

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 638

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE ABORTION COMPLICATIONS REPORTING ACT; AMENDING TITLE 39,
2 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 95, TITLE 39, IDAHO CODE,
3 TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PUR-
4 POSE, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING REPORTING OF
5 ABORTION COMPLICATIONS, TO PROVIDE FOR REPORTING FORMS, TO ESTABLISH
6 PROVISIONS REGARDING PENALTIES AND PROFESSIONAL SANCTIONS, TO PROVIDE
7 CLARIFICATION FOR CONSTRUCTION OF THIS CHAPTER, TO PROVIDE A RIGHT OF
8 INTERVENTION AND TO PROVIDE SEVERABILITY; AMENDING SECTION 54-1413,
9 IDAHO CODE, TO PROVIDE GROUNDS FOR PROFESSIONAL DISCIPLINE FOR NURSES
10 AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 54-1814, IDAHO
11 CODE, TO PROVIDE GROUNDS FOR PROFESSIONAL DISCIPLINE FOR PHYSICIANS,
12 PHYSICIAN ASSISTANTS AND CERTAIN OTHER INDIVIDUALS.
13

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

15 SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended
16 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
17 ter 95, Title 39, Idaho Code, and to read as follows:

18 CHAPTER 95

19 ABORTION COMPLICATIONS REPORTING ACT

20 39-9501. SHORT TITLE. This act shall be known and may be cited as the
21 "Abortion Complications Reporting Act."

22 39-9502. LEGISLATIVE FINDINGS AND PURPOSE. (1) The legislature of the
23 state of Idaho asserts and finds that:

24 (a) The state "has legitimate interests from the outset of pregnancy in
25 protecting the health of women," as found by the United States Supreme
26 Court in *Planned Parenthood of Southeastern Pennsylvania v. Casey*;

27 (b) Specifically, the state "has a legitimate concern with the health
28 of women who undergo abortions," as found by the United States Supreme
29 Court in *Akron v. Akron Ctr. for Reproductive Health, Inc.*;

30 (c) Surgical abortion is an invasive procedure that can cause severe
31 physical and psychological complications for women, both short-term
32 and long-term, including, but not limited to, uterine perforation,
33 cervical perforation, infection, bleeding, hemorrhage, blood clots,
34 failure to actually terminate the pregnancy, incomplete abortion,
35 retained tissue, pelvic inflammatory disease, endometritis, missed
36 ectopic pregnancy, cardiac arrest, respiratory arrest, renal failure,
37 metabolic disorder, shock, embolism, coma, placenta previa in subse-
38 quent pregnancies, preterm delivery in subsequent pregnancies, free
39 fluid in the abdomen, adverse reactions to anesthesia and other drugs,
40 an increased risk for developing breast cancer, psychological or emo-

1 tional complications such as depression, suicidal ideation, anxiety
2 and sleeping disorders, and death;

3 (d) To facilitate reliable scientific studies and research on the
4 safety and efficacy of abortion, it is essential that the medical and
5 public health communities have access to accurate information both on
6 the abortion procedure and on complications resulting from abortion;

7 (e) Abortion "record keeping and reporting provisions that are reason-
8 ably directed to the preservation of maternal health and that properly
9 respect a patient's confidentiality and privacy are permissible," ac-
10 cording to the United States Supreme Court in *Planned Parenthood v.*
11 *Danforth*;

12 (f) Abortion and complication reporting provisions do not impose an un-
13 due burden on a woman's right to choose whether or not to terminate a
14 pregnancy. Specifically, the "collection of information with respect
15 to actual patients is a vital element of medical research, and so it can-
16 not be said that the requirements serve no purpose other than to make
17 abortions more difficult," as found by the United States Supreme Court
18 in *Planned Parenthood v. Casey*;

19 (g) The use of RU-486 as part of a chemical abortion can cause sig-
20 nificant medical risks including, but not limited to, abdominal pain,
21 cramping, vomiting, headache, fatigue, uterine hemorrhage, infections
22 and pelvic inflammatory disease;

23 (h) The risk of abortion complications increases with advancing gesta-
24 tional age;

25 (i) Studies document that increased rates of complications, including
26 incomplete abortion, occur even within the gestational limit approved
27 by the federal food and drug administration (FDA);

28 (j) In July 2011, the FDA reported two thousand two hundred seven
29 (2,207) adverse events after women used RU-486 for abortions. Among
30 these events were fourteen (14) deaths, six hundred twelve (612) hos-
31 pitalizations, three hundred thirty-nine (339) blood transfusions,
32 and two hundred fifty-six (256) infections, including forty-eight (48)
33 severe infections;

