

## 2024 Legislative Session – Week 4 Report

The Joint Finance and Appropriations Committee (JFAC) and the struggles around budget-setting continues to be the big story. Prior to the beginning of the session, the JFAC Co-Chairs had outlined a new budgeting process that included passing two separate budgets for each agency; one budget would be a “maintenance budget” similar to the agency’s approved budget from last year, minus one-time spending and federal COVID money. These budgets reflect the funding needed to keep the agency operating. Separately, JFAC would also consider each agency’s “line item requests”. These requests are for items that agencies would like to have funded to enhance their operations, replace old equipment, increase rates for Medicaid providers, etc. Some legislators are concerned that this new process will make it more difficult for agencies to receive approval for anything outside of the minimum of what the agency needs to function.

On Friday, after a delayed start, 12 Committee members banded together to propose new versions of budgets that were previously set several weeks ago. While the first version of these budgets were considered “maintenance budgets”, the budgets that were proposed on Friday included both maintenance items as well as money for agency line item requests, similar to how JFAC has formulated budgets in the past. Ultimately, JFAC passed several of these “complete” budgets on Friday, bucking the plan outlined by the Co-Chairs prior to the session. Because several of the previously-passed budgets were just printed and assigned bill numbers this week, legislators will have to make a choice on which budgets to actually vote and, ultimately, move forward, as it can’t be both.

The increasing tension around the JFAC process, coupled with other issues, may come to a head this week. During Friday’s floor session, House members were reminded that they should brush up on certain sections of Mason’s Manual of Legislative Procedure, as it will be “an interesting week next week”.

H 419, which would have effectively repealed Medicaid expansion by placing conditions on the program which would be impossible for both the state and the federal government to meet, was heard in House Health & Welfare on Thursday. A representative from the Foundation for Government Accountability, who also presented to the Medicaid Managed Care Task Force last summer, presented the bill and took many questions from the Committee regarding the feasibility of the proposal. After nearly three hours of testimony almost entirely against, the Committee voted to hold the bill. The bill sponsor is now working on new legislation.

On Monday, several important healthcare bills are on the agenda in House Health & Welfare, all sponsored by Rep. Blanksma. First is an RS to extend postpartum coverage for new mothers on Medicaid. The Committee will also hear H397 to require that parents opt their children into Idaho’s Immunization Reminder Information System rather than opting out. There is also a hearing scheduled for H399, legislation to reinstate the Maternal Mortality Review Committee. Idaho is currently the only state in the national without such a Committee after the previous Committee sunset last year.

## 2024 Legislative Session Bill Tracking

Bill Number	Bill Introduction	Description
<a href="#">H400</a> <b>DEAD</b>	Introduced 1/16; Referred to House State Affairs; Held in Committee 1/22	<b>Preborn children (Young, Skaug)</b> Replaces the term 'fetus' or 'fetus and embryo' with the term 'preborn child' or 'child.'
<a href="#">H381</a> <b>DEAD</b>	Introduced 1/9; Referred to House State Affairs	<b>Preborn children (Young, Skaug)</b> Amends existing law to redesignate the terms "fetus" and "stillborn fetus" to "preborn child" and "stillborn child."
<a href="#">H383</a>	Introduced 1/10; Referred to House Business	<b>Medical liens (Skaug, Gannon)</b> Extending the time for filing a medical lien until after a citizen's health insurance has had the chance to process the medical costs ensuring that medical providers get paid a fair value for their services. This also modernizes the 1941 medical lien statute to make it consistent with recent Idaho medical billing statutes. This helps patients by making sure that those who have purchased medical insurance receive the benefits they have purchased while still protecting medical providers.
<a href="#">H392</a>	Introduced 1/15; Referred to House Health & Welfare	<b>Health districts, powers, duties (Gallagher, Lenney)</b> Limits the powers and duties of the district boards of health. It narrows their scope to administer and enforce only necessary and reasonable health laws and regulations, eliminating the broader mandate to do "all things" for the preservation and protection of public health, including preventative health measures. This change reinforces the focused use of authority and resources to ensure the boards operate within a specified framework.
<a href="#">H396</a>	Introduced 1/16; Referred to House State Affairs	<b>Mask mandates, prohibition (Gallagher, Lenney)</b> Prevents the State of Idaho, its political subdivisions, or any state officers from mandating the use of face masks, face shields, or other face coverings as a means to prevent or slow the spread of a contagious or infectious disease.
<a href="#">H397</a>	Introduced 1/16; Referred to House Health & Welfare; Hearing 2/5.	<b>Immunization registry, opt in (Blanksma)</b> This legislation amends Section 39-4803, Idaho Code, pertaining to the voluntary registry of the immunization status of Idaho children, which is kept by the Department of Health and Welfare, to be an opt-in, rather than an opt-out, registry.

