



2021 LEGISLATIVE REPORT

Jan. 8, 2021

Weekly legislative update

Welcome to the first edition of the IMA 2021 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 2021 Idaho legislature preview

The Legislature plans to convene at the Idaho Capitol on Monday, Jan. 11. This year will certainly be different than past years with the pandemic creating a number of challenges. Legislators have implemented several safety precautions that can be [found here](#).

Gov. Brad Little will give his State of the State speech to kick off the session on Jan. 11 and with that, Idaho's budget surplus of \$630 million will receive a lot of attention. While many states have struggled during the pandemic, Idaho has leveraged federal relief funds to create this positive fiscal balance. The governor and his administration have reiterated that a large portion of this surplus is due to one-time funding allocations and therefore will be used on one-time expenditures such as infrastructure, K-12 education, and tax relief, specifically property taxes.

The governor's budget is anticipated to address the Medicaid cost projections that were different than anticipated from the Milliman report during the 2020 Session. This is largely due to a sicker than anticipated population gaining access to coverage and a global pandemic. Many of these factors will

level off in the coming years and the enhanced FMAP payments the State of Idaho received for Medicaid will continue and help offset a large portion of Milliman projections. IMA and other advocates will continue to stress these fiscal points and the importance of access to coverage during the 2021 Session.

As for legislative leadership, the House majority will look the same as the last Session, with Speaker of the House, Scott Bedke (Oakley), Majority Leader Mike Moyle (Star), Assistant Majority Leader, Jason Monks (Nampa), and Caucus Chair, Megan Blanksma (Hammett). All four defeated challengers. On the minority side, Rep. Ilana Rubel (Boise) retains her Minority Leader position, with Rep. Lauren Necochea (Boise) as the new Assistant Minority Leader, and Rep. Sally Toone (Gooding) as Caucus Chair.

Senate leadership will look different this year with the election of a new Senate Pro Tempore, Chuck Winder (Boise). Sen. Kelly Anthon (Burley) is the Majority Leader, Sen. Abby Lee (Fruitland) will serve as Assistant Majority Leader, and Sen. Mark Harris (Soda Springs) as Majority Caucus Chair. The minority retained Sen. Michelle Stennett (Ketchum) as the Minority Leader. Sen. Grant Burgoyne (Boise) will serve as the new Assistant Minority Leader and Sen. Janie Ward-Engelking (Boise) as new Caucus Chair.

Rep. Fred Wood (Burley) and Sen. Fred Martin (Boise) will continue to serve as House and Senate Health and Welfare chairs, respectively. Rep. John Vander Woude (Nampa) will serve as Rep. Wood's vice chair and Sen. Peter Riggs (Coeur d'Alene) will be Sen. Martin's vice chair. 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 (Nampa) will continue as chair with new vice chair Rep. Carolyn Nilsson Troy (Genesee). On the Senate Finance Committee, the chair will be Steve Bair (Blackfoot) and vice chair Jeff Agenbroad (Nampa). 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 Graduate Medical Education (GME) which will be considered for its fourth year.

Contact your legislator – Idaho Patient Act

The effective date of the Idaho Patient Act was January 1, 2021 and the IMA strongly encourages you to contact your legislator to seek a delay to this effective date as IMA staff continues to work on changes to issues raised by physicians and hospitals. [Click here](#) to share your concerns with your local legislator.

In addition to seeking an implementation delay, IMA is working with the Idaho Hospital Association to address major areas of concern with the Idaho Patient Act to ensure the legitimate goals of the legislation are met while avoiding unintended consequences to physicians: 1) It severely handicaps physicians' ability to collect unpaid bills if a hospital or facility excludes the physician from the Consolidated Summary of Service – something beyond the physician's control; 2) Increased software vendor costs are required to add new information to a patient's Final Statement; 3) Addressing identity theft concerns associated with requiring a patient's Social Security Number or Medicare Account number to be printed in full on the patient's bill; 4) It prevents a physician from taking routine actions to pursue

amounts owed when a patient passes a bad check; 5) Addressing situations in which a series of visits cannot be billed until the course of care is completed – forcing a conflict with timelines in the Act.

Tracking legislation

The IMA lobby team is closely tracking legislation that was approved by the Occupational Licensing and Certification Laws Interim Committee on Nov. 30. The IMA joined other medical professional groups testifying with concerns about provisions in the bill that would allow out of state physicians to deliver telehealth without an Idaho license. IMA strongly supports telehealth and patient choice but wants to ensure the Idaho standard of care is met and physicians who practice in Idaho adhere to state laws and provide quality care to Idaho patients. The IMA lobby team raised these concerns and others and will continue to work with legislators on outcomes that improve telehealth delivery while respecting the Idaho standard of care.

2021 IMA legislative priorities

Expanding GME: More physicians throughout Idaho

IMA supports funding for the fourth 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 2020, the Legislature allocated \$1.25M to build out 25 new Graduate Medical Education (GME) positions throughout the state and maintain current funding levels for existing residency training programs.

For 2021, the Idaho State Board of Education and Idaho residency programs will seek \$900K in new funding for the fourth year of the GME expansion. This funding will increase residency positions by another 15 slots across Idaho.

