

IDAHO MEDICAL ASSOCIATION HOUSE OF DELEGATES

Report of REFERENCE COMMITTEE B

Presented by: Keith Davis, MD, Chair, Shoshone

1 Mr. Speaker and Members of the House of Delegates:

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3 Reference Committee B considered its agenda of resolutions and reports, and submits
4 the following report:

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6 1.) RESOLUTION 204 (23) – OPPOSITION TO PROHIBITING PHYSICIANS FROM
7 REFERRING PATIENTS FOR EVIDENCED-BASED HEALTHCARE ACROSS STATE
8 LINES

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10 RECOMMENDATION NO. 1:

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12 Mr. Speaker, your Reference Committee recommends that Resolution 204 (23) be
13 amended by deletion and insertion so that the lines read:

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15 ~~RESOLVED, Idaho Medical Association adopts policy supporting a physician's~~
16 ~~fiduciary and ethical responsibility to refer patients across state~~
17 ~~lines, so long as the care provided is legal, evidence-based~~
18 ~~medical care within the standard of care in the state to which the~~
19 ~~patient is being referred.~~

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21 RESOLVED, Idaho Medical Association adopts policy supporting a physician's
22 professional decision to offer patients their treatment options to
23 the best of their knowledge and ability, and when indicated based
24 on patient preference, refer patients across state lines, so long as
25 the care provided is legal and within standard of care in the state
26 to which the patient is being referred.

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28 RECOMMENDATION NO. 2:

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30 Mr. Speaker, your Reference Committee recommends that Resolution 204 (23) be
31 adopted as amended.

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33 RES 204 was introduced in response to a recent legal opinion by Idaho's Attorney
34 General in which a physician's ability to refer a patient to another state for medical
35 care was questioned.

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37 The Committee heard a wide range of testimony largely supportive of the original
38 intent of the resolution to protect a physician's ability to refer patients across state
39 lines. However, there was significant debate over the exact wording.

1
2 The Committee received four amendments, all of which removed the “fiduciary and
3 ethical responsibility” language.
4

5 One of the four amendments provided a complete rewrite of the resolved clause. With
6 one exception, the Committee recommends adopting the full substitute resolve as it
7 utilized all aspects of the remaining amendments and tied in most aspects of the
8 debate. The exception is the use of the word “obligation”. The Committee was
9 concerned about the legal aspect of “obligation” and worried about the unintended
10 liability consequences. Instead, the Committee preferred language provided in another
11 amendment, “decision”, and substituted it accordingly.
12

13 Therefore, the Committee recommends adoption of Resolution 204 as amended.
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15 2.) RESOLUTION 206 (23) – OPPOSING THE CRIMINALIZATION OF EVIDENCE-
16 BASED MEDICAL CARE

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18 RECOMMENDATION NO. 1:

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20 Mr. Speaker, your Reference Committee recommends that Resolution 206 (23) be
21 amended by deletion and insertion so that the lines read:
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23 ~~RESOLVED, Idaho Medical Association remove its policy stating, “IMA does not~~
24 ~~have a position on whether, to what extent or under what~~
25 ~~conditions abortion should be legal or illegal and believes that~~
26 ~~support for or opposition to abortion is a matter for IMA members~~
27 ~~to decide individually, based on personal values or beliefs. IMA~~
28 ~~will take no action which may be construed as an attempt to alter~~
29 ~~or influence the personal views of members regarding abortion.~~
30 ~~Further, IMA will take no action or position on the merits of~~
31 ~~abortion itself and will only consider engagement if legislation~~
32 ~~presents a significant encroachment into the sanctity of the~~
33 ~~physician-patient relationship and then only when directed by the~~
34 ~~IMA Board of Trustees. IMA will oppose any efforts to impose~~
35 ~~criminal penalties on physicians who are providing medical care~~
36 ~~that is legal at the time of service,”; and be it further~~
37

38 RESOLVED, IMA does not have a position on whether, to what extent or under
39 what conditions elective/open access abortion should be legal or
40 illegal. IMA respects that individual members have a diverse set of
41 values and beliefs and does not seek to influence member views
42 regarding abortion; and be it further
43

44 RESOLVED, Idaho Medical Association (IMA) will oppose any legislation that
45 criminalizes evidence-based medical care that is determined
46 necessary by the patient’s healthcare provider, ~~which includes~~
47 ~~abortion. IMA recognizes that its members have a range of beliefs~~
48 ~~and values with regard to abortion and does not seek to alter or~~

1 ~~influence personal views~~. With this statement, we reaffirm our
2 commitment to protecting the physician-patient relationship, and
3 that medical decisions should be made between a patient and
4 their physician without government interference.
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6 RECOMMENDATION NO. 2:

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8 Mr. Speaker, your Reference Committee recommends that Resolution 206 (23) be
9 adopted as amended.

