

Idaho Academy of Family Physicians

2021 Legislative Report

Week 3: January 25 – January 29

Education Week in JFAC: Graduate Medical Education Program presentations

Week 3 of the legislative session included budget presentations in the Joint Finance and Appropriations Committee (JFAC) by the various Medical Education programs in the state. Dr. Seegmiller did a presentation for the WWAMI program on Monday, Dr. Woodhouse presented on behalf of the Family Medicine Residencies, Dr. Blake on behalf of the Eastern Idaho residency program, and Dr's Chan and Botts for the University of Utah programs, all on Tuesday. On Friday, Dr. Hagman presented for the Boise Internal Medicine program and Dr. Aaland on behalf of the Psychiatry Residency program.

As usual, all of the presenters did a great job of tying together the “pipeline” concept of physician education (most of the veteran members of JFAC are grasping the concept from this now familiar refrain). It also appears that the legislature has committed to the ten-year GME growth plan, now in its fourth year.

The JFAC committee makes no specific decisions on the budgets until later in the session. These presentations are an opportunity for the various programs to make their pitch for funding, a review of previous year's budgets, and addressing this year's request and Governor's recommendations. Actual budget-setting will not begin until the week of February 19.

Continued Focus on rolling back public health orders.

The legislature remains obsessed with curbing the Governor's powers, ending the COVID state of emergency, pulling back public health restrictions, or a combination of all three.

The legislature is finally understanding that to do any or all of these things is a delicate task, and not as clean as they thought it would be. A couple bills introduced earlier in the session have been pulled back. A new bill curbing the

power and authority of public health districts was introduced this week and more are expected. The IAFP has sent a letter to the legislature expressing our concern about these efforts.

New Bills of interest introduced this week:

H033: Public Health Districts by Rep. Blanksma

Allows county commissioners to review (and possibly reject) any actions of District Board of Health, makes the first two violations of any public health order an infraction rather than a misdemeanor, specifies that the Director of Health and Welfare may only enforce a quarantine or isolation order for 30 days after which an extension may be granted by the City or County that is affected.

Status: introduced in House Health and Welfare on January 25, awaiting hearing

H034: Health Ordinances, City Limits by Rep. Mitchell

This removes a provision that extends a city's health ordinance application to a geographical area within five miles of city limits. Thus makes any such ordinances effective only within the boundaries of the city limits.

Status: Introduced January 25 in House Health and Welfare, awaiting hearing.

H038: Telehealth, Prescribing by Div. of Occupational and Professional Licenses

Clarifies the requirements necessary for prescribing medications via telehealth, expanding beyond the current limitations of the act and in alignment with the current allowances with COVID-19 emergency.

Status: introduced January 25 in House Health and Welfare, awaiting hearing.

H039: Controlled Substances, authority by Div. of Occupational and Professional Licenses

Places the Prescription Drug Monitoring Program into the Division of Occupational and Professional Licenses, streamlining it's use and potentially making it more effective in monitoring the opioid challenges. (Note: a wholesale consolidation effort is underway by a Governor's Executive order that places all oversight boards and commissions under a single state agency – including Board of Medicine, Board of Nursing, etc.)

Status: Introduced January 25 in House Health and Welfare, awaiting hearing.

H040: Pharmacy Act by Div. of Occupational and Professional Licenses

Updates and modernizes the Pharmacy Act removing unnecessary language and making technical corrections. This bill also clarifies the definitions of pharmacist prescribing to make permanent restrictions waived during the COVID-19 pandemic.

Status: Introduced January 25 in House Health and Welfare, awaiting hearing.

H042: Idaho Patient Act, time extension by Rep. Monks, IMA, IHA

This bill allows for a time extension to July 1, 2021 for implementation of the Act. It originally was to go into effect January 1, 2021, but due to COVID delays and other reasons, effective date has been extended.

Status: Passed out of House Business on January 28, awaiting action by the full House, had been Introduced on January 16.

H056: Abortion by Rep's. Scott and Nate

This proposal ends all legal abortion in the state of Idaho with no exceptions.

Status: Introduced in House Ways and Means Committee on January 28, awaiting full hearing.

H063: Vaccinations by Rep. Nichols

This bill proclaims that neither the Governor, nor any agency or political subdivision of the state may adopt or enforce a mandate that orders the vaccination, immunization, genetic modulation, or inoculation of any person. Likewise, the same applies to an order of isolation or quarantine based solely or primarily upon the vaccination status of any person.

Status: Introduced in House Ways and Means Committee on January 28, awaiting full hearing.

Senate RS 28372: Emergency Declaration restrictions by Sen. Vick

This bill would eliminate the Stage 2 public health restrictions put into place by the Governor's Executive Order and COVID Emergency Declaration. It would repeal limits on gatherings and restrictions in restaurants, bars, etc., put into place to slow the spread of COVID.

