**Idaho Academy of Family Physicians**

**2020 Legislative Report**

Week 10, March 9 – 13, 2020

**Medicaid expansion funding solution may not be found this year.**

As the legislature barrels toward the end of the 2020 session, being nudged along by coronavirus concerns, a complicated bill to fund Medicaid expansion and eliminate Catastrophic Health Care Program and County Indigent Funds failed in a House committee. House Health and Welfare Chairman, Fred Wood, strongly suggested the legislature may not settle on a solution to fund Medicaid expansion this year.  Although there is an option to backfill those needs in the 2021 legislative session.

Here is a link to a story explaining in greater detail:

[**https://www.idahopress.com/eyeonboise/bill-to-tap-counties-for-medicaid-expansion-end-indigency-cat/article\_f0f8c693-3bec-53b2-86f3-75c64c5dc24b.html**](https://www.idahopress.com/eyeonboise/bill-to-tap-counties-for-medicaid-expansion-end-indigency-cat/article_f0f8c693-3bec-53b2-86f3-75c64c5dc24b.html)

**For up-to-date information on the Coronavirus (COVID-19) find resources at:**

[**https://www.aafp.org/patient-care/emergency/2019-coronavirus.html**](https://www.aafp.org/patient-care/emergency/2019-coronavirus.html)

[**https://coronavirus.idaho.gov/**](https://coronavirus.idaho.gov/)

**NEW LEGISLATION INTRODUCED THIS WEEK**

[**H616**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0616/)**: Health Care Directive Registry** by Rep. VanderWoude

This is a replacement for H436 which failed on the House floor earlier in the session.  It transfers the responsibility of the Health Care Directive Registry from the Secretary of State’s office to the Department of Health and Welfare.

*Status:  Passed full House 52-18 on March 12, to Senate Judiciary and Rules Committee for action.*

**STATUS OF PREVIOUS LEGISLATION**

[**S1395**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1395/)**: Graduate Medical Education Funding**by JFAC

Graduate Medical Education Programs budget was set at the Governor’s request of $22.2 million and takes into account growth for year three of the 10-year plan for expansion of the GME programs, including an additional $1.25 million for 25 new residents.

*Status:  To Governor.  Passed House 52-19 on March 12, had passed Senate 32-1 on March 10.*

[**H600**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0600/)**:  Medicaid Expansion, County Share**, by Rep. Raybould

(formerly H553) A new bill in an attempt to fund Medicaid expansion.  Would tap counties to help fund the state’s share of Medicaid expansion and end the county medical indigency and state Catastrophic Health Care Fund.

*Status:****FAILED i****n House Health and Welfare committee on March 13.*

[**H515**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0515/)**:  Idaho Patient Act**, by Rep Monks

(formerly H425) This proposal is billed as a medical debt collection repair bill but also makes changes in patient billing requirements by medical providers.  It would institute new timelines for billing, require transparency regarding the services being billed to patients, implement deadlines for when providers can send a bill to collections and caps the amount attorneys can receive in supplemental attorney’s fees in medical debt-collection lawsuits.

*Status:  To Governor.  Passed full Senate 32-1 on March 9. Passed the House 49-20 on Feb 24.*

[**H538**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0538/)**:  Electronic smoking devices, by Rep. Wood**

Amends the Prevention of Minors Access to Tobacco Act to include electronic smoking devices into the definition of tobacco products.

*Status:  Passed Senate Health and Welfare on March 12, awaiting action by full Senate.  Passed full House 38-32 on March 6.*

[**S1348**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1348/)**: Controlled Substances, Prescription Drug Monitoring Program** by Sen Lee

Strengthens the state’s efforts to combat opioid misuse by enhancing the use of the prescription drug monitoring program requiring a check prior to writing a prescription for opioids or benzodiazepines.

*Status:  Passed House Health and Welfare committee on March 11, to full House for action.  Passed Senate 34-1 on Feb 24.*

[**H342**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0342/)**:  Telehealth Services,**by Rep. Blanksma

This bill amends the current Telehealth Act to add to the definition of "Telehealth services" to include services such as consultations, assessments, remote monitoring, and transferring of medical data. This bill also adds a definition for "telehealth technologies" and removes the requirements for "two-way audio and visual" used for the first telehealth encounter in order to establish patient/provider relationship.

*Status:  To Governor.  Amended version passed full House 66-0 on March 6. Passed the Senate on March 2.*

[**H392**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0392/)**:  Health Care Providers Immunity** by Idaho Medical Association

Expands the limited liability provisions of physicians who volunteer at free medical clinics or community-oriented heath events to other medical professionals and students.

*Status:  LAW, signed by Governor on March 9.  Passed Senate 31-1 on March 2, now to Governor. Passed the House 69-0 on Feb 13.*

[**H500**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0500/)**: Fairness in Women’s Sports**by Rep Earhart

Forbids transgender girls or women from competing in school sports, and allows any female school sports player’s gender to be challenged, requiring her to undergo both physical and chromosomal exams to prove her gender.

