

IN THE SENATE

SENATE BILL NO. 1314

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PHYSICIANS AND SURGEONS; AMENDING SECTION 54-1803, IDAHO CODE,  
2 TO REVISE A DEFINITION, TO DEFINE TERMS, TO PROVIDE CORRECT TERMINOLOGY  
3 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1807, IDAHO  
4 CODE, TO REMOVE LICENSURE REQUIREMENTS FOR PHYSICIAN ASSISTANTS AND TO  
5 MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 18, TITLE 54, IDAHO  
6 CODE, BY THE ADDITION OF A NEW SECTION 54-1807A, IDAHO CODE, TO PROVIDE  
7 REQUIREMENTS RELATING TO PHYSICIAN ASSISTANTS, SUPERVISING PHYSICIANS  
8 AND ALTERNATE SUPERVISING PHYSICIANS AND TO ESTABLISH THE PHYSICIAN  
9 ASSISTANT ADVISORY COMMITTEE.  
10

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

12 SECTION 1. That Section 54-1803, Idaho Code, be, and the same is hereby  
13 amended to read as follows:

14 54-1803. DEFINITIONS. (1) The "practice of medicine" means:

15 (a) To investigate, diagnose, treat, correct, or prescribe for  
16 any human disease, ailment, injury, infirmity, deformity or other  
17 condition, physical or mental, by any means or instrumentality;

18 (b) To apply principles or techniques of medical science in the  
19 prevention of any of the conditions listed in ~~subsection~~ paragraph (a)  
20 of this ~~subsection~~ paragraph; or

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

24 (2) The word "board" means the state board of medicine.

25 (3) The term "physician" means any person who holds a license to  
26 practice medicine and surgery, osteopathic medicine and surgery, or  
27 osteopathic medicine, provided further, that others authorized by law to  
28 practice any of the healing arts shall not be considered physicians for the  
29 purposes of this chapter.

30 (4) "Alternate supervising physician" means a physician who is  
31 registered with the board as set forth in board rule and who is responsible  
32 for supervising a physician assistant or graduate physician assistant in the  
33 temporary absence of the supervising physician.

34 (5) "Supervising physician" means a physician who is registered with  
35 the board as set forth in board rule and who is responsible for the direction  
36 and supervision of the activities of and patient services provided by a  
37 physician assistant or graduate physician assistant.

38 (6) A "license to practice medicine and surgery" means a license issued  
39 by the board to a person who ~~was~~ has graduated from an acceptable school of  
40 medicine and who has fulfilled the licensing requirements of this chapter.

41 (7) A "license to practice osteopathic medicine and surgery" means  
42 a license issued by the board to a person who either graduated from an

1 acceptable osteopathic school of medicine subsequent to January 1, 1963, or  
 2 who has been licensed by endorsement of a license issued by another state  
 3 where a composite examining board exists and where physicians licensed  
 4 to practice medicine and surgery and osteopathic physicians take the same  
 5 examination and hold equal licenses, and who has fulfilled the licensing  
 6 requirements of this chapter.

7 ~~(68)~~ A "license to practice osteopathic medicine" means a license  
 8 issued by the state board of medicine to a person who graduated from an  
 9 acceptable osteopathic school of medicine and who prior to January 1, 1963,  
 10 has fulfilled the licensing requirements of this chapter.

11 ~~(79)~~ The word "person," the word "he" and the word "his" means a natural  
 12 person.

13 ~~(810)~~ An "acceptable school of medicine" means any school of medicine  
 14 or school of osteopathic medicine ~~which~~ that meets the standards or  
 15 requirements of a national medical school accrediting organization  
 16 acceptable to the board.

17 ~~(911)~~ The word "extern" means a bona fide student enrolled in an  
 18 acceptable school of medicine who has not received his degree.

19 ~~(102)~~ The word "intern" or "resident" means any person who has completed  
 20 a course of study at an acceptable school of medicine and who is enrolled in a  
 21 ~~post graduate~~ postgraduate medical training program.

