepresenting facts, attempting to influence witnesses or failing to answer subpoenas, or otherwise failed to cooperate with the board in the fulfillment of its duties.

[54-712, added 1980, ch. 334, sec. 2, p. 868; am. 1987, ch. 144, sec. 4, p. 288; am. 1993, ch. 157, sec. 5, p. 405; am. 2020, ch. 175, sec. 15, p. 519.]

54-713. PENALTIES AND REINSTATEMENT. (1) Upon the finding of the existence of grounds for discipline of any person holding a license, seeking a license, or renewing a license under the provisions of this chapter, the board may impose one (1) or more of the following penalties:

(a) Suspension of the offender's license for a term to be determined by the board;

(b) Revocation of the offender's license;

(c) Restriction of the offender's license to prohibit the offender from performing certain acts or from engaging in the practice of chiropractic in a particular manner for a term to be determined by the board;

(d) Refusal to renew the offender's license;

(e) Placement of the offender on probation and supervision by the board for a period of time and under terms and conditions to be determined by the board;

(f) Imposition of an administrative fine not to exceed two thousand dollars (\$2,000);

(g) Written letters of censure or reprimand which shall become a permanent record in the files of the licensee and which may be published within the discretion of the board; or

(h) Restitution for losses suffered or reimbursement for any damages incurred by a patient as a result of a violation of this chapter.

(2) In lieu of the penalties imposed by subsection (1) of this section, the board and licensee may enter into a written mutual agreement whereby the licensee agrees to discontinue a particular activity or comply with the provisions of this chapter without an admission or finding of culpability of the licensee, the violation of which may be the basis for disciplinary action by the board.

(3) The assessment of costs and fees incurred in the investigation and prosecution or defense of a person holding a license, seeking a license or

renewing a license under this chapter shall be governed by the provisions of section [12-117](#)(5), Idaho Code.

(4) Any person whose license to practice chiropractic in this state has been suspended, revoked or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right, at reasonable intervals, to petition the board for reinstatement of such license. Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may in its discretion grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications.

(5) Nothing herein contained shall be construed as barring criminal prosecutions for violations of the provisions of this chapter where such violations are deemed as criminal offenses in other statutes of this state or of the United States.

(6) All final decisions by the board shall be subject to judicial review pursuant to the provisions of the administrative procedure act.

[54-713, added 1993, ch. 157, sec. 6, p. 407; am. 2018, ch. 348, sec. 3, p. 798.]

54-714. OBSERVATION OF PUBLIC HEALTH LAW. Each physician shall observe and be subject to all state, federal, and municipal regulations relating to the control of contagious and infectious diseases, reporting and certifying deaths and all matters pertaining to public health. Failure to comply with these requirements shall constitute grounds for disciplinary action pursuant to the provisions of this chapter.

[(54-714) 1980, ch. 334, sec. 2, p. 869; am. and redesign. 1993, ch. 157, sec. 7, p. 407.]

54-716. ADMINISTERING PRESCRIPTION DRUG PRODUCTS. (1) A licensee under this chapter who is certified in clinical nutrition may obtain and independently administer, during chiropractic practice, the following prescription drug products:

- (a) Vitamins:
 - (i) Vitamin A;
 - (ii) All B vitamins; and
 - (iii) Vitamin C;
- (b) Minerals:
 - (i) Ammonium molybdate;
 - (ii) Calcium;
 - (iii) Chromium;
 - (iv) Copper;
 - (v) Iodine;
 - (vi) Magnesium;
 - (vii) Manganese;
 - (viii) Potassium;
 - (ix) Selenium;
 - (x) Sodium; and
 - (xi) Zinc;
- (c) Fluids:
 - (i) Dextrose;
 - (ii) Lactated ringers;
 - (iii) Plasma lyte;

- (iv) Saline; and
- (v) Sterile water;
- (d) Epinephrine; and
- (e) Oxygen for use during an emergency or allergic reaction.
- (2) The prescription drug products listed in subsection (1) of this section may be administered through oral, topical, intravenous, intramuscular or subcutaneous routes. The route of administration and dosing shall be in accordance with the product's labeling as approved by the federal food and drug administration or with the manufacturer's instructions.
- (3) The prescription drug products listed in subsection (1) of this section shall be obtained from a wholesale distributor, manufacturer, pharmacy or outsourcing facility licensed under [chapter 17, title 54](#), Idaho Code.
- (4) No vitamin or mineral may be compounded, as defined in section [54-1705](#), Idaho Code, by a chiropractic physician. A compounded drug product containing two (2) or more of the approved vitamins or minerals shall be obtained for office use from either an outsourcing facility or a compounding pharmacy licensed under [chapter 17, title 54](#), Idaho Code.
- (5) Nothing herein would remove or impact the ability of a chiropractic physician who does not obtain a clinical nutrition certification to continue to utilize nonprescriptive nutritional supplements.

[54-716, added 2017, ch. 190, sec. 7, p. 436; am. 2020, ch. 234, sec. 2, p. 690.]

54-717. CERTIFICATION IN CLINICAL NUTRITION. (1) To qualify for certification in clinical nutrition, a licensee of this chapter must have successfully completed a minimum of the following courses:

- (a) Seven (7) credits (seventy-seven (77) hours) of didactic human nutrition, nutrition biochemistry and nutritional pharmacology; and
- (b) Twenty-four (24) hours of practicum in intravenous and injectable nutrient therapy, which must include: sterile needle practices, phlebotomy, proper injection techniques, intravenous therapy techniques, intramuscular injection techniques, safety practices, and use and expected outcomes utilizing micronutrients, response to adverse effects, lab testing and blood chemistry interpretation.

The courses required by this subsection must be taken from an accredited chiropractic college or other accredited institution of higher education and must be from an accredited program at the college or institution or be a program approved by board rule.

For purposes of this section, "accredited" means accredited by an accrediting agency recognized by the United States department of education.

(2) Until January 1, 2019, a licensee of this chapter who commenced obtaining the education requirements of subsection (1) (a) of this section no earlier than January 1, 2013, and thereafter successfully completed those requirements, may be determined to have satisfied the requirements of subsection (1) (a) of this section as provided in board rule.

(3) The practicum required for certification in clinical nutrition by subsection (1) (b) of this section must commence and be successfully completed after the effective date of this section and pursuant to board rule.

(4) All active chiropractic physicians wishing to obtain certification in clinical nutrition must first successfully complete the education described in subsection (1) of this section.

(5) In order to maintain clinical nutrition certification, a chiropractic physician certified in clinical nutrition must obtain recertification in clinical nutrition every three (3) years pursuant to board rule.

(6) All chiropractic physicians certified in clinical nutrition must maintain a current cardiopulmonary resuscitation (CPR) and basic life support (BLS) certification, as well as have BLS equipment on the chiropractic premises where treatment is being performed.

(7) Prior to providing a course of intravenous or injectable nutrition therapy, chiropractic physicians certified in clinical nutrition must provide to their patients informed consent documentation that explains the benefits and potential risks of the specific course of intravenous or injectable nutrition therapy that is being proposed. The physician must obtain from the patient written voluntary permission to perform the proposed therapy.

[54-717, added 2017, ch. 190, sec. 8, p. 437.]

CHAPTER 8
COSMETICIANS - [REPEALED]