

2020 IDAHO LEGISLATURE

UPDATE

January 20, 2020 through January 24, 2020

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This week at the Capitol has been focused on education with the presidents of Idaho's colleges and universities justifying their budgets with the Joint Finance Appropriations Committee, the body that approves all state budgets. The state colleges and universities agreed earlier this year to freeze tuition and to take significant budget cuts, in some cases eliminating faculty and programs.

For the health care committees, administrative rules review is complete. With the executive order Governor Little issued last week placing a moratorium on new rules through the end of 2020, agencies that failed to get rules approved this session will need to wait until next year to adopt temporary rules unless an emergency exists to justify acting this year. Rules required of new legislation passing this session, or required by federal law, can move forward, but anything else is being delayed.

The House and Senate have still not come to agreement over the rules process in the future. This fight is what led to the entire rule docket failing to be authorized at the end of the 2019 session, resulting in all administrative rules being reintroduced and reviewed this year. It has been a Herculean task for committees to work through this year's rules, a process few want to repeat next year. Now that rules review is mostly finished, bills are rapidly being introduced and heard in committees.

H0318 – Division of Occupational and Professional Licenses – Passed House H&W 7-5

This is a controversial bill that renames the Bureau of Occupational Licenses to the Division of Occupational and Professional Licenses and adds full authority for the Governor to reorganize the many commissions, trade councils, and professional boards, including the Boards of Nursing, Medicine, Dentistry and Pharmacy. The objective is to streamline operations; however the concern is that it could place too much authority under the Division of Occupational and Professional Licenses and the professional boards could eventually lose their independence and identity. This follows a trend in other states to consolidate boards and create umbrella oversight.

S1240 – Global Signature Bill – Support

In 2004, Idaho passed independent practice for APRNs. S1240, introduced by Senator Mary Souza, would extend signature authority to APRNs (Nurse Practitioners, Nurse Anesthetists, Nurse Midwives and Clinical Nurse Specialists) for items that currently require physician signatures such as disabled parking permits, athletic physicals and mental health declarations.

H0340 – Residential Substance Abuse Treatment for Teens - Support

Children, including teens, are prohibited from being treated in adult treatment centers. Teens requiring inpatient substance abuse treatment are often sent to treatment facilities out-of-state, at great cost as well as separating them from their families. This bill introduced by Senator Souza would allow residential substance abuse treatment for teens by providing an exemption from licensing for programs that provide temporary drug and alcohol treatment for those ages 13-17. The bill details requirements, restrictions and child protection review of these children's treatment facilities.

H0341 – Surprise Medical Billing

<https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0341.pdf>

There has been increasing public outrage when a person seeks care at an in-network hospital, but unknowingly is treated by an out-of-network provider resulting in charges that are not covered by their insurance. H0341, if passed, would make surprise medical bills void but allow out-of-network providers to be reimbursed at the same rate negotiated for the facilities' contracted providers. It is uncertain how this bill might affect providers such as nurse anesthetists where the in-network facility does not have a contract for anesthesia services, leaving the interpretation of coverage open solely to the insurance companies. The bill is being pushed by the insurers and could impact rural hospitals from having coverage if reimbursement is inadequate. While patients should be protected from unanticipated costs, there should also be fair reimbursement without patients being caught in the middle.

H0317 – Optometrist Licensing Act

The Optometry Practice Act was last updated in the 1980s. The Bureau of Occupational Licenses that licenses optometrists, and the Board of Optometry introduced legislation to update the act to address current practice and technology, including the ability for optometrists to perform limited laser eye surgery. A hearing in the House Health and Welfare Committee lasted over two hours with considerable opposition from physician ophthalmologists and the medical association. The hearing has been continued into next week to give legislatures time to absorb several studies on both sides of the issue. Optometrist laser procedures are currently approved in six states.

Gender Identity – Vital Statistics Rules – Hearings to be Scheduled

All Department of Health and Welfare rules have been passed with the exception of the gender identity rule. This rule will address gender reassignment and gender identity on birth certificates. Because it is controversial, it was withheld from the initial Committee consideration. The decision by the Committee Chairman, Representative Fred Wood, was to hold consideration of the Vital Statistics gender identity rules to allow two pending bills, one in the House and one in the Senate to move forward before the rules review.

Religious Exemption to the Child Protection Act – To be Introduced

A bill to narrow the religious exemption to the Child Protection Act is being introduced by Representative John Gannon of Boise. For several years, attempts to eliminate the exemption have failed. Idaho law requires parents to *“furnish necessary food, clothing, shelter, and medical attendance*

for his or her child or children” except for allowing parents to refuse medical care based upon religion. The law was enacted in 1972 under pressure from the federal government to support religious rights. Religious exemptions survive in only a handful of states. Since the law was enacted, nearly 200 Idaho children have died from treatable illnesses where parents have chosen prayer over treatment. The bill introduced this year would require parents to seek medical attention for their child specific to serious illnesses that could cause disability or death. The bill faces a difficult hurdle in the Senate.

Families First Act

Governor Little issued his third executive order to provide 8 weeks of paid parental leave for state executive branch employees. State employees of the legislative branch and the courts are not covered by this order; however, the Governor mentioned his desire that the other two branches of government do likewise. Current federal law allows up to 12 weeks of unpaid leave.

CALL TO ACTION

Familiarize yourself with the Idaho Legislature website: www.legislature.idaho.gov

The site includes information on who your legislators are (you can search by your address), and how to contact them. In addition is information on House and Senate Standing Committees, with photos and background information on each legislator. The site also has links to Committee agendas and meeting minutes.