Telehealth regulation and reimbursement

Prior to the COVID-19 pandemic, Idaho formed the Telehealth Task Force (TTF) to identify the reasons for our state's low utilization of telehealth services. The TTF found three major barriers:

1. Inconsistent Reimbursement
2. Technology Restrictions
3. Broadband Access

According to the Idaho Department of Insurance, the pandemic increased telehealth services in Idaho by over 17,000% in 2020 compared to last year. In response to the pandemic, several actions were taken that temporarily addressed Idaho's major telehealth challenges:

1. Payers currently reimburse telehealth services at parity levels to in-person visits
2. State and federal waivers have allowed expanded technology platforms to deliver care remotely
3. Idaho allocated \$50M of federal relief funds to boost broadband

In order to maintain the momentum of robust telehealth delivery in Idaho, IMA supports the recommendation of the TTF to form a Virtual Care Advisory Board. This board would provide coordination among stakeholders and policy makers to guide and identify opportunities for advancing telehealth utilization in Idaho. IMA believes it is important for Idaho to control the future of telehealth delivery in our state and rely on those closest to the delivery of care to shape that future, including physicians, patients, and other stakeholders. Ultimately, this strategy will improve affordability, safety, and access to care across Idaho.

In supporting the advancement of telehealth services in Idaho, IMA believes these efforts should be undertaken with Idaho-licensed physicians. We have state laws and administrative rules in place to protect patients and hold our physicians accountable to an Idaho standard of care. Additionally, IMA believes that the state should first support its homegrown businesses, including our healthcare providers.

Support for evidence-based formation of healthcare policy

IMA strongly supports the use of scientific, evidence-based decision making for developing healthcare policies that impact our public health systems, healthcare providers, schools and universities, businesses, our economy, and our citizens. We urge policy makers and elected officials to seek consultation and work closely with local physicians and medical experts in creating public policies and guidelines that impact citizens' health and safety.

IMA wants to keep our economy strong by keeping businesses open and people employed. We want to keep our healthcare resources available and accessible to all Idahoans who need them. Science tells us the best way to accomplish this during a pandemic is to wear a mask, watch your distance from others, and wash your hands.

Changes to the IMA lobby team

IMA extends our best wishes to Molly Steckel, our longtime lobbyist and policy expert. Molly retired from the IMA in October after serving Idaho physicians for two decades – both as an IMA contract lobbyist and full-time staff member. Molly's contributions to Idaho healthcare are too numerous to list, she will be deeply missed!

IMA is extremely pleased to announce Jamie Neill as our new Director of Government Affairs. Jamie previously served as the Senior Legislative Assistant to Idaho Rep. Mike Simpson, overseeing healthcare, Interior/environment, and agriculture issues. He has a proven track record of working collaboratively with Idaho healthcare organizations for many years and brings a high level of expertise and enthusiasm that will allow him to hit the ground running on behalf of Idaho physicians. Welcome, Jamie!

Federal update

Congress reaches government funding/COVID-19 relief deal – includes balance billing legislation

On December 21st, Congress passed a government funding bill for fiscal year 2021 which included COVID relief, balance billing legislation, and several public health provisions such as funding for community health centers and the National Health Service Corps. The legislation to address balance billing is seen as a compromise between health care industry groups and utilizes an independent dispute resolution process to settle contested claims. The balance billing legislation:

- Requires health plans to hold patients harmless from balance bills.
- Provides for a 30-day open negotiation period for physicians and payers to settle out-of-network claims.
- States that if the parties are unable to reach a negotiated agreement, they may access a binding arbitration process, referred to as independent dispute resolution (IDR), in which one offer prevails

A summary of the No Surprises Act can be found [here](#).

The COVID relief legislation details can be found [here](#) which includes funding for vaccines, small businesses, and an additional \$3 billion for the Provider Relief Fund. The entire Idaho Congressional Delegation voted in favor of the year end legislative package. The President signed the bill into law on December 27th. Congressman Simpson, who sits on the House Appropriations Committee, released the following [details](#) on what the bill means for Idaho.

Idaho delegation delivers solution to proposed Medicare cuts

Included in the year-end government funding and COVID-19 relief legislation, is a provision to offset some of the proposed cuts to Medicare reimbursement rates due to budget neutrality requirements. Overall, the provisions offset more than two-thirds of the cuts providers were slated to see in 2021. The Medicare payment changes include:

- Provides for a one-time, one-year increase to all payments in the 2021 Medicare physician fee schedule by adding \$3 billion and delaying payment of HCPCS add-on code G2211 for three years. This provision is intended to support physicians and other professionals in adjusting to changes in the Medicare physician fee schedule during 2021, and to provide relief during the COVID-19 public health emergency. The AMA has provided [a breakdown by specialty of the combined impact of these updates to the conversion factor](#).
- Provides for a three-month delay of the Medicare sequester payment reductions through March 31, 2021.
- Increases payments for the work component of physician fees in areas where labor cost is determined to be lower than the national average through Dec. 31, 2023.
- Creates 1,000 new Medicare-funded graduate medical education residency positions.
- Expands access to mental health services provided via telehealth past the expiration of the public health emergency.

Idaho Sen. Mike Crapo helped negotiate the offsets from his senior position on the Senate Finance Committee and Idaho Rep. Mike Simpson cosponsored legislation to eliminate the reimbursement cuts. The IMA is grateful for Senator Crapo, Congressman Simpson, and their staff for prioritizing and advocating for the health care community during these challenging times. More information on this can be found [here](#).

Crapo leads on early detection for cancer care

Idaho Sen. Mike Crapo introduced bipartisan legislation along with a bipartisan coalition of colleagues which would provide Medicare coverage for modern screening for early detection testing for cancer. As Crapo said upon introduction of the bill, "Health care decisions should be the result of conversations between patients and their providers." The IMA agrees and thanks Senator Crapo for his work to introduce the **Multi-Cancer Early Detection Screening Coverage Act**.

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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