



2021 LEGISLATIVE REPORT

Jan. 29, 2021

Legislation to delay Idaho Patient Act advances in the House

On Jan. 27, the House Business Committee advanced HB 42 that would allow for a delay to the Idaho Patient Act until July 1, 2021, while maintaining some key protections to patients under the existing law. IMA CEO Susie Keller testified in support of the legislation alongside the Idaho Hospital Association. HB 42 passed out of committee on a unanimous voice vote. Here are the important provisions of the legislation:

Six-month delay to July 1, 2021.

Clarifies that the new July 1, 2021 date pertains to the date the healthcare service was provided. The existing law required compliance with the Act prior to its effective date.

The portion of the law that limits practices' ability to collect attorney's fees is not included in the delay and thus will still remain in effect as of Jan. 1, 2021.

The bill will contain a special emergency clause that allows the delay to go into effect as soon as the bill passes the House and Senate and is signed by the governor.

IMA thanks to Rep. Jason Monks (R-Nampa), Sen. Kelly Anthon (R-Burley), and Chairman of the Business Committee Sage Dixon (R-Ponderay) for their leadership and for advancing the legislation. IMA and IHA will continue to engage with Melaleuca to seek improvements to the law to ensure that there are adequate protections for patients and no unnecessary burdens for physicians.

STATUS: HB 42 passed the House Business Committee on Jan. 27 and is awaiting consideration on the House floor

JFAC considers GME expansion funding

Week three of the legislative session included a review of Gov. Little's proposed health education budget for Fiscal Year 2022. The governor's proposed budget includes \$900,000 for 15 additional residency positions. The Joint Finance and Appropriations Committee (JFAC) heard brief presentations from WWAMI, the University of Utah Medical School and Idaho's residency programs. All of the presenters did a great job explaining their role in growing Idaho's physician population. There are still another three weeks of budget presentations for various state agencies before JFAC introduces budget-setting legislation. During that time, we will work with JFAC members and express IMA's full support of Gov. Little's proposed health education budget.

IMA sends letter to Senate in support of Gov. Little's public health emergency declaration

Following Gov. Brad Little's [press conference](#) on Jan. 22, IMA sent [a letter](#) to senators asking them to withdraw SCR 101 and other legislation that would preemptively end the public health emergency. If the public health emergency were to end, tens of millions of dollars in emergency funding to the State of Idaho for vaccine distribution, PPE, and more could be forfeited. The Senate referred SCR 101 back to committee, essentially killing the legislation, and the House has delayed a vote on a similar bill. It is likely further debate on the issue will occur at the Statehouse.

IMA is grateful to Gov. Little for his leadership in response to COVID-19. If you would like to contact your legislator with your feelings on continuing the public health emergency declaration, [click here](#).

STATUS: SCR 101 was sent back to the Senate State Affairs Committee and will not go forward; new legislation is expected to be introduced

Dr. Williams testifies in support of legislation banning illegal psychoactive drugs

On Jan. 25, IMA President Dr. Joe Williams represented the Board of Trustees' support for SJR 101, legislation introduced by Sen. Scott Grow (R-Eagle) that proposes a constitutional amendment which would prohibit the distribution, manufacturing, and use of illegal drugs. It does allow for drugs that are currently illegal to be exempted in the future IF the Food and Drug Administration and the State of Idaho approve the use of a drug based on emerging science, which would prove the safety and therapeutic benefits of such a drug. SJR 101 will need two-thirds support in the Senate and House to be included on the 2022 general election ballot for the consideration of Idaho voters.

STATUS: SJR 101 passed the Senate State Affairs Committee on Jan. 29

Governor announces vaccine coordination measures

On Jan. 28, Gov. Little held a press conference to announce an executive order to increase transparency in COVID-19 vaccine distribution. This will require providers and health districts to report the number of vaccine doses they have given and have in inventory. IMA agrees that this move will help the state make timely and accurate decisions on vaccine allocations. This builds on the capacity grants to providers to ensure Idaho has the resources to support vaccine distribution. [Click here](#) to read the full executive order.

Federal update

In Washington, DC, the Senate continues to negotiate the power-sharing agreement of how their daily business will be conducted. With a 50-50 split, Vice President Harris holds the tie-breaking vote to give the majority to Democrats, however, committees remain evenly split, which would require bipartisan consensus to advance legislation.