<a href="#">H398</a>	Introduced 1/16; Referred to House Health & Welfare	<b>Medicaid, legislative approval (Blanksma)</b> Requires legislative approval of waivers and state plan amendments. This prohibits the state Department of Health and Welfare from seeking or implementing a Medicaid State Plan or a waiver pursuant to Section 1115 or 1915 of the Social Security Act without legislative approval provided in statute. This legislation does not affect pre-existing state plan amendment or waiver programs implemented prior to this legislation taking effect.
<a href="#">H399</a>	Introduced 1/16; Referred to House Health & Welfare; Hearing 2/5.	<b>Maternal mortality, board, report (Blanksma)</b> This legislation amends Section 54-2806, Idaho Code, to authorize the Board of Medicine to collect and review data and information concerning maternal mortality in the state of Idaho. The Board of Medicine shall have the power throughout the state to require production of needed information and will provide an annual summary report to the Legislature by January 31st of each year.
<a href="#">S1227</a>	Introduced 1/16; Referred to Senate State Affairs	<b>Patient medical rights (Foreman)</b> Establishes health rights under the law for medical patients, their family members, and legal guardians. This legislation will help ensure fairness of treatment, enhance patient awareness of medical treatment options, and install patient safeguards with respect to requirements for informed consent and the use of experimental drugs. This legislation will place necessary and expected restrictions on state and local government as to governmental authority with respect to the advertising of certain types of medicines or vaccines and the imposition of personal restrictions on Idahoans relating to widespread medical situations.
<a href="#">S1229</a>	Introduced 1/16; Referred to Senate State Affairs	<b>Abortion, exceptions (Foreman)</b> Disallows the affirmative defense to the felony of criminal abortion in the case of incest or rape.
<a href="#">SCR110</a>	Introduced 1/16; Referred to Senate State Affairs	<b>COVID-19, study committee (Foreman)</b> Authorizes the Legislative Council to appoint a committee consisting of Senate and House members to undertake a study of the State of Idaho's response to the Covid-19 pandemic.
<a href="#">S1234</a>	Introduced 1/16; Referred to Senate Commerce & Human Resources; Our of Committee 2/1; Senate 2 <sup>nd</sup> Reading.	<b>Contraception, six months (Wintrow)</b> Requires any health benefit plan issued or renewed on or after 1/1/25, which covers contraceptives approved by the FDA, to provide reimbursement for up to a six-

