

2020 IDAHO LEGISLATURE

UPDATE

February 10, 2020 through February 14, 2020

Michael McGrane, RN

This past Monday was the last day for bills to be tagged for introduction. So this week there has been a flurry of new bills being introduced including some that generate attention on hot-button issues such as abortion, guns and gender identity. Proposals (“RS” for Routing Slip) first get a print hearing allowing the bill to be officially introduced with a bill number. Then the bill is scheduled for a committee hearing and progresses for a vote in the originating chamber, the House or the Senate, where the bill was introduced, for a floor vote. If it passes committee and the floor, the bill then goes through the same process in the other chamber. Once passing both the House and the Senate, the bill is then sent to the Governor for his signature. Along the way there are several opportunities for a bill to die including a veto by the Governor. The process intentionally makes it very difficult for a bill to become law. H317 is a good example. It died in committee this week. Once a bill passes and is signed by the Governor, it becomes law on July 1st unless there is an emergency provision, in which case it will become law when the legislature adjourns. Legislative leadership is pushing hard to complete this year’s session by March 20th.

H 0458 - Battery Against Health Care Workers

A hearing is scheduled Monday, February 17th at 1:30 in the House Judiciary and Rules Committee at the Capitol – contact your legislators www.legislature.idaho.gov

It is a felony in Idaho to assault a police officer, correctional employee, an employee of the Department of Health and Welfare, an attorney and others who are doing their job. In 2014 nurses mounted a successful effort to add healthcare workers to the list. Over the past 5 years there have been over 300 charged across the state under this law of those who assaulted healthcare workers. A premise to passing the healthcare provision in 2014 was that prosecutors would use good discretion in filing charges against those who commit this crime taking into consideration the circumstances.

S1240 – Global Signature Bill – Passed Senate 35-0, Passed House 67-0, to Governor

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. Nurse Practitioners are the sole providers in 11 Idaho communities where patients currently must travel to other locations to seek physician’s authorization.

H 0392 - Liability Protection for Healthcare Volunteers – Passed House 69-0, to Senate

Sponsored by the Idaho Medical Association, this bill expands the list of providers including nurses already protected from liability when volunteering services to add any licensed, certified or registered healthcare professional. This includes counselors, social workers, psychologists, physical therapists, hygienists, pharmacists, dietitians and others.

S1252 – Idaho Injectable Cosmetics Safety Act – Introduced, Senate H&W

The “Injectable Cosmetics Safety Act” would require head, facial and neck injections of Botox and soft tissue fillers, to be performed only by physicians, PAs, RNs, dentists and pharmacists, and prohibits the delegation to any others non-licensed person.

H0385 – Certified Medication Assistants – Passed House 66-0, to Senate

Certified Medication Assistants are already allowed under the Nurse Practice Act. This year the Board, while retaining authority, removed rules related to medication assistants as there had only been one person certified who is no longer practicing. This bill updates and clarifies the requirements for Certified Medication Assistants and provides an avenue for Certified Nurses Aides to become Certified Medication Assistants. The bill is proposed by the Idaho Health Care Association that represents long-term care facilities.

H0387 – Surprise Medical Billing – House H&W – Reintroduced with changes – Now H0506

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. H0387, 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. The bill has been revised to allow a patient to choose to use an out-of-network provider.

H0425 - Melaleuca Bill – Medical Debt Collection – Introduced, House Business Committee

This bill targets medical bill collectors and attorney fees. It would set time to allow a patient to pay their bill or to dispute the charges before any collection activity. It also requires notices to be filed, and limits the collection, attorney fees and interest charges that can accumulate exponentially. Frank VanderSloot, CEO and founder of Melaleuca in Idaho Falls is pushing this bill to counter medical bill collectors. It follows a case where one of Melaleuca’s employees had a \$294 debt that escalated to over \$5,000 after interest, collection and attorney fees were added. Last year VanderSloot created a \$1M legal defense fund to represent people in medical debt cases.

H0317 – Optometrist Licensing Act – Passes House 58-11, Failed in Senate H&W Committee

In addition to updating the Optometrist Licensing Act to address current practice and technology, this bill introduced by the Bureau of Occupational Licenses that licenses optometrists and the Board of Optometry would allow optometrists to perform limited laser eye surgery.

