

Dear Senators VANORDEN, Wintrow, and
Representatives VANDER WOUDE, Erickson, Chew:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Division of Occupational and Professional Licenses - Board of Medicine:

IDAPA 24.33.01 - Rules of the Board of Medicine for the Licensure to Practice Medicine and
Osteopathic Medicine in Idaho - Proposed Rule (Docket No. 24-3301-2301).

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 12/08/2023. 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 01/05/2024.

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 334-4854, or send a written request to the address on the
memorandum attached below.



Terri Kondeff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee
FROM: Division Manager - Matt Drake
DATE: November 13, 2023
SUBJECT: Division of Occupational and Professional Licenses - Board of Medicine

IDAPA 24.33.01 - Rules of the Board of Medicine for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho - Proposed Rule (Docket No. 24-3301-2301)

Summary and Stated Reasons for the Rule

The Division of Occupational and Professional Licenses - Board of Medicine submits Notice of Rule-making via Docket No. 24-3301-2301. The Division states that some of the proposed changes were made to align the rule with House Bill 3 of 2023, which resulted in the removal of the registration requirement for supervising physicians. Other proposed changes were made to align the rule with Senate Bill 1094 of 2023 regarding temporary registration for certain experienced international medical graduates.

The rulemaking does not appear to impose a new fee or charge or to increase a fee or charge beyond what was previously submitted to and approved by the Legislature.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was conducted. There is no anticipated fiscal impact on the state general fund.

Statutory Authority

This rulemaking appears to be within the statutory authority granted pursuant to Sections 54-1806, 54-1806A, 54-1807, 54-1812, 54-1813, 54-1814, 54-1841, 54-1867, 67-2614, 67-9406, and 67-9409, Idaho Code.

cc: Division of Occupational and Professional Licenses - Board of Medicine
Katie Stuart

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

Paul Headlee, Deputy Director Matt Drake, Manager Keith Bybee, Manager April Renfro, Manager Norma Clark, Manager
Legislative Services Office Research & Legislation Budget & Policy Analysis Legislative Audits Information Technology

Statehouse, P.O. Box 83720
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IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.33.01 – RULES OF THE BOARD OF MEDICINE FOR THE LICENSURE TO PRACTICE MEDICINE AND OSTEOPATHIC MEDICINE IN IDAHO

DOCKET NO. 24-3301-2301

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. This negotiated rulemaking action is authorized pursuant to Section 67-2604, Idaho Code, and Sections 6-1002, 54-1806, 54-1806A, 54-1807, 54-1812, 54-1813, 54-1814, 54-1841, 54-1867, 67-2614, 67-9406 and 67-9409, Idaho Code.

PUBLIC HEARING SCHEDULE: The public hearing concerning this rulemaking will be held as follows:

Monday, October 16, 2023, 9:00 a.m. MT
Division of Occupational and Professional Licenses Chinden Campus Building 4 11341 W. Chinden Blvd., Bldg. #4 Boise, ID 83714
Telephone and web conferencing information will be posted on: https://dopl.idaho.gov/calendar/ and https://townhall.idaho.gov/

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

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking is being proposed to address legislative changes made through House Bill 3 and Senate Bill 1094. The legislative changes, which went into effect on July 1, 2023, resulted in the removal of the registration requirement for supervising physicians and the addition of a temporary registration for certain experienced international medical graduates. The proposed rulemaking will address these statutory changes.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A.

The proposed amendments to the rules do not impose any new or increased fees.

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 as a result of this rulemaking:

This rulemaking is not anticipated to have any negative fiscal impact on the State General Fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was conducted under Docket No. 24-3301-2301. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 5, 2023, Idaho Administrative Bulletin, [Vol. 23-7, pp.94-95](#).

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.

No materials have been incorporated by reference into the proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this proposed rule, contact Katie Stuart, Bureau Chief, at (208) 577-2489. Materials pertaining to the proposed rulemaking, including any available preliminary rule drafts, can be found on the following DOPL website: <https://dopl.idaho.gov/rulemaking/>.