President Biden announced this week that he plans to extend the federal public health emergency through 2021 and provide 60 days' notice before ending the order. The current public health emergency was extended 90 days by President Trump and took effect on Jan. 21.

The Idaho Delegation this week introduced legislation which would split the Ninth Circuit Court of Appeals and add a federal judge to Idaho. According to Rep. Mike Simpson, the Ninth Circuit has a population of 35 million more people than the next most populous circuit. Sen. Mike Crapo noted the system is 131 years old and in need of an update to handle the current caseloads. Sen. James Risch and Rep. Russ Fulcher are also sponsoring the legislation.

Guest Column: Idaho Legislature's actions on emergency declarations endanger Idahoans

By Rep. Mike Simpson and Bruce Newcomb,
Former Speakers of the Idaho House of Representatives

Boise, ID – “The Idaho Legislature’s attempts to strip not just our current Governor but any future Governor of their ability to lead during an emergency is wrong for Idaho and endangers the lives of Idahoans.

“We both held the position of Speaker of the Idaho House of Representatives. We understand the constant disagreement that occurs between members of the Legislature and especially between members of the same political party. We understand the disagreement that occurs between the legislative and executive branches.

“However, a crisis is not the time to dismantle the Governor’s ability to respond quickly during an emergency. A crisis is the time to lead.

“The Idaho Legislature’s reckless and careless attempts to end the COVID-19 emergency declaration and weaken Idaho’s response in future emergencies puts this generation and future generations of Idahoans at risk.

“Emergency declarations are very common. At its core, an emergency declaration allows states and local communities to access federal assistance – our taxpayer dollars – in the event of a crisis. Sometimes those crises and their aftermath last a few weeks and sometimes they last months or years, as in the event of a devastating flood, earthquake, landslide - or a pandemic.

“The COVID-19 emergency declarations are wholly separate from the public health orders that limited certain activities to protect lives and prevent our hospitals from being overrun with patients all at once.

“In the immediate days and weeks ahead, ending the COVID-19 emergency declaration would slow down the vaccine rollout. Hospitals would lose access to critical equipment and staffing resources. It would jeopardize the state’s ability to tap the Idaho National Guard to assist with vaccine administration, testing, and support for foodbanks and medical facilities. Financial support for small businesses would end. It would burden local communities – the entities that requested the emergency declaration to begin with. It would limit the state’s ability to remove regulatory barriers that stand in the way of better healthcare access for our citizens.

“But Idahoans also need to know that the Legislature’s actions today would limit the state’s ability to quickly and decisively respond during potential future emergencies in their backyards, such as a flood, landslide, earthquake, or other natural disaster. Take for example the extraordinary flooding caused by rapid snowmelt and heavy rains in 2017. Residents of 33 counties will remember both the perilous conditions that endangered lives and property and also the swift action taken by Governor Otter to activate state and federal resources to come to their aid. The flooding occurred over a period of months, and the emergency declarations, resulting from these major natural disasters remain in effect today because of their longstanding impacts.

“The Governor needs to make decisions quickly during an emergency. That is one of the proper roles of the executive. The emergency declaration is the Governor’s main tool to act quickly and save lives during a crisis. Days and even hours make the difference in a life and death situation. Fires, floods, and earthquakes wait for no one. Only executive-speed decision-making can get families the immediate help they need in an emergency.

“Idaho has the strongest economy of any state in the nation. We are leading states in the financial solvency of our state budget. That didn’t happen by accident. Quick action during the pandemic, combined with years of fiscal conservatism demonstrated by the Legislature and Governor, have positioned Idaho for continued strength.

“We urge the Idaho Legislature to end the political jockeying and untruths about emergency declarations and do what is right for the people of Idaho and our state’s economy. Take a step back and think this through. The safety and prosperity of this generation and future generations of Idahoans depend on you.”

To view a list of ALL healthcare-related bills and their statuses, visit the IMA Bill Tracker on the IMA website

[IMA Bill Tracker](#)

Support IMPAC the IMA's Political Action Committee!



The IMA Political Action Committee (IMPAC) Board uses your contributions to support a variety of bi-partisan candidates based on the best interests of Idaho physicians and their patients.

With the pandemic and constantly changing health care policies, it is more important now than ever that IMA has the resources to support legislators who will listen to our concerns. IMPAC needs your contributions now to support the house of medicine in Idaho!

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Idaho Medical Association
P.O. Box 83701 | 208-344-7888
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