

Dear Senators HEIDER, Souza, Jordan, and  
Representatives WOOD, Packer, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - State Board of Chiropractic Physicians:  
IDAPA 24.03.01 - Rules of the State Board of Chiropractic Physicians (Fee Rule) - Proposed Rule  
(Docket No. 24-0301-1701).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 12/15/2017. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 01/16/2018.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the memorandum attached below.



Eric Milstead  
Director

# Legislative Services Office Idaho State Legislature

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*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee  
**FROM:** Senior Legislative Research Analyst - Kristin Ford  
**DATE:** October 20, 2017  
**SUBJECT:** Bureau of Occupational Licenses - State Board of Chiropractic Physicians

IDAPA 24.03.01 - Rules of the State Board of Chiropractic Physicians (Fee Rule) - Proposed Rule (Docket No. 24-0301-1701)

The Bureau of Occupational Licenses submits notice of proposed rulemaking relating to the Rules of the State Board of Chiropractic Physicians. The proposed rule implements the provisions of 2017 HB 195, which authorizes the Board to issue a clinical nutrition certification to a licensed chiropractic physician, and provides the requirements, limitations and fees related thereto. The Bureau states that negotiated rulemaking was not conducted because the proposed changes were discussed at noticed, open meetings of the Board. The proposed rule appears to be within the Board's statutory authority pursuant to Chapter 7, Title 54, Idaho Code.

cc: Bureau of Occupational Licenses - State Board of Chiropractic Physicians  
Tana Cory

## **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

### **24.03.01 – RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS**

#### **DOCKET NO. 24-0301-1701 (FEE RULE)**

#### **NOTICE OF RULEMAKING – PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-707 and 54-707A, Idaho Code, and Sections 54-708, 54-716 and 54-717, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2017.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This proposed fee rule implements HB 195, which was signed into law during the 2017 legislative session, establishes a set of standards and educational requirements for a chiropractic certification in clinical nutrition for those licensed chiropractic physicians who wish to utilize vitamins and minerals, via intravenous or injectable routes of administration, in the treatment of their patients. This proposed fee rule establishes fees for clinical nutrition certification and practice, instructions for certification application, recertification, cancellation and reissuance, standards of practice, rules for obtaining and administering clinical nutrition prescription drug products, and a clinical nutrition formulary.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

The rule establishes an application for clinical nutrition certification fee and a clinical nutrition certification fee of \$150 each, which is within the authority granted by Section 707A, Idaho Code.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the proposed rules were discussed during noticed, open meetings of the Board.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Dicie Gullick at (208) 334-3233. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2017.

DATED this 1st day of September, 2017.

Tana Cory, Bureau Chief  
Bureau of Occupational Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720-0063  
Phone: (208) 334-3233  
Fax: (208) 334-3945

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0301-1701**  
**(Only Those Sections With Amendments Are Shown.)**

**020. SCOPE OF NON-PRESCRIPTION NUTRITIONAL PRACTICE (RULE 20).**

Clinical nutritional methods as referenced in Section 54-704(1), Idaho Code, include, but are not limited to, the clinical use, administration, recommendation, compounding, prescribing, selling, and distributing non-prescription vitamins, minerals, botanical medicine, herbals, homeopathic, phytonutrients, antioxidants, enzymes and glandular extracts, and durable and non-durable medical goods and devices. Nothing herein shall allow any deviation from Section 54-704(23), Idaho Code. ~~(3-25-16)~~( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**150. FEES (RULE 150).**

- 01. Application Fee.** Application Fee - One hundred fifty dollars (\$150). (3-24-17)
- 02. Original License Fee.** Original License Fee – One hundred fifty dollars (\$150). (3-24-17)
- 03. Annual Renewal Fee.** Annual Renewal Fee - One hundred fifty dollars (\$150). (3-24-17)
- 04. Inactive License.** Inactive License - One hundred dollars (\$100). (3-24-17)
- 05. Temporary Permit Fee.** Temporary Permit Fee - One hundred dollars (\$100). (3-24-17)
- 06. Intern Permit Fee.** Intern Permit Fee – One hundred dollars (\$100). (3-24-17)
- 07. Application for Clinical Nutrition Certification Fee.** Application for Clinical Nutrition Certification Fee – One hundred fifty dollars (\$150). ( )
- 08. Clinical Nutrition Certification Fee.** Clinical Nutrition Certification Fee – One hundred fifty dollars. ( )
- ~~079.~~ Non-Refundable.** All fees are non-refundable. (7-1-93)

