



Week 9 Idaho Legislative Update for March 8-12, 2021

The ninth week of the First Regular Session of the Sixty-Sixth Idaho Legislature saw a steady flow of new bills being introduced despite introduction and transmittal deadlines having passed. We are now beyond 500 total bills introduced this year, a record in recent years. The introduction of new transportation and tax relief bills signal the big battles of the session are ramping up.

As the legislature works through the many bills on their third reading calendar, floor sessions for both the House and Senate are lengthy. The pace of the session is full steam ahead, and things are moving quickly overall. With the long list of bills to be heard on the floor, and the reordering of bills on the calendars, there are many bills that have been there for weeks awaiting a floor vote as heated committee meetings, and lengthy floor debates have continued.

The Joint Finance and Appropriations Committee (JFAC) is in its fast pace of budget setting ahead of another large federal funding package. JFAC is working quickly to have budgets done in the next week or so.

Traditionally this signals the session is wrapping up, but with the 1.9 Trillion dollars in the "American Rescue Plan Act" now passed and signed by the President, there is much yet to be discussed pertaining to budgets here in Idaho. How the state will spend another billion dollars, which cannot be used for tax relief, while having an already large surplus, will be one for the record books.

Rumors from last week of a possible "recess" have continued, and with them another new expectation that the work will continue into April as large budgets and program decisions still need to be made. This means the conclusion of the session may look much different than previous years, and its unknown when the legislature will adjourn "Sine Die".

The weight of the federal money flowing to the state continues to hang over an already contentious session. Leadership in the House and Senate continue to work diligently to address policy issues and clear their calendars in a hurried and strained atmosphere. Transportation funding and tax relief remain unsolved.

New cases of COVID-19 have popped up in the Capitol this week. Many in the Capitol have received their vaccinations, and others are waiting patiently for their turn. We continue to wear masks and abide by best safety practices to the extent we can, while participating in the process in-person.

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 cover issues in this report. We are always happy to look at any legislation with you and give you our insight and help.

Policy Update

Supplemental Appropriations – Approved by the Joint Finance Appropriations Committee awaiting Floor Vote

[Senate Bill 1179](#) 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.

[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 Health and Welfare Committee, awaiting House Floor**

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.

Telehealth

In spite of an exponential increase in the use of telehealth during the pandemic and the work of the interim telehealth task force, it appears that none of the three telehealth bills that were introduced, will pass.

[Senate Bill 1126](#) - Virtual Care Access - **Passed Senate (30 – 5 – 0) – Held in House Health and Welfare Committee**

Senate Bill 1126 was introduced in the Senate Health and Welfare Committee, which would implement the Telehealth Task Force's recommendations and create the Virtual Care Access Board. This bill had been framed as a technical corrections bill to clean up the code section and process. Senate Bill 1126 passed the Senate. There were discussions of amendments regarding composition of advisory committee and some question about the state's jurisdictional boundaries over telecommunication. The bill was on Wednesday's agenda for the House Health and Welfare Committee, but was abruptly removed. As the bill was pulled from the agenda, telehealth legislation is likely done for the year.

[Senate Bill 1127](#) - Telehealth - **Awaiting Hearing in Senate Health and Welfare Committee**

Senate Bill 1127 was introduced in the Senate Health and Welfare Committee, aiming to broaden the laws governing telehealth availability 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 - **Awaiting Hearing in House Health and Welfare**

House Bill 179 - Interstate Health was introduced in House Health and Welfare by Representative Gayann DeMordaunt (LD 14 Eagle). This bill would allow out-of-state telehealth providers, licensed in other states, to practice in Idaho without an Idaho license. The telehealth license waiver was part of the Governor's declaration related to the COVID-19 public health emergency. This bill would make that waiver permanent. ANA Idaho and NLI are actively opposing this bill as it could significantly impact license fees paid to the Board of Nursing and impact activities to support nurses in Idaho.



[House Concurrent Resolution 11](#) - 988 Suicide Prevention Hotline - **Passed House – To Senate Health and Welfare**

Idaho has 40% more suicide cases than the national average, and 2020 has a substantially higher number of cases than previous years. 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 improve processing to ensure that anyone located in Idaho can access the Idaho hotline without regard to their originating phone number. This concurrent resolution will allow the Department to come back next session for funding and other resources to support the hotline.

[House Bill 315](#) Opioid Judgement Settlements – **Passed House Health and Welfare Committee – to House Floor**

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, and would be overseen by the Idaho Behavioral Health Council.