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11 RES 206 was the subject of much spirited debate. The majority opposed adopting the
12 resolution as written. Two amendments were offered. The first would delete the first
13 Resolved clause and also would delete the language “which includes abortion” in the
14 second Resolved clause. The second amendment would also delete the first Resolved
15 clause and replace it with a new one clarifying that IMA’s position of neutrality on
16 abortion applies only to elective/open access abortion but not to other medically
17 necessary treatments for pregnancy complications.
18

19 The Reference Committee believed that the clear will of the House was that IMA’s
20 policy should be clarified to specify that its position of neutrality applies only to
21 abortions sought by patients who no longer wish to be pregnant, and not to abortions
22 to protect the life or health of the mother including mental health, for fetal lethal
23 anomalies, and for rape or incest victims without a police report. The Reference
24 Committee further believed that the clear will of the House is that IMA policy should
25 explicitly oppose the criminalization of evidence-based health care within the standard
26 of care.
27

28 The Reference Committee also heard testimony that the title of the resolution refers to
29 “Criminalization or Evidence-Based Medical Care” broadly, not only to abortion.
30 Several members testified that the language in the second resolved “which includes
31 abortion” was inappropriate or unnecessary. The Reference Committee believes that
32 the clarification of IMA policy in the first resolved together with the statement in both
33 resolves that IMA policy should respect the diverse views of its members make the
34 deletion of this phrase, as proposed in both amendments, to be appropriate and in
35 accord with the will of the House.
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37 3.) RESOLUTION 209 (23) – VIRTUAL PARTICIPATION IN THE HOUSE OF
38 DELEGATES

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40 RECOMMENDATION NO. 1:

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42 Mr. Speaker, your Reference Committee recommends that Resolution 209 (23) be
43 amended by insertion so that the lines read:
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45 RESOLVED, Idaho Medical Association expand the format of the House of
46 Delegates to include official participation via virtual and in-person
47 options starting at the 2024 IMA Annual Meeting; and be it further
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1 RESOLVED, Idaho Medical Association Board of Trustees reserves the right to
2 charge a fee for House of Delegates participation; and be it further

3
4 RESOLVED, Only Idaho Medical Association delegates who attend the full
5 House of Delegates meeting virtually or in-person will have full
6 access to voting on reference committee report recommendations
7 and elections.
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9 RECOMMENDATION NO. 2:

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11 Mr. Speaker, your Reference Committee recommends that Resolution 209 (23) be
12 adopted as amended.

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14 RES 209 changes the way the House of Delegates will be conducted in future years,
15 directing IMA staff to create a hybrid attendance option allowing delegates to
16 participate in person, virtually, or a combination of both.
17

18 The Committee received testimony in unanimous support for RES 209 that suggested
19 with consistent virtual and hybrid options available, attendance for the HOD will
20 continue to grow stronger. The attendance of many IMA members, and potential
21 delegates, is prohibited based on financial and time constraints.
22

23 There were two amendments received, both of which the Committee recommends
24 adopting. The first amendment inserted the word “only” into the original second
25 resolved clause. The Committee adopted this change as there was no testimony in
26 opposition and it ultimately strengthened the attendance policy and preserved the
27 integrity of voting.
28

