



2021 LEGISLATIVE REPORT

May 21, 2021

IMA Final 2021 Legislative Report

The 2021 Idaho legislative session was certainly not a normal year. Whether it was the two-week pause due to a COVID-19 outbreak in the House, many challenging debates on Idaho's pandemic response and education-related issues, or the fact it was the longest session in Idaho's history, the first five months of 2021 threw many curveballs. Fitting with that theme, the Idaho Legislature ended the season with a nontraditional adjournment. The Senate voted to adjourn sine die (with no appointed date for resumption) while the House voted to recess, meaning the Speaker can call the House back later this year if necessary. The House can also vote to bring the Senate back into session. The Speaker indicated that the Legislature's interest to return would be to appropriate any new federal funds that may come to the state.

This year's legislative session was dominated by debate over COVID-19 policies, the emergency authority of the governor, property tax issues, and education policy related to critical race theory. While the IMA lobby team was focused on ensuring the best science was followed concerning COVID-19 policies, there was still plenty of non-pandemic related business to keep track of. While the session was challenging at times, the IMA lobby team succeeded in advancing legislative priorities as directed by the IMA Board of Trustees and House of Delegates. The bill details and links are below and online on the **IMA Bill Tracker** but, in summary, our lobby team was able to:

Successfully advocate for the fourth year of funding for the GME program expansion plan (SB 1175)

Successfully advocate for a delay to certain provisions of the Idaho Patient Act (HB 42) (details of delay found here)

Successfully advocate for supplemental and full-year funding for the Medicaid program in its first full year of Medicaid expansion (SB 1185 and HB 216)

Successfully defend against legislation to ban mask mandates, harm vaccine distribution, and limit the governor's ability to respond during future pandemics

Pass legislation through the Senate that modernizes and builds on telehealth utilization during the pandemic, which builds the groundwork for 2022 (SB 1126)

Successfully worked with the governor and IDHW to create capacity grants which are available to physicians who provide the COVID-19 vaccine

Extended the liability protections related to COVID-19 that were passed during the 2020 special session

Fight off legislation that would license uneducated naturopaths to practice medicine far beyond their education and training (SB 1128)

Priority issues:

SB 1175: Graduate Medical Education - SUPPORT

On April 16, the governor signed SB 1175 into law. This legislation is the health education portion of the State Board of Education (SBOE) budget that provides \$900,000 of state funding for 15 new GME positions throughout the state in family practice and psychiatry. This is the fourth year of expansion and represents a critical step forward in building more residency programs in Idaho and signals that GME is a priority even in a challenging political environment at the Idaho Legislature.

The IMA lobby team is grateful to all the medical students and residents who wrote to legislators in support of SB 1175. Strong advocacy makes a difference! Stay tuned for more opportunities this year to raise awareness about GME and the need to build more residencies in Idaho.

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 42: Idaho Patient Act Delay - SUPPORT

On March 1, Gov. Brad Little signed HB 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. IMA thanks Sen. Kelly Anthon (R-Burley) and Rep. Jason Monks (R-Meridian) for their leadership in advancing the bill through the legislature and Gov. Little for signing HB 42 into law. The bill was sponsored by IMA, IHA, and Melaleuca; IMA CEO Susie Keller testified in support of the legislation in both the House and Senate.

To help physicians comply with the specific provisions of the delay, IMA has **created a fact sheet** on what this means for your practice. This fact sheet also includes a flow chart produced by Melaleuca that will help physicians understand how to process services delivered before and after July 1, 2021. IMA highly recommends practice managers review this information so they can accurately comply with HB 42 and the existing Idaho Patient Act statute.

IMA is continuing to meet with Melaleuca for opportunities to lessen the burdens of the Idaho Patient Act with the intent to bring legislation in the 2022 session that fixes problems with the law identified by IMA members.

Status: LAW

HB 216 and SB 1185: Medicaid Funding – SUPPORT

In the challenging political climate, Medicaid budgets faced an uphill battle in 2021. In March, HB 216, which was the supplemental appropriations bill for Medicaid expansion, passed the House and Senate. In April and May, SB 1185, which funds the Medicaid budget for fiscal year 2022, passed the legislature, but only by a one-vote margin in the House.

This legislative session saw increased challenges with the Medicaid program due to concerns with expansion and the “growth of government” due to costs that exceeded the initial projections. A significant reason that funding for Medicaid ultimately passed this year, was the increased federal matching funds tied to the 6.2% increase in FMAP which will continue for the duration of the federal emergency declaration related to COVID-19.

