

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:

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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).

LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

IN THE _____

BILL NO. _____

BY _____

AN ACT

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

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

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

CHAPTER 97

LICENSING PROTECTION FOR PHYSICIANS, PHYSICIAN ASSISTANTS, NURSES, AND PHARMACISTS

67-9701. SHORT TITLE. This chapter shall be known and may be cited as the "Licensing Protection for Physicians, Physician Assistants, Nurses, and Pharmacists Act."

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

(1) "Advanced practice registered nurse" means a clinical nurse specialist or a certified nurse practitioner with prescriptive authority pursuant to chapter 14, title 54, Idaho Code.

(2) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, including a mutation or variant of the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019.

(3) "Licensing authority" means any agency, bureau, commission, department, division, or professional or occupational licensing board charged with granting, suspending, or revoking the license, certificate, registration, permit, or other authorization of any person to practice a profession or occupation, including but not limited to the professional and occupational licensing boards within the department of self-governing agencies.

(4) "Pharmacist" means an individual licensed pursuant to chapter 17, title 54, Idaho Code, to engage in the practice of pharmacy or a pharmacist registered by this state who is located in another state, territory, or the District of Columbia and engaged in the practice of pharmacy into Idaho, unless exempted.

(5) "Physician" means any person who holds a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine pursuant to chapter 18, title 54, Idaho Code.

(6) "Physician assistant" means any person licensed by the Idaho board 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.