29 The second amendment was introduced by a member of the IMA Board of Trustees
30 that specifically addresses the Board’s fiduciary responsibility. It was argued that as
31 the HOD advances to a virtual option, one unintended consequence may be less
32 vendor support. IMA does not charge a registration fee for HOD attendance, and one
33 method used to offset that cost is vendor participation. A financial reduction due to the
34 impact of vendor participation may require a registration fee to offset. There are also
35 potential staffing concerns that could come up as it is significantly more burdensome
36 to pull off a hybrid event. The Committee did not receive testimony in opposition to the
37 amendment and recognizing the possibility of those unintended consequences,
38 recommends adopting the amendment.
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40 Finally, the Committee agreed that, based on its recommendation for RES 208, that
41 RES 209 should be presented first.
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43 Therefore, the Committee recommends Resolution 209 be adopted as amended.
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45 4.) RESOLUTION 208 (23) – REQUIRE FRIDAY HOUSE OF DELEGATES
46 ATTENDANCE FOR SUNDAY VOTING

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48 RECOMMENDATION:

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2 Mr. Speaker, your Reference Committee recommends that Resolution 208 (23) be
3 adopted as originally written.

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5 RESOLVED, Idaho Medical Association Bylaws be amended by inclusion of the
6 following provision:

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8 Chapter IV House of Delegates, Section 3. Quorum and Voting: A
9 majority of the delegates registered to attend a House of
10 Delegates meeting as of the start of the first session of the House
11 shall constitute a quorum. Only those delegates (and alternate
12 delegates entitled to vote under these Bylaws) whose credentials
13 have been confirmed by the Committee on Credentials and who
14 have attended all or a majority of the first session of the House (as
15 confirmed by the Committee on Credentials) shall be counted for
16 the determination of a quorum and allowed to vote in an election
17 or any other matter before the House during the first or a
18 subsequent session under these Bylaws.

19
20 RES 208 changes the IMA Bylaws to require full HOD attendance in order to have
21 voting privileges on Sunday.

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23 Initially, the Committee heard testimony largely in opposition to this amendment, most
24 of which was based on testimony by delegates regarding the difficulty of attending the
25 meeting in its entirety. However, a member of the Board of Trustees testified to the
26 original intent of the resolution which was to act as companion in a move to virtual or
27 hybrid HOD options. When explained, the Committee heard testimony in support of
28 RES 208. This included remarks that attendance by delegates on Sunday only has
29 created significant confusion in previous years.

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31 The Committee agreed with the testimony that RES 208 should have been presented
32 following RES 209 and had concerns that the HOD would prefer addressing the
33 Committee's recommendation for RES 209 before addressing RES 208.

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35 Therefore, the Committee recommends Resolution 208 be adopted as originally
36 written.

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38 11.) CONSENT CALENDAR:

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40 RECOMMENDED FOR ADOPTION:

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42 REPORTS:

- 43 CR 1 Report of the Idaho Medical Political Action Committee
44 CR 2 Report of the Idaho Graduate Medical Education Committee
45 CR 3 Report of the Idaho Health Professionals Recovery Program
46 CR 4 Report of the Financial Services Program Advisory Board
47 CR 5 Report of the Idaho Medical Association Foundation
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- 1 RESOLUTIONS:
2 RES 201 Reinstating the Maternal Mortality Review Committee
3 RES 202 Extension of Medicaid Postpartum Coverage
4 RES 205 Reaffirm IMA Policy to Protect Access to Termination of
5 Pregnancy for the Health of the Pregnant Patient
6 RES 207 Reevaluation of Scoring Criteria for Rural Communities in the
7 National Health Service Corps Loan Repayment Program
8 RES 210 Two to Three Year Reappointment Credentialing
9 LATE RES 211 Decriminalizing Fentanyl Test Strips

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RECOMMENDED FOR FILING:

- SR 1 Report of the Idaho State Board of Medicine
- SR 2 Special Report on Policy Priority Tool
- SR 3 Special Report on IMA Strategic Plan
- SR 4 Report of 2022 Resolutions Requiring an Update to the 2023 House of Delegates

Mr. Speaker, your Reference Committee wishes to remind the HOD that Resolution 203 was withdrawn from consideration by the sponsor prior to the commencement of the HOD and was not considered.

Mr. Speaker, this concludes the Report of Reference Committee B. Your Reference Committee wishes to thank all who participated in the hearing and contributed to the preparation of this report.

Respectfully submitted,

- Keith Davis, MD, Chair, Shoshone
- Becky Kroll, MD, Boise
- Alejandro Necochea, MD, Boise
- Robin Sebastian, MD, Emmett
- Boyd Southwick, DO, Idaho Falls

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