



Week 13 Idaho Legislative Update for April 9, 2021

The thirteenth week of the Sixty-Sixth Idaho Legislature's First Regular Session had a number of extended floor sessions in both bodies. The Idaho Legislature reconvened from the two-week recess on Tuesday, April 6, 2021, at noon. The Legislature used the recess to slow the spread of COVID 19 after several members and staff contracted it in late March. The recess may have slowed the spread of COVID 19, it did not slow the number of ideas for new legislation, some of which were quickly introduced and moved through the process this week.

Much of the week was spent playing catch-up on the work that was left from before the recess, House and Senate committees picked-up where they had left off. This process included the introduction of several new bills and lengthy debates on existing bills. Extended policy debates on both the House and Senate floor also made for a long and combative week. With budgets and policies being voted down and the House overriding a Governorial Veto that later failed in the Senate, the contentious nature of the end of the session is on full display.

In addition to the many policies and budgets debated this week, allocations and policy considerations of the American Recovery Plan Act (ARPA) funds were also a focus the week. While on recess, Legislative Leadership, the Governor and his staff worked hard to create a plan for this unprecedented funding. Presentations on the funding and accompanied sideboards took center stage on agendas in JFAC this week, as well as presentations in the germane committees. Those presentations will continue into next week, and JFAC is expected to introduce appropriations for those funds that have a 30-, 45-, or 60-day mandate for spending. The remaining funds are expected to be held over in a dedicated fund for next year. Meanwhile, a series of ARPA related interim study committees are being created to work over the summer and make recommendations that will be presented for full consideration next session. This would prevent the Legislature from needing to remain in session throughout the year to manage these funds.

This week's long floor sessions yielded many positive results as several bills that had remained on the third reading calendars finally got their time and were passed. It also led to many bills being amended and reconsidered by the Legislature. There remains much work to be done before the session ends. A final end date has not been named, but the House and Senate are working on finishing the people's business. Many legislators are eager to wrap up the session and return home and back to their lives, families, and professions.

As always, bills from this session can be tracked through the [Idaho State Legislative Website](#). You can also chart progress with the Governor's [Bill Tracker](#). We will also keep you updated on legislation in real-time and through our weekly policy updates. We look forward to wrapping up what has been a very long and contentious session but remain committed to protecting and advancing your interests. We will continue to remain engaged in the process on your behalf for the remainder of the session, no matter how long it may be.



[Senate Bill 1179](#) – Higher Education Budget

Passed Senate (27-6-2), Failed in the House (13-57-0)

This is the appropriation bill approved by the Joint Finance Appropriations Committee (JFAC) for state colleges and universities. It includes funds specific to the Idaho State University Dental Hygiene and Dental Education programs. These were supplemental appropriations in addition to the budget for Idaho State University. The budget approved by JFAC included a shift of \$410,000 from Boise State University to Lewis and Clark over “social justice” programs. The House rejected Senate Bill 1179, the appropriation for Higher Education, arguing that the “social justice” penalty should cut as much as \$4M from Higher Education. As the legislature cannot adjourn before finalizing state budgets, Senate Bill 1179 goes back to the Joint Finance Appropriations Committee.

[Senate Bill 1012](#) — Board of Dentistry - **Signed by the Governor, becomes law**

S1012 guarantees a patient’s right to file a complaint with the Board of Dentistry.

[Senate Bill 1124 amended](#) - Insurance – Dental Services

Passed Senate (33-2-0) – Passed House (49-17-4) – to the Governor

This bill addresses two concerns with dental plans. First it addresses reimbursement to providers by virtual credit cards that carry a 2-5% fee, impacting dentists already discounted payments. This bill would ensure other forms of payment that do not carry a fee. Secondly, dental plans will lease provider networks to other dental plans that may have restrictions including a different fee schedule that are unknown to the provider. This allows the dentist time to review and opt-out of the new plan. The amendment provides that if a dentist fails to opt-out, it is presumed that the dentist agrees with the plan changes.

