

Idaho Academy of Family Physicians

2021 Legislative Report

Week 11: April 5 – April 9

Legislature back after two-week break

After taking a two-week recess due to a COVID outbreak in the Capitol building, the legislature returned to business on Tuesday April 6. Their stated goal is to finish the remaining work by April 16. There are three or four big issues they have left to tackle before they can adjourn for good: income tax cuts; property tax relief; transportation funding; and settle a fight over higher education budgets. Finding agreeable solutions on these issues could very well extend the session beyond their April 16 adjournment goal.

Bills of interest still pending:

S1175: State Board of Education, Health Education Programs by JFAC

Provides funding for the various Graduate Medical Education programs in the state and includes the Governor's recommendation of additional \$900,000 to add 15 residency slots across the state, in line with year four of the Ten-year GME expansion plan.

Status: Passed full Senate 33-2 on March 15, awaiting action by the full House, likely to pass. introduced by JFAC committee on March 8.

H316: Public Health Districts, CAT fund, Counties by Rep, VanderWoude

Limits eligibility for indigent care funds by eliminating anyone who would qualify for Medicaid or other insurance from eligibility. Shifts financial support of local Public Health Districts from State to County responsibility. This bill apparently has support from the Counties, the Public Health Districts, and the Hospitals.

Status: Referred to Senate's amending calendar by Health and Welfare Committee on April 8 for possible amendments. Passed House 66-2 on March 15.

S1126: Virtual Care Act by Senator Martin

Clarifies virtual care practice requirements and expands the ability of citizens in rural and underserved areas of the state to access health care from providers who

are not physically present in the patient's geographical area. It also establishes a virtual care advisory board to coordinate, plan, and conduct outreach to increase utilization of virtual care in Idaho

Status: NO ACTION THIS WEEK. Likely dead for the year. In House Health and Welfare Committee for action. Passed Senate 30-5 on March 2. Introduced on Monday, February 15.

H179: Interstate Telehealth by Rep. DeMordaunt

Makes permanent the waiver of Idaho state licensure of a medical provider to conduct telehealth services for Idaho citizens. This provision was temporarily waived during the COVID pandemic. This bill would allow any qualified, licensed medical provider to perform telehealth services to Idaho residents even if they are not necessarily licensed to practice in the state of Idaho.

Status: NO ACTION THIS WEEK. Dead for the year. Introduced in House Health and Welfare committee on Feb 16, awaiting full committee hearing.

HJR004: Psychoactive drugs constitutional amendment by Sen Grow

(formerly SJR001) Would put on the 2022 ballot a proposal to amend the Constitution to make all drugs currently illegal in the state of Idaho continuously illegal unless changed by a vote of the people. This new version of the proposal removes the FDA "carve-out" in the first proposal and would allow addition of future FDA-approved Schedule 1 and 2 drugs only by approval of 2/3 vote of both Houses of the Legislature.

Status: NO ACTION THIS WEEK. Still awaiting full House debate and vote. Passed House State Affairs committee on March 11.

Other bills of interest signed into law:

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: LAW. Signed by Governor on March 2. Passed Senate 32-0. Passed House 70-0 on February 1.

H216: Medicaid Supplemental funding by Appropriations committee

Provides nearly \$370 million of spending authority for the Medicaid budget for the current fiscal year to pay for cost overruns in Medicaid program due to the CORONA virus pandemic. This an authorization to spend both federal and state funds for the program.

Status: LAW signed by Governor on March 12. Passed Senate 24-5 on March 4. Had passed House 37-31 on Feb 25.

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: LAW. Signed by the Governor on March 19. Passed House 66-2 on March 12. Passed Senate 32-1 on Feb. 17. Introduced on Feb. 5.

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: LAW. Signed by Governor on March 15. Passed Senate 35-0 on March 8, to Governor. Passed full House 70-0 on February 3.

S1093: Physicians Assistants by Idaho Academy of Physician Assistants

Offers physician assistants relief from over-regulation. PAs will be better able to meet the needs of patients without delays caused by site registrations, supervising physician availability requirements, and other regulatory requirements.

Status: LAW. Signed by Governor on March 18. Passed Senate 35-0 on Feb 22. Introduced Thursday, Feb 11.

