

IN THE SENATE

SENATE BILL NO. 1135

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1
2 RELATING TO GROUNDS FOR MEDICAL DISCIPLINE BY THE STATE BOARD OF MEDICINE;
3 AMENDING SECTION 54-1814, IDAHO CODE, TO PROVIDE ADDITIONAL GROUNDS FOR
4 MEDICAL DISCIPLINE BY THE STATE BOARD OF MEDICINE OVER LICENSEES OR REG-
5 ISTRANTS UNDER ITS JURISDICTION.

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

7 SECTION 1. That Section 54-1814, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 54-1814. GROUNDS FOR MEDICAL DISCIPLINE. Every person licensed to
10 practice medicine, licensed to practice as a physician assistant or regis-
11 tered as an extern, intern or resident in this state is subject to discipline
12 by the board pursuant to the procedures set forth in this chapter and rules
13 promulgated pursuant thereto upon any of the following grounds:

14 (1) Conviction of a felony, or a crime involving moral turpitude, or the
15 entering of a plea of guilty or the finding of guilt by a jury or court of com-
16 mission of a felony or a crime involving moral turpitude.

17 (2) Use of false, fraudulent or forged statements or documents, diplo-
18 mas or credentials in connection with any licensing or other requirements of
19 this act.

20 (3) Practicing medicine under a false or assumed name in this or any
21 other state.

22 (4) Advertising the practice of medicine in any unethical or unprofes-
23 sional manner.

24 (5) Knowingly aiding or abetting any person to practice medicine who is
25 not authorized to practice medicine as provided in this chapter.

26 (6) Performing or procuring an unlawful abortion or aiding or abetting
27 the performing or procuring of an unlawful abortion.

28 (7) The provision of health care which fails to meet the standard of
29 health care provided by other qualified physicians in the same community or
30 similar communities, taking into account his training, experience and the
31 degree of expertise to which he holds himself out to the public.

32 (8) Division of fees or gifts or agreement to split or divide fees or
33 gifts received for professional services with any person, institution or
34 corporation in exchange for referral.

35 (9) Giving or receiving or aiding or abetting the giving or receiving of
36 rebates, either directly or indirectly.

37 (10) Inability to obtain or renew a license to practice medicine, or re-
38 vocation of, or suspension of a license to practice medicine by any other
39 state, territory, district of the United States or Canada, unless it can be
40 shown that such action was not related to the competence of the person to
41 practice medicine or to any conduct designated herein.

1 (11) Prescribing or furnishing narcotic or hallucinogenic drugs to ad-
2 dicted persons to maintain their addictions and level of usage without at-
3 tempting to treat the primary condition requiring the use of narcotics.

4 (12) Prescribing or furnishing narcotic, hypnotic, hallucinogenic,
5 stimulating or dangerous drugs for other than treatment of any disease, in-
6 jury or medical condition.

7 (13) Failure to safeguard the confidentiality of medical records or
8 other medical information pertaining to identifiable patients, except as
9 required or authorized by law.

10 (14) The direct promotion by a physician of the sale of drugs, devices,
11 appliances or goods to a patient that are unnecessary and not medically indi-
12 cated.

13 (15) Abandonment of a patient.

14 (16) Willfully and intentionally representing that a manifestly incur-
15 able disease or injury or other manifestly incurable condition can be perma-
16 nently cured.

17 (17) Failure to supervise the activities of externs, interns, res-
18 idents, nurse practitioners, certified nurse-midwives, clinical nurse
19 specialists, or physician assistants.

20 (18) Practicing medicine when a license pursuant to this chapter is sus-
21 pended, revoked or inactive.

22 (19) Practicing medicine in violation of a voluntary restriction or
23 terms of probation pursuant to this chapter.

24 (20) Refusing to divulge to the board upon demand the means, method, de-
25 vice or instrumentality used in the treatment of a disease, injury, ailment,
26 or infirmity.

27 (21) Commission of any act constituting a felony or commission of any
28 act constituting a crime involving moral turpitude.

29 (22) Engaging in any conduct which constitutes an abuse or exploitation
30 of a patient arising out of the trust and confidence placed in the physician
31 by the patient.

32 (23) Being convicted of or pleading guilty to driving under the influ-
33 ence of alcohol, drugs or other intoxicating substances or being convicted
34 of or pleading guilty to other drug or alcohol related criminal charges.

35 (24) Failure to comply with a board order entered by the board.