22 ~~(113)~~ The term "physician assistant" means any person who is a  
 23 graduate of an acceptable training program and who is qualified by ~~general~~  
 24 specialized education, training, experience and personal character and who  
 25 has been licensed by the board to render patient services under the direction  
 26 of a supervising and alternate supervising physician. Nothing in this ~~act~~  
 27 chapter shall be construed to authorize physician assistants to perform  
 28 those specific functions and duties specifically delegated by law to those  
 29 persons licensed as pharmacists under chapter 17, title 54, Idaho Code, as  
 30 dentists or dental hygienists under chapter 9, title 54, Idaho Code, or as  
 31 optometrists under chapter 15, title 54, Idaho Code.

32 (14) "Graduate physician assistant" means a person who is a graduate of  
 33 an approved program for the education and training of physician assistants  
 34 and who meets all of the requirements in this chapter for licensure, but who:

35 (a) Has not yet taken and passed the certification examination and who  
 36 has been authorized by the board to render patient services under the  
 37 direction of a supervising physician for a period of six (6) months; or

38 (b) Has passed the certification examination but who has not yet  
 39 obtained a college baccalaureate degree and who has been authorized  
 40 by the board to render patient services under the direction of a  
 41 supervising physician for a period of not more than five (5) years.

42 SECTION 2. That Section 54-1807, Idaho Code, be, and the same is hereby  
 43 amended to read as follows:

44 54-1807. STATE BOARD OF MEDICINE -- REGISTRATION. ~~(1)~~ Externs,  
 45 interns and residents must register with the board prior to the commencement  
 46 of any activities constituting the practice of medicine in this state.  
 47 Registration shall include disclosure of the applicant's prior education  
 48 and training, the program or course of study the extern, intern or resident  
 49 intends to follow, the physicians or group of physicians who will supervise

1 the program or course of study~~7~~ and such other information as the board deems  
2 relevant. The board shall reserve the right to approve any such program or  
3 course of study and shall require registration by the supervising physician.  
4 A registration fee shall be fixed by the board~~7~~ and registration must be  
5 renewed annually.

6 ~~(2) Physician assistants must be licensed by the board prior to the  
7 commencement of activities which may involve the practice of medicine  
8 in this state. The licensure requirements shall include passage of an  
9 examination acceptable to the board. The board shall determine and limit  
10 the scope of activities of physician assistants on the basis of completed  
11 courses of study or programs of instruction they have received. Upon  
12 completion of licensure, the board shall authorize physician assistants to  
13 assist a physician or group of physicians who are qualified and approved  
14 by the board to supervise physician assistants to engage in activities as  
15 limited by the board. The board shall fix a license fee, and the license must  
16 be renewed annually.~~

17 SECTION 3. That Chapter 18, Title 54, Idaho Code, be, and the same is  
18 hereby amended by the addition thereto of a NEW SECTION, to be known and  
19 designated as Section 54-1807A, Idaho Code, and to read as follows:

20 54-1807A. PHYSICIAN ASSISTANTS -- SUPERVISING PHYSICIANS --  
21 PHYSICIAN ASSISTANT ADVISORY COMMITTEE. (1) Physician assistants must  
22 be licensed by the board prior to the commencement of activities which may  
23 involve the practice of medicine in this state. The licensure requirements  
24 for physician assistants shall include passage of an examination acceptable  
25 to the board and submission of a completed application to the board on forms  
26 furnished by the board. All applicants for original licensure as a physician  
27 assistant shall submit to a fingerprint-based criminal history check of the  
28 Idaho central criminal database and the federal bureau of investigation  
29 criminal history database. Each applicant shall submit a full set of the  
30 applicant's fingerprints on forms supplied by the board which shall be  
31 forwarded by the board to the Idaho department of law enforcement and to the  
32 federal bureau of investigation identification division. The board shall  
33 determine and limit the scope of activities of each physician assistant on  
34 the basis of completed courses of study or programs of instruction received.  
35 Upon licensure, the board shall authorize each physician assistant to assist  
36 a physician or group of physicians who are qualified and approved by the  
37 board to supervise physician assistants to engage in activities as limited  
38 by the board. The board shall fix a license fee. All physician assistants  
39 shall renew their licenses annually.

40 (2) After a supervising physician or alternate supervising physician  
41 receives board approval to supervise a physician assistant, the physician  
42 may delegate medical services to the physician assistant as set forth  
43 in the delegation of services agreement on forms approved by and filed  
44 with the board. The physician assistant may perform delegated medical  
45 services in any setting authorized by the supervising physician or alternate  
46 supervising physician and the board, including clinics, hospitals,  
47 ambulatory surgical centers, patient homes, nursing homes and other health  
48 care institutions.