[House Bill 316](#) County Public Health Districts – **Passed House Health and Welfare Committee – to House Floor**

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. In aggregate the counties pay \$9.8M and the state CAT fund pays \$19M for indigent care. This bill would limit county liability in providing indigent services now that Medicaid Expansion has passed. This bill diverts indigent funds from the counties to fund Medicaid Expansion. The bill says that those who qualify for Medicaid, including Expanded Medicaid, or those who are eligible for private insurance, even if they do not seek insurance coverage, are not eligible for county indigent fund coverage. It precludes individuals who refuse to obtain any coverage from being covered by the counties.

A second piece of this bill would move \$9.8M from the state's general fund for the Public Health Districts to the counties to operate the Health Districts. The counties will save because they are no longer paying indigent funding, so with this the counties pick up the cost of running the health districts. The state savings from the CAT fund will be used to help fund Medicaid Expansion.

[House Concurrent Resolution 14](#) - Forced Vaccinations - **Passed House Health and Welfare – to House Floor**

This is a resolution that the Idaho Legislature affirms the protection of the human right, that no mandate would ever justify or permit the use of forced immunizations, vaccinations, inoculations or genetic modifications against a person's will, even during a health emergency. The legislature will oppose any effort, including federal law, that would force a person to receive a vaccination.



[House Bill 249](#) – Human Sexuality, Instruction - **Passed House Education Committee – Passed the House (56 – 12 – 2) – Awaiting Hearing in Senate Education Committee**

House Bill 249 is presented as a parental rights bill. It 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. It was introduced by Representative Barbara Ehardt (LD 33, Idaho Falls). Under current law, a parent can opt-out of sex education. This bill would codify parental rights and require parents to opt-in to human sexuality instruction for their children.

[House Bill 233](#) - Child Custody – Removal – **Passed House Health and Welfare Committee – to House Floor**

For families seeking mental health support for their children with serious mental health disturbances, sometimes as a last ditch effort of hope, in seeking help, they would often encounter threats or actions of child protection to separate the child from their parents. This bill adds a section to the Children’s Mental Services Act to protect children from being separated from their parents when seeking crisis care.

[Senate Bill 1139](#) – Health and Welfare Director Duties - **Passed Senate (33-0-2) – Passed House Health and Welfare Committee – to House Floor**

The bill defines “quarantine” into law and would limit the powers of the Director of Health and Welfare to order isolation or quarantine during a public health emergency. It also sets an three day court challenge to a quarantine or isolation order.

[House Bill 38](#) - Telehealth Prescribing - **Passed the House (69 – 0 – 1) - Passed the Senate (35 – 0 – 0) - Awaiting the Governor's Signature**

House Bill 38 was presented by Tim Frost, Department of Occupational and Professional Licensing, to align federal DEA exemptions to prescribing controlled substances during emergencies. Passed House with a 70-0-0 vote and has been filed with the Senate. This week HB 38 passed the committee and has been filed with the Senate for a floor vote.

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

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

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

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

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

Awaiting Hearing in House Health and Welfare Committee

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

Passed the House (70 – 0 – 0) – Passed the Senate (34 – 0 – 1) – Awaiting Governor’s Signature

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

Passed the House (69 – 0 – 1) - Passed the Senate (31 – 0 – 4) - Awaiting the Governor's Signature



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

Passed the House (69 – 0 – 1) - Passed the Senate (35 – 0 – 0) - Awaiting the Governor's Signature

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

Passed the House (70 – 0 – 0) - Passed the Senate (35 – 0 – 0) - Awaiting the Governor's Signature

[House Bill 40](#) - Pharmacy Act

Passed the House (70 – 0 – 0) – Passed the Senate (35 – 0 – 0) - Awaiting the Governor's Signature

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

Passed the House (70 – 0 – 0) - Passed the Senate (32 – 0 – 3) – Awaiting the Governor's Signature

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

Passed Senate (34 – 0 – 1) - Passed House (67- 0 – 0) – Awaiting the Governor’s Signature

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

Introduced in House Health and Welfare Committee

[House Concurrent Resolution 6](#) - Prescription Formulas, Insurance

Passed the House with a Voice Vote – Passed Committee hearing – Passed the Senate with a Voice Vote

[House Bill 146](#) - Health Care, Sharing Ministries – **Held in Committee**

[House Bill 208](#) - Pharmacy, FDA labeling

Passed House (66 – 0 – 4) – Passed the Senate (35 – 0 – 0) - Awaiting the Governor's Signature

[House Bill 209](#) – Medicaid Budget Stabilization Fund

Passed House Health and Welfare – Failed House Floor Vote (25 – 42 – 3)

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 this:

The legislature didn't approve or reject any rules pertaining to your issue base this week.

These are the rules approved and previously reported on other report pertaining to your issue base:



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)