

Idaho Academy of Family Physicians

2021 Legislative Report

Week 4: February 1 – February 5

Medicaid Budget in JFAC: Governor withdraws \$30 million “savings” request

Week 4 of the legislative session included budget presentations in the Joint Finance and Appropriations Committee (JFAC) by the Department of Health and Welfare and all their various programs. The most newsworthy item is that the Governor withdrew his request to find \$30 million in “cost containment” within the Medicaid program this year. Coupled with loss of Federal matching funds, the Program would have faced a \$118 million cut for next year.

The reason for withdrawing the request is the Biden Administration has extended, until the end of the calendar year, an increase of an additional 6.2% in federal matching funds to help states deal with the COVID pandemic. That amounts to roughly \$28 million additional. The Department and budget analysts are having a difficulty determining how much of the increased Medicaid costs are due to Medicaid expansion versus impact of the pandemic. Expect the Medicaid cost discussions to continue, and the prospects of more requested “cost containment” next year, for sure, including potential cuts to provider payment rates.

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.

More on rolling back public health orders.

There have now been a dozen bills introduced to curb Governor’s powers, end the COVID state of emergency, pull back public health restrictions, or a combination of all three. All but three of those proposals are now effectively dead. The latest concept would require counties within the boundaries of a public health district to “ratify” any restrictive recommendations from the public health board.

New Bills of interest introduced this week:

S1060: Public Health Orders by Senator Vick

Requires county-wide or district-wide orders of a public health district to be approved or denied by the county commission in which those orders would be in effect.

Status: introduced in Senate State Affairs Committee on Feb. 5, awaiting full committee debate.

S1054: Martial law by Sens. Anthon and Winder

Provides limitations on the amount of time the Governor may maintain a declaration of extreme peril without the concurrence of the legislature, declares all Idaho workers as essential, reaffirms legislature's authority to end emergency declarations.

Status: introduced in Senate State Affairs Committee on Feb. 5, awaiting full committee debate.

HCR005: Gathering limitations by Reps. Crane and Ehart

States the position of the legislature that they are supportive of removing all barriers to gatherings and participation, including High School Activities Association state tournaments.

Status: Introduced in House State Affairs Committee on Feb 5, awaiting committee action.

H098: Disaster Emergencies by Rep. Monks

Ensures that all Idahoans have the right to work during an emergency. Limits length of disaster declarations to 60 days without approval of the legislature.

Status: Introduced in House State Affairs Committee on Feb 5, awaiting committee action.

H097: COVID Vaccine Distribution by Reps Gannon and Skaug

Provides that 70% of vaccine doses must be distributed within 14 days of receipt, and the administrator of dept of Health and Welfare shall be notified when/if there are leftover doses for distribution. Includes a \$5,000 fine if an entity fails to report.

Status: Introduced in House State Affairs Committee on Feb 5, awaiting committee action.

Previously introduced Legislation:

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: NO ACTION THIS WEEK. 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: NO ACTION THIS WEEK. 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: Passed full House 70-0 on February 3, now to Senate Health and Welfare Committee for action.

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: Passed full House 70-0 on February 3, now to Senate Health and Welfare Committee for action.

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: Passed full House 70-0 on February 3, now to Senate Health and Welfare Committee for action.

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 full House 70-0 on February 1, now to Senate Commerce and Human Resources Committee for action.

H056: Abortion by Rep's. Scott and Nate

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

Status: NO ACTION THIS WEEK. 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: NO ACTION THIS WEEK. Introduced in House Ways and Means Committee on January 28, awaiting full hearing.

SCR103: 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: NO ACTION THIS WEEK. Returned to Senate State Affairs committee on Feb 3, it is essentially dead.

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: Passed out of committee on Feb 2, to full Senate for action. Introduced in Senate Health and Welfare on Jan. 20.

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 24-11 on Feb 3, to House State Affairs Committee for action.

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: NO ACTION THIS WEEK. 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: DEAD. 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: DEAD. 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: DEAD. 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: DEAD. 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.

Beginning next week, I will re-order the list of bills putting those completed or not likely to advance at the bottom of the list, and placing bills of higher-interest to IAFP near the top.

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

Thanks,
Ken Burgess, Partner
Veritas Advisors, LLP