1 (3) The supervising physician and alternate supervising physician are  
2 responsible for all aspects of the performance of a physician assistant  
3 whether or not the supervising physician or alternate supervising physician  
4 actually pays the physician assistant a salary. The supervising physician  
5 and alternate supervising physician are responsible for supervising the  
6 physician assistant and ensuring that the medical services performed by the  
7 physician assistant are within the physician assistant's scope of training  
8 and experience and have been properly delegated by the supervising physician  
9 or alternate supervising physician.

10 (4) Supervision by a supervising physician or alternate supervising  
11 physician shall be continuous but shall not be construed as necessarily  
12 requiring the constant physical presence of the supervising physician or  
13 alternate supervising physician at the time and place where medical services  
14 are performed by the physician assistant.

15 (5) A supervising physician or alternate supervising physician shall  
16 not delegate to a physician assistant the performance of any medical  
17 services for which the supervising physician or alternate supervising  
18 physician does not have training or experience and does not perform.

19 (6) A physician assistant or a group of physician assistants may  
20 independently own a medical practice in this state provided that the  
21 supervising physician, alternate supervising physician and each physician  
22 assistant comply with all requirements of this section and board rules. Each  
23 physician assistant must be licensed, registered or certified as a physician  
24 assistant in any state, territory or jurisdiction of the United States for  
25 at least two (2) years before the physician assistant may independently own  
26 a practice in this state.

27 (7) A physician assistant advisory committee is hereby established as  
28 follows:

29 (a) The physician assistant advisory committee shall consist of three  
30 (3) members appointed by the board. In making appointments to fill  
31 a vacancy created by the expiration of a term, the board shall give  
32 consideration to recommendations made by professional organizations  
33 of physician assistants and physicians. The board shall send notice  
34 to such professional organizations requesting recommendations. If  
35 recommendations from such professional organizations are not received  
36 by the board within sixty (60) days of notification, the board may  
37 appoint any qualified individual without consideration of any such  
38 recommendations. In the event of a vacancy in any unexpired term, the  
39 professional organizations may recommend, as soon as practical, at  
40 least two (2) and not more than three (3) persons to fill that vacancy.  
41 As soon as practical, the board shall appoint one (1) person to complete  
42 the unexpired term. If such professional organizations do not provide  
43 recommendations, the board shall appoint a person to complete the  
44 unexpired term without consideration of any such recommendations. The  
45 board may remove any committee member for misconduct, incompetency  
46 or neglect of duty after giving the member a written statement of the  
47 charges and an opportunity to be heard thereon. The executive director  
48 of the Idaho state board of medicine shall serve as the executive  
49 director to the physician assistant advisory committee.

1 (b) Each member of the physician assistant advisory committee shall  
2 be currently licensed as a physician assistant in Idaho and shall have  
3 actively practiced as a physician assistant in Idaho for three (3)  
4 years immediately preceding appointment. Members will serve a term  
5 of three (3) years and terms will be staggered. Members may serve two  
6 (2) successive terms. The committee shall elect a chairman from its  
7 membership. The committee shall meet as often as necessary to fulfill  
8 its responsibilities. Members will be compensated according to section  
9 59-509(h), Idaho Code.

10 (c) The physician assistant advisory committee shall not have  
11 authority to revoke licenses or impose limitations or conditions on  
12 licenses issued pursuant to this chapter. The committee has authority  
13 to make recommendations to the board. The board shall make all final  
14 decisions with respect thereto.

15 (d) The physician assistant advisory committee shall work in the  
16 following areas in conjunction with and make recommendations to the  
17 board and shall perform other duties and functions assigned to it by the  
18 board, including:

- 19 (i) Evaluating the qualifications of applicants for licensure  
20 and registration;
- 21 (ii) Performing investigations of misconduct and making  
22 recommendations regarding discipline;
- 23 (iii) Maintaining a list of currently licensed physician  
24 assistants and graduate physician assistants in this state;  
25 and
- 26 (iv) Advising the board on rule changes necessary to license and  
27 regulate physician assistants and graduate physician assistants  
28 in this state.