



2022 LEGISLATIVE REPORT

Welcome to the first edition of the IMA 2022 Weekly Legislative Update! Each week your IMA lobby team will highlight activities at the Capitol and track the progress of IMA legislative priorities. We will also update the Bill Tracker on the IMA website, which gives a comprehensive overview of healthcare issues being proposed at the Legislature.

The 2022 Idaho Legislature preview

The Legislature will convene at the Idaho Capitol on Monday, Jan. 10. Gov. Brad Little will give his State of the State speech to kick off the session and with that, Idaho's budget surplus of more than \$1.6 billion will receive a lot of attention. The governor's budget will focus on how Idaho can utilize this money to improve infrastructure, invest in education, and expand the health workforce. IMA is advocating for an additional investment in expanding graduate medical education (GME) as a worthwhile use of surplus state funds.

The leadership in the House and Senate will look the same as last year, but it will be Speaker Scott Bedke's (R-Oakley) last term as he is seeking to become the next lieutenant governor of Idaho.

Rep. Fred Wood (R-Burley) and Sen. Fred Martin (R-Boise) will continue to serve as House and Senate Health and Welfare Committee chairs, respectively. With Sen. Steve Bair (R-Blackfoot) taking time off to tend to family, the committee shake up has resulted in former House member Julie Van Orden (R-Blackfoot) joining the Senate Health and Welfare Committee. These two committees will be tasked with hearing legislation related to the pandemic and many other items of interest for IMA members.

In the House Appropriations Committee, Rick Youngblood (R-Nampa) will continue as chair with vice chair Rep. Carolyn Nilsson Troy (R-Genesee). On the Senate Finance Committee, Sen. Bair will step aside as mentioned above and Sen. Jeff Agenbroad (R-Nampa) will take over as chair. Sen. Carl Crabtree (R-Grangeville) will be the new vice chair. These committees meet jointly as the Joint Finance Appropriations Committee, better known as JFAC, and will be tasked with producing a budget for the state and continuing the funding for GME which will be considered for its fifth year.

Other topics this legislative session will be property tax relief, lowering income tax, and many leftover items from the November session related to COVID-19 and the private rights of business. IMA continues to engage with legislators prior to the session on many COVID-19 related issues via the **IMA Public Health Committee's white papers**.

This session will be action-packed in an election year, and IMA will provide opportunities for physicians to contact their legislators about issues that impact medicine.

2022 Idaho Medical Association Legislative Priorities

Expanding GME: Increase Idaho's physician workforce

IMA supports funding for the fifth year of the ten-year residency expansion plan. IMA is strongly committed to growing our physician workforce, especially in rural and underserved parts of Idaho, to increase overall access to care, meet the demands of a fast-growing population and provide the next generation of caregivers in Idaho's aging physician workforce.

In 2021, the Legislature allocated \$900K to build out 15 new Graduate Medical Education (GME) positions throughout the state and maintain current funding levels for existing residency training programs.

For 2022, the Idaho State Board of Education (SBOE) and Idaho residency programs will seek \$729K in new funding for the fifth year of the GME expansion. This funding will increase residency positions by another 14 slots across Idaho at a pro-rated level to ensure the request complies with the governor's 3.1% maximum increase. Given the massive population growth in Idaho and a record budget surplus, IMA encourages legislators to consider additional funding opportunities for GME to grow our physician workforce when contemplating budget priorities.

Residency programs are leading providers of care to Medicaid, Medicare, and uninsured patients in Idaho. Investing in physician training not only provides care for the state's poorest people but is also the best means to recruit physicians to practice in Idaho. Evidence shows that physicians will likely practice medicine within 100 miles of where they completed their residency.

Mitigating the impacts of the Idaho Patient Act

The IMA is grateful to all legislators for voting to unanimously approve HB 42 in the 2021 session. This important legislation delayed certain provisions of the Idaho Patient Act to July 1, 2021, which helped hospitals and clinics in their attempt to comply with the law while simultaneously dealing with the impacts of the COVID-19 pandemic. However, like any new law or regulation, the Idaho Patient Act has

unintended consequences which unfortunately drive up the cost of care for patients and burden physicians with more paperwork.

