

Idaho Academy of Family Physicians
2023 Legislative Report
Week 10 March 13 – March 17

GME budget passes legislature

The Health Education Programs funding bill that includes the Graduate Medical Education Programs passed the House on Wednesday this week, but not before nearly an hour of debate and questions regarding the types of elective classes (abortion care, Critical Race Theory in medical education?) that may be taught at the University of Washington Medical School. The House ultimately approved the bill 44-25. Rep. Britt Raybould, Rexburg, was a rock star defending the bill on the House floor. Included is Governor Little’s proposed request of \$824,000, including additional \$600,000 for ten new medical residents, and a \$2,000 per resident funding increase. The bill had passed the Senate on Monday 24-9. It now goes to the Governor.

Gender-Affirming Care bill sent for amendments

House bill 71, the overly restrictive gender-affirming care bill that passed the House earlier was sent to the Senate floor for amendments from the Senate Judiciary Committee on Friday. The fate of the bill remains to be seen, and any Senator can now propose any amendment to the bill.

New Criminal Abortion Bill to be introduced Monday

This bill is a product of tons of work behind the scenes this year that has included the IAFP, the IMA, the IHA and others. Included in the bill is the easing of restrictions on providers as it relates to pregnancy care. This has been a very delicate issue and this proposal is a very delicate compromise bill that will leave no one completely satisfied.

New bills of interest introduced this week:

H330 (formerly S1108): “Cigar tax Cap”, by Rep. Redman

All tobacco products, excluding cigars, will continue being subject to this 40% tax on the wholesale price, with cigars being capped at a tax of 0.50 cents per cigar.

STATUS: introduced on March 14, awaiting hearing in House Revenue and Taxation Committee

H331: “Tobacco Products, Vaping” by Reps. Raymond, Green

Includes electronic smoking products into definition of all other tobacco-related products and provides for taxation.

STATUS: Introduced on March 14 awaiting hearing in House Revenue and Taxation Committee.

H307 (formerly H154): “mRNA Vaccine, Misdemeanor” by Sen Nichols, Rep. Boyle

Makes providing or administering a vaccine using a messenger ribonucleic acid technology in an individual may not be administered, and is subject to fines.

STATUS: Introduced on March 13, awaiting hearing in House Health and Welfare.

H308: “Medical ethics Defense Act” by Rep. Wisniewski

The purpose of this legislation is to recognize and protect the rights of conscience for health care practitioners and health care entities when they are asked to provide medical services which go against their conscience.

STATUS: HELD in House Health and Welfare Committee on March 17.

S1162: “Smoking In Cars with Minors” by Sen. Lent

This legislation prohibits smoking or vaping in a vehicle when a minor, age 18 or under, is present. Enforcement is through fines. Adds Vaping to the law.

Status: Introduced on March 13, awaiting hearing in senate Judiciary Committee.

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: **SENT to Senate Amending Calendar** for possible amendments on March 17. Passed House 58-12 on Feb 14. Introduced on Feb 2.*

H213 (formerly H084): “Rural Nursing Loan Program” 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: **To the Governor.** Passed Senate 18-17 on March 14. Passed House 39-30 on March 3.*

S1130: “Coronavirus Stop Act” by Sens Winder, Lakey, Adams, Rep. Crane

Establishes limitations on the ability of private and public entities to impose a requirement that individuals receive a coronavirus vaccination.

*Status: **Passed Senate 28-7 on March 14** Awaiting action by House Judiciary and Rules Committee. Introduced on March 8.*

H244: “Care Facilities, Visitation, Vaccination” by Rep. Young

Provides for in-person visitation rights and not preclude a visitor's vaccination status.

*STATUS: **Awaiting action by full Senate.** Passed out of Senate Health and Welfare Committee on March 14. Passed full House 57-11 on March 13.*

H224: “Medical Consent, Pelvic Exams” by Reps. Green, Skaug, Young

Prohibits pelvic examination of anesthetized or unconscious patients. Legislation does provide exceptions for specific occurrences.

*STATUS: **Passed House 68-0 on March 14.** Awaiting action by Senate Health and Welfare Committee.*

S1096: “Alzheimers, dementia” by Sen. Harris

Directs Department of Health and Welfare to convene the Alzheimer’s Disease and Related Dementias (ADRD) Alliance every five years, to update the ADRD Strategic Plan for Idaho, and report to the Legislature and Governor on gaps, needs, and progress.

*STATUS: **Awaiting action by full House,** Passed House Health and Welfare on March 16. Passed Senate 35-0 on March 7. Introduced on Feb 15.*

H061: “Telehealth Access Act” by Rep. Young

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

*Status: **Awaiting action by full Senate.** Passed Senate Health and Welfare Committee on March 15. Passed House 54-14 on March 3. introduced on Jan 31.*

Note: I incorrectly reported last week that this bill had failed in committee.