**(BREAK IN CONTINUITY OF SECTIONS)**

**606. -- ~~96~~99. (RESERVED)**

**700. CLINICAL NUTRITION CERTIFICATION AND PRACTICE.**

The Board may issue clinical nutrition certification to a chiropractic physician licensed by the Board who successfully completes the minimum education and complies with requirements in chapter 7, title 54, Idaho Code governing clinical nutrition certification and the requirements of Sections 700 through 706. ( )

**701. APPLICATION FOR CLINICAL NUTRITION CERTIFICATION.**

**01. Filing an Application.** Applicants for clinical nutrition certification must submit to the Board at its official address a complete application, verified under oath, on forms approved by the Board together with appropriate fee(s) and supporting documentation. ( )

**02. Supporting Documents.** The applicant must provide or facilitate the provision of any supporting third party documents that may be required under the qualifications for clinical nutrition certification. ( )

**03. Applications Must Be Complete.** Applications will not be considered complete until all required information, documents, and fees are received by the Board. ( )

**04. No Misrepresentation.** The application for certification and for reissuance of certification or recertification and all supporting documents are free from any fraud or material misrepresentations and shall be subject to discipline pursuant to chapter 7, title 54, Idaho Code. ( )

**05. Lack of Activity.** If an applicant fails to respond to a Board request or an application has lacked activity for twelve (12) consecutive months, the application on file with the Board will be deemed denied and will be terminated upon a thirty (30) day written notice, unless the applicant demonstrates good cause to the Board. ( )

**06. Violations.** Violation of the laws or rules governing issuance or maintenance of clinical nutrition certification or the practice of clinical nutrition by a licensee shall be subject to investigation and discipline pursuant applicable provisions of chapter 7, title 54, Idaho Code and rules of the Board. ( )

**702. REQUIREMENTS FOR CLINICAL NUTRITION CERTIFICATION.**

The Board may grant clinical nutrition certification to a licensee who completes an application, pays the applicable fees and meets the following requirements: ( )

**01. General.** ( )

**a.** Hold and maintain a current, active, unrestricted license as a chiropractic physician issued by the Board. ( )

**b.** Not have been on probation or otherwise disciplined by the Board or by any other licensing board or regulatory entity; provided the applicant may make written request to the Board for an exemption review to determine the applicant's suitability for certification, which the Board shall determine in accordance with the following: ( )

**i.** The exemption review shall consist of a review of any documents relating to the probation or discipline and any supplemental information provided by the applicant bearing upon the applicant's suitability for certification. The Board may, at its discretion, grant an interview of the applicant. During the review, the Board shall consider the following factors or evidence: ( )

(1) The severity or nature of the violation(s) resulting in probation or discipline; ( )

(2) The period of time that has passed since the violation(s) under review; ( )

(3) The number or pattern of violations or other similar incidents; ( )

(4) The circumstances surrounding the violation(s) that would help determine the risk of repetition; ( )

(5) The relationship of the violation(s) to the practice of chiropractic or any health care profession, including but not limited to, whether the violation(s) related to clinical practice, involved patient care, a violation of any state or federal law, rule or regulation relating to controlled substances or to a drug, substance or product identified in Section 54-704(3)(b), Idaho Code; ( )

(6) The applicant's activities since the violation(s) under review, such as employment, education, participation in treatment, payment of restitution, or any other factors which may be evidence of current rehabilitation; and ( )

(7) Any other mitigating or aggravating circumstances. ( )

- ii. The applicant shall bear the burden of establishing current suitability for certification. ( )
- c. Successfully complete the requirements of Section 54-717, Idaho Code, and Section 702. ( )
- d. Written verification of current health care provider cardiopulmonary resuscitation (CPR) certification. Health care provider CPR certification must be from a course that includes a hands-on skill component as provided by the American Heart Association, American Red Cross, American Health and Safety Institute or similar provider approved by the Board. Written verification of current basic life support (BLS) certification. All chiropractic physicians holding clinical nutrition certification must maintain current health care provider CPR and BLS certification as provided in this section. ( )
- e. Certify that the chiropractic physician has BLS and Advanced Cardiac Life Support (ACLS) equipment on the chiropractic premises where clinical nutrition treatment is being performed. All chiropractic physicians holding clinical nutrition certification must have BLS and ACLS equipment on the chiropractic premises at all times where clinical nutrition treatment is being performed. BLS and ACLS equipment shall include as a minimum: ( )

