

Idaho Academy of Family Physicians

2022 Legislative Report

Weeks 1 & 2 January 9 – January 13

Welcome to the 2023 Idaho Legislative session!

It's been a quick first two weeks of the Idaho Legislative session and things are starting to find their stride.

New Faces, New Chairmen:

After redistricting, retirements, members running for other office and primary/general election results, the Idaho Legislature has experienced more turnover than in previous memory. Of the 105 members of the body, 50 of them are in new positions. Forty-five of them are new members who have not previously been in the legislature.

There is a new Speaker of the House after ten years, and new Chairmen of many committees, including the Health and Welfare Committees. Rep. John Vander Woude is now the chairman of House Health and Welfare, replacing Dr. Fred Wood, who retired this year. Of the thirteen members of that committee, six are brand new legislators. In the Senate, Julie Van Orden is the new Health and Welfare Chairman, replacing Fred Martin, who lost his Primary election. Of the seven members of this committee, three are new legislators. This illustrates the constant and on-going need for all of us to get to know our legislators, to continually educate and re-educate them on physician issues.

Big Picture:

The main issues at hand in this legislative session will be what to do with the current \$1.5 billion surplus, personal income and property tax relief (again, still), school facilities funding, Medicaid expansion review, and likely all things abortion (on the heels of the recent US and State Supreme Court decisions).

Governor Little's priorities:

To kick off the legislative session, Governor Little delivered his State of the State and Budget presentation. This highlights his legislative and budget priorities, which included more investment in K-12 education, some one-time expenditures in infrastructure (roads, bridges, water, etc), some money set aside -- \$120 million

– for property tax relief, additional income tax relief, and plussing up the state’s “Rainy Day” accounts, among other things. If adopted, his proposed budget would leave approximately \$200 million of the surplus unspent.

On the health and human services front, the Governor’s request would:

- Add \$824 thousand in GME funding, including \$600k for 10 new medical residents to continue implementation of the 10-year GME expansion plan. This also includes a \$2000 per resident increase for existing seats.

- Provides \$3 million to assist independent physicians with establishing medical clinics to increase healthcare capacity and primary care access in rural Idaho.

- Provides \$72 million ongoing for the Idaho Behavioral Health contract to expand behavioral health services to Medicaid beneficiaries.

- Provides \$24 million for construction of a secure mental health facility for patients determined to be dangerously mentally ill by Idaho Courts.

- Provides \$20 million in ongoing federal funding for ground emergency medical transport to ensure ambulance and emergency medical care to rural Idaho.

The Governor’s recommendations are just that – only recommendations – and all of his requests are at the mercy of the legislature and the Joint Finance and Appropriations Committee for approval.

Joint Finance and Appropriations Committee (JFAC) presentations this week:

The JFAC committee has begun many weeks of budget presentations and requests from the various agencies and entities for which they must approve budgets. They have 108 total budgets they are required to set. The first six weeks are dedicated to hearing the presentations and requests, at which time they will then start actually setting the budgets. It is also notable that this committee has two new co-chairs in Rep. Wendy Horman and Sen. Scott Grow. In addition, of the 20 members of this committee, eleven have not previously served on the committee and eight are brand new legislators.

Among the presentations JFAC heard this week were the presentations and requests for the medical education programs. Dr. Mo Hagman - Boise Internal Medicine Residency; Dr. Kisten Aaland – UW Psychiatry Residency in Boise; Dr. Patricia Howell-DelTufo – Eastern Idaho Medical Residency; Dr. Dick McLandress – Kootenai Family Medical Residency; Drs. Benjamin Cham and Elizabeth Botts – University of Utah, all did a great job of describing the value in adhering to Governor Little’s requests for those respective budgets and need for continuing growth in the Medical Education programs.

There were a handful of “left-field” questions from the newer members of the committee, including impact of COVID vaccine on healthcare workforce losses, a question about how/what these programs teach in regard to transgender healthcare, and a predictable question about how many Idaho students return to Idaho to practice.

JFAC will set the actual budget for these programs at a later date, most likely in the first weeks of March.

Legislation of interest to IAFP:

There have already been a handful of bills introduced in this session. The first of what is bound to be many abortion-related bills have already been introduced.

H002: “No Funds for Abortion Act” by Rep. Skaug

This bill would penalize any subdivision of the state (mainly cities) who by proclamation or ordinance choose to not enforce actions of state law as it relates to abortion care or services. The offending entity would be deprived of its portion of sales and use tax distribution.

STATUS: Currently on House Third reading calendar for action by full House.

Introduced on January 11, passed out of Committee on January 18. This was the first bill of the session introduced in House State affairs Committee.

S1002: “Abortion” by Sens. Herndon and Foreman

This bill changes the definition of abortion in the criminal abortion law to mean any viable fetus within the uterus and done so in an intentional manner. (the intent here is to eliminate the arguments regarding care for ectopic pregnancies or any extrauterine implantation/growth).

STATUS: Introduced in Senate State Affairs Committee on January 16, awaiting committee hearing.

It should be noted that Sen. Herndon also attempted to introduce a bill that would have eliminated the exemption of the abortion law for cases of rape or incest. That bill failed its introduction hearing in the Senate State Affairs Committee and therefore was not printed or assigned a bill number.

H003: “Physicians and Physician Assistants” by Rep. Wheeler, IDOPL

This bill would remove the registration requirement for supervising physicians for the purpose of supervising interns, residents, physician assistants, or other medical personnel.

STATUS: Introduced in House Health and Welfare on January 18, awaiting committee hearing.

H004: “Controlled Substances” by Rep. Chew, IDOPL

This is the annual conformity bill to align Idaho’s Controlled substances act with federal FDA changes. In this case, it places synthetic opioids into Schedule I, a substance to treat insomnia in Schedule IV, and an anti-convulsive substance in Schedule V.

STATUS: Introduced in House Health and Welfare on January 18, awaiting committee hearing.

S1009: “Health Rights” by Sen. Foreman

This is a list of patient rights that includes no mandates of vaccines, masks, etc; prohibits government entities from advertising the use of experimental drugs, vaccines, etc.; clarifies a patient cannot be denied treatment for refusing a vaccine; a right to informed consent; shall not be administered an experimental vaccine without express consent; right to visitation in a medical facility; and a number of other things that are currently guaranteed under the law...

STATUS: Introduced in Senate Health and Welfare on January 19, awaiting hearing.

The new bills will be coming fast and furious starting next week and we will provide information to the IAFP as they come.

Ken Burgess

Veritas Advisors, LLP