

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 211

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO PHYSICIANS AND SURGEONS; AMENDING SECTION 54-1806, IDAHO CODE,
2 TO PROVIDE THAT THE BOARD OF MEDICINE SHALL HAVE THE AUTHORITY TO SHARE
3 INFORMATION WITH THE DEPARTMENT OF LABOR TO DETERMINE WORKFORCE SHORT-
4 AGE AREAS AND TO MAKE A TECHNICAL CORRECTION.
5

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

7 SECTION 1. That Section 54-1806, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 54-1806. POWERS AND DUTIES. The board shall have the authority to:
10 (1) Hire or appoint employees, including an executive director, inves-
11 tigators, attorneys, consultants and independent hearing examiners.
12 (2) Establish pursuant to the administrative procedure act rules for
13 administration of this chapter, including rules governing all activities of
14 persons employed as physician's assistants by persons licensed to practice
15 medicine in this state. The board shall adopt rules pursuant to the adminis-
16 trative procedure act establishing procedures for the receipt of complaints
17 and for the investigation and disposition thereof. Such rules shall provide
18 for notice to a person when the board has authorized the committee to inves-
19 tigate that person and shall provide an opportunity for a person under in-
20 vestigation to meet with the committee or its staff before the initiation of
21 formal disciplinary proceedings by the board.
22 (3) Conduct investigations and examinations and hold hearings as au-
23 thorized by this section and by section 54-1806A, Idaho Code.
24 (4) The board shall have the power in any investigation or disciplinary
25 proceeding pursuant to this chapter to administer oaths, take depositions
26 of witnesses within or without the state in the manner consistent with rules
27 adopted by the board pursuant to the administrative procedure act, and upon a
28 determination that there is good cause the board shall have power throughout
29 the state of Idaho to require the attendance of such witnesses and the pro-
30 duction of such books, records, and papers as it may deem appropriate for any
31 investigation, deposition or hearing. For that purpose the board may issue
32 a subpoena for any witnesses or a subpoena duces tecum to compel the produc-
33 tion of any books, records or papers, directed to the sheriff of any county
34 of the state of Idaho, where such witness resides, or may be found, which
35 shall be served and returned in the same manner as a subpoena in a criminal
36 case is served and returned. The fees and mileage of the witnesses shall be
37 the same as that allowed in the district courts in criminal cases, which fees
38 and mileage shall be paid from any funds in the state treasury in the same
39 manner as other expenses of the board are paid. In any case of disobedience
40 to, or neglect of, any subpoena or subpoena duces tecum served upon any per-
41 son, or the refusal of any witness to testify to any matter regarding which
42 he may lawfully be interrogated, it shall be the duty of the district court of

1 any county in this state in which such disobedience, neglect or refusal oc-
2 curs, or any judge thereof, on application by the board to compel compliance
3 with the subpoena by proceedings for contempt as in the case of disobedience
4 of the requirements of a subpoena issued from such court or for refusal to
5 testify therein. The licensed person accused in such formal contested case
6 shall have the same right of subpoena upon making application to the board
7 therefor.

8 (5) Seek injunctive relief prohibiting the unlawful practice of
9 medicine.

10 (6) Make and enter into contracts.

11 (7) Operate, manage, superintend and control the licensure of physi-
12 cians.

13 (8) Develop and submit a proposed budget setting forth the amount nec-
14 essary to perform its functions.

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

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

18 (11) Provide for reasonable fees through rules for administrative costs
19 and assess costs reasonably and necessarily incurred in the enforcement of
20 this chapter when a licensee has been found to be in violation of the provi-
21 sions of this chapter.

22 (12) Prepare an annual report.

23 (13) Share with the department of labor personal identifying informa-
24 tion of persons licensed under the provisions of this chapter necessary for
25 the department of labor to identify workforce shortage areas in Idaho. The
26 information provided to the department of labor concerning any person li-
27 censed under this chapter shall remain confidential and not subject to pub-
28 lic disclosure, as required in section 9-340C, Idaho Code.