34 (k) The adverse event reports systems relied upon by the FDA have lim-
35 itations and typically detect only a small proportion of events that
36 actually occur. Furthermore, the FDA has failed to publicly release
37 data since 2011, and it is necessary to develop a state-based infor-
38 mation system in the wake of court rulings legalizing telemedicine
39 abortions; and

40 (l) To promote its interest in maternal health and life, the state of
41 Idaho maintains an interest in:

42 (i) Collecting information on all complications from all abor-
43 tions performed in the state; and

44 (ii) Compiling statistical reports based on abortion complica-
45 tion information collected pursuant to this chapter for future
46 scientific studies and public health research.

47 (2) Based on the findings in subsection (1) of this section, it is the
48 purpose of this chapter to promote the health and safety of women by adding
49 to the sum of medical and public health knowledge through the compilation of

1 relevant data on all abortions performed in the state, as well as on all medi-
2 cal complications and maternal deaths resulting from these abortions.

3 39-9503. DEFINITIONS. As used in this chapter:

4 (1) "Abortion" shall have the same meaning as provided in section
5 18-502, Idaho Code.

6 (2) "Complication" means an abnormal or a deviant process or event
7 arising from the performance or completion of an abortion, as follows:

8 (a) Uterine perforation or injury to the uterus;

9 (b) Injury or damage to any organ inside the body;

10 (c) Cervical perforation or injury to the cervix;

11 (d) Infection;

12 (e) Heavy or excessive bleeding;

13 (f) Hemorrhage;

14 (g) Blood clots;

15 (h) Blood transfusion;

16 (i) Failure to actually terminate the pregnancy;

17 (j) Incomplete abortion or retained tissue;

18 (k) The need for follow-up care, surgery or an aspiration procedure for
19 incomplete abortion or retained tissue;

20 (l) Weakness, nausea, vomiting or diarrhea that lasts more than twenty-
21 four (24) hours;

22 (m) Pain or cramps that do not improve with medication;

23 (n) A fever of one hundred and four-tenths (100.4) degrees or higher for
24 more than twenty-four (24) hours;

25 (o) Hemolytic reaction due to the administration of ABO-incompatible
26 blood or blood products;

27 (p) Hypoglycemia where onset occurs while the patient is being cared
28 for in the abortion facility;

29 (q) Physical injury associated with care received in the abortion fa-
30 cility;

31 (r) Pelvic inflammatory disease;

32 (s) Endometritis;

33 (t) Missed ectopic pregnancy;

34 (u) Cardiac arrest;

35 (v) Respiratory arrest;

36 (w) Renal failure;

37 (x) Metabolic disorder;

38 (y) Shock;

39 (z) Embolism;

40 (aa) Coma;

41 (bb) Placenta previa or preterm delivery in subsequent pregnancies;

42 (cc) Free fluid in the abdomen;

43 (dd) Adverse or allergic reaction to anesthesia or other drugs;

44 (ee) Subsequent development of breast cancer;

45 (ff) Inability, refusal or unwillingness to have follow-up care,
46 surgery or an aspiration procedure following an incomplete abortion or
47 retained tissue;

48 (gg) Inability, refusal or unwillingness to have a follow-up visit;

1 (hh) Referral to or care provided by a hospital, emergency department or
2 urgent care clinic or department;

3 (ii) Death;

4 (jj) Any psychological or emotional condition reported by the patient,
5 such as depression, suicidal ideation, anxiety or a sleeping disorder;
6 or

7 (kk) Any other adverse event as defined by the federal food and drug ad-
8 ministration criteria provided in the medwatch reporting system.

9 (3) "Department" means the state department of health and welfare.

10 (4) "Facility" means any public or private hospital, clinic, center,
11 medical school, medical training institution, health care facility, physi-
12 cian's office, infirmary, dispensary, ambulatory surgical center or other
13 institution or location where medical care is provided to any person.

14 (5) "Hospital" means any institution licensed as a hospital pursuant to
15 chapter 13, title 39, Idaho Code.

16 (6) "Medical practitioner" means a licensed medical care provider ca-
17 pable of making a diagnosis within the scope of such provider's license.

18 (7) "Pregnant" or "pregnancy" means the reproductive condition of hav-
19 ing an unborn child in the uterus.