*Status:  Amended by Senate on March 10, awaiting full action by Senate.  Passed the House 52-17 on Feb. 26.*

[**H386**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0386/)**: Pharmacy Benefit Managers, by Rep. Vander Woude**

This bill creates and places parameters and requirements for creation of third-party pharmacy benefit managers, including registering with Dept of Insurance, prohibiting gag clauses for pharmacists regarding info to patients that could save costs, and requiring information on how maximum allowable costs are determined.

*Status: To Governor.  Passed the Senate 34-1 on March 3. Passed the full house 51-17 on Feb 6.*

**[H317](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0317/" \t "_blank):  Optometric physician licensing act**, by Bureau of Occupational Licensing

Cleans up and modernizes the optometric licensing act.  Among other things, includes expanded scope of practice to allow optometrists to perform certain laser surgical procedures once they’ve met certain examination and experience requirements.

*Status:  NO ACTION THIS WEEK.  Passed full House 58-11 on Feb 5, awaiting action in Senate Health and Welfare committee.*

[**H531**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0531/)**:  Telehealth Services**, by Rep. VanderWoude

Adds language to the telehealth act to clarify the use of Medication-Assisted Treatment (MAT) can be used utilizing telehealth services.  MAT is a combination of behavioral health and medication treatment for treating addiction.

*Status:  HELD in Senate Health and Welfare this week, will not advance.  Passed the House 66-0 on March 2.*

[**S1331**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1331/)**:  Chiropractors prescriptions**, by Idaho Assn of Chiropractic Physicians

Allows chiropractors with prescribing authority to obtain prescriptions from Idaho compounding facilities.

*Status:  Passed House Health and Welfare on March 11, awaiting full House action.  Passed full Senate 34-0 on Feb 24.*

[**H525**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0525/)**:  Public Moneys, Abortion Providers** by Reps. Zollinger and Zito

Prohibits transfer of any public money to any individual or organization that is a provider of abortion services.

*Status: Hearing in Senate State Affairs Friday March 13.  Passed House 52-17 on March 3.*

[**H497**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0497/)**: Yellow DOT program** by Rep. Nilsson Troy

Creates a Yellow DOT system for Idaho.  Yellow DOT is a program in which those with medical issues place a folder of documents in their glove box of their car so that in the instances of an emergency situation and if the person is incapacitated first responders have the information available to them.  A sticker is placed in rear window of car indicating such information.

*Status:  Passed Senate Health and Welfare committee on March 12, awaiting action by full Senate.  Passed House 36-32 on March 4.*

[**S1305**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1305/)**:  Psychologists, prescription authority** by Idaho Psychological Association

Adds Family Physician to the list of approved supervisors for prescribing authority for psychology students.  To address the lack of supervisors available to prescribing psychology students.

*Status:  Passed House Health and Welfare Committee on March 11 awaiting full House action.  Passed full Senate 34-0 on Feb 18.*

[**H385**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0385/)**: Certified Medication Assistants**by Idaho Health Care Association

Updates and clarifies requirements, provide an avenue for CNAs to get additional training/certification to administer medications (esp. in long term care facilities).  Sponsors claim this is not new, but a revamp of existing statute and elimination confusing rules.

*Status:  To the Governor on March 9.  Passed Senate 35-0 on March 3. Passed full House 68-0 on Feb 12.*

**BILLS THAT HAVE BECOME LAW**

[**H339**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0339/)**: Physical Therapy Dry Needling,**by Idaho Physical Therapy Association

Makes a correction to Physical Therapy Practice Act related to dry needling provisions adopted in the last legislative session.  Previous legislation required the courses be approved by a national physical therapy accreditation board, however such organization does not exist.  This gives authority for such course approval to the Idaho Physical Therapy Licensure Board.

*Status:  LAW.  Signed by governor on March 9.  Passed Senate 33-0 on March 2.  Passed full House 68-0 on Feb 5.*

[**H351**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0351/)**:  Medicaid Reimbursements,**by Dept of Health and Welfare

Reduces net reimbursements to hospitals and nursing facilities in 2020 and 2021 to help achieve the general Medicaid general fund needs of a 1% overall reduction in FY 2020 and a 2% reduction in FY 2021.  (This in response to Governor Little’s edict to all state agencies for such reductions over the next two years).  Directs the Department to work collaboratively with hospitals and nursing facilities to update reimbursement methods.  Will facilitate a movement away from cost-based Medicaid payments to value-based.

*Status: LAW.  Signed by Governor on March 3. Passed Senate 32-3 on Feb 25.  Passed full House 44-24 on Feb 5.*

[**S1240**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1240/)**:  Advanced Practice Registered Nurse,**by Sen. Souza

To provide signature authority to Advanced Practice Registered Nurses for such documents as signing disabled parking permits, jury exemptions, disabled hunter permits, athletic physicals, or mental health declarations (all of which by statute currently require a physician signature).

