

Idaho Academy of Family Physicians 2023 Legislative Report

Week 7 February 20 – February 24

Deadlines approaching, JFAC begins budget-setting

The pace of the legislature is picking up as self-imposed “transmittal” deadlines approach. In theory the flood of new bills should start slowing, but not this week. The Joint Finance and Appropriations committee has finished their budget hearings and have now begun to set and vote on budget setting. The Graduate Medical Education Program budgets were on the agenda for Thursday this week. We will give more detailed report on that action next week. The committee is slated to be finished with budget-setting process by March 10.

Behind the scenes, much leg work is happening in trying to find a reasonable and acceptable solution to the women’s health care issues that are problematic in current law.

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:

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: Introduced on Feb 14. Awaiting action in Senate Judiciary and Rules 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: Introduced on Feb 15, awaiting hearing in Senate Health and Welfare Committee

S1108: “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: Introduced on Feb 20, awaiting action in Senate State Affairs Committee

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

Implemented Managed Care for Idaho’s Medicaid programs.

STATUS: Introduced on Feb 23, awaiting hearing in House Health and Welfare 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: Introduced on Feb 21, awaiting action by House Health and Welfare Committee.

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: Introduced on Feb 23, awaiting action by House Health and Welfare Committee

Previously introduced bills with some action this week:

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 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: 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.

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: Passed House on Feb 20 49-21, now in Senate State Affairs Committee for action . Introduced on Feb 15, sent directly to House floor without committee hearing, awaiting action by full House.

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: Passed House Health and Welfare on Feb 20, awaiting action by full House 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: Passed House Health and Welfare on Feb 22, awaiting action by full House. Introduced on Feb 17.

Bills of interest with NO 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: **NO ACTION THIS WEEK.** 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: **NO ACTION THIS WEEK.** 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: **NO ACTION THIS WEEK.** Vote pending in full House on Monday, Feb 24. Passed House Health and Welfare Committee on Feb 16. 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: held in **House Judiciary and Rules Committee** on Feb 17. Introduced on January 20.

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

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.

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: “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.*

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 (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.*

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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