20 39-9504. ABORTION COMPLICATION REPORTING. (1) Every hospital, li-
21 censed health care facility or individual medical practitioner shall file
22 a written report with the department regarding each woman who comes under
23 the hospital's, health care facility's or medical practitioner's care and
24 reports any complication, requires medical treatment or suffers death that
25 the attending medical practitioner has reason to believe, in the practi-
26 tioner's reasonable medical judgment, is a direct or an indirect result of
27 an abortion. Such reports shall be completed by the hospital, health care
28 facility or attending medical practitioner who treated the woman, signed by
29 the attending medical practitioner and transmitted to the department within
30 ninety (90) days from the last date of treatment or other care or consulta-
31 tion for the complication.

32 (2) Every hospital, licensed health care facility or individual medi-
33 cal practitioner required to submit a complication report shall attempt to
34 ascertain and shall report on the following:

35 (a) The age and race of the woman;

36 (b) The woman's state and county of residence;

37 (c) The number of previous pregnancies, number of live births and num-
38 ber of previous abortions of the woman;

39 (d) The date the abortion was performed and the date that the abortion
40 was completed, as well as the gestational age of the fetus, as defined in
41 section 18-604, Idaho Code, and the methods used;

42 (e) Identification of the physician who performed the abortion, the fa-
43 cility where the abortion was performed and the referring medical prac-
44 titioner, agency or service, if any; and

45 (f) The specific complication, as that term is defined in section
46 39-9503(2), Idaho Code, including, where applicable, the location of
47 the complication in the woman's body, the date on which the complication
48 occurred and whether there were any preexisting medical conditions that
49 would potentially complicate pregnancy or the abortion.

- 1 (3) Reports required under this section shall not contain:
2 (a) The name of the woman;
3 (b) Common identifiers such as the woman's social security number or
4 motor vehicle operator's license number; or
5 (c) Other information or identifiers that would make it possible to
6 identify, in any manner or under any circumstances, a woman who has
7 obtained an abortion and subsequently suffered an abortion-related
8 complication.
- 9 (4) The department shall prepare a comprehensive annual statistical
10 report for the legislature based on the data gathered from reports under
11 this section. The statistical report shall not lead to the disclosure of the
12 identity of any medical practitioner or person filing a report under this
13 section nor of a woman about whom a report is filed. The aggregate data shall
14 also be made independently available to the public by the department in a
15 downloadable format.
- 16 (5) The department shall summarize aggregate data from the reports re-
17 quired under this chapter and submit the data to the federal centers for dis-
18 ease control and prevention for the purpose of inclusion in the annual vi-
19 tal statistics report. The aggregate data shall also be made independently
20 available to the public by the department in a downloadable format.
- 21 (6) Reports filed pursuant to this section shall not be deemed public
22 records and shall remain confidential, except that disclosure may be made to
23 law enforcement officials upon an order of a court after application showing
24 good cause. The court may condition disclosure of the information upon any
25 appropriate safeguards it may impose.
- 26 (7) Absent a valid court order or judicial subpoena, the department,
27 any other state department, agency or office, or any employees or contrac-
28 tor thereof shall not compare data concerning abortions or abortion compli-
29 cations maintained in an electronic or other information system file with
30 data in any other electronic or other information system, a comparison of
31 which could result in identifying, in any manner or under any circumstances,
32 a woman obtaining or seeking to obtain an abortion.
- 33 (8) Statistical information that may reveal the identity of a woman ob-
34 taining or seeking to obtain an abortion shall not be maintained by the de-
35 partment, any other state department, agency or office, or any employee or
36 contractor thereof.
- 37 (9) The department or an employee or contractor of the department shall
38 not disclose to a person or entity outside the department the reports or the
39 contents of the reports required under this section in a manner or fashion
40 that would permit the person or entity to whom the report is disclosed to
41 identify, in any way or under any circumstances, the woman who is the subject
42 of the report.
- 43 (10) Original copies of all reports filed under this section shall be
44 available to the state board of medicine for use in the performance of its of-
45 ficial duties.
- 46 (11) The department shall communicate this reporting requirement to
47 all medical professional organizations, medical practitioners, hospitals,
48 emergency departments, abortion facilities, clinics, ambulatory surgical
49 facilities, and other health care facilities operating in the state.

1 39-9505. REPORTING FORMS. The department shall create the forms re-
2 quired by this chapter within sixty (60) days after the effective date of
3 this chapter. Such forms shall provide for the reporting of information re-
4 quired by section 39-9504(2), Idaho Code. No provision of this chapter re-
5 quiring the reporting of information on forms published by the department
6 shall be applicable until ten (10) days after the requisite forms are first
7 created or until the effective date of this chapter, whichever is later.

