

Idaho Academy of Family Physicians

2022 Legislative Report

Week 10, March 14 – March 18

Things continue to move Fast and Furious

As I noted last week, the legislature DOES seem intent on making their self-imposed March 25 adjournment target date. Both houses have been suspending rules and working to dispose of bills on their calendars. Admittedly, it has been a small challenge to keep up on some of the activity.

JFAC sets GME funding budget

The Joint Finance-Appropriations Committee, last Friday set the GME budget through the State Board of Education. The committee went above the Governor's recommendation to add an additional 14 residency slots by adding an additional seven, for a total of 21 new residency slots. This is an effort to get caught up on the ten-year plan that had fallen slightly behind the last couple years. That bill still has not been formally printed (JFAC is sometimes a bit slow in producing the budget bills).

House passes Texas-style abortion bill, kills six-month contraception bill:

On March 14, the House of Representatives passed the "Fetal Heartbeat" bill. It now goes to the Governor. Interestingly, on the same day, the House killed a bill by Senator Wintrow that would allow contraceptive prescriptions for a six-month period, rather than the current three months.

Reminder: order of Bills on our list

At this point in the legislative session it becomes more predictable which bills seem to have lost momentum or are unlikely to advance. Those that are likely dead are highlighted. It is possible my prediction could be wrong (but unlikely). The following bills are in order to first include new bills introduced this week, followed by bills that in my estimation appear to have momentum, followed by bills that have become law, then those that appear to have been stalled or not likely to advance.

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: **Failed on House floor 24-44 on March 14.** Had passed Senate 20-14 on Feb 22.*

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: Passed full House 51-14 on March 14, now to Governor. Passed Senate 28-6 on March 4. Was introduced on Feb 11.

H1358 Fetal Heartbeat trailer bill, by Idaho Family Policy Center

This amends the previously passed Fetal Heartbeat bill (S1309) to allow for recovery of legal fees of a prevailing party if it is determined the defendant complied with the law.

Status: Passed full House 50-14 on March 14. Passed full Senate 28-6 on March 3 (in conjunction with S1309).

H675: Genital Mutilation, by Rep. Skaug

Would amend the current ban against female genital mutilation to include puberty blockers, cross-sex hormones, and sex reassignment surgeries when administered to children struggling with gender dysphoria.

*Status: **NO ACTION THIS WEEK, likely DEAD.** Senate leadership has said this bill will not receive consideration in the Senate. Passed full House 55-13 on March 8.*

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: **LAW**. Signed by Governor on March 8. Passed Senate 33-0 on Feb 28, now goes to Governor. Had passed full House 65-5 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: **LAW**. Signed by Governor on March 14. Passed full House 67-0 on March 8. Passed full Senate 32-0 on Feb 7.*

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.*

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, DEAD for the year**. introduced on Feb 14, awaiting action by Senate Health and Welfare committee.*

MEDICAL PRACTICE – Business operations

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: **NO ACTION THIS WEEK**. Passed Senate 29-5 on Feb 22, to House Revenue and Taxation Committee.*

S1270: Downs 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: NO ACTION THIS WEEK. On Governor's desk. Passed House 69-0 on March 10. Passed Senate 34-0 on Feb 22.

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: LAW. Signed by Governor on March 14. Passed full House 55-15 on March 10. Passed Senate 33-0 on Feb 24.

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: Amended version awaiting House Concurrence. Amended version passed full Senate 35-0 on March 10. Now goes back to House for concurrence on amendments. Original version had passed full House 65-0 on Feb 17.

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. LIKELY DEAD for the year. Introduced in House Commerce and Human Resources committee on Feb. 3, awaiting full committee hearing.

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. Likely DEAD. Returned to committee from House floor on Feb 8.

COVID-inspired proposals

S1381: Coronavirus Pause Act, by Sen. Winder and others

Establishes limitations on private and public entities to impose a requirement that individuals receive a coronavirus vaccination. Entities that receive Medicare or Medicaid payments are exempt. Terms of this law expire one-year after the emergency declaration has ended for coronavirus. (Governor announced this week he will declare end of said emergency effective April 15).

Status: Passed full Senate 24-11 on March 13, passed out of House Committee on March 15, awaiting action by full House.

H756 (formerly H712): Crisis standards of Care, by Rep. Blanksma

Charges the Department of Health and Welfare with the responsibility of limiting the duration and scope of crisis standards of care and developing long term strategies for dealing with surges in health care capacity need. It requires both the facility requesting crisis standards of care declaration and the Department to make reports to include mitigation plans for limiting the scope and duration of crisis standards of care.

Status: Passed House 51-15 on March 16. Awaiting action in Senate Health and Welfare Committee. Introduced on March 10.

H631 (formerly H514): Mask mandate prohibition, 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: NO ACTION THIS WEEK, **LIKELY DEAD**. Passed House 46-24 on Feb 22. To Senate State Affairs Committee for action.*

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: NO ACTION THIS WEEK, **LIKELY DEAD**. 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: NO ACTION THIS WEEK. 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, LIKELY DEAD. Introduced on Feb 10, awaiting committee action.

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: LAW. Signed by Governor on Feb 28. Passed Senate 32-1 on Feb. 21. Had passed full House 70-0 on Jan 31.

H631 (formerly 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: NO ACTION THIS WEEK, LIKELY DEAD. Passed full House 46-24 on Feb 21. Awaiting action in Senate State Affairs committee.

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, LIKELY DEAD. 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, **LIKELY DEAD**. 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, **LIKELY DEAD**. Introduced in House Ways and Means on January 28.*

GENERAL POLICY MATTERS of interest to IAFP

H718: WWAMI, U. of Utah payback, by Rep. Moyle

This bill would require Idaho participants in WWAMI or University of Utah medical school to return to Idaho to practice for four years or reimburse the state for costs of medical school sponsorship.

Status: Passed out of Senate Health and Welfare committee on March 16, awaiting action by full Senate. Passed House 54-15 on March 15.

HCR38: WWAMI seats, by Rep, Moyle

This resolution encourages the State Board of Education to request funding to add an additional 5 WWAMI seats in 2025 and an additional five seats in 2027. Idaho currently funds 40 WWAMI seats per year.

Status: Passed out of Senate Health and Welfare committee on March 16, awaiting action by full Senate. Passed House 59-7 on March 7.

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: Passed full House 64-5 on March 17, now goes to Governor. Amended version passed full Senate 25-10 on March 8.

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: Passed full House 39-26 on March 14, now goes to Governor. Passed Senate 19-15 on March 2.

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: FAILED in the House 30-34 on March 14. Passed Senate 28-7 on March 2. NEW, NEARLY IDENTICAL BILL INTRODUCED (H780) on March 16.

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. To Senate Amending calendar for possible amendments.

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: Passed House 41-28 on March 17. Now to Governor. Amended version passed full Senate 32-1 on March 4.

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.

H460: Abortion, by Reps Nate and Scott

This bill would end all legal abortions in Idaho without exception

Status: NO ACTION THIS WEEK, LIKELY DEAD. Introduced in House Ways and Means committee on Jan 24.

Thanks,

Ken Burgess