

STATEMENT OF PURPOSE

RS29103 / #billnum

This proposed legislation would protect doctors, physician assistants, advanced practice registered nurses and pharmacists from disciplinary action by licensing boards regarding the prescribing of off-label drugs to their patients.

FISCAL NOTE

There is no fiscal impact to the general fund.

Contact:

Representative Gayann DeMordaunt
(208) 332-1000

DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).

66666

LEGISLATURE OF THE STATE OF IDAHO

66666

Sixty-sixth Legislature

First Regular Session - 2021

IN THE _____

BILL NO. _____

BY _____

1 AN ACT

2 RELATING TO OCCUPATIONAL LICENSING; AMENDING TITLE 67, IDAHO CODE, BY THE
3 ADDITION OF A NEW CHAPTER 97, TITLE 67, IDAHO CODE, TO PROVIDE A SHORT
4 TITLE, TO DEFINE TERMS, AND TO PROVIDE CERTAIN LICENSING PROTECTION FOR
5 PHYSICIANS, PHYSICIAN ASSISTANTS, NURSES, AND PHARMACISTS; PROVIDING
6 SEVERABILITY; AND DECLARING AN EMERGENCY.

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

8 SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended
9 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-
10 ter 97, Title 67, Idaho Code, and to read as follows:

11 CHAPTER 97

12 LICENSING PROTECTION FOR PHYSICIANS, PHYSICIAN ASSISTANTS, NURSES, AND
13 PHARMACISTS14 67-9701. SHORT TITLE. This chapter shall be known and may be cited as
15 the "Licensing Protection for Physicians, Physician Assistants, Nurses, and
16 Pharmacists Act."

17 67-9702. DEFINITIONS. As used in this chapter:

18 (1) "Advanced practice registered nurse" means a clinical nurse spe-
19 cialist or a certified nurse practitioner with prescriptive authority pur-
20 suant to chapter 14, title 54, Idaho Code.21 (2) "COVID-19" means the novel coronavirus, SARS-CoV-2, and corona-
22 virus disease 2019, including a mutation or variant of the novel corona-
23 virus, SARS-CoV-2, and coronavirus disease 2019.24 (3) "Licensing authority" means any agency, bureau, commission, de-
25 partment, division, or professional or occupational licensing board charged
26 with granting, suspending, or revoking the license, certificate, registra-
27 tion, permit, or other authorization of any person to practice a profession
28 or occupation, including but not limited to the professional and occupa-
29 tional licensing boards within the department of self-governing agencies.30 (4) "Pharmacist" means an individual licensed pursuant to chapter 17,
31 title 54, Idaho Code, to engage in the practice of pharmacy or a pharmacist
32 registered by this state who is located in another state, territory, or the
33 District of Columbia and engaged in the practice of pharmacy into Idaho, un-
34 less exempted.35 (5) "Physician" means any person who holds a license to practice
36 medicine and surgery, osteopathic medicine and surgery, or osteopathic
37 medicine pursuant to chapter 18, title 54, Idaho Code.38 (6) "Physician assistant" means any person licensed by the Idaho board
39 of medicine to render patient services under the direction of a supervising

1 and alternate supervising physician pursuant to chapter 18, title 54, Idaho
2 Code.

3 67-9703. LICENSING PROTECTION. (1) A licensing authority shall not
4 revoke, fail to renew, suspend, or take an action against a physician's,
5 physician assistant's, or advanced practice registered nurse's license
6 based solely on the physician's, physician assistant's, or advanced prac-
7 tice registered nurse's recommendation to a patient regarding treatment for
8 COVID-19, including the prescribing of a drug that the United States food
9 and drug administration (FDA) has not approved to treat COVID-19, as long as
10 the physician, physician assistant, or advanced practice registered nurse
11 exercised independent medical judgment and believes that the medical treat-
12 ment is in the best interest of the patient and the patient provides written,
13 informed consent.

14 (2) A pharmacist shall not block or attempt to block a patient's access
15 to a drug prescribed by a physician, physician assistant, or advanced prac-
16 tice registered nurse on the basis that the FDA has not approved such drug to
17 treat COVID-19.

18 (3) A licensing authority shall not revoke, fail to renew, suspend, or
19 take an action against a pharmacist's license based solely on the pharma-
20 cist's dispensing of a drug prescribed by a physician, physician assistant,
21 or advanced practice registered nurse that the FDA has not approved to treat
22 COVID-19.

23 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
24 to be severable, and if any provision of this act or the application of such
25 provision to any person or circumstance is declared invalid for any reason,
26 such declaration shall not affect the validity of the remaining portions of
27 this act.

28 SECTION 3. An emergency existing therefor, which emergency is hereby
29 declared to exist, this act shall be in full force and effect on and after its
30 passage and approval.