



## Idaho Patient Act: 2021 Delay What Physicians Need to Know

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On March 1, 2021, Gov. Brad Little signed House Bill 42 which allows for a delay to the Idaho Patient Act until July 1, 2021, while maintaining some key protections to patients under the existing law. The legislation has an emergency clause which makes it effective immediately. Here is what physicians need to know.

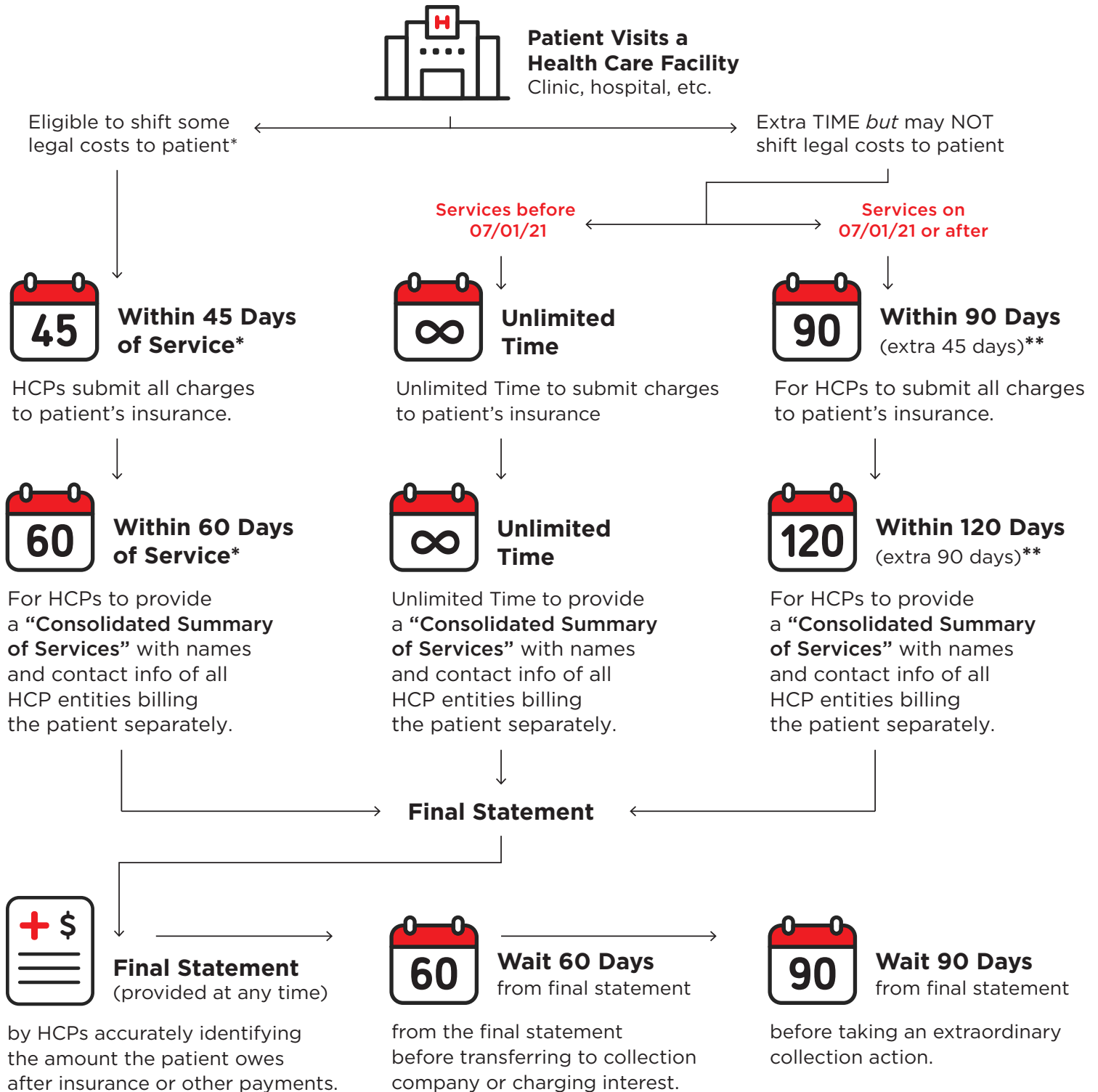
- The Idaho Patient Act is only applicable if the physician needs to pursue extraordinary collection actions (ECA)\*.
- HB 42 delays certain provisions of the Idaho Patient Act to July 1, 2021.
- Clarifies that the new July 1, 2021 date pertains to the date when the healthcare service was provided. The 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.
- If a physician needs to utilize ECA prior to July 1, 2021, the timelines in the Idaho Patient Act do not apply.
  - The physician has unlimited time to send the claim to insurance and provide a consolidated summary of services to the patient.
    - Deadline to meet payers' timely filing requirements is still in place
  - If additional time is needed prior to July 1, 2021 the limits on attorney's fees for legal actions on behalf of the provider are in full effect.
  - The limitation on attorney's fees does not apply if the physician meets the 45-day timeline to submit to insurance and the 60-day timeline to send the consolidated summary of services.
- IMA, IHA, Melaleuca, and others are currently engaged in discussions to fix additional problems with the Idaho Patient Act [listed here](#). Should you have problems not currently identified, email [jamie@idmed.org](mailto:jamie@idmed.org)

\*Definition of Extraordinary Collection Action:

- Transferring the patient's debt to a collection agency before 60 days has passed from the time the Final Statement was received,
- Reporting the patient to a credit reporting agency, or
- Taking legal action such as liens, property seizures, civil actions, wage garnishments, etc.

A guideline for health care providers (HCPs) using extraordinary collection actions (such as filing a lawsuit or a negative credit report) to collect medical debt and who wish to shift some cost of the extraordinary collection action to the patient.

An HCP does not need to follow the Idaho Patient Act if HCP does not file a lawsuit, report a patient to a credit bureau, or otherwise engage in extraordinary collection actions. An HCP may always collect the principal owed directly from patients.



\*Up to \$350 is an uncontested action, \$750 in contested action (in some cases the court may award additional fees).

\*\*If either deadline is missed, HCP may not engage in an extraordinary collection action against a patient. Nevertheless, HCP may continue to collect the principal owed directly from patients.