

## IDAPA 22 - BOARD OF MEDICINE

### 22.01.02 - RULES OF THE BOARD OF MEDICINE FOR THE REGISTRATION OF EXTERNS, INTERNS, AND RESIDENTS

#### DOCKET NO. 22-0102-1201 (FEE RULE)

#### NOTICE OF RULEMAKING - PROPOSED RULE

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-1806 (2) and (11), 54-1806A, 54-1812, 54-1813 (2) and 54-1814, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be held as follows:

**December 7, 2012**

**3:00 - 4:00 p.m.**

**Ameritel Inn Towne Square  
7965 West Emerald Street, Boise, Idaho**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of this proposed rulemaking includes updating and clarifying the registration process; enhancing definitions, delimiting duration of registration and improving the registration fee schedule to minimize costs for issuance and renewal of registrations.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased:

Authority for imposition of fees is found in Sections 54-1806 and 54-1806A (4), Idaho Code.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted. The Board received input and comments from its constituents and licensees.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 24, 2012.

DATED this 21<sup>st</sup> of August, 2012.

Nancy M. Kerr, Executive Director  
Idaho State Board of Medicine  
1755 Westgate Drive, Ste. 140, Boise, ID

PO Box 83720 Boise, ID 83720-0058  
Phone: (208) 327-7000 Fax: (208) 327-7005

**THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 22-0102-1201**

**006. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The central office of the Board of Medicine will be in Boise, Idaho. The Board's mailing address, unless otherwise indicated, will be Idaho State Board of Medicine, P.O. Box 83720, Boise, Idaho 83720-0058. The Board's street address is 1755 Westgate Drive, Suite 140, Boise, Idaho 83704. The telephone number of the Board is (208) 327-7000. The Board's facsimile (FAX) number is (208) 327-7005. The Board's web site is [www.bom.state.id.us/idaho.gov](http://www.bom.state.id.us/idaho.gov). The Board's office hours for filing documents are 8 a.m. to 5 p.m. MST.

(3-26-08)( )

**007. FILING OF DOCUMENTS -- NUMBER OF COPIES.**

All documents in rulemaking or contested case proceedings must be filed with the office of the Board. The original and ~~ten~~ one (1) electronic copies of all documents must be filed with the office of the Board.

(3-26-08)( )

**(BREAK IN CONTINUITY OF SECTIONS)**

**010. DEFINITIONS.**

**01.** ~~Acceptable Post Graduate Training Program. A post graduate medical training program or course of medical study which has been approved by the Accreditation Council for Graduate Medical Education (ACGME) or American Osteopathic Association.~~ **Acceptable School of Medicine.** A medical school or college of osteopathic medicine located within the United States accredited by the Liaison Committee on Medical Education (LCME), Joint Committee of the Association of American Medical Colleges (AAMC) and the American Medical Association (AMA) or the American Osteopathic Association (AOA).

(3-26-08)( )

**02.** ~~Acceptable Training Program. A medical training program or course of medical study which has been approved by the Liaison Committee for Medical Education (LCME), Council on Medical Education or American Osteopathic Association.~~ **Acceptable International School of Medicine.** An international medical school located outside the United States or Canada which meets the standards for medical educational facilities set forth in Subsection 051.02, provides the scope and content of the education and coursework that are equivalent to acceptable schools of medicine located within the United States or Canada and satisfies the Educational Commission for Foreign Medical Graduates' (ECFMG) requirements to provide direct verification and certification status of its international medical graduates.

(3-26-08)( )

**03.** ~~Acceptable Post Graduate Training Program. A post graduate medical training program or course of medical study which has been approved by the Accreditation Council for Graduate Medical Education (ACGME) or American Osteopathic Association.~~ **Acceptable Training Program.** A medical training program or course of medical study which has been approved by the Liaison Committee for Medical Education (LCME), Council on Medical Education or American Osteopathic Association (AOA).

(3-26-08)( )

**04.** **Acceptable Post Graduate Training Program.** A post graduate medical training program or course of medical study which has been approved by the Accreditation Council for Graduate Medical Education (ACGME) or American Osteopathic Association (AOA). ( )

**045.** **Accreditation Council for Graduate Medical Education (ACGME).** A nationally recognized accrediting authority responsible for accreditation of post-Doctor of Medicine medical training programs within the

United States or its successor. (3-26-08)

**056. Alternate Supervising Physician.** A physician currently licensed to practice medicine and surgery or licensed to practice osteopathic medicine and surgery in Idaho who has been designated by the supervising physician and approved by the Board who is responsible for the direction and supervision of the extern, intern, or resident in the temporary absence of the supervising physician. (3-26-08)

**067. Board.** The Idaho State Board of Medicine. (3-15-78)

**078. Educational Commission for Foreign Medical Graduates (ECFMG).** A nationally recognized non-profit organization that certifies international medical graduates who seek to enter United States residency and fellowship programs and conducts the Clinical Skills Assessment (CSA) or its successor. (3-26-08)

**089. Extern or Student.** A bona fide student enrolled in an acceptable school of medicine as defined in 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," Subsection 010.01 or 010.02, who has not received his degree. (~~3-26-08~~)( )

~~0910.~~ **Intern or Resident.** Any person who has completed a course of study at an acceptable school of medicine as defined in 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," Subsection 010.01 or 010.02, but is not yet licensed to practice medicine and who is enrolled in an acceptable postgraduate medical training program. (~~3-26-08~~)( )

**101. Liaison Committee on Medical Education (LCME).** An internationally recognized accrediting authority, sponsored by the Association of American Medical Colleges and the American Medical Association, for medical education programs leading to a Doctor of Medicine degree in United States and Canadian medical schools or its successor. (3-26-08)

