

# **EXCERPTS FROM TITLE 54**

<http://legislature.idaho.gov/idstat/Title54/T54CH18SECT54-1804.htm>

## **PROFESSIONS, VOCATIONS, AND BUSINESSES**

### **CHAPTER 18**

#### **PHYSICIANS AND SURGEONS**

**54-1804.UNLICENSED PRACTICE -- PENALTIES AND REMEDIES RELATING TO UNLICENSED PRACTICE. (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:**

.....

**(j) A person who administers treatment or provides advice regarding the human body and its functions that:**

- (i) Does not use legend drugs or prescription drugs in such practice;**
- (ii) Uses natural elements such as air, heat, water and light;**
- (iii) Only uses class I or class II nonprescription, approved, medical devices as defined in tele-54section 513 of the federal food, drug and cosmetic act;**
- (iv) Only uses vitamins, minerals, herbs, natural food products and their extracts, and nutritional supplements; and who**
- (v) Does not perform surgery;**
- (vi) Requires each person receiving services to sign a declaration of informed consent which includes an overview of the health care provider's education which states that the health care provider is not an "M.D." or "D.O." and is not licensed under the provisions of this chapter.**

.....

**(3) Except as provided in subsections (1)(a), (1)(b), and (1)(c) above, it is unlawful for any person to assume or use the title or designation "medical doctor," "medical physician," "osteopathic doctor," "osteopathic physician," "M.D." or "D.O." or any other title, designation, words, letters, abbreviation, sign, card, or device to indicate to the public that such person is licensed to practice medicine pursuant to this chapter unless such person is so licensed, and upon conviction thereof, such person shall be imprisoned not to exceed**

**one (1) year, or shall be fined not more than three thousand dollars (\$3,000), or shall be punished by both fine and imprisonment.**

**(4) When a person has been the recipient of services constituting the unlawful practice of medicine, whether or not he knew the rendition of the services was unlawful, proof of the rendition of such unlawful services by the recipient or his personal representative in an action against the provider of such services for damages allegedly caused by the services constitutes prima facie evidence of negligence shifting the burden of proof to such provider of unlawful services. The following damages in addition to any other remedies provided by law may be recovered in such an action:**

**(a) The amount of any fees paid for the unlawful services.**

**(b) Reasonable attorney fees and court costs.**

**(5) The board shall refer all violations of this section made known to it to appropriate prosecuting attorneys. The board may render assistance to a prosecuting attorney in the prosecution of a case pursuant to this section.**