



IDAHO STATE BOARD OF MEDICINE

THE REPORT

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The Idaho Board of Medicine Position Statement - Appropriate Exceptions to Licensure Provided by Idaho Code § 54-1804 (1)(b)

The Idaho State Board of Medicine (Board) often receives requests for clarification of the appropriate exceptions to licensure provided by Idaho Code § 54-1804 (1)(b).

Idaho Code § 54-1804 (1)(b) allows physicians, not holding an Idaho medical license, who reside "in another state or country and authorized to practice medicine there, . . . [to be] called in consultation by [an Idaho licensed physician], or who for the purpose of furthering medical education is invited into this state to conduct a lecture, clinic, or demonstration, . . . , so long as [the physician] does not open an office or appoint a place to meet patients or receive calls in" Idaho. (Emphasis added.)

Under the circumstances described and subject in each case to particular limitations, it is the Board's interpretation that a physician licensed in another state or country may be personally called "in consultation by" an Idaho licensed physician for the sole purpose of assisting in medical care of a single patient of the Idaho licensed physician. Assisting in such medical care may include investigational or diagnostic collaboration with the Idaho licensed physician.

Assisting in such medical care does not include, but is not limited to, administering a remedy; diagnostic procedure; treatment; correction or prescribing for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality. While consulting, the consulting physician, licensed in another state or country, may not personally provide any medical care to a patient of an Idaho licensed physician. Under the circumstances described and subject in each case to particular limitations, it is the Board's interpretation that a physician licensed in another state or country for the sole purpose of furthering medical education may be invited into Idaho to conduct a single lecture, clinic, or demonstration.

Conducting a lecture, clinic, or demonstration may not include, but is not limited to, opening an office; appointing a place to meet patients; receiving calls in Idaho; administering a remedy; diagnostic procedure; treatment; correction or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality or personally providing medical care to any patient in Idaho. An Idaho patient should provide written informed consent to a consultation provided by a physician licensed in another state or country in the setting of a clinic or demonstration.

Idaho Code § 54-1804.UNLICENSED PRACTICE -- PENALTIES AND REMEDIES RELATING TO UNLICENSED PRACTICE provides, in part:

(1) Under the circumstances described and subject in each case to limitations stated, the following persons, though not holding a license to practice medicine in this state, may engage in activities included in the practice of medicine: . . .

(Continued on next page)

(b) A person residing in another state or country and authorized to practice medicine there, who is called in consultation by a person licensed in this state to practice medicine, or who for the purpose of furthering medical education is invited into this state to conduct a lecture, clinic, or demonstration, while engaged in activities in connection with the consultation, lecture, clinic, or demonstration, so long as he does not open an office or appoint a place to meet patients or receive calls in this state;

Idaho Code § 54-1814. GROUND FOR MEDICAL DISCIPLINE provides, in part:

Every person licensed to practice medicine, licensed to practice as a physician assistant or registered as an extern, intern or resident in this state is subject to discipline by the board pursuant to the procedures set forth in this chapter and rules promulgated pursuant thereto upon any of the following grounds:

...

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

...

Idaho Code § 54-1804(2) makes it a felony to practice in the State of Idaho without a license. In addition, Idaho Code § 54-1806(5) authorizes the Board to pursue injunctive relief to prohibit any unlawful practice of medicine.

The Board is pleased to welcome::

Alta Graham, Public Member, Board of Athletic Trainers

Magen Schmidt , PA, Professional Member, Physician Assistant Advisory Committee

Supervising Physician and Physician Assistants

The Board of Medicine recently conducted an audit of supervising physicians and physician assistants reviewing the registration of supervising physicians and the personnel that they are responsible for supervising. The results of the audit showed that 14 percent of supervising physicians and physician assistants did not have a current correct registration information on file with the Board.

IDAPA 22.01.03.37.02 Rules for the Licensure of Physician Assistants requires:

02. Grounds for Discipline. In addition to the grounds for discipline set forth in Section 54-1814, Idaho Code and IDAPA 22.01.01, "Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho," Section 101, persons licensed under these rules are subject to discipline upon the following grounds if that person::

g. Failed to notify the Board of a change or addition of a supervising or alternate supervising physician within two (2) weeks of the change as specified by Subsection 037.03; (3-16-04)

03. Notification of Change or Addition of Supervising or Alternate Supervising Physician. A physician assistant or graduate physician assistant must notify the Board within two (2) weeks upon changing supervising physicians or alternate supervising physicians or adding an additional supervising physician.

Such notification shall include: (3-16-04)

a. The name, business address and telephone of the new or additional supervising physician or alternate supervising physician (s); (3-16-04)

b. The name, business address, and telephone number of the physician assistant or graduate physician assistant; and (3-16-04)

c. Comply with the requirements of Subsection 030.03. (3-16-04)

d. All supervising physicians and alternate supervising physicians must comply with the requirements of IDAPA 22.01.04, "Rules of the Board of Medicine for Registration of Supervising and Directing Physicians." (3-16-04)

IDAPA 22.01.04.30.02 Rules of the Board of Medicine for the Registration of Supervising & Directing Physicians requires:

02. Notification. The supervising and directing physician must notify the Board of any change in the status of any physician assistant, graduate physician assistant, athletic trainer or medical personnel for whom he is responsible, including, but not limited to, changes in location, duties, responsibilities, or supervision, or termination of employment within thirty (30) days of such event. (3-19-07)

Forms and information regarding notification are available on the [Idaho Board of Medicine Web](#) site

BOARD ACTIONS**PLEASE NOTE**

Some physicians have similar names, please verify information by license number on our web site.

Details of disciplinary actions are available on the Board of Medicine web site

Alex Brown, MD M-11060

Scottsdale AZ

Board Action: Fine

Adrienne Robertson, MD M-11130

Eagle ID

Board Action: Fine

Michael Applebaum, MD M-5597

Nampa ID

Board Action: License Revoked

Matthew Black, DO O-0477

Boise ID

Board Action: License Suspended

Lindsey Scott, PA PA-525

Pocatello ID

Board Action: Formal Reprimand

Jeffrey Ellis, RT LRT-1511

Idaho Falls ID

Board Action: Stipulation and Order

Explanation of terms:

- Stipulation: an agreement, admission, or concession.
- Stipulation and Order: an agreement between the Board and the practitioner regarding authorization to practice or placing terms or conditions on the authorization to practice.
- Suspension: temporary withdrawal of authorization to practice.
- Reprimand: a formal admonishment of conduct or practice.
- Revocation: cancellation of the authorization to practice.

YEAR TO DATE TOTALS

Complaints-200

Investigations-124

Letters of Concern-5

Stipulation and Order-5

License Surrendered/Suspension-2

Fine- 2

Totals are for all professions

licensed by the Board

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Board meetings are posted on the [Idaho Board of Medicine web site](#)

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