  - i. Automatic external defibrillator (AED). ( )
  - ii. Rescue breathing equipment. ( )
  - iii. Oxygen. ( )
  - iv. Epinephrine. ( )
- f. Certify that the chiropractic physician possesses and will provide to 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 and that the physician will in advance obtain from the patient written voluntary permission to perform the proposed therapy in accordance with Section 54-717(7), Idaho Code. ( )
- g. Payment of all fines, costs, fees or other amounts that are due and owing to the Board or in compliance with a payment arrangement with the Board is required to be eligible for clinical nutrition certification pursuant to Sections 700 through 706. ( )
- 02. Didactic Education Requirement.** Provide a certificate or other evidence acceptable to the Board of successful completion of a minimum of seven (7) credits (seventy-seven (77) hours) of didactic human nutrition, nutrition biochemistry, and nutritional pharmacology courses. The certificate or other evidence of successful completion must be provided directly to the Board by the educational institution. ( )

  - a. Until January 1, 2019, chiropractic physicians licensed by the Board who commenced obtaining the didactic education requirements of this section on or after January 1, 2013 and thereafter successfully completed those requirements may be determined to have satisfied the requirements of this section by presenting a certificate or other evidence acceptable to the Board of successful completion. ( )
  - b. After January 1, 2019, chiropractic physicians licensed by the Board who apply for clinical nutrition certification may be determined to have satisfied the didactic education requirements only if they present a certificate or other evidence acceptable to the Board pursuant to this section demonstrating they commenced obtaining the didactic education required by this section no earlier than three (3) years prior to applying for clinical nutrition certification and thereafter successfully completed the requirements. ( )
- 03. Practicum Requirement.** Provide a certificate or other evidence acceptable to the Board of successful completion of a minimum of 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. ( )

  - a. The practicum of any applicant for clinical nutrition certification required by this section must

commence after July 1, 2017, and be successfully completed within two (2) years of the date of application. ( )

**b.** After July 1, 2019, the practicum of any applicant for clinical nutrition certification required by this section must not have commenced more than two (2) years prior to the date of application for clinical nutrition certification and be successfully completed thereafter. ( )

**04. Accredited Institution and Program Requirement.** The courses and practicum required by Subsections 702.02 and 702.03 must be taken from an accredited chiropractic college or other accredited institution of higher education. In addition the courses and practicum must be from an accredited program at the college or institution or be a program approved by the Board. ( )

**a.** For purposes of this section “accredited” means accredited by an accrediting agency recognized by the United States Department of Education. ( )

**b.** For purposes of this section “approved by the Board” means a program that is a “recognized candidate for accreditation,” has “initial accreditation” status or “preaccreditation” status by an accrediting body recognized by the United States Department of Education, or is substantially equivalent to a program having that status. ( )

**c.** An applicant for clinical nutrition certification shall bear the burden to demonstrate their education and training in clinical nutrition meets the requirements of this section including both the accredited institution and accredited program requirements. ( )

**05. Audit of Compliance with Clinical Nutrition Certification and Recertification Requirements.** The Board may conduct audits to confirm that licensees meet the requirements to maintain clinical nutrition certification and recertification. In the event a licensee audited by the Board fails to provide documentation or other evidence acceptable to the Board of meeting the clinical nutrition certification or recertification requirements as verified to the Board as part of their annual license renewal or the recertification process the matter will be referred to Bureau’s investigative unit for investigation and potential disciplinary proceedings by the Board. ( )

**06. Requirement to Maintain Supporting Documentation.** A licensee need not submit documentation to the Board with a chiropractic license renewal application verifying qualifications for annual issuance of clinical nutrition certification pursuant to Section 703, or verifying qualifications to recertify clinical nutrition certification pursuant to Section 706. However, a licensee must maintain documentation for a period of five (5) years verifying the licensee has satisfied the requirements. A licensee must submit the documentation to the Board if the annual reissuance or the recertification is audited. All documentation must include the licensee’s name, and as applicable, the date the course or other required activity commenced and was completed, provider name, course title and description, length of the course/activity, and other information required by the Board. ( )