8 39-9506. PENALTIES AND PROFESSIONAL SANCTIONS. (1) Any person who
9 willfully delivers or discloses to the department any report, record or
10 information required pursuant to this chapter and known by him or her to be
11 false is guilty of a misdemeanor.

12 (2) Any person who willfully discloses any information obtained from
13 reports filed pursuant to this chapter, other than the disclosure authorized
14 by this chapter or otherwise authorized by law, is guilty of a misdemeanor.

15 (3) Any person required under this chapter to file a report, keep any
16 records or supply any information, who willfully fails to file such report,
17 keep such records or supply such information at the time or times required by
18 law or rule, is:

19 (a) Guilty of unprofessional conduct, and his or her professional li-
20 cense is subject to discipline in accordance with procedures governing
21 his or her license; and

22 (b) Subject to a civil fine of five hundred dollars (\$500) for each in-
23 stance of failure to report, if such person is a medical practitioner
24 responsible for filing an adverse reaction report with the department.

25 (4) In addition to the above penalties, any facility that willfully vi-
26 olates any of the requirements of this chapter shall:

27 (a) In the case of a first violation, be subject to a civil fine of one
28 thousand dollars (\$1,000) for each instance of failure to report;

29 (b) Have its license suspended for a period of six (6) months for the
30 second violation; and

31 (c) Have its license suspended for a period of one (1) year upon a third
32 or subsequent violation.

33 39-9507. CONSTRUCTION. (1) Nothing in this chapter shall be construed
34 as creating or recognizing a right to abortion.

35 (2) It is not the intention of this chapter to make lawful an abortion
36 that is currently unlawful.

37 39-9508. RIGHT OF INTERVENTION. The legislature, by concurrent reso-
38 lution, may appoint one (1) or more of its members who sponsored or co-spon-
39 sored this chapter in his or her official capacity, or other member or mem-
40 bers if the original sponsors and co-sponsors are no longer serving, to in-
41 tervene as a matter of right in any case in which the constitutionality of
42 this law is challenged.

43 39-9509. SEVERABILITY. The provisions of this chapter are hereby de-
44 clared to be severable, and if any provision of this chapter or the applica-
45 tion of such provision to any person or circumstance is declared invalid for

1 any reason, such declaration shall not affect the validity of the remaining
2 portions of this chapter.

3 SECTION 2. That Section 54-1413, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 54-1413. DISCIPLINARY ACTION. (1) Grounds for discipline. The board
6 shall have the power to refuse to issue, renew or reinstate a license is-
7 sued pursuant to this chapter, and may revoke, suspend, place on probation,
8 reprimand, limit, restrict, condition or take other disciplinary action
9 against the licensee as it deems proper, including assessment of the costs
10 of investigation and discipline against the licensee, upon a determination
11 by the board that the licensee engaged in conduct constituting any one (1) of
12 the following grounds:

13 (a) Made, or caused to be made, a false, fraudulent or forged state-
14 ment or representation in procuring or attempting to procure a license
15 to practice nursing;

16 (b) Practiced nursing under a false or assumed name;

17 (c) Is convicted of a felony or of any offense involving moral turpi-
18 tude;

19 (d) Is or has been grossly negligent or reckless in performing nursing
20 functions;

21 (e) Habitually uses alcoholic beverages or drugs as defined by rule;

22 (f) Is physically or mentally unfit to practice nursing;

23 (g) Violates the provisions of this chapter or rules and standards of
24 conduct and practice as may be adopted by the board;

25 (h) Otherwise engages in conduct of a character likely to deceive,
26 defraud or endanger patients or the public, which includes, but is not
27 limited to, failing or refusing to report criminal conduct or other con-
28 duct by a licensee that endangers patients;

29 (i) Has been disciplined by a nursing regulatory authority in any ju-
30 risdiction. A certified copy of the order entered by the jurisdiction
31 shall be prima facie evidence of such discipline;

32 (j) Failure to comply with the terms of any board order, negotiated set-
33 tlement or probationary agreement of the board, or to pay fines or costs
34 assessed in a prior disciplinary proceeding; ~~or~~

35 (k) Engaging in conduct with a patient that is sexual, sexually ex-
36 ploitative, sexually demeaning or may reasonably be interpreted as
37 sexual, sexually exploitative or sexually demeaning; or engaging in
38 conduct with a former patient that is sexually exploitative or may
39 reasonably be interpreted as sexually exploitative. It would not be a
40 violation under this subsection for a nurse to continue a sexual rela-
41 tionship with a spouse or individual of majority if a consensual sexual
42 relationship existed prior to the establishment of the nurse-patient
43 relationship; or

44 (l) Failure to comply with the requirements of the abortion complica-
45 tions reporting act, chapter 95, title 39, Idaho Code.