		month refill supply of prescribed contraceptives obtained at one time by the enrollee.
<a href="#">H418</a>	Introduced 1/22; Referred to House Health & Welfare	<b>Assistant physicians (Redman, Zuiderveld)</b> Expands Idaho’s bridge physician licensure program by creating a direct pathway for bridge physicians to become a licensed general practitioner without entering a residency program. This is designed to alleviate the physician shortage by allowing smaller healthcare providers to train the physician workforce where they are needed. This legislation renames bridge physicians as “assistant physicians.” After completing a minimum of three years as an assistant physician and successfully passing the final step of the United States Medical Licensing Examination, a candidate may apply for an unrestricted license to practice as a general practitioner.
<a href="#">H419</a> <b>DEAD</b>	Introduced 1/22; Referred to House Health & Welfare; Held in Committee 2/1.	<b>Medicaid expansion, conditions (Redman, Bjerke)</b> Requires that several program integrity and cost-saving measures be implemented in Medicaid as a condition for the continued expansion of eligibility to able-bodied adults under the Affordable Care Act for the purpose of prioritizing Medicaid resources for the truly needy, moving able-bodied Medicaid enrollees into affordable and private coverage with greater access to healthcare, and reducing overall program spending. These conditions include a work requirement and enrollment caps for able-bodied adults and a requirement that the improper payment rate in Medicaid be reduced to 5 percent or less.
<a href="#">H421</a>	Introduced 1/22; Referred to House Jud & Rules; Out of Committee 1/31; House 3 <sup>rd</sup> Reading.	<b>Sex, gender, definitions, rules (Young)</b> Provides a legal definition for male and female and related terms, and providing consistency across state statute.
<a href="#">H423</a> <b>DEAD</b>	Introduced 1/23; Referred to House Health & Welfare	<b>Maternal mortality committee (Healey, Lee)</b> Amends Idaho Code 39 by adding new Chapter 96, which will establish a Maternity Mortality Review Committee. This committee will collect and review data concerning maternal mortality in the state of Idaho and provide an annual report June 30th of each year. This legislation will sunset in July 1, 2030.
<a href="#">H435</a>	Introduced 1/29; Referred to House Health & Welfare	<b>Controlled substances, schedule I (IDOPL, Erickson)</b> Updates Schedule I of the Idaho Controlled Substance Act with the addition of certain synthetic stimulants and depressants that are not approved for medical use and are not formulated or available for clinical use.

<a href="#">H436</a>	Introduced 1/29; Referred to House Health & Welfare	<b>Allied health professionals (IDOPL, Redman)</b> The Idaho Board of Medicine currently governs the practice of dietetics, athletic training, respiratory therapy, and naturopathic medicine through separate advisory boards for each practice. This bill restructures those advisory boards into a single allied health advisory board to restrain costs and provide more efficient governance.
<a href="#">H437</a>	Introduced 1/29; Referred to House Health & Welfare	<b>Midwifery licensure (IDOPL, Healey)</b> Consolidates the regulation of licensed midwives under the Board of Nursing for practical and financial reasons. The Board of Midwifery is operating at a deficit, and it is highly unlikely that it will ever be financially solvent. The Board of Nursing has sufficient resources to absorb the Board of Midwifery and will be able to effectively regulate the midwifery profession as it currently regulates certified nurse midwives. To account for the consolidation, we have altered the board's composition.
<a href="#">H438</a>	Introduced 1/29; Referred to House Health & Welfare	<b>Immunizations, exceptions (Healey)</b> Currently, many school districts send notices to parents of school aged children regarding Idaho Code 39-4801. The purpose of this language is to require schools to send communication including Idaho Code 39-4804 any time they send Idaho Code 39-4801.
<a href="#">H439</a>	Introduced 1/29; Referred to House Health & Welfare	<b>Immunization assessment board (Healey)</b> Resets the sunset date for the Board from July 1, 2024 to July 1, 2029.
<a href="#">H440</a>	Introduced 1/30; Referred to House Jud & Rules.	<b>Smoking products, minors, penalties (Raymond)</b> Places selling vape products on par with selling other harmful products to minors.
<a href="#">H463</a>	Introduced 2/1; Referred to House State Affairs.	<b>State agencies, donations (Monks)</b> Prohibits state departments from donating to and or sponsoring non-governmental organizations unless specifically required by law or unless previously approved by the Governor. This legislation also requires DFM to report all donations and sponsorships to the legislature.

Tracked through 2/2/24  
H471 / S1275