H187 (formerly H72): “Sudden Cardiac Arrest” by Rep. Ehlers

This bill is to encourage greater access of automatic external defibrillators (AEDs) in the public by removing undue regulations for persons or businesses that have an AED. It adds stronger immunity protections (commonly called “Good Samaritan laws”) for AEDs.

*STATUS: **Awaiting action by full Senate** Passed Senate Judiciary Committee on March 14 Passed House 65-0 on March 3. Introduced on Feb 21.*

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: **To Governor** Passed full Senate 34-0 on March 13. Passed full House 70-0 on Feb 17. 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: **LAW. Signed by the Governor on March 6.** Passed Senate 33-0 on Feb 23, to Governor. 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: **LAW. Signed by Governor on March 6.** Passed Senate 25-8 on Feb 23, to Governor. Passed full House 53-13 on Jan 30. Introduced in House Health and Welfare on January 18.*

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: **LAW. Signed by Governor on Feb 27.** Passed House 64-5 on Feb 20. Passed Senate 31-3 on Feb 13. Introduced on Jan 26.*

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: **To Governor.** Passed Senate 33-1 on March 13. Passed House 67-0 on Feb 24. Introduced on Feb 15.*

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: **To Governor.** Passed Senate 34-0 on March 13. Passed House 69-0 on Feb 28. Introduced on Feb 17.*

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: **To Governor.** Passed House 66-4 on March 14. Passed Senate 34-0 on Feb 9. introduced on Jan 19.*

Bills of interest with NO action this week:

H201 (formerly H122): “Medicaid Eligibility, postpartum” by Rep. Blanksma

Expands Children’s Health Insurance Program (CHIP) and postpartum health coverage. Expands coverage from 60 days to one year.

*STATUS: **NO ACTION THIS WEEK.** Introduced on Feb 23, awaiting action by House Health and Welfare Committee*

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: **NO ACTION THIS WEEK** To Senate Amending order for possible amendments on March 3. Passed House 49-21 on Feb 20. Introduced on Feb 15.*

S1088: “Coronavirus Stop Act” by Sens. Adams, Winder, Lakey, Rep. Crane

Establishes limitations on the ability of private and public entities to impose a requirement that individuals receive a coronavirus vaccination.

STATUS: **NO ACTION THIS WEEK.** *Introduced on Feb 14. Awaiting action in Senate Judiciary and Rules Committee.*

H223: “Medical Consent, Natural Death” by Rep. Healy

provides clarity to providers and the public who utilize advanced care plans, living wills, and durable power for health care.

STATUS: **NO ACTION THIS WEEK** *Passed House 69-0 on March 8, awaiting hearing in Senate Health and Welfare Committee.*

H242 (formerly H098): “Abortion, Pregnant Minors” by Rep. Ehart

Adds definitions related to the illegal trafficking of minors to procure a criminal abortion and amends the section of Idaho code dealing with criminal abortion by prohibiting anyone from trafficking a minor for a criminal abortion with the intent of concealing the crime from the minor’s parents.

Status: **NO ACTION THIS WEEK** *Passed House 57-12 on March 7. Awaiting action by Senate State Affairs Committee. Introduced on March 1.*

Bills of interest NOT likely to advance:

S1108 (Replaced by H330): “Tobacco Tax, cigars” by Sens. Bjerke, Bernt, Rep. Redman

Caps excise tax on cigars at 0.50 cents per cigar. All tobacco products, excluding cigars, will continue being subject to 40% tax on the wholesale price.

STATUS: **NEW BILL INTRODUCED THIS WEEK** *Passed Senate 31-2 on March 6. Awaiting action by House Revenue and Taxation Committee.*

H200: “Medicaid, Managed Care Transition” by Rep. Redman

Implemented Managed Care for Idaho’s Medicaid programs.

STATUS: **FAILED in House Health and Welfare Committee on March 8.**

(Apparently watered down “resolution” expressing will of the legislature on this issue is forthcoming). Introduced on Feb 23.

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.*

H123: “Medicaid expansion, repeal” by Rep. Vander Woude

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

STATUS: NO ACTION THIS WEEK. 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: NO ACTION THIS WEEK. Introduced in House Health and Welfare on Feb 15, awaiting committee hearing.

H154 (replaced by H307): “Vaccines, misdemeanor” by Rep. Boyle, Sen. Nichols

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

STATUS: NO ACTION THIS WEEK. Introduced in House Health and Welfare on Feb 15 awaiting committee hearing.

H98: (replaced by H242) “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.

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.

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.

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.

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.

H122 (replaced by H201): “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: NO ACTION THIS WEEK. Introduced on Feb 10 in House Health and Welfare Committee, awaiting hearing.

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: held in House Judiciary and Rules Committee on Feb 17. Introduced on January 20.

H084 (replaced by H213): “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: Returned to committee on Feb 27. New bill to be printed. Passed House Health and Welfare Committee on Feb 16. Introduced on Feb 2

H72 (replaced by H187): “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.

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)

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)

Ken Burgess

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