~~112.~~ **Original Certificate or Document.** An original document itself or a certified copy thereof issued by the agency or institution and mailed or delivered directly from the source to the Board or a Board approved credential verification service. (3-26-08)

**123. Person.** A natural, living human individual. (3-26-08)

~~134.~~ **Supervising Physician.** A physician approved by the Board who holds a current active license to practice medicine and surgery or osteopathic medicine and surgery in Idaho, in good standing with no restrictions upon or actions taken against his license, who signs the application for registration of a extern, intern or resident, and who is responsible for the direction and supervision of their activities. (3-26-08)

**011. -- 015. (RESERVED)**

**016. REQUIREMENTS FOR REGISTRATION OF EXTERNS, INTERNS, AND RESIDENTS.**

**01. Residence.** No period of residence in Idaho shall be required of any applicant, however, each applicant for registration must be legally able to work and live in the United States. Original documentation of lawful presence in the United States must be provided upon request only. The Board shall refuse to issue a registration or renew a registration if the applicant is not lawfully present in the United States. (3-26-08)

**02. English Language.** Each applicant shall speak, write, read, understand and be understood in the English language. Evidence of proficiency in the English language must be provided upon request only. (3-26-08)

**03. Application.** Each extern, intern or resident intending to commence activities in the state of Idaho which may involve activities constituting the practice of medicine, must submit a completed registration application to the Board on forms furnished by the Board and be issued a registration certificate prior to the commencement of any such activities. Any diploma or other document required to be submitted to the Board which is not in the English language must be accompanied by a certified translation thereof into English. The application form shall be verified and shall require the following information: (3-26-08)

- a. Personal identification information and the educational background of the extern, intern or resident including his college education, medical school education and any postgraduate training programs; (3-26-08)
- b. The disclosure of any criminal convictions, criminal charges, medical disciplinary actions or medical malpractice actions, whatever the outcome, involving the extern, intern, or resident; (3-15-78)( )
- c. A complete description of the program or course of study in the acceptable training program or acceptable post graduate training program the applicant intends to follow, including documentation of the liability coverage to be provided to the applicant; (3-26-08)
- d. The name and address of the supervising physician and alternate supervising physician and the location of the program or course of study; (3-15-78)
- e. The signature by the supervising physician and alternate supervising physician by which they acknowledge and accept responsibility for the activities of the extern, intern, or resident; (3-15-78)
- f. An original certificate or document confirming ECFMG certification of the international medical graduate; ~~and~~ (3-26-08)( )
- g. ~~Such other information as the Board deems relevant in reviewing the registration application. A copy of the applicant's birth certificate or current passport; and~~ (3-15-78)( )
- h. Such other information as the Board deems relevant in reviewing the registration application. ( )

**017. GENERAL PROVISIONS FOR REGISTRATION.**

- 01. Character.** The Board may refuse to issue or renew registration ~~or to renew registration~~ if it finds that the applicant has engaged in conduct prohibited by Section 54-1814, Idaho Code; provided the Board shall take into consideration the rehabilitation of the applicant and other mitigating circumstances. (3-26-08)( )
- 02. No Action on Application.** An application upon which the applicant takes no further action will be held for no longer than one (1) year. (3-26-08)
- 03. Registration Certificate.** Upon approval of the registration application, the Board may issue a registration certificate which shall set forth the period during which the registrant may engage in activities which may involve the practice of medicine. Each registration shall be issued for a period of not less than one (1) ~~day or more than three (3) years~~ and shall set forth its expiration date on the face of the certificate. Each registration shall identify the supervising physician and alternate supervising physician. Each registrant shall notify the Board in writing of any change of the supervising physician, alternate supervising physician or the program or course of study fourteen (14) days prior to any such change. If the Board deems the intern or resident qualified, and if the course study requires, the Board may additionally certify on the registration certificate that the intern or resident is qualified to write prescriptions for Class III through Class V scheduled medications. (3-26-08)( )
- 04. Termination of Registration.** The registration of an extern, intern or resident may be terminated, suspended or made conditional by the Board on the grounds set forth in Section 54-1814, Idaho Code, and under the procedures set forth in Section 54-1806A, Idaho Code. (3-15-78)
- 05. Extension Annual Renewal of Registration.** Each registration ~~may shall~~ be ~~extended one (1) time and may be extended prior to its expiration date upon approval of a written request to the Board renewed annually prior to its expiration date.~~ Any rRegistrations not ~~extended renewed~~ by ~~their its~~ expiration date shall be canceled. (3-26-08)( )
- 06. Notification of Change.** ~~Externs, interns and residents must~~ Each registrant shall notify the Board in writing of any adverse action or termination, whatever the outcome, from any training program or post graduate training program and any name changes within ~~thirty fourteen (30)14~~ days of such event. (3-26-08)( )

**07. Disclosure.** It shall be the responsibility of each registrant to ensure that every patient is aware of the fact that such extern, intern and resident is currently enrolled in a training program or post graduate training program and under the supervision of a licensed physician. This disclosure requirement can be fulfilled by the use of name tags, correspondence, oral statements or such other procedures that under the involved circumstances adequately advise the patient of the education and training of the extern, intern and resident. (3-26-08)

**018. FEES.**

**01. Registration Fee.** The nonrefundable registration issuance fee shall be no more than twenty-five dollars (\$25). (~~3-26-08~~)(    )

**02. Annual Renewal of Registration Fee.** The nonrefundable registration annual renewal fee shall be no more than twenty-five dollars (\$25). (    )

**023. Other.** Administrative fees for services, including photocopying and review of records shall be billed on the basis of time and charges. (~~3-15-78~~)(    )