

# Idaho Academy of Family Physicians

## 2022 Legislative Report

Week 8, February 28 – March 4

### **Transmittal Deadline approaches**

The self-imposed “transmittal” deadline is Monday, March 7. This is the date by which all House bills should be acted on by the House and sent to the Senate and vice versa. This has caused a flurry of activity this week in trying to meet said deadline. However, there is still no limit to introducing new bills and ignoring this deadline for “important bills”, as one legislator put it.

That said, the legislature DOES seem intent on making their self-imposed March 25 adjournment target date.

### **Two new WWAMI related bills introduced this week**

One bill (H718) would require that an Idaho WWAMI University of Utah medical student shall return to Idaho to practice for a minimum of four years or be required to pay back the value the state has paid for that WWAMI slot.

Concurrently, a House Resolution (HCR38) encourages the State Board of Education to ask for an appropriation to add 5 additional WWAMI seats in 2025 and five more seats in 2027.

### **Looking ahead:**

The Graduate Medical Education programs funding is slated to be set by the Joint Finance-Appropriations committee on Friday, March 11.

### **Reordering of Bills on our list**

Beginning this week I am reordering the list of bills to first include new bills introduced this week, followed by bills that appear to have momentum, followed by bills that have become law, then those that appear to have been stalled or not likely to advance.

## New bills introduced this week:

### **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 House Education committee on March 2, awaiting action by the full House.*

### **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: Introduced on March 2, awaiting action by full House.*

### **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 Senate 28-6 on March 3 (in conjunction with S1309), now to House State Affairs for action.*

### **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: Introduced on March 2, awaiting action in House Health and Welfare.*

### **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: Passed out of House State Affairs committee on March 4, to full House for action.*

## **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 in 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: Passed Senate 28-6 on March 4. Now to House State Affairs Committee for action. 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: 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: Passed out of House Health and Welfare on March 2, now to full House for action. Passed full Senate 32-0 on Feb 7.*

**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.*

**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.*

## **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: 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: NO ACTION THIS WEEK. 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: NO ACTION THIS WEEK. 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: Sent to Senate Amending calendar for possible amendments on Feb 25.  
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. 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. returned to committee from House floor on Feb 8.*

## **COVID-inspired proposals**

**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.*

**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. 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. 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.*

**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.*

**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. Not likely to advance.*

**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. Not likely to advance.*

**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. Not likely to advance.*

## **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: Amended in the Senate on March 2, awaiting action by full Senate.*

*Passed Senate Health and Welfare on Feb 17.*

**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 Senate 19-15 on March 2. Now to House Health and Welfare committee. Passed Senate Health and Welfare on Feb 16.*

**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: Passed Senate 28-7 on March 2. Awaiting action in House Health and Welfare.*

**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: Sent to Senate amending calendar for amendments on March 1.  
Introduced on Feb 14.*

**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: Amended in the Senate on March 3, awaiting action by Full Senate.*

**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 Introduced in House Ways and Means committee on Jan 24. Not likely to advance.*

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  
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