**703. ANNUAL ISSUANCE OF CLINICAL NUTRITION CERTIFICATION WITH LICENSE RENEWAL.**

**01. Expiration Date.** Chiropractic physicians’ clinical nutrition certification expires on the expiration date of their chiropractic license and must be issued annually with the renewal of their license pursuant to Section 250. The Board shall waive the clinical nutrition certification fee in conjunction with the first timely renewal of the chiropractic license after initial clinical nutrition certification. ( )

**02. Issuance.** Clinical nutrition certification shall be issued annually by timely submission of a chiropractic license renewal application, payment of the chiropractic license renewal fee, the clinical nutrition certification fee, any amounts owing pursuant to Subsection 702.01.g., and verifying to the Board that the licensee is in compliance with the requirements for clinical nutrition certification as provided in the Board’s laws and rules. ( )

**03. Failure to Comply with Issuance Requirements.** ( )

**a.** If a licensee with clinical nutrition certification fails to verify meeting clinical nutrition certification annual issuance requirements when renewing their chiropractic physician license the clinical nutrition certification is

canceled and the chiropractic physician license will be renewed without clinical nutrition certification. ( )

b. If a licensee with clinical nutrition certification fails to timely renew their chiropractic physician license their clinical nutrition certification is canceled. ( )

c. Clinical nutrition certification canceled pursuant to this section may be reissued within three (3) years in accordance with Section 704. ( )

**704. REISSUANCE OF CANCELLED CLINICAL NUTRITION CERTIFICATION.**

01. Reissuance. Clinical nutrition certification canceled pursuant to Subsection 703.03 may be reissued within three (3) years of cancellation as follows: ( )

a. Submission of a reissuance application and payment of the current clinical nutrition certification fee. ( )

b. Submission of any other documents required by the Board for reissuance including but not limited to: ( )

i. Documentation of holding current licensure as a chiropractic physician from the Board meeting the requirements of Section 702. ( )

ii. Documentation of compliance with clinical recertification requirements in accordance with Section 706. ( )

iii. Documentation of current health care provider CPR and BLS certification and certification that the chiropractic physician has BLS and ACLS equipment on the chiropractic premises where clinical nutrition treatment is performed and that informed consent and voluntary permission to perform the proposed therapy are being used in accordance with Section 702. ( )

**705. CLINICAL NUTRITION CERTIFICATION CANCELLED FOR OVER THREE (3) YEARS.**

Clinical nutrition certification canceled for a period of more than three (3) years may not be reissued. The chiropractic physician so affected shall be required to make application to the Board in compliance with Section 701 and Section 702 and pay the application and other fees for new clinical nutrition certification. The applicant shall be reviewed by the Board and considered as follows: ( )

01. Current Competency and Training. The chiropractic physician shall fulfill requirements as determined by the Board that demonstrate the chiropractic physician's competency to regain clinical nutrition certification in this state. Such requirements may include, but are not limited to, education, supervised practice, and examination, including some or all education, training and other requirements for original clinical nutrition certification as set forth in Section 54-717, Idaho Code, and Section 702. ( )

02. New Clinical Nutrition Certification. Chiropractic Physicians who fulfill the conditions and requirements of this section may be granted a new clinical nutrition certification. ( )

**706. CLINICAL NUTRITION RECERTIFICATION REQUIREMENT.**

01. Recertification in Clinical Nutrition Every Three (3) Years. After Initial certification in clinical nutrition, chiropractic physicians must recertify in clinical nutrition every three (3) years in order to maintain clinical nutrition certification. ( )

02. Annual Verification of Meeting Requirements. In order to maintain clinical nutrition certification pursuant to Section 54-717, Idaho Code, and Section 700, chiropractic physicians having clinical nutrition certification must annually verify, along with their chiropractic license renewal, pursuant to Subsection 706.01 by attesting to the Board they are in compliance with the requirements to recertify in clinical nutrition the following: ( )