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, 2023.

DATED this 1st day of September, 2023.

Katie Stuart
Bureau Chief
11341 W. Chinden Blvd., Bldg. #4
Boise, ID 83714
Phone: (208) 577-2489
Email: katie.stuart@dopl.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-3301-2301
(Only Those Sections With Amendments Are Shown.)

151. DEFINITIONS RELATING TO SUPERVISING AND DIRECTING PHYSICIANS.

01. Athletic Trainer. A person who has met the qualifications for licensure as set forth in Title 54, Chapter 39, Idaho Code, is licensed under that chapter, and carries out the practice of athletic training under the direction of a designated Idaho licensed physician, registered with the Board. (3-28-23)

02. Directing Physician. A designated Idaho licensed physician, registered with the Board pursuant to this chapter and Title 54, Chapter 39, Idaho Code, who oversees the practice of athletic training and is responsible for the athletic training services provided by the athletic trainer. This chapter does not authorize the practice of medicine or any of its branches by a person not so licensed by the Board. (3-28-23)

03. Medical Personnel. An individual who provides cosmetic treatments using prescriptive medical/cosmetic devices and products that are exclusively non-incisive or non-ablative under the direction and supervision of a supervising physician ~~registered with the Board~~, pursuant to the applicable Idaho statutes and the applicable rules promulgated by the Board. (~~3-28-23~~)()

04. Supervising Physician of Interns or Residents. Any person approved by ~~and registered with~~ the Board who is licensed to practice medicine and surgery or osteopathic medicine and surgery in Idaho, who signs the application for registration of an intern or resident, and who is responsible for the direction and supervision of their activities. (~~3-28-23~~)()

05. Supervising Physician of Medical Personnel. An Idaho licensed physician ~~who is registered with the Board pursuant to this chapter~~, who supervises and has full responsibility for cosmetic treatments using prescriptive medical/cosmetic devices and products provided by medical personnel. (~~3-28-23~~)()

(BREAK IN CONTINUITY OF SECTIONS)

243. ~~RESIDENT AND INTERN~~ TEMPORARY REGISTRATION.

01. Eligibility. Any person identified in Section 54-1813(2), Idaho Code. ()

042. Registration Certificate. Upon approval of the registration application, the Board may issue a registration certificate that sets forth the period during which the registrant may engage in activities that may involve the practice of medicine. Each registration will be issued for a period of not less than one (1) year and will set forth its expiration date on the face of the certificate. Each registration will identify the supervising physician. Each registrant will notify the Board in writing of any change of the supervising physician or the program or course of study fourteen (14) days prior to any such change. If the Board deems the intern or resident applicant qualified, and if the course of study requires, the Board may additionally certify on the registration certificate that the intern or resident registrant is qualified to write prescriptions for Class III through Class V scheduled medications. (3-28-23)()

023. Termination of Registration Discipline. The rRegistrants of an intern or resident may be terminated, suspended, or made conditional by the Board on the grounds set forth in Section 54-1814, Idaho Code, and under the procedures set forth in Section 54-1806A, Idaho Code. (3-28-23)()

034. Annual Renewal of Registration. Each rRegistration must may be renewed annually prior to its expiration date. Any registration and, if not renewed by its the expiration date, will be canceled. (3-28-23)()

045. Notification of Changes. Each rRegistrants must notify the Board in writing of any adverse action or termination, whatever the outcome, from any post graduate training program and any name changes within fourteen (14) days of such event. (3-28-23)()

056. Disclosure. It is the responsibility of each A registrant to must ensure that every patients are is aware of the fact informed that such intern and resident the registrant is currently enrolled in a post graduate training program and working under the supervision of a licensed physician. (3-28-23)()

244. FEES - TABLE.
Nonrefundable fees are as follows:

Fees Table	
<u>Resident and Intern</u> <u>Temporary</u> Registration Fee	- Not more than \$25 <u>annu-ally</u>
<u>Registration Annual Renewal Fee</u>	- Not more than \$25

(3-28-23)()