



IMA FINAL 2020 LEGISLATIVE REPORT

March 27, 2020

IMA STAFF IS WORKING FOR YOU

IMA has successfully converted all our employees to at-home workers. This means our full staff is working for our members and we do not believe you will notice any interruptions in service. The IMA office will be staffed only occasionally during this shutdown to complete certain tasks that cannot be done from home.

All staff have full access to IMA email and will be responding to emails as usual. The IMA general phone system (208.344.7888) will be monitored throughout the day for messages.

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The Idaho Legislature adjourned for 2020 on Friday, March 20, earlier than most years due to the COVID-19 pandemic. There are always lofty goals going into the session – this year it was property tax relief, funding for Medicaid expansion, education issues and teacher pay, and addressing significant infrastructure needs around the state. Because it is an election year, there was increased focus by the legislature on social issues. These proposals targeted the transgender population, including clinical care, and also included new abortion restrictions and an unusually high number of bills on various healthcare issues. These healthcare bills were at the forefront throughout the session and the IMA lobby team was both extremely busy and remarkably successful.

While it was very tough, the IMA lobby team had a very good year in advancing our legislative priorities as directed by the IMA Board of Trustees and House of Delegates. The bill details and links are below and on our [online tracker](#) but, in summary, our lobby team was able to:

- Successfully advocate for third-year funding for the GME program expansion plan (SB 1395)
 - Expand liability protections for volunteer healthcare workers (HB 392)
 - Fight off a flawed bill on balance billing to impose price controls on physician services (HB 506)
 - Defeat a bill that made it a felony to provide gender-affirming medical care for transgender youth (HB 465)
 - Negotiate dozens of safeguards on medical billing legislation to save physician offices both money and staff time (HB 515)
 - Pass a bill to create a legal definition of “recklessness” to protect Idaho’s cap on noneconomic damages (HB 582)
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Priority Issues:

SB 1395: Graduate Medical Education (GME) - **SUPPORT**

SUCCESS!! The legislature has approved funding to expand GME opportunities in Idaho! This marks the third year of expansion under the State Board of Education's (SBOE) Ten-Year Plan to Expand GME. The new funding allocation of \$1.25M builds out 25 residency positions and keeps the amount of funding for existing programs at current levels.

The build-out of 25 positions will be implemented as follows:

- Ten Internal Medicine residents in Idaho Falls
- Six Family Medicine residents in Idaho Falls
- Four Psychiatry residents in Boise
- Three Psychiatry residents in Pocatello
- One Family Medicine Rural Training Track resident in Rexburg
- One Internal Medicine resident in Boise

The SBOE's GME Committee – of which IMA is a member – will continue to meet to monitor existing growth and plan legislative budget requests for future years.

Status: *LAW*

HB 392: Liability Protection for Volunteer Healthcare Providers - **SUPPORT**

Great News!! IMA was successful in advocating for this bill to expand existing laws to protect certain types of healthcare professionals from liability when they volunteer to provide free medical care. Some providers who are not covered by existing statutes include counselors, social workers, psychologists, physical therapists, pharmacists and dieticians.

The new law provides immunity from liability for all properly licensed, certified and registered healthcare professionals while they are volunteering their services in free clinics. The change will also include students in these same professional fields, provided they are supervised by one of the previously mentioned professionals who is present in the facility while they provide care.

Status: *LAW*

HB 506: Balance Billing Legislation – **OPPOSE**

IMA was able to hold off troubling balance billing legislation that would have imposed price controls on out of network physician services and threatened access to care. However, this issue isn't solved. IMA physicians will need to remain willing to come to the negotiating table with insurers and hospitals to find a collaborative solution; other states have had great success by requiring doctors and health insurance companies to use an independent dispute resolution (IDR) process to work out differences.

Thank you to all IMA members who took the time to fight this bill and responded to IMA's requests for participation, your efforts made a substantial difference.

Status: *Will not proceed in 2020.*

HB 515: Idaho Patient Act (Melaleuca Legislation) - *NEUTRAL*

This legislation is an ambitious effort to revamp physician and hospital billing processes in response to concerns about medical debt collection practices. IMA spent extensive time and effort to work with Melaleuca to remove the most burdensome provisions from the legislation. Most of IMA's concerns have been addressed, but some have not. Because of IMA's desire to stay at the table for these negotiations, our Board has officially taken a neutral position on the bill.

However, IMA continues to hear from physician practice managers about two key areas of concern:

1. HB 515 takes away the current ability for practices to immediately address bounced checks that are written at the time of service (for copays, etc.). It is a standard, generally accepted practice by medical office managers to send bounced checks to collections sooner than 60 days – which is the soonest HB 515 allows. This will cause unnecessary delay in recouping rightfully owed payment for services, since time is of the essence in these situations.
2. Even more importantly, practices are informing IMA that the requirement to add so many new elements to billing statements will potentially cost tens of thousands of dollars in order to make changes to practice management and billing software.

IMA will continue to seek a path forward to address the problems caused by HB 515. We were very fortunate to have the effective date of the bill moved to January 1, 2021 this will allow some time to continue to gather more data in an attempt to convince Melaleuca that changes need to be made.

IMA urges physicians and their medical practice managers to carefully assess the provisions of the legislation to determine how compliance can occur, and to document situations of significant added expense, if any. Please continue to bring specific issues of concern to our attention.

Status: *LAW*

HB 582: Definition of “Recklessness” - *SUPPORT*

This legislation is sponsored by the Idaho Liability Reform Coalition (ILRC), which is a broad-based group of business, healthcare and industry organizations. ILRC's main goal is to uphold Idaho's existing tort reform laws.

As an ILRC Board member, IMA strongly supports HB 582 to provide a definition of “recklessness” in the law to ensure that a recent faulty Idaho Supreme Court jury instruction does not weaken Idaho's cap on noneconomic damages.

Status: *LAW.*

[Click Here to View the IMA Bill Tracker](#)