**a.** Completion within the three (3) years prior to required recertification of a twelve (12) hour in person face to face classroom course from an institution and program meeting Section 702.04 accreditation requirements. The course must include both didactic education and practical review and practice of contemporary developments and best practices to maintain core competency in the practice of clinical nutrition as set forth in Section 54-716, Idaho Code, and Section 54-717, Idaho Code. ( )

**b.** Current licensure as a chiropractic physician issued by the Board meeting the requirements of Section 702. ( )

**c.** Current health care provider CPR and BLS certification and that BLS and ACLS equipment is maintained on the chiropractic premises where clinical nutrition treatment is performed pursuant to Section 702. ( )

**d.** They possess and will provide to 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 and that the physician will in advance obtain from the patient written voluntary permission to perform the proposed therapy in accordance with Section 54-717(7), Idaho Code. ( )

**03.** Recertification is in Addition to Required Annual Continuing Education. The twelve (12) hour recertification course requirement is in addition to the annual eighteen (18) hours of continuing education required under Subsection 300.01. ( )

**04.** Failure to Timely Recertify in Clinical Nutrition. Clinical nutrition certification not timely recertified in accordance with Section 706 shall expire and be canceled. Clinical nutrition certification canceled for failure to recertify may be reissued within three (3) years in accordance with Section 704. ( )

**707. OBTAINING AND INDEPENDENTLY ADMINISTERING CLINICAL NUTRITION PRESCRIPTION DRUG PRODUCTS.**

A chiropractic physician with clinical nutrition certification as defined by Sections 54-704(4), 54-716 and 54-717, Idaho Code, may obtain and independently administer prescription drug products in the practice of chiropractic subject to the conditions below. ( )

**01.** Current Certification in Clinical Nutrition Required. Only chiropractic physicians who hold current certification in clinical nutrition by the Board may obtain and independently administer prescription drug products during chiropractic practice. ( )

**02.** Obtain Prescription Drugs Products from the Formulary. A chiropractic physician with clinical nutrition certification may not obtain a prescription drug product that is not listed in the chiropractic clinical nutrition formulary. ( )

**03.** Only Administer Prescription Drug Products from the Formulary. Chiropractic physicians with clinical nutrition certification may only administer those prescription drug products listed in the chiropractic clinical nutrition formulary. ( )

**a.** Chiropractic physicians with clinical nutrition certification shall not prescribe, dispense, distribute, or direct to a patient the use of a prescription drug product. ( )

**04.** Routes of Administration and Dosing of Prescription Drug Products. Prescription drug products listed in the chiropractic clinical nutrition formulary may be administered through oral, topical, intravenous, intramuscular or subcutaneous routes by a chiropractic physician with clinical nutrition certification. 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. ( )

**05.** Practice Limited to Chiropractic Physicians with Clinical Nutrition Certification. Chiropractic interns, chiropractic assistants, holders of chiropractic temporary practice permits and others working under the authority or direction of a chiropractic physician may not perform any practice or function requiring clinical nutrition certification. ( )

**06. Sale, Transfer, or Other Distribution of Prescription Drugs Prohibited.** Chiropractic physicians with clinical nutrition certification may obtain and administer prescription drug products to a patient only in accordance with this Section 707. Chiropractic physicians may not prescribe, sell, transfer, dispense, or otherwise distribute prescription drug products to any person or entity. Prescription drug products not administered to a patient shall be handled in accordance with Subsections 708.05, 708.06, and 708.07. ( )

**708. CLINICAL NUTRITION FORMULARY.**

Chiropractic physicians certified in clinical nutrition may obtain and independently administer, during chiropractic practice, only the prescription drug products listed in this chiropractic clinical nutrition formulary and subject to the provisions hereof. ( )

**01. Chiropractic Clinical Nutrition Prescription Drug Formulary.** Prescription drug products that may be used by chiropractic physicians with clinical nutrition certification are limited to the following: ( )

**a. Vitamins: vitamin A, all B vitamins and vitamin C;** ( )

**b. Minerals: ammonium molybdate, calcium, chromium, copper, iodine, magnesium, manganese, potassium, selenium, sodium, and zinc;** ( )

**c. Fluids: dextrose, lactated ringers, plasma lyte, saline, and sterile water;** ( )

**d. Epinephrine; and** ( )

**e. Oxygen for use during an emergency or allergic reaction.** ( )

**02. Sources of Clinical Nutrition Prescription Drug Products.** Prescription drug products listed in the chiropractic clinical nutrition formulary shall be obtained only by a chiropractic physician with clinical nutrition certification and only from a source licensed under chapter 17, title 54, Idaho Code, that is a wholesale distributor, a manufacturer, a pharmacy, or an outsourcing facility and from no other source. ( )

**03. No Compounding of Prescription Drug Products.** 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 vitamins or minerals approved in the chiropractic clinical nutrition formulary shall be obtained for office use by a chiropractic physician with clinical nutrition certification only from an outsourcing facility licensed under chapter 17, title 54, Idaho Code and from no other source. A chiropractic physician may not obtain or use in chiropractic practice a compounded drug product containing a prescription drug product that is not included in the chiropractic clinical nutrition formulary. ( )

**04. Limitations on Possession of Prescription Drug Products.** Possession of prescription drug products without a valid prescription drug order by chiropractic physicians licensed pursuant to chapter 7, title 54, Idaho Code, and certified pursuant to Sections 54-708, and 54-717, Idaho Code, or their agents or employees shall be limited to: ( )

**a. Only those prescription drug products listed in Sections 54-716, Idaho Code, and in the chiropractic clinical nutrition formulary;** ( )

**b. Only those quantities reasonably required for use in the usual and lawful course of the chiropractic physician's clinical nutrition practice based on the patient panel size and history of orders.** ( )

**05. Prescription Drug Product Storage.** Clinical nutrition prescription drugs must be stored in accordance with United States Pharmacopeia-National Formulary requirements in an area maintained and secured appropriately to safeguard product integrity and protect against product theft or diversion. ( )

**06. Expired, Deteriorated, Adulterated, Damaged, or Contaminated Prescription Drug Products.** Expired, deteriorated, adulterated, damaged, or contaminated prescription drug products must be removed from stock and isolated for return, reclamation or destruction. ( )

**07. Compliance with Federal and State Requirements.** In addition to the requirements of the Idaho Chiropractic Practice Act and rules of the Board, chiropractic physicians shall comply with all federal and state laws, rules and policies governing possession, storage, record keeping, use, and disposal of prescription drug products. ( )

**709. MEDICAL WASTE.**

Chiropractic physicians certified in clinical nutrition must dispose of medical waste during the practice of chiropractic clinical nutrition according to the following protocol: ( )

**01. Containers for Non-Sharp, Medical Waste.** Medical waste, except for sharps, must be placed in disposable containers/bags which are impervious to moisture and strong enough to preclude ripping, tearing, or bursting under normal conditions of use. The bags must be securely tied so as to prevent leakage or expulsion of solid or liquid waste during storage, handling, or transport. The containment system must have a tight-fitting cover and be kept clean and in good repair. All bags used for containment of medical waste must be clearly identified by label or color, or both. ( )

**02. Containers for Sharps.** Sharps must be placed in impervious, rigid, puncture-resistant containers immediately after use. Needles must not be bent, clipped or broken by hand. Rigid containers of discarded sharps must either be labeled or colored like the disposable bags used for other medical waste, or placed in such labeled or colored bags. ( )

**03. Storage Duration.** Medical waste may not be stored for more than seven (7) days, unless the storage temperature is below thirty-two (32) degrees Fahrenheit. Medical waste must never be stored for more than ninety (90) days. ( )

**04. Waste Disposal.** Medical waste must be disposed of by persons knowledgeable in handling and disposal of medical waste. ( )

**710. -- 999. (RESERVED)**

## PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Bureau of Occupational Licenses

**Agency Contact:** Dicsie Gullick                      **Phone:** 208 334-3233

**Date:** September 1, 2017

**IDAPA, Chapter and Title Number and Chapter Name:**

IDAPA 24.03.01 – Rules of the State Board of Chiropractic Physicians

**Fee Rule Status:**    X **Proposed**                         **Temporary**

**Rulemaking Docket Number:** 24-0301-1701

### **STATEMENT OF ECONOMIC IMPACT:**

This fee rule will have no impact on the general fund. It is estimated that these fees will offset the additional costs to the Bureau's dedicated fund for administering this certification program.