

Idaho Academy of Family Physicians 2023 Legislative Report

Week 6 February 13 – February 17

It's been a ragged week at the Legislature

The pace of the legislative session is hitting full stride, with many more bills being introduced this week and a number of previously introduced bills now moving through the process, including a few of special interest to IAFP.

Gender Affirming Care bill passes House and Maternal Mortality Review Committee reauthorization stalls.

Rep. Skaug's bill to criminalize gender affirming medical care for minors (H71) overwhelmingly passed the full House on Tuesday by a 58-12 vote. It now goes to the Senate where it has been assigned to the Senate Judiciary and Rules Committee where a hearing can be expected in the next few weeks.

A bill from Rep. Dori Healey to remove the sunset provision of Idaho's Maternal Mortality Review Committee -- thus making it permanent -- was stalled in the House Health and Welfare Committee this week as members questioned the purpose of the committee and the budget required to fund its ongoing operation. The bill was returned to the sponsor, meaning it is not technically dead yet and could be resurrected at a later date.

Legislation of interest to IAFP:

Note on format moving forward: As things progress we begin to have a better idea of what bills are likely to progress or not. This report will start a new format with bills listed in the following order:

- 1) new bills of interest recently introduced,
- 2) bills of interest that had action this week,
- 3) bills of interest that had no action this week, and
- 4) bills that, in our judgement, are unlikely to advance.

New bills of interest introduced this week:

H122: "Medicaid, Postpartum Coverage" by Rep. Blanksma

Expands Children's Health Insurance Program (CHIP) and postpartum health coverage. Expands coverage from 60 days to one year. Expands qualification from 138% of poverty level to 205%.

STATUS: Introduced on Feb 10 in House Health and Welfare Committee, awaiting hearing.

H123: "Medicaid expansion, repeal" by Rep. Vander Woude

Repeals the Medicaid Expansion law approved by Idaho voters a five years ago.

STATUS: Introduced on Feb 10 in House Health and Welfare Committee, awaiting hearing. (NOTE: Rep. Vander Woude claims he's introducing this merely to spur conversation about the cost issue, no intent to move bill forward)

H146: "Substance Abuse Prevention Fund" by Rep Erickson

Creates new fund and distribute \$1.5 million from Liquor Account into this new fund.

STATUS: Introduced in House Health and Welfare on Feb 15, awaiting committee hearing.

H153 (formerly H62): "Bridge Year Physicians" 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 in House Health and Welfare on Feb 15, awaiting committee hearing.

H154: "Vaccines, misdemeanor" by Rep. Boyle, Sen. Nichols

Establishes that providing a Vaccine containing mRNA technology is a misdemeanor violation in Idaho.

STATUS: Introduced in House Health and Welfare on Feb 15 awaiting committee hearing.

H155 (formerly H069): "Vaccines, prohibition" by Rep. Monks

Codifies and expands Governor's executive order and provides that individuals will not be required to provide proof of vaccination or negative test results in order to: apply or receive services provided by the state; enter a government venue; or be hired or maintain employment with the state with some exceptions.

STATUS: Introduced on Feb 15, sent directly to House floor without committee hearing, awaiting action by full House.

H162: “Virtual Health Care” by Rep. Redman

Expands definition of Virtual Care and virtual care practice parameters. Expands scope of practice and changes definition of patient/provider relationship.

STATUS: Introduced in House Health and Welfare on Feb 17 awaiting hearing.

Previously introduced bills with some action this week:

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: Passed House 58-12 on Feb 14. Now to Senate Jud and Rules committee for action. Introduced on Feb 2.

H081: “Maternal Mortality Review Committee” by Rep. Healy

Completely removes sunset date for the Maternal Mortality Review Committee (currently scheduled for July 1, 2023).

STATUS: Returned to sponsor from House Health and Welfare on Feb 15. Introduced on Feb 2.

H084: “Rural Nursing Loan repayment” by Rep. Healy

Creates a fund and loan repayment program to reimburse nurses for educational expenses when/if they practice in a rural health shortage area or critical access hospital. Maximum of \$25,000 total repayment based on verifiable educational cost.

STATUS: Passed House Health and Welfare Committee on Feb 16, awaiting action by full House. Introduced on Feb 2

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: Passed House Judiciary and Rules Committee on Feb 17, to full House for action. Introduced on January 20.

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: Sent to be amended by Senate Local Government Committee. Had passed full House 53-13 on Jan 30.

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: Passed full House 70-0 on Feb 17. To Senate Health and Welfare Committee for action. Introduced Jan 25.

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 Senate Health and Welfare on Feb 15 awaiting action by full Senate. Passed House 65-0 on Jan 30. 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 Senate Health and Welfare on Feb 15 awaiting action by full Senate. Passed full House 53-13 on Jan 30. Introduced in House Health and Welfare on January 18.

Bills of interest with NO action this week:

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 Passed Senate floor 34-0 on Feb 9, awaiting hearing in House Health and Welfare. introduced on Jan 19.

H98: “Abortion, pregnant minors” by Rep. Ehart, Sen. Lakey and others

Makes it illegal to take a minor out of state to procure an abortion.

STATUS: NO ACTION THIS WEEK Introduced on Feb 7 in House State Affairs committee, awaiting hearing.

S1050: “Child protection, notification” by Sen. Herndon

Establishes certain rights and notification thereof, of the parents or guardian in the case of an investigation into child abuse or neglect. Rights include: right to not answer questions; right to consult with an attorney; right to refuse investigators entry into the home; and right to refuse questioning of any minor children in the home.

STATUS: NO ACTION THIS WEEK introduced on Feb 7 in Senate Judiciary and Rules committee, awaiting hearing.

H109: “Hospitals, property tax” by Rep. Tanner

Eliminates property tax exemption for associated properties affiliated with a hospital facility. Administrative offices, etc. would no longer be eligible for property tax exemption – only those buildings that meet the strict definition of a hospital would qualify for exemption.

STATUS: NO ACTION THIS WEEK introduced on Feb 9 in House Revenue and Taxation Committee, awaiting hearing.

H110: “Property tax, hospitals” by Rep. Tanner

Gives discretion to County Commissioners to decide if hospital properties are granted property tax exemption under their non-profit status.

STATUS: NO ACTION THIS WEEK Introduced on Feb 9 in House Revenue and Taxation Committee, awaiting hearing.

H061: “Telehealth Access Act” by Rep. Young

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

Status: NO ACTION THIS WEEK. introduced on Jan 31, awaiting hearing in House Health and welfare 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: NO ACTION THIS WEEK. 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: NO ACTION THIS WEEK. Introduced on Jan 25, awaiting hearing in Senate Health and Welfare committee.

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.

Bills of interest NOT likely to advance:

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.

H062 (replaced by H153): “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: Will not advance.

H69 (replaced by H155): “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: Will not advance.

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).

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. (unlikely to advance)

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

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

STATUS: Passed Judiciary and Rules committee on Feb 7, awaiting action by full Senate. Introduced on Jan 26. (unlikely to advance)

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. (unlikely to advance)

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

Ken Burgess

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