Status: Introduced in Senate State Affairs Friday January 22, awaiting full committee hearing. (Note: the proposal still has not been assigned a bill number as of this writing)

Previously introduced Legislation:

S1016: Respiratory Therapy Practice Act – by Division of Occupational and Professional Licenses

Completely re-works and updates the Respiratory Therapy Practices Act which was last updated in 2003. Aligns Act better to current respiratory practice, deletes outdated and redundant language, removes barriers to licensure, and generally cleans up and streamlines the Act.

Status: NO ACTION THIS WEEK. Introduced in Senate Health and Welfare on Jan. 20, awaiting full hearing.

S1017: Controlled Substances – by Division of Occupational and Professional Licenses

Annual bill to align state law with changes made by the Drug Enforcement Agency changes to controlled substance scheduling.

Status: Passed Senate Health and Welfare on Jan. 28, awaiting action by full Senate. Had been introduced on Jan 20.

SJR101: Psychoactive Drugs – by Sen. Grow

This is a proposed Constitutional Amendment to imbed into the Constitution the current state statute outlawing the use of Marijuana, certain opioid drugs, methamphetamine, etc.

Status: Passed Senate State Affairs committee on Jan 22, awaiting action by full Senate. Requires 2/3 majority to pass.

H0017: Public Funds for Abortion – by Rep. Skaug, Sen. Zito

Ensures that taxpayer money does not support the abortion industry. Prohibits public contracting with an abortion provider, prohibits use of any public asset or employee to procure, counsel in favor, refer to, or perform an abortion. Applies

to all units of government in Idaho including State, County, municipal, public health districts and public school districts.

Status: NO ACTION THIS WEEK. introduced in House State Affairs committee on Jan 21, awaiting full hearing.

H0001: Disasters, Governor's Powers, by Rep. Jason Monks

This bill ensures that all Idahoans have the right to work, provide for their families, and contribute to the economy during any emergency disaster declaration. It limits the length of an emergency disaster declarations to 30 days unless extended by a resolution of the legislature. Ensures the right to assemble for worship. And terminates all disaster declarations that have existed for more than 30 days.

Status: DEAD. HELD in committee to be replaced byH016l. Had been introduced in House State Affairs Committee on January 12.

HCR 001*: Disaster Declaration Ended, by Rep. Heather Scott

This concurrent resolution ends the existing state of disaster emergency in the state.

Status: NO ACTION THIS WEEK. Introduced in House State Affairs committee on January 12, awaiting hearing.

HCR 002*: Gatherings, Group size, by Rep. Brent Crane

Eliminates the restrictions of gatherings limited to 10 or more people under the Governor's Emergency Disaster Declaration.

Status: Passed House 55-15 on January 25. Now to Senate State Affairs committee for consideration. Passed House State Affairs committee Jan 19. Had been introduced on January 13.

S1001: Disaster, definition: by Senate GOP Leadership

Clarifies the definition of the word "disaster", deletes the word "during" and replaces it with "arising out of" in order to address funding allocation into the Disaster Emergency Account.

Status: NO ACTION THIS WEEK. Introduced in Senate State Affairs Committee on January 13.

S1002: Disaster, payments: by Senator Chuck Winder

Intent is to ensure an emergency declaration may end while preserving the state's ability to continue receiving funds to assist in the state's recovery to such disaster.

Status: NO ACTION THIS WEEK. Introduced in Senate State Affairs committee on January 13, awaiting hearing.

S1003: Martial law, Governor's Authority, by Sen Chuck Winder and Speaker Scott Bedke

Renames extreme emergencies as extreme peril; limits application to human caused conditions; prohibits restrictions on the right to work; limits duration of extreme peril and sets parameters for extension; prohibits limiting or suspending the rights of citizens; prohibits suspension of statutes by the Governor.

Status: NO ACTION THIS WEEK. Introduced in Senate State Affairs Committee January 13, awaiting hearing

SCR 101*: Disaster emergency terminated, by Sen. Chuck Winder and Senate GOP leadership

Would immediately terminate the COVID-19 Emergency Orders issued by the Governor while maintaining declarations necessary to keep federal funding available for Idaho's military, first responders, health care providers, and communities.

Status: Returned to State Affairs committee from the Senate floor on January 21. It is essentially dead for the year. Had passed out of committee on Jan. 19, Had been Introduced in Senate State Affairs Committee January 13.

*Note: Concurrent Resolutions (HCR, SCR) express the will of the legislature and do not require the signature of the Governor (thus he cannot VETO either).

We will continue to track activity of interest to IAFFP and provide weekly reports throughout the session. We stand ready to answer any questions you may have.

Thanks,
Ken Burgess, Partner
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