

2020 IDAHO LEGISLATURE

UPDATE

January 27, 2020 through January 31,2020

Michael McGrane, RN

It is already the fourth week of the session. Bills are rapidly being introduced, and with a full schedule of activities, the Speaker of the House has reminded representatives of an aggressive deadline for the session to end, March 20th.

Late this week, House leadership informed the Governor that it is unlikely that the House and Senate will come to a compromise on the legislature's procedures for approving administrative rules. In 2018 voters approved a constitutional amendment, driven by House members, for the legislature to either approve or deny administrative rules. Rules in Idaho have the force of law, and Republican House members feel that it is their responsibility to review and approve each administrative rule in the same manner they do for statute or state law requiring both the House and Senate to approve anything that becomes law. Requiring both chambers to approve broadening the opportunity for controversial rules proposed by administrative departments to be repealed. The Senate has been more accommodating of the administration, ok with rules being reviewed but only by one of the two chambers before becoming effective at the end of the session. Last year, because of this disagreement, the legislature failed to adopt all the rules. This required all administrative rules to be reviewed in mass this session. For better or worse, rules review has slowed the normal progress of the session. In response to House Leadership, on Friday, Governor Little issued an executive order threatening to adopt "conditional temporary rules," conditioned upon the legislature again failing to adopt rules, that would make all rules previously submitted to the legislature in January, temporarily effective upon legislative adjournment. That could leave intact proposed rules that the legislature has already reviewed and disapproved. It will be interesting to see if this motivates a Senate/House compromise before the session ends.

Board of Dentistry – Extended Access

IDHA has been working on draft legislation to remove barriers to hygienists providing preventive oral care to those who might have difficulty accessing routine care, including those on Medicaid and the uninsured. Independent of the work done by IDHA, last fall the Board formed an Extended Access Workgroup. At their meeting Friday, the Board will expand the workgroup in collaboration with IDHA and the Dental Association (ISDA) into a small group of hygienists, dentists (ISDA) and board members to devise a functional model that can be taken to the legislature next year with the support of all three groups. The workgroup will be sponsored by the Board of Dentistry.

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.

S1252 – Idaho Injectable Cosmetics Safety Act - Introduced

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 other non-licensed person.

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 that could expand to treat adolescents under her proposal. She noted Pastor Remington’s success in treating over 3,000 in his program. She also highlighted the failure of the state to do anything to help adolescents who are barred from crisis centers and adult treatment centers. In opposition, there 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 an unlicensed residential environment. Tim Remington was appointed this week to fill the open seat of former Representative John Green who was expelled from the House for having a felony conviction. Representative Remington will take John Green’s seat on the House Health and Welfare Committee.

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 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 to be revised.

H0387 – Surprise Medical Billing

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 was revised to honor private agreements between providers and insurance companies that are separate from in-network facilities. A second surprise billing bill, the Idaho Patient Act, will be introduced this coming week.

H0317 – Optometrist Licensing Act – Passed House H&W

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 last week in the House Health and Welfare Committee lasted over two hours with considerable opposition from physician ophthalmologists and the medical association. This week, without further testimony, the Committee voted to approve the Optometrist Practice Act with a “do-pass” recommendation.

H0342 – Telehealth – Introduced

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. The bill, if passed, would allow patients to connect with a physician via telephone, e-mail and other technologies to receive a medical diagnosis and prescriptions.

Teledentistry

The Idaho State Dental Association will be introducing legislation next week to clarify language in the Telehealth Act for those conducting teledentistry.

Liability Protection for Healthcare Volunteers – To be introduced

This bill, sponsored by the Idaho Medical Association, is scheduled for introduction next Monday. It expands the list of providers already protected from liability when volunteering services to add any licensed, certified or registered healthcare professional. This includes hygienists, counselors, social workers, psychologists, physical therapists, pharmacists and dietitians.

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.

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.