



2021 LEGISLATIVE REPORT

Feb. 26, 2021

One step closer! Patient Act delay passes Senate, moves to governor's desk

Great news! On Feb. 22, the Senate passed 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 thanks Sen. Kelly Anthon (R-Burley) for his leadership in advancing the legislation through the Senate.

The bill already passed the House in early February and will now head to the governor's desk where he is expected to sign the bill into law. As a reminder, the specific provisions of the delay are:

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 the collection of attorney's fees in legal actions on behalf of healthcare providers is not included in the delay and thus will 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 legislature and is signed by the governor. This means the delay could go into effect as soon as next week!

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. Stay tuned for updates next week when the bill is signed into law, including information about how your practice can comply with the delay.

Status: HB 42 passed the Idaho legislature and awaits the governor's signature

IMA supported virtual care/telehealth bill sails through Senate Health and Welfare

SB 1126, the Idaho Virtual Care Access Act which is sponsored by Chairman Fred Martin (R-Boise) passed the Senate Health and Welfare Committee on Feb. 24. The bill would improve and sustain telehealth utilization by modernizing definitions, upholding a high standard for establishing a provider-patient relationship, and creating a virtual care advisory board to make recommendations for increasing virtual care adoption and utilization in Idaho. IMA CEO Susie Keller, who was an appointed member the Telehealth Task Force that created the recommendations for the text of SB 1126, testified in favor of the legislation. She stated that the pandemic prompted increased utilization in telehealth which allowed the task force to observe real-time changes and necessary improvements to increase access to this emerging health care tool.

Please contact your Senator to express support for SB 1126 and ask for their YES vote on this bill: [Click here to send a message.](#)

Status: SB 1126 passed the Senate Health and Welfare Committee and awaits consideration before the full Senate

Legislation to create a Medicaid Stabilization Fund passes House Health and Welfare Committee, but fails on the House floor

On Feb. 24, the House Health and Welfare Committee passed HB 209 which would create a reserve account for Medicaid funding in years when a surplus of Medicaid dollars exist. The account, called the Medicaid Stabilization Fund, would provide offset funds in years when there is a shortfall in the Medicaid budget. The bill is sponsored by chairmen of the House and Senate Health and Welfare committees, Rep. Fred Wood (R-Burley) and Sen. Fred Martin (R-Boise). IMA strongly supports this concept, and our Director of Government Affairs Jamie Neill testified in favor the legislation, reiterating that in years like 2021, when the enhanced FMAP from the federal government results in more than \$50 million in surplus Medicaid funds to the state of Idaho, that money should be reserved for future Medicaid needs. Currently, that money goes back to the General Fund to spend on many different programs. Unfortunately, this legislation did not advance on the House floor because many representatives dislike the program and still do not want to accept Medicaid expansion as passed by the voters.

Status: HB 209 failed on the House floor by a vote of 25-42 and will not advance this session

Medicaid funding bill passes House

On Feb. 25, the House passed HB 216, which is the Medicaid supplemental budget request for the upcoming year. IMA supports this legislation. The additional funding was necessary due to the missed projections on total Medicaid costs in the Milliman report last year. However, the cost overruns were largely due to the pandemic and pent-up demand during the first full year of Medicaid expansion. The budget shortfalls were more than adequately covered by the enhanced FMAP increase from 70 to 76 percent which the Biden Administration said will last the duration of this year at least. The extra federal funding provides \$130 million to Idaho for 2021. For more details [click here](#).

Status: HB 216 passed House by a vote of 37-31 and now will head to the Senate for further consideration.

House committee passes bill to require county approval for public health district orders

On Feb. 23, the House Health and Welfare Committee passed legislation which would require county commissioners to approve orders issued by their respective public health districts. This approach is a reasonable alternative to other legislation that would impact public health districts. SB 1060 is supported by all seven public health districts in Idaho.

Status: SB 1060 passed the House Health and Welfare Committee and will move to the full House for further consideration

Vaccine prohibition bill passes House

On Feb. 23, the House passed HB 140 by a vote of 49-21. The bill would prohibit any business that contracts with the state from requiring vaccines for their employees. This would essentially be a blanket prohibition on all physicians who contract with Medicaid from requiring their employees to be vaccinated. This applies to all vaccinations, not just COVID-19. IMA is strongly opposed to the legislation and Director of Government Affairs Jamie Neill testified in opposition to the bill during committee consideration. He noted that HB 140 restricts the ability of physicians from making the best decisions for their individual situations as employers and increases liability exposure due to potentially unsafe environments for patients. IMA will increase our efforts to stop this harmful legislation in the Senate.

Status: HB 140 passed the House by a vote of 49-21 and was referred to the Senate Commerce and Human Resources Committee

Emergency powers legislation remains hotly debated issue: Contact your legislator

The Idaho Legislature continues to focus on the balance of powers between the executive and legislative branches. IMA has encouraged lawmakers not to limit the governor's ability to declare emergencies or end the current public health emergency. The emergency declarations are critically important to accessing resources for vaccine distribution and addressing other pressing needs. IMA has identified a handful of troubling bills that could negatively impact Idaho's response to and recovery from the

pandemic. For more information about legislation on this topic, and to contact your legislators to express your concerns, [click here](#).

Federal update

On Feb. 24, Idaho Sen. Mike Crapo, the ranking member of the Finance Committee, participated in a hearing with current California Attorney General Xavier Becerra who is the Biden Administration nominee for Secretary of Health and Human Services. Sen. Crapo focused his questions on the long-term viability of Medicare. To learn more, [click here](#).

In the House, the Democrat majority continues to push forward on the \$1.9 trillion Biden stimulus/relief package for COVID-19, titled the American Rescue Plan. The legislation is anticipated to receive a vote in the House on Friday or Saturday and will include funding for vaccine distribution, state and local governments, multi-employer pension plans, and stimulus checks, among many other items. The \$15 minimum wage increase, which the Biden Administration had proposed for inclusion in the legislation, was deemed to not meet the budgetary rules of the process known as budget reconciliation. Budget reconciliation is a special procedure used to pass legislation through the Senate on a simple majority, rather than the typical 60 vote threshold.

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

[IMA Bill Tracker](#)

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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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