

Idaho Academy of Family Physicians

2022 Legislative Report

Week 7, February 21 – February 25

Things starting to move

This week brought a very real feel that things are starting to move in the legislature. Committees were working at a fairly rapid clip and bills are starting to pile up for action on the floor of the respective houses.

House passes a series of bills with questionable public health impact

The full House passed a series of bills this week that arguably have negative public health implications. H631 is described as prohibiting “the state of Idaho, any political subdivision, or an officer of the state from mandating the usage of face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease”. This bill passed the House 46-24. Another bill, H581 makes it illegal for an employer to refuse to hire, discharge, or discriminate against an employee for the employees refusal to be vaccinated, or to reveal whether the individual is vaccinated against the coronavirus. This bill passed the House 39-29. Both bills now move to the Senate for possible action.

Looking ahead:

The Joint Finance-Appropriations committee has begun setting budgets this week. The Graduate Medical Education programs funding is slated to be set with the State Board of Education budgets, currently scheduled for Friday, March 11 – which happens to be the LAST scheduled day of budget setting.

MEDICAL PRACTICE – Medical-related topics

items that could affect your medical practice or your patients might ask about, or your patients might benefit from knowing

S1260: Contraceptives, Insurance by Sen. Wintrow

Would require any health benefit plan issued after January 1, 2023 which cover contraceptives to reimburse up to a six-month refill supply.

Status: Passed Senate 20-14 on Feb 22, now goes to House Health and Welfare committee for action.

S1309: Fetal Heartbeat bill, by the Idaho Family Policy Center and a host of legislators.

Adds civil lawsuit options against a medical provider who performs an abortion in certain circumstances. Allows the father, grandparent, sibling, aunt or uncle of the fetus to bring civil action against a medical provider for inducing an abortion of the fetus, within 4 years after the procedure. Potential civil damages can be for not less than \$20,000 and costs and attorney fees.

Status: NO ACTION THIS WEEK. Scheduled for full Senate action on Monday, Feb. 28. Passed Senate State Affairs on Feb 17, was introduced on Feb 11.

H 446: Controlled substances, nabiximols, by Rep. Wood, Sen. Martin

This bill exempts nabiximols from the definitions of marijuana and tetrahydrocannabinols under the state's Uniform Controlled Substance Act.

Nabiximols is currently undergoing the FDA approval process and is being studied for use in Multiple Sclerosis and other neurological disorders.

Status: NO ACTION THIS WEEK. Awaiting action by full Senate. Had passed full House 65-5 on Feb 1.

H445: Biological Products, storage, by Rep Blanksma

Repeals an outdated section of Idaho law dealing with instructions on storage of certain vaccines.

Status: LAW. Signed by Governor on Feb 23. Passed Senate 34-0 on Feb 15, had passed full House 70-0 on Feb 1.

S1246: Controlled Substances, by Sen. Wintrow

Aligns Idaho Uniform Controlled Substances Act with changes to the DEA scheduling decisions in 2021. This is an annual procedural bill.

Status: NO ACTION THIS WEEK. Passed full Senate 32-0 on Feb 7. Currently awaiting hearing in House Health and Welfare committee.

S1328: Telehealth, patient relationship, by Sen. Riggs

Expands the use of asynchronous telehealth technology to include an exchange of information that does not necessarily occur in real time.

Status: NO ACTION THIS WEEK. introduced on Feb 14, awaiting action by Senate Health and Welfare committee.

MEDICAL PRACTICE – Business operations

H464: COVID vaccine, workers compensation, by Reps. Monks and Skaug

Clarifies that injuries arising from employer-required vaccines are compensatory under workers compensation law.

Status: NO ACTION THIS WEEK. returned to committee from House floor on Feb 8.

S1259: Property Tax, Medicaid Income, by Sen. Wintrow, Rep. Adams

Allows homeowner who runs a Certified Family Home to take advantage of the “Circuit Breaker” property tax program to lower property tax burden

Status: Passed Senate 29-5 on Feb 22, to House Revenue and Taxation Committee.

S1270: Down Syndrome, diagnosis information, by Sen. Martin

Adds a new chapter to Idaho law directing any pre-natal or post-natal health care provider who detects or is suspicious of the presence of Trisomy-21 to provide parents with certain information regarding trisomy-21 and contact information for Down Syndrome support organizations. Also requires department of Health and Welfare to post such information on its website.

Status: Passed Senate 34-0 on Feb 22, to House Health and Welfare for action.

S1283: Medicaid, ground emergency transport, by Fire Chiefs Association and Professional Firefighters of Idaho

Provides for supplemental reimbursement for emergency ground transportation of Medicaid recipients. Meant to help particularly rural ambulance services.

Status: Passed Senate 33-0 on Feb 24, to House Health and welfare for action.

H515: State personnel, public health districts, by Division of Human Resources
In response to legislation of 2021, Public Health District employees are no longer considered state employees. This language clarifies certain provisions to clarify that change in statute.

Status: NO ACTION THIS WEEK. Passed full House 65-0 on Feb 17, awaiting action by Senate Health and Welfare committee.

