



Week 14 Idaho Legislative Update for April 12 – 16, 2021

The fourteenth week of the Sixty-Sixth Idaho Legislature's First Regular Session was filled with drama, scandals, and political theatre. Many new bills were introduced, and committees that were previously shut down were re-opened and met. With no clear end in sight for this session, the work continues. The Senate cleared many of their bills and shortened their calendar but then recessed Wednesday until Monday while waiting for the House to catch up. The House continued to introduce new legislation and held several lengthy floor hearings on political hot potato issues but did not get caught up.

While the Senate cleared most of their calendar, they did not take up two of the larger bills of the session. Instead, the Senate is waiting to finalize decisions on transportation funding and tax relief until the budgets are set. The House voted down the largest budgets in the state, including K-12 education, higher education, and Health and Welfare's appropriations, amongst others. While these decisions were politically motivated, the budgets now have to be re-addressed before the Senate will act on transportation and tax policies and before the session can end.

Earlier today, Governor Brad Little held a [press conference](#) where he was joined by all of Idaho's living former Governors who stood in support of him vetoing [Senate Bill 1136a](#) and [House Bill 135a](#) relating to emergency declarations and executive powers. This comes after the legislature spent the last 14 weeks fighting the Governor and his handling of the COVID 19 pandemic in Idaho. This press conference showed the distinct and separate powers in Idaho and the tension between the individuals who are in the executive and legislative branches of the Idaho government. Despite the veto's, Governor Little again implored the legislature to work collaboratively to address the needs of the state and put the political rhetoric of the "fringe" aside.

The Governor's previous veto on [House Bill 214](#) was voted to be overridden by the House, and later failed to be overridden in the Senate. The outcomes of the overrides for 1136a and 135a are now topping the priority list for the House and Senate, and the contentious nature of this session is now on steroids. For more information on the Governor's veto of the two bills, visit the [Governor's Website](#).

This week, allocations and policy considerations of the American Recovery Plan Act (ARPA) funds were created. In addition to the ARPA funding bills, three concurrent resolutions were voted on by the House to create three separate interim study committees tasked with overseeing the use of ARPA related funds and to make recommendations that will be presented for full consideration by the legislature next session.

A final end date for the session still has not been identified. We believe it will be weeks, not days before the session ends. The House currently has over 40 bills to address in addition to the budget bills that have to be brought back. The Senate continues to wait and may introduce and work on more legislation while they wait. All bills from this session can be tracked through the [Idaho State Legislative Website](#). You can also chart progress with the Governor's [Bill Tracker](#) or call us anytime as we continue to serve you in this very unique session.



Benn Brocksome
&
ASSOCIATES

Policy Update

[House Bill 339a](#) Mask Mandates Prohibited

Passed House (47-22-1), to Senate

The bill would prohibit the state or any political subdivision including counties, cities, public health districts, school districts, colleges and universities from require it face masks, shields or other face coverings for the purpose of preventing contagious disease. It does include an exemption for hospitals and health care facilities which are not further defined. This bill if passed could be contrary to infection control standards that could affect public health clinics or hygienist education.

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

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

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), Passed Senate (35-0-0), to the Governor

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

Amended and introduced in House as HJR4

[HJR004](#) – Anti-legalization Constitutional Amendment

Failed House (46-28-0) required 2/3rd majority

[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)