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: LAW. Signed by Governor on March 15. Passed Senate 35-0 on March 8, to Governor. Passed full House 70-0 on February 3.

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: LAW. Signed by Governor on March 15. Passed Senate 35-0 on March 8, to Governor. Passed House 70-0 on February 3.

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: LAW. Signed by Governor on March 8. Passed House 67-0 on March 1. Passed full Senate 34-0 on Feb 10. Introduced 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: LAW. Signed by Governor on March 1. Passed 43-27 on Feb 18. Passed Senate 30-3 on Feb 8. Introduced on Jan 20.

Bills Likely Stalled or dead for the session

H209: Medicaid Stabilization Fund by Sen Martin and Rep Wood

This bill creates a dedicated Medicaid stabilization fund into which additional dedicated Federal monies (Federal Medical Assistance Percentage) will be placed for the purpose of supporting Idaho's Medicaid program. Due to the continuation of a 6.2% increase in FMAP, the Medicaid program is estimating a \$55 million surplus. This bill would reserve that surplus to fund the Medicaid program in the future.

Status: FAILED on House floor 25-42 on Feb 25. Passed House Health and welfare Committee on Feb 23.

S1128: Naturopathic Practitioners by Naturopathic Physicians Association of Idaho

Will create a structure to license and regulate naturopathic doctors, doctors of natural health, and naturopathic practitioners who want to be licensed.

Status: Referred to Senate Amending calendar for possible amendments on April 8. Likely dead for the year. Introduced on Feb 16.

H135: Emergency Declarations by Rep. Monks

Formerly H001, H098. Ensures that all Idahoans have the right to work, provide for their families, and contribute to the economy in a disaster declaration. Limits length of disaster declaration to 60 days unless extended by the legislature.

Preserves Constitutional rights during disaster declaration.

Status: Amended by the Senate on April 8, pending full debate and vote in Senate. Passed full House 49-20 on Feb 16. Introduced Friday Feb 12

S1125: National Suicide Hotline by Idaho Suicide Prevention Action Collective

Would assess a \$1 fee per phone line to fund Idaho's participation of a new national hotline number (988) for suicide prevention, which goes live in July 2022. This national number will replace the current ten-digit number currently in use.

Status: NO ACTION THIS WEEK. Introduced in Senate Health and Welfare Committee on Feb 15, awaiting full hearing.

H149: Coronavirus Limited Immunity Act by Rep. Young

Extends the sunset date of a liability protection provision that had been passed in the August Special session of the legislature to protect certain businesses from liability in relation to coronavirus.

Status: NO ACTION THIS WEEK. Passed Senate Judiciary and Rules Committee, awaiting full Senate vote. Introduced on Feb 12. Passed House 62-7 on March 1.

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: NO ACTION THIS WEEK. Passed full House 55-15 on Feb 10, to Senate State Affairs Committee for action. Introduced Feb 5.

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: NO ACTION THIS WEEK. Introduced in House State Affairs Committee on Feb 5, awaiting committee action.

H140: Medical Consumer Protection, Vaccines by Rep. Giddings

Specifies that employees and companies that contract with the State of Idaho shall not discriminate against unvaccinated persons.

Status: NO ACTION THIS WEEK. Passed full House 49—21 on Feb 22, to Senate Commerce and Human Resources committee for action. Introduced on Feb 12.

NOTE: There is concern this law may apply to physicians who accept Medicaid, thus making those physician businesses unable to require their employees be vaccinated.

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.

H108: Medical Marijuana by Reps. Rubel and Kingsley

Provides for a regulated system of medically recommended cannabis and would move cannabis to a schedule 2 controlled substance under Idaho law. This is a very narrowly defined use of medical cannabis and if adopted, would be the most restrictive medical marijuana law in the United states.

Status: NO ACTION THIS WEEK. Likely dead for the year. Introduced on Monday February 8 in House Health and Welfare, awaiting full hearing.

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: Dead. New version introduced March 2 (HJR004) NO ACTION THIS WEEK. Passed Senate 24-11 on Feb 3, to House State Affairs 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.

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 byH016I. 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.

H098: Disaster Emergencies by Rep. Monks

Now H 135. 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: DEAD. Introduced in House State Affairs Committee on Feb 5, awaiting committee action.

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.

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

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