H518: Workers Compensation, streamline, by Rep. Skaug

Streamlines workers compensation settlement process in case where no hearing is required. Eliminates the step of approval by Idaho Industrial Commission.

Status: NO ACTION THIS WEEK. Introduced in House Commerce and Human Resources committee on Feb. 3, awaiting full committee hearing.

COVID-inspired proposals

H444: Coronavirus Immunity, Sunset, by numerous legislative sponsors

Extends by an additional year, to July 30, 2023, the law granting immunity to business interests whose actions may have been subject to liability concerns as result of COVID-19.

Status: Passed Senate 32-1 on Feb. 21, to Governor. Had passed full House 70-0 on Jan 31.

H486: Medical Treatment, Minors, by Rep. Giddings

Would repeal the section of law allowing a person age fourteen or older to give personal consent for treatment for communicable diseases. Effect would require aged fourteen to eighteen to get parental consent for treatment.

Status: NO ACTION THIS WEEK introduced in House Ways and Means on Jan 28, awaiting hearing.

H 491: Personal Medical Information, by Rep. Nichols

Establishes provisions regarding mandates and use of force with any vaccination, immunization, genetic modulation, or inoculation of any person.

Status: NO ACTION THIS WEEK introduced in House Ways and Means on Jan 28, awaiting hearing.

H502: Immunization Registry, opt-in, by Rep. Ferch

This bill changes the current opt-out provision to the Idaho Immunization Registry to an OPT-IN requirement.

Status: NO ACTION THIS WEEK Introduced in House Ways and Means on January 28.

H514: Mask mandates, by Rep. Hanks

Prohibits the state of Idaho, a political subdivision, or an officer of the state from mandating the usage of face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease.

Status: Replaced by H631. Returned to committee from the House floor on Feb 16.

H581: Employee Medical Information Protection Act, by Rep. Shepherd

Prohibits an employer from refusing to hire, discharge, or discriminate against an employee or prospective employee because of refusal to be vaccinated, or refusal to disclose vaccination status.

Status: Passed House 39-29 on Feb. 22, to Senate commerce committee for action. Had been introduced Feb 10.

H601: Assisted Living facilities, in-person visitation rights, by Rep. Young

In-person visitation access shall not be precluded due to an individual's vaccination status. The bill does clarify that said visitor must abide by all other safety precautions as staff and employees of the facility, such as screenings, etc.

Status: Passed House 49-12 on Feb 22, to Senate Health and welfare committee.

H604: Immunization proof, government, by Rep. Monks

Codifies and expands Governor's Executive Order that individuals will not be required to provide proof of vaccination or negative tests to apply for or receive government benefits, enter a government building, or as a condition of state employment.

Status: NO ACTION THIS WEEK. Introduced on Feb 10, awaiting committee action.

H631: Mask mandate prohibition, by Rep. Hanks (formerly H514)

Prohibits the state of Idaho, a political subdivision, or an officer of the state from mandating the usage of face mask, face shield, or other face covering for the purpose of preventing or slowing the spread of a contagious or infectious disease.

Status: Passed House 46-24 on Feb 22. To Senate State Affairs Committee for action.

GENERAL POLICY MATTERS of interest to IAFP

S1285: Tobacco, local regulations prohibited, by Reps. Blanksma, Vander Woude
Prohibits local governments from implementing stricter standards than the state in relation to age restrictions on the sale of tobacco or vaping products.

Status: NO ACTION THIS WEEK. Passed Senate Health and Welfare on Feb 17, awaiting action by full Senate.

S1284: Age of tobacco use, by Altria Client Services

Clarifies the definition of term “minor” is anyone under 21 years of age to align with federal definition for tobacco use. Clarifies employees, clerks eighteen years of age and older may sell tobacco products.

Status: NO ACTION THIS WEEK. Passed Senate Health and Welfare on Feb 16, awaiting action by full Senate.

S1286: Psychologists, service extenders, by Idaho Psychological Association

Updates authorizing language for the Board of Psychological Examiners to be able to continue to regulate psychological service extenders.

Status: NO ACTION THIS WEEK. Introduced in Senate Health and welfare on Feb. 9, awaiting hearing.

S1287: Rural nursing loan repayment program, by Idaho Nurses Association

Creates a “Rural Nurses Loan Repayment Fund” to reimburse nurses who work in rural Idaho or in a Critical Access Hospital. Qualified applicants may get reimbursed up to \$25,000 per year and total of \$75,000.

Status: FAILED on Senate floor 14-17 on Feb 23.

S1300: Health staffing in emergencies, by Idaho health Care Association
Adds health care workers to the consumer protection law to prevent predatory pricing by temporary staffing agencies in times of a declared emergency.
Status: NO ACTION THIS WEEK. Introduced on Feb 14 in Senate Commerce and Human Resources Committee

S1330 Naturopaths volunteer licensing, by Sen. Anthon
Provides for a voluntary licensing of Naturopathic Physicians and creates the Idaho Board of Naturopathic Health Care.
Status: Referred Health and Welfare committee to Senate amending calendar on Feb 23.

H460: Abortion, by Reps Nate and Scott
This bill would end all legal abortions in Idaho without exception
Status: NO ACTION THIS WEEK Introduced in House Ways and Means committee on Jan 24.

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