Beginning last April, IMA and other health care organizations began a series of collaborative meetings with Melaleuca to discuss the Idaho Patient Act and ways to improve the law without shifting any burdens to patients. The bi-weekly meetings with practice managers, payers, and others helped narrow down the list of issues to four main focal areas:

1. **Cost/Technology/Privacy** – Due to additional information now required on the Final Statement, patients' personal information is now vulnerable, and physician offices face challenges adding that information that is not compatible with most billing and EHR systems.
2. **Bounced Checks** – When a patient passes a bad check with an insufficient amount of funds, a medical practice has a limited amount of time to correct the situation. The Patient Act inhibits this ability due to the extended timelines before utilizing extraordinary collection actions. A shorter window, with notification to the patient, is one option to correct this problem.
3. **Global Fees/Payment Clawbacks** – Some healthcare services are reimbursed by insurance companies as global fees or bundled payments. Physicians cannot bill for these services until the last session in the bundle is completed. For example, maternity care is typically not billed until the child is born. Additionally, payment clawbacks occur when an insurance company determines it should have not paid a claim, for a variety of reasons. The insurer, usually between 6 months to a year later, takes back payment from the physician and it becomes the patient's responsibility. In both the bundled payment plan and insurance clawback scenarios, the timelines from the date of service in the Patient Act prohibit physicians from complying with the law. There should be changes to allow for these unique situations.
4. **Definition of Extraordinary Collections** – Not all extraordinary collection actions are the same. For example, reporting an outstanding bill to a credit agency is highly effective at prompting patients to pay their bills and avoid incurring any permanent adverse credit flags. It is a lower-level intervention that is also highly effective at helping prevent litigation, which can permanently alter a patient's credit record.

Collaborative legislative language is under development, and we hope that the Idaho Legislature will support these consensus changes that will help patients and physicians alike.

Support for science and the rights of private business

The COVID-19 pandemic placed a large emphasis on the need to practice effective and well-researched public health measures. The facts and science prove that vaccines work with over 90 percent of COVID-19 hospitalizations coming from the unvaccinated population. Science has also revealed that natural immunity varies too much from person to person to reliably protect against subsequent infections of COVID-19. It is imperative that Idahoans get the certainty of protection from an FDA approved COVID-19 vaccine.

That is why IMA strongly supports the private rights of business, so they can make decisions to keep their workplaces safe and our economy open with respect to vaccination and mask policies. This also includes support for the current law which allows exemptions for medical and religious purposes under

the Americans with Disabilities Act. IMA members have worked tirelessly over the last two years to care for Idahoans who battle COVID-19. The last thing physicians want to see is regulations on businesses and health care facilities that impact the ability to create a safe environment for patients, employees, and patrons.

Physician burnout – Supporting health care workers

Prior to the COVID-19 pandemic, physician burnout was recognized as a serious public health crisis in the U.S. Starting in March of 2020, the weight of the pandemic began to add levels of stress that have never been experienced before by the health care community. The sleepless nights, increased patient loads, and daily encounters with preventable deaths have taken a mental toll on our physicians. This is not uncommon in many other frontline professions like law enforcement, firefighters, and other first responders.

While there is not an instant solution to this crisis, IMA is committed to supporting the well-being of Idaho physicians. Currently, physician wellness programs provide assistance to struggling physicians. Expanding these programs and taking steps to ensure physicians feel comfortable seeking help, are critical factors to combating physician burnout. The IMA lobby team looks forward to collaborating with the Legislature, state agencies, and other stakeholders to improve the mental and physical well-being of Idaho physicians in addition to other frontline workers who put their lives on the line during the pandemic.

Federal update

Congress moves to tackle Medicare physician pay cliff

Following months of fierce advocacy led by the American Medical Association (AMA) and other physician organizations, Congress recently acted to address the combined 9.75% in Medicare physician payment cuts, which amounted to a physician payment cliff and were set to take effect Jan. 1, 2022. President Biden is expected to sign the bill into law.

Highlights of the physician-payment provisions include:

- A delay in resuming the 2% Medicare sequester for three months (Jan. 1–March 31, 2022), followed by a reduction to 1% for three months (April 1–June 30, 2022).

- A one-year increase in the Medicare physician payment schedule of 3%, which is 0.75% less than the conversion factor boost provided for 2021.

- A one-year delay in the cuts to the clinical laboratory payment schedule.

- A one-year delay in the Medicare radiation oncology demonstration.

- Prevents the 4% Medicare pay-as-you-go (PAYGO) cut for 2022

While the overall legislation passed on a mostly party line vote due to provisions related to the debt-ceiling, the Idaho delegation had been heavily engaged in advancing this solution. Idaho Sen. Mike Crapo (the top Republican on the Finance Committee) and his staff were chief architects of the physician payment provisions while Idaho Rep. Mike Simpson cosponsored legislation and signed a letter to House leadership urging a solution. The IMA looks forward to working with the Idaho delegation on a long-term solution to Medicare payment provisions.

No Surprise Billing Rules: Checklist for providers

The No Surprise Billing Rules to implement the No Surprises Act will take effect Jan. 1, 2022. In response to numerous questions, Holland and Hart Law has developed a checklist to help physicians and facilities implement and comply with the new statute and rules. This information is now available to all IMA members. View the helpful checklist [HERE](#).

In Idaho, the Department is updating their rules and guidance which should be available later this month. Stay tuned for updates.

The AMA has also provided a [toolkit for physicians](#) to help implement the law. The document will be updated as additional information becomes available.

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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