Thanks to your efforts in contacting legislators, the Medicaid budget passed the House in the most challenging of political environments. Advocacy works!

Status: HB 216 and SB 1185 were signed into LAW

IMA advocates for science on public health measures

One of the central themes of the 2021 legislative session was the governor’s emergency powers and his response to the COVID-19 pandemic. Throughout the session, IMA joined many organizations in supporting the state public health emergency and sent a letter to senators asking them to withdraw legislation that would preemptively end the public health emergency.

If the state public health emergency were to end, tens of millions of dollars in emergency funding to the State of Idaho for vaccine distribution, PPE, and more could have been lost. Ultimately, four bills were signed into law that would alter Idaho laws on emergency response. However, they were significantly watered down from initial drafts and will allow the governor to respond in a timely fashion to future emergencies and pandemics.

HB 391, 392, 393, and SB 1217: Emergency Powers – NEUTRAL

The four separate bills revise the emergency statutes regarding the authorities of the executive and legislative branches. Three of the bills (HB 391, 392, and 393) are various individual elements of HB 135, which was vetoed by the governor and sustained in the legislature. The modifications give the legislature an expanded role in the decision-making process when an emergency is declared but also allows the governor to quickly and effectively respond. Specifically, those three bills clarify that during an emergency, constitutional rights cannot be suspended, the governor cannot change the law, and narrows the restrictions that can be placed on workers.

The fourth piece of legislation the governor signed is SB 1217, this bill replaced SB 1136 which was vetoed and sustained by the legislature. SB 1217 requires that emergencies lasting more than 90 days be revoked unless the legislature is in session or the governor calls the two chambers back to consider extending the emergency declaration. It also protects constitutional rights to bear arms and exercise religion, declares all Idaho workers essential, and prevents the governor from altering statutes during an emergency. The governor stated that this legislation would still allow the executive branch to respond in a timely manner during future emergencies.

Status: HB 391, 392, 393, and SB 1217 were signed into LAW

IMA is grateful to Gov. Little for his leadership in response to COVID-19 and will continue to engage with him on COVID-19 and future pandemics. The IMA is also reconstituting the IMA Public Health Committee, which will be a key platform to advise the state on public health policy. **To become a member of the IMA Public Health Committee, please contact IMA Director of Government Affairs Jamie Neill at jamie@idmed.org.**

There were many pieces of legislation the IMA helped defeat in 2021, including bills that would penalize providers for not allocating vaccines, prohibit physicians from making business decisions related to masks in their practices, ban physicians who contract with Medicaid from setting vaccine policies in their practices, and more. To view the full list, visit the [IMA Bill Tracker](#).

SB 1126: Telehealth Modernization Act - SUPPORT

A priority for IMA during the session was advancing legislation to sustain the high utilization of telehealth spurred by the pandemic. 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 (TTF) that created the recommendations for the text of SB 1126, testified in favor of the legislation during Senate Health and Welfare Committee consideration. The legislation passed the Senate by a vote of 30-5.

The legislation stalled in the House when the IMA lobby team became aware of efforts to eliminate the legislative text of SB 1126 and replace it with language replicating HB 179, which would permanently allow out-of-state providers to practice telehealth on Idaho patients without an Idaho license.

Eliminating the recommendations of the Telehealth Task Force (TTF) to maintain and expand telehealth in Idaho and replacing it with policy that significantly disadvantages Idaho patients and physicians was an outcome the IMA and other stakeholders chose to avoid. IMA will continue to work with telehealth proponents, payers, and others to advance provisions that will strengthen and streamline Idaho's telehealth statute.

Status: SB 1126 was held in the House Health and Welfare Committee and did not advance this session

IMA supported capacity grants created by governor

In January, IMA worked with the governor's staff to ensure adequate financial resources make it into the hands of physicians and the health workforce to build capacity to administer the COVID-19 vaccine. The funding, known as capacity grants, are distributed to providers of the COVID-19 vaccine and to ensure physicians do not bear the burden of the cost to administer the vaccine. The IMA applauds the governor for committing resources to safely and successfully administer COVID-19 vaccines.

If you would like to learn more about these capacity grants, contact COVID19VaccineProvider@dhw.idaho.gov.

HB 149: COVID-19 Liability Protection Extension - SUPPