

Idaho Academy of Family Physicians
2023 Legislative Report
Week 4 January 30 – February 3

Medicaid Expansion review

As you are aware, the legislature is embarking in a required five-year review of the impact of Medicaid Expansion. The recommendations from the Health and Welfare committees were due this week. Both the Senate and House Health and Welfare committee recommendations echoed similar issues and concerns. Both committees recommended Medicaid expansion should remain in place, but issued concerns about long-term sustainability and cost of the program. Both committees recognized the challenges associated with an abrupt termination of the program. It is also notable the Department of Health and Welfare reported concluding the program would in fact cost more than continuing the program. The Department has been pressed by the legislature to complete their re-determination review to cull those that may no longer be eligible for the program. Both committees also recommended the legislature conduct another review of the program in two years' time.

Another bill introduced criminalizing gender affirming care for minors

Rep. Bruce Skaug this week introduced a bill (H71) that makes it a felony to provide surgery, hormone therapy, and puberty blockers to minors suffering from gender dysphoria. This largely mirrors a bill he introduced last year, which passed the House but failed to get a hearing in the Senate. One minor difference is it reduces the prison sentence from life in prison to 10 years.

Legislation of interest to IAFP:

There were a few new proposals introduced of interest to the IAFP this week.

New bills of interest this week:

H061: “Telehealth Access Act” by Rep. Young

This bill allows for interstate telehealth mental and behavioral health access to providers.

Status: introduced on Jan 31, awaiting hearing in House Health and welfare Committee

H062: “Bridge year physician licensing” by Reps. Wheeler and Dixon
Directs State Board of Medicine to create standards and new license for those physicians who have graduated from Medical school but have not matched with a residency to be able to provide certain care in the interim.
Status: Introduced on Jan 31, awaiting hearing in House Health and Welfare Committee.

H69: “Vaccines, Coronavirus” by Rep. Monks
Codifies the Governor’s Executive Order stating that no proof of vaccination shall be required in order to apply for or receive state services, enter a government facility or work for a state contractor.
Status: Introduced on Feb 1, awaiting hearing in House State Affairs Committee

H71: “Gender Affirming Care” by Rep. Skaug
Criminalizes gender affirming care for minors. Makes it a felony to provide surgery, hormone therapy, and puberty blockers to minors suffering from gender dysphoria, with jail time of ten years.
Status: Introduced on Feb 2, awaiting hearing in House Judiciary, Rules, and Administration Committee

H72: “Sudden Cardiac Arrest” by Rep. Ehlers
Removes barriers to access to Automatic External Defibrillators, by strengthening liability protections of such use under the Good Samaritan laws.
Status: Introduced on Feb 2, awaiting hearing in House Judiciary, Rules, and Administration Committee.

S1018: “Food, Vaccines” by Sen Nichols
Prohibits the placement of vaccines or vaccine material in food without notification of such.
Status: Introduced on Jan 25, awaiting hearing in Senate Health and Welfare committee.

Previously introduced bills:

H020: “Child Protection – false reports” by Rep. Scott, Sen Herndon

Adds a misdemeanor criminal penalty to possible civil penalties in the case a knowingly false report, a report in bad faith, or with malice, to Child Protective Services is filed.

STATUS: NO ACTION THIS WEEK. introduced in House Judiciary and Rules committee on January 20, awaiting committee hearing.

H026: “Children’s Mental Health Services” by Rep. Erickson

Regarding confidentiality or disclosure of information where a parent is seeking information for Medicaid coverage. Also clarifies that providing access to such services and support is necessary reason to obtain medical records.

STATUS: NO ACTION THIS WEEK. Introduced in House Health and Welfare on Jan 25, awaiting full hearing.

H027: “Employee Medical Information Protection Act” by Rep. Shepherd

This bill is designed to prevent discrimination in the workplace based on vaccination status as it pertains to Coronavirus or other emergency authorized vaccines.

STATUS: NO ACTION THIS WEEK. Introduced in House Business committee on Jan 25, awaiting committee hearing.

H028: “Allied Health Professions Board” by Rep. Erickson, IDOPL

Creates the Allied Health Professions Board by combining the Physical Therapy Licensure Board, the dieticians licensing board, occupational therapy licensure board, board of athletic trainers, and respiratory therapy licensure board into one oversight board to regulate those entities.

STATUS: NO ACTION THIS WEEK. Introduced in House Health and Welfare on Jan 25, awaiting committee hearing.

H022 (formerly H002): “Local Government, sales and use tax” by Rep. Skaug, others

This bill clarifies that cities who refuse to enforce Idaho’s felony laws may have their portion of sales and use taxes withheld or curtailed by the state.

STATUS: Passed full House 53-13 on Jan 30, awaiting hearing in Senate Local Government Committee. Passed out of House State Affairs Committee on Jan 26.

H031: “Certified Medication Assistants” by Rep. Healy

Allows additional accredited bodies to provide education and certification to CNAs who want to become MA-C certified.

STATUS: NO ACTION THIS WEEK. Introduced in House Health and Welfare on Jan 25, awaiting committee hearing.

H039: “WWAMI Contracts” by Rep. Berch

Repeals requirement that WWAMI students must return to practice in Idaho or repay their expenses.

STATUS: NO ACTION THIS WEEK. Introduced on Jan 25, sent to Ways and Means Committee (unlikely to advance).

S1005: “Daycare, immunizations” by Sen. Herndon

Requires daycare facilities to make parents/guardians aware of their right to vaccine exemptions in any case they are made aware of vaccine recommendations.

STATUS: NO ACTION THIS WEEK. introduced on Jan 19, awaiting hearing in Senate Health and Welfare Committee.

S1012: “Patient Right to visitation” by Sen. Bjerke

Ensures fundamental right to family to visit their relatives in a hospitals, hospices, and long-term care facilities. No health care facility may require a vaccine as condition for visitation, and every health care facility must allow their patients to be hugged by their loved ones.

STATUS: NO ACTION THIS WEEK. introduced on Jan 20, awaiting hearing in Senate Health and Welfare Committee.

S1029: “Child Protection, Immunizations” by Se. Lenney

Prohibits investigations and court orders terminating a parent’s relationship with their child based on the child’s immunization status.

STATUS: NO ACTION THIS WEEK. Introduced on Jan 26, awaiting hearing in Senate Health and Welfare Committee.

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: **Replaced by H022.** Returned to 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: NO ACTION THIS WEEK. 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: Passed full House 65-0 on Jan 30, awaiting action by Senate Health and welfare committee. Introduced in House Health and Welfare on January 18.

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: Passed full House 53-13 on Jan 30, awaiting action by senate Health and Welfare Committee. Introduced in House Health and Welfare on January 18.

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: NO ACTION THIS WEEK. Introduced in Senate Health and Welfare on January 19, awaiting hearing.

We're expecting many more proposals of interest to IAFP and we will provide information as they come.

Ken Burgess

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