[Senate Bill 1185](#) – Medicaid Budget

Passed the Senate (29–6–0) – Awaiting House Floor Vote

Due to the pandemic, Medicaid costs have increased as more Idahoans have relied on Medicaid for healthcare coverage exceeding the projections for Medicaid Expansion. The federal government has allocated increased funding specific to Medicaid as a result of the pandemic, yet lawmakers could still pushback on the high cost of Medicaid. As the legislative session is close to ending, the Medicaid appropriation bill is likely to be debated this coming week.

[House Bill 38](#) - Telehealth Prescribing

Passed the House (69 – 0 – 1) - Passed the Senate (35 – 0 – 0) - Signed by the Governor

House Bill 38 aligns federal DEA exemptions to prescribing controlled substances during emergencies.

[Senate Bill 1126](#) - Virtual Care Access

Passed Senate (30 – 5 – 0) – Held by the Chairman in House Health and Welfare Committee

Senate Bill 1126 would have implemented the Telehealth Task Force's recommendation and create the Virtual Care Access Board. Discussions of amendments failed regarding the advisory committee, which would either be totally deleted from the bill or require representation in the committee to be more balanced, resulting in this bill not moving forward this session.



[Senate Bill 1127](#) - Telehealth

Held by the Chairman in Senate Health and Welfare Committee

Senate Bill 1127 was introduced in the Senate Health and Welfare Committee, aiming to broaden telehealth availability laws to include new technology. This is in line with the Telehealth Task Force Recommendation to include asynchronous communication and assures compliance with the community standard of care.

[House Bill 179](#) – Interstate Health

Held by Chairman in Hearing in House Health and Welfare

House Bill 179 related to Interstate Health would have waived several rules and laws for Idahoans to receive services via telehealth. The bill included a section that would allow out-of-state telehealth providers to practice in Idaho without an Idaho license. This bill comes from the 2020 Occupational licensing and Certification Laws Committee; the committee debated and voted to support the bill's introduction for consideration by the entire legislature. Still, the bill is not moving forward this session.

[House Bill 249](#) – Human Sexuality, Instruction

Passed the House (56 – 12 – 2) – Held in Senate Education Committee

House Bill 249 distinguishes between “Sex Education” which teaches anatomy and human reproductive physiology and “Instruction in Human Sexuality” that teaches sexual activity, gender identity and sexual pleasure. Under current law, a parent can opt-out of sex education. This bill would have required parents to opt-in to human sexuality instruction for their children. The bill failed in committee.

[Senate Bill 1110](#) – Voter Initiatives

Passed Senate (26-9-0), Passed House (51-18-1) – to the Governor

This bill would further increase the requirements to place any voter initiative on the ballot. It would require signatures from 6% of voters in the past election from all 35 legislative districts from the current law that requires signatures from 18 legislative districts.

[House Concurrent Resolution 11](#) - 988 Suicide Prevention Hotline

Passed House, Passed Senate - Adopted

Federal legislation in 2020 established the universal 988 phone number for mental health and suicide crisis. The law left it to the states to implement and fund the 988 effort. Idaho currently uses the national 800 suicide hotline that routes calls from the 208 area code to the Idaho center. The new 988 number will ensure that anyone located in Idaho can access the Idaho hotline without regard to their originating phone number. This resolution will allow Health and Welfare to come back next session for funding and other resources to support the hotline.

[House Bill 315](#) - Opioid Judgement Settlements

Passed House (67-0-3), Awaiting Senate Floor Vote

The state has received \$2.3M in one settlement and has joined other states in another lawsuit with a \$20M settlement in the opioid crisis. This bill establishes a settlement fund to deposit this money. It authorizes the legislature to appropriate these funds for drug treatment and behavioral health to be overseen by the Idaho Behavioral Health Council.



[House Bill 316](#) - County Public Health Districts

Passed House (66-2-2) – To Senate Amending Order

With the extended coverage under Medicaid Expansion, this bill would eliminate counties' responsibility for indigent care and move authority for the Health Districts under the counties. It would then move funding for the Health Districts from the state to the counties and money from the Catastrophic Healthcare Fund to finance Medicaid Expansion.