46 (2) Separate offense. Each day an individual violates any of the provi-
47 sions of this chapter or rules and standards of conduct and practice as may be
48 adopted by the board shall constitute a separate offense.

49 (3) Proceedings.

1 (a) The executive director shall conduct such investigations and ini-
2 tiate such proceedings as necessary to ensure compliance with this
3 section. The board may accept the voluntary surrender of a license
4 from any nurse under investigation and accordingly enter an order re-
5 voking or suspending such license and/or imposing such conditions,
6 limitations, or restrictions on the practice of any such nurse as may
7 be appropriate in the discretion of the board. Otherwise, every person
8 subject to disciplinary proceedings shall be afforded an opportunity
9 for hearing after reasonable notice. All proceedings hereunder shall
10 be in accordance with chapter 52, title 67, Idaho Code.

11 (b) Hearings shall be conducted by the board or by persons appointed
12 by the board to conduct hearings and receive evidence. The board and
13 any person duly appointed by the board to conduct hearings shall have
14 all powers as are necessary and incident to orderly and effective re-
15 ceipt of evidence including, but not limited to, the power to administer
16 oaths and to compel by subpoena attendance of witnesses and production
17 of books, records and things at the hearing or at a deposition taken by a
18 party in accordance with the Idaho rules of civil procedure. Any party
19 shall be entitled to the use of subpoena upon application therefor.

20 (c) In the event any person fails to comply with a subpoena personally
21 served upon him or refuses to testify to any matter regarding which he
22 may be lawfully interrogated, the board shall petition the district
23 court in the county where such failure or refusal occurred or where
24 such person resides, to enforce such subpoena or compel such testimony.
25 Proceedings before the district court shall be for contempt in the same
26 nature as contempt of court for failure or refusal to comply with an
27 order of the court, and the court shall have the same powers to secure
28 compliance with subpoena and testimony or to impose penalties as in con-
29 tempt of court proceedings.

30 (4) Probation/Ssubsequent review. Any order of the board entered un-
31 der this section may be withheld or suspended for a probationary period to be
32 fixed by the board upon such terms and conditions as may be appropriate in or-
33 der to regulate, monitor and/or supervise the practice of nursing by the li-
34 censee subject to such order for the prescribed probationary period. Any or-
35 der of the board entered under this section may be withdrawn, reversed, mod-
36 ified or amended upon a showing by the person subject to the order that the
37 grounds for discipline no longer exist or that he is rehabilitated, quali-
38 fied and competent to practice nursing and that he is not likely to violate
39 this chapter or rules adopted hereunder in the future. The board may, as a
40 condition to withdrawal, reversal, modification or amendment of the order,
41 require the person to pay all or part of the costs incurred by the board in
42 proceedings upon which the order was entered.

43 (5) Reporting investigative information.

44 (a) Nothing in section 74-106(8) and (9), Idaho Code, shall be con-
45 strued as limiting the authority of the board to report current
46 significant investigative information to the coordinated licensure
47 information system for transmission to states that are parties to any
48 multistate agreements or compacts regarding nurse licensure.

1 (b) The executive director of the board may, in the administration of
2 this chapter, share information and otherwise cooperate with govern-
3 ment regulatory and law enforcement agencies.

4 SECTION 3. That Section 54-1814, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 54-1814. GROUNDS FOR MEDICAL DISCIPLINE. Every person licensed to
7 practice medicine, licensed to practice as a physician assistant or regis-
8 tered as an extern, intern or resident in this state is subject to discipline
9 by the board pursuant to the procedures set forth in this chapter and rules
10 promulgated pursuant thereto upon any of the following grounds:

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

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

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

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

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

23 (6) Performing or procuring an unlawful abortion or aiding or abetting
24 the performing or procuring of an unlawful abortion.

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

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

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

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

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

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

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

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

4 (15) Abandonment of a patient.

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

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

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

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

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

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

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

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

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

27 (25) Failure to comply with the requirements of the abortion complica-
28 tions reporting act, chapter 95, title 39, Idaho Code.