H0342 – Telehealth – Passed House 68-0, Senate H&W Sent to Amending Order

Teledoc Health is a national telemedicine company offering virtual care through a variety of telecommunication technologies. This bill broadens the ways patients, especially those in rural communities without broadband and the ability for face-to-face, two-way audio and visual communication to receive medical care. The bill, if passed, would allow patients to connect with a physician via telephone, e-mail and other technologies to establish a provider/patient relationship without face-to-face audio and visual connection to receive a medical evaluation, diagnosis and prescriptions.

S1295 – Teledentistry – Passed Senate H&W, to Senate Floor

S1295 tightens requirements for teledentistry in the Dental Practice Act to establish a referral relationship with a dentist accessible to the patient's location in Idaho prior to providing any teledentistry services, provide advanced notification to the patient that in-person treatment may be required at an additional cost, require the review of patient records and x-rays from an in-patient exam conducted within the prior six months, and ensure the patient retains the ability to file a complaint with the Board of Dentistry.

HJM12 – Opioid Trafficking – Congressional Delegation

This is a House Joint Memorial to the Idaho Congressional Delegation that underscores the severity of opioid trafficking in Idaho. Melinda Smyser with the Office of Drug Policy shared statistics that showed a 6,000% increase in drug trafficking in Canyon County. The interstate highway system, I-15 in Eastern Idaho, I-84 in Western Idaho and I-90 in Northern Idaho are corridors for illegal drugs, in particular Fentanyl and Methamphetamines, coming into the state, most of it from Mexican drug cartels.

House H&W JFAC Presentation

On Wednesday, Representative Fred Wood, Chair of the House Health and Welfare Committee presented the committee's priorities to the Joint Finance Appropriations Committee that approves the state budgets. Priorities included \$8.5M from Counties for Medicaid Expansion (a portion of counties allocation for indigent medical care) with alternative sources including the Tobacco Settlement Fund and the State Catastrophic Fund for ongoing funding of Medicaid Expansion; \$300M to the Department of Health and Welfare budget for behavioral health/mental health – noting that Idaho has the 4th highest suicide rate in nation, and recommending the state contribute to the Head Start Program that has a proven track record of reaching youth during their formative years.

H0485 - Student Nurses Loan Repayment – House Transportation Committee

This bill would create a nursing student loan repayment program for nurses who work at the State Veterans Home. It is a way to recruit and retain nurses for the Veterans Home.

H0351 – Medicaid Reimbursements to Hospitals and Nursing Facilities – Passed House 44-24, Passed Senate H&W, to Senate Floor

As a result of the Governor’s directive to cut state agencies budgets 1% this year and another 2% next year, the Medicaid Division in the Department of Health and Welfare has been working with hospitals and nursing facilities to realign Medicaid payments to move from cost-based to value-based reimbursement that incentivizes quality and improved health outcomes. This would reduce state Medicaid costs by \$4.9M in FY2020 and \$13.7M in FY2021. The bill is supported by the Idaho Hospital Association and the Idaho Health Care Association.

H0318 – Division of Occupational and Professional Licenses – Passed House 43-24, Passed Senate Business & Commerce Committee, to Senate Floor

This bill 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.

H0340 – Residential Substance Abuse Treatment for Teens – House H&W, Sent to General Orders for revision

In her presentation of the bill, Senator Souza used the example of the Good Samaritan Rehabilitation in Coeur d’Alene, a faith based adult treatment center operated by Pastor Tim Remington, as an alternative treatment program for adolescents. She noted Pastor Remington’s success in treating over 3,000 adults in his faith-based program. She also highlighted the state’s failure to do anything to help adolescents who are barred from crisis centers and adult treatment centers for drug and alcohol treatment. In opposition was an outpouring of concerned counselors, social workers, disability rights advocates and others who question the faith only approach to drug and alcohol treatment and the safety of youth in unlicensed residential facilities. Tim Remington was recently appointed to fill the open seat of former Representative John Green who was expelled from the House. Representative Remington will take a seat on the House Health and Welfare Committee.

Teens requiring inpatient substance abuse treatment are often sent out-of-state, at great cost as well as separation from families. This bill 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. Out of concern that this bill would open the door to unlicensed private treatment centers anywhere in the state, the bill was sent to General Orders for revision.

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.

H0454 – Definition of Neglect in Child Protection Act – Introduced, to House Judiciary Committee

This bill adds “imminent serious harm” to the definition of neglect and provides protection for parent or guardians seeking a second medical opinion.

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. Monday is the last day for bill introduction.

CALL TO ACTION

2020 Nurses Day at the Capitol

Thursday, February 20th 8:00 AM – Noon

First Floor Rotunda, Idaho State Capitol, Boise

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.