Under existing law, the counties cover the first \$11,000 of indigent claims, and the state Catastrophic Health Care (CAT) fund covers the remainder for those who qualify. With Medicaid Expansion, most of those who would be covered under indigent care are now eligible for Medicaid.

[SJR101](#) - Anti-legalization Constitutional Amendment

Passed Senate (24 – 11 – 0) – Awaiting House Floor Debate and Vote

[Senate Bill 1017](#) – District Board of Health

Passed Senate (30 – 3 – 2) – Passed the House (43 – 27 – 0) – Sign by the Governor

[House Bill 33](#) – District Board of Health

Held by the Chairman in House Health and Welfare Committee

[House Bill 74](#) - Health Ordinances, City Limits

Passed House (70 – 0 – 0) – Passed Senate (34 – 0 – 1) – Signed by the Governor

[House Bill 35](#) - Idaho Tuberculosis Hospital

Passed House (69 – 0 – 1) - Passed Senate (31 – 0 – 4) - Signed by the Governor

[House Bill 36](#) - Vital Statistics Records

Passed House (69 – 0 – 1) - Passed Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 39](#) - Controlled Substances Authority

Passed House (70 – 0 – 0) - Passed Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 40](#) - Pharmacy Act

Passed House (70 – 0 – 0) – Passed Senate (35 – 0 – 0) - Signed by the Governor

[House Bill 42](#) - Idaho Patient Act – Medical Debt Collection Extension

Passed House (70 – 0 – 0) - Passed Senate (32 – 0 – 3) – Signed by the Governor

[Senate Bill 1038](#) - Relating to Public Assistance

Passed Senate (34 – 0 – 1) - Passed House (67- 0 – 0) – Signed by the Governor

[House Bill 108](#) - Medical Cannabis Act



Held by the Chairman in House Health and Welfare Committee

[House Concurrent Resolution 6](#) - Prescription Formulas, Insurance
Passed the House with a Voice Vote – Passed the Senate with a Voice Vote

[House Bill 146](#) - Health Care, Sharing Ministries
Held by the Committee in House Health and Welfare Committee

[House Bill 209](#) – Medicaid Budget Stabilization Fund
Passed House Health and Welfare – Failed House Floor Vote (25 – 42 – 3)

[Senate Bill 1139](#) – Health and Welfare Director Duties
Passed the Senate (33 – 0 – 2) – Passed House Health and Welfare Committee – Awaiting House Floor Debate and Vote

Rules

[HERE](#) is the link for the Index of Proposed Rules for all rules seeking legislative approval. Committees in both the House and Senate are assigned rules to approve. As a reminder, if the rules pass either House or the Senate, they are set to go into effect.

These are rules approved by the legislature to date:

IDAPA 16 – Department of Health and Welfare

- [16-0000-2000f](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapters
- [16-0307-2001](#) – Home Health Agencies
- [16-0309-2002](#) – Medicaid Basic Plan Benefits
 - [16-0309-2004](#)
- [16-0310-2002](#) – Medicaid Enhanced Plan Benefits
- [16-0321-2001](#) – Developmental Disabilities Agencies (DDA)
- [16-0417-2001](#) – Residential Habilitation Agencies

IDAPA 24 – Division of Occupational and Professional Licenses

Board of Chiropractic Physicians

- [24-0301-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Examiners of Nursing Home Administrators



- [24-0901-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Dentistry

- [24-1601-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter
- [24-3101-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Medicine

- [24-3300-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapters
- [24-3303-2001](#) – General Provisions of the Board of Medicine

Board of Nursing

- [24-3401-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

Board of Pharmacy

- [24-3601-2000F](#) – Omnibus Rulemaking Reauthorizing Agency Fee Chapter

IDAPA 59 – Public Employee Retirement System of Idaho (PERSI)

- [59-0101-2001](#) – Rules for the Public Employee Retirement System of Idaho (PERSI)