*Status:  Now LAW.  Signed by Governor on Feb 18.  Passed House 67-0 on Feb 12.  Passed full Senate 35-0 on Feb 3.*

[**H315**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0315/)**:  Controlled substances, Schedule I**, by Board of Pharmacy

This bill aligns Idaho Controlled Substances Act with decisions made in 2019 by the Federal DEA.  It places synthetic cannabinoids, synthetic cathinones, and synthetic fentanyls in Schedule I.

*Status:**Now LAW.  Signed by Governor on Feb 13. Passed full Senate 34-0 on Feb 6, Passed full House 62-5 on Jan 27.*

[**H316**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0316/)**:  Pharmacy Act updates**, by Board of Pharmacy

Updates Uniform Controlled Substances Act as it relates to Forfeitures and Discipline, updates and modernizes Pharmacy Act to be more consistent with recent legislative action.

*Status: Now LAW.  Signed by Governor on Feb 13. Passed full senate 34-0 on Feb 6, Passed full House 62-5 on Jan 27.*

**BILLS THAT APPEAR TO HAVE STALLED**

[**H436**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0436/)**: Health Care Directive Registry** by Rep. Youngblood

Transfers the responsibility of the Health Care Directive Registry from Secretary of State’s office to the Department of Health and Welfare.

*Status:****FAILED****on House floor 30-36 on Feb 26.*

[**S1308**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1308/)**:  Tobacco products, age** by Dept of Health and Welfare

Aligns Idaho law with recent Federal law change making age to purchase tobacco products 21 years.

*Status:****FAILED****on the Senate floor 10-22 on Feb 27.*

[**H506**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0506/)**: No Surprises Act Balanced Billing** by Rep. Blanksma

(formerly H341, formerly H387). This bill prohibits “surprise” medical billing when a patient receives care from an in-network hospital facility and is unknowingly charged. This bill also allows out-of-network providers to be reimbursed at the same rate by contracted providers.

According to the sponsor, this legislation requires insurance companies to treat providers who are not contracted as if they were contracted by paying them at the higher contracted rates and providing the member in-network benefits.  The provider, in turn, must accept these payments as their total payment, and not bill the patient for any balances.

*Status:**NO ACTION THIS WEEK.  Introduced Feb 13 in House Ways and Means Committee, awaiting House Health and Welfare action.*

[**H533**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0533/)**:  Medicaid Expansion, County Share,** by Rep. Raybould

**(Now H 600)** This is a complicated bill putting in place a mechanism to wean county indigent funds and catastrophic health care fund out of counties purview as implementation of Medicaid expansion theoretically reduces the costs of those programs.

*Status:  NO ACTION THIS WEEK  Introduced Feb 21 in House Health and Welfare Committee, awaiting full committee discussion.*

[**H499**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0499/)**:  Medicaid Reimbursement Parents as Teachers** by Rep. Blanksma

Instructs Dept of Health and Welfare to seek Federal approval for increased reimbursement rates for home visits for Medicaid children. Stated goal is to provide services for families prenatal through age five in the home setting by a qualified provider.

*Status:  NO ACTION THIS WEEK.  Introduced Feb 12 in House Health and Welfare, awaiting committee hearing.*

[**H437**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0437/)**:  Smoking/vaping in vehicles** by Eagle High School students

Prohibits smoking or vaping in a vehicle if any passenger 18 years of age or younger.

*Status:  NO ACTION THIS WEEK.  Introduced in House Health and Welfare on Feb 6, awaiting full committee hearing.*

[**H438**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0438/)**:  Prevention of Blindness and disease in infants** by Rep. Giddings

Eliminates a penalty provision when parents who home birth children fail to provide newborn screening date to the state.  In the words of the sponsor it will “decriminalize parents who birth their children at home and choose to not provide the state with newborn screening data.”

*Status:  NO ACTION THIS WEEK.  Passed Full House 66-0 on Feb 17.  Now in Senate Health and Welfare committee for action.*

[**S1252**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1252/)**:  Injectable Cosmetics**by ID Cosmetic Safety Association

Clarifies that only physicians, PAs, RNs, dentists, or pharmacists may inject substances into a patient’s head or neck.  Specific to include Botox, Dermal/soft tissue fillers.

*Status:  NO ACTION THIS WEEK.  Introduced in Senate Health and Welfare committee on Jan 24.*

[**H391**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0391/)**: Youth Athletes and Chiropractors** by Rep. Zollinger

Adds licensed practicing chiropractor to list of medical professionals with authority to evaluate a student athlete concussion victim for return to activity.

*Status: NO ACTION THIS WEEK.  Introduced in House Health and welfare committee on Feb 3, awaiting full hearing.*

As always, we will continue to track activity of interest to the Academy of Family Physicians in the Legislature.  We stand ready to answer any questions you may have.

Thanks,

Ken Burgess, Partner

Veritas Advisors, LLP