

BOARD INTERPRETATION REGARDING PATHOLOGY STUDIES

The Board often receives requests on whether physicians who regularly perform pathology tests on samples taken in Idaho on Idaho patients by Idaho physicians must have an Idaho license. It is the Board's interpretation that an Idaho license is required if the physician performing pathology tests renders a diagnosis for inclusion in the patient's medical record at the request of the treating physician licensed in Idaho. An Idaho license is not required for pathology tests which merely report lab values.

The Medical Practice Act, Idaho Code §54-1803(1), defines the practice of medicine as follows:

The "practice of medicine" means:

- (a) To investigate, diagnose, treat, correct, or prescribe for any human disease, ailment, injury, infirmity, deformity, or other condition, physical or mental, by any means or instrumentality, or
- (b) To apply principles or techniques of medical science in the prevention of any of the conditions listed in subsection (a) of this section, or
- (c) To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections (a) and (b) of this section.

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.

Idaho Code §54-1804 creates certain limited exceptions from the need for an Idaho license. Idaho Code §54-1804(b) states:

A person residing in another state or country and authorized to practice medicine there, who is called in consultation by a person license in this state to practice medicine, or who for the purpose of furthering medical education is invited into this state to conduce 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.

Based upon these statutory provisions, it is the interpretation of the Idaho State Board of Medicine that a physician performing pathology tests on samples taken in the State of Idaho on Idaho patients by an Idaho physician must have an Idaho license to practice medicine if the physician performing pathology tests is rendering a diagnosis for inclusion in the patient's medical chart unless the pathology tests are sent to an out-of- state physician directly by an Idaho licensed physician to obtain consultation on an individual patient.