

Idaho Academy of Family Physicians

2022 Legislative Report

Weeks 11 & 12, March 21 – March 31

Legislature has adjourned Sine Die

The Second Regular Session of the 66th Idaho Legislature adjourned for good on Thursday March 31 after failing to override the Governor's VETO of four bills. For all intents and purposes they had finished their work on Friday, March 25, but opted to recess until March 31 to allow the Governor to act on the flurry of bills they sent him in the last few days. This was a mercifully short legislative session at 81 days. Next week I will send a broad-based report on the major policy decisions reached in this session. For this report, I will highlight the final disposition of bills of special interest to the IAFP.

GME funding budget Passes

The bill funding the GME budget through the State Board of Education (S1418) was signed into law by the Governor on March 25. This year's budget was approved with an expanded appropriation for GME. Key members of JFAC and the governor's office agreed to consider additional funding that brings the fiscal year 2023 (FY23) budget into closer alignment with the Ten-Year GME Plan. The original request funded 14 slots below the full-funding amount in the Ten-Year Plan. However, thanks to a large budget surplus in the state of Idaho and strong advocacy at the Statehouse, the JFAC-approved budget for FY23 now funds 21 new residency slots at the full \$60,000 level as established in the Ten-Year plan.

Idaho Patient Act Passes

After months of negotiations, legislation (H778) has now passed that will amend the Idaho Patient Act to help providers comply with the law.

The compromise bill comes as a result of protracted negotiations between IMA and Melaleuca representatives (proponents of the Idaho Patient Act), as well as other health care organizations. These discussions started in April of 2021 to address numerous issues with the law that created challenges for health care providers to comply. HB 778 will:

- Eliminate the requirement for insurance group and member numbers on notices to patients; this will help protect patient privacy and reduce costs for providers.

- Allow practices to respond more quickly when a patient passes a bad check.
- Allow providers to comply with the timelines in the Idaho Patient Act when a service is required to be billed as a bundled or global fee.
- Allow providers to comply with the timelines in the Idaho Patient Act when a payment to the provider is clawed back by the insurance company.
- Create an expedited path – after multiple notices and required timeframes – to report information to a credit reporting agency. If the provider chooses this route it must agree to forgo litigation.
- Allow the opportunity to correct the Consolidated Summary of Services if a provider is inadvertently omitted.

The legislation will ease some of the major burdens on practices with their efforts to comply with the Idaho Patient Act.

The Idaho Medical Association will be providing more information to physicians and practice managers in the coming weeks to help explain how to comply with the new provisions.

Bills of interest in a new order

In each category below, I've placed those that became law at the top, followed the rest that did not 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

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: **LAW. Signed by Governor on March 23.** Passed full House 51-14 on March 14. 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: **LAW**. Signed by Governor on March 23. Passed full House 50-14 on March 14. Passed full Senate 28-6 on March 3 (in conjunction with S1309).*

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.*

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.*

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: DEAD. Did not receive a hearing in the Senate. Passed full House 55-13 on March 8.

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: LAW. Signed by Governor on March 29. Passed House 51-14 on March 23. Passed Senate 29-5 on Feb 22.

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: LAW. Signed by Governor on March 21. 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: LAW. Signed by Governor on March 23. Amended version passed full Senate 35-0 on March 10. 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: DEAD. Introduced in House Commerce and Human Resources committee on Feb. 3.

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: 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: VETOED. Override vote in Senate failed 21-14 (less than 2/3) on March 31. Passed House 45-23 on March 18. Passed Senate 24-11 on March 13.

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.

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: LAW. Signed by Governor on March 25. Passed Senate 30-5 on March 24. Passed House 51-15 on March 16.

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: DEAD. Did not receive a hearing in Senate committee. Passed House 46-24 on Feb 22.

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: DEAD. Did not receive a hearing in Senate committee. Passed House 39-29 on Feb. 22. 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: DEAD. Did not receive hearing in senate committee. Passed House 49-12 on Feb 22.

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: DEAD. No committee hearing in House. Introduced on Feb 10, .

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: DEAD. Did not receive hearing in Senate Committee. Passed full House 46-24 on Feb 21.

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: DEAD. introduced in House Ways and Means on Jan 28.

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: DEAD. Introduced in House Ways and Means on Jan 28.

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: 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: LAW. Signed by Governor on March 28. Passed Senate 17-17 (Lt. Gov. McGeachin broke tie in favor). Passed House 54-15 on March 7.

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: **ADOPTED**. Passed Senate 35-0 on March 21. 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: **LAW**. Signed by Governor on March 23. Passed House 64-5 on March 17. Amended version passed full Senate 25-10 on March 8.*

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: **LAW**. Signed by Governor on March 23. Passed House 41-28 on March 17. Amended version passed Senate 32-1 on March 4.*

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: **LAW**. Signed by Governor on March 22. Passed House 39-26 on March 14. Passed Senate 19-15 on March 2.*

H780 (formerly 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: **LAW**. Signed by Governor on March 25. Passed Senate 28-7 on March 24. Passed House 47-20 on March 18.*

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: **FAILED**. Left unamended on Senate Amending calendar.*

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: **DEAD**. Introduced in House Ways and Means committee on Jan 24.*

We enjoyed working with Liz and the IAFP this year and look forward to continuing our partnership.

Thanks much,

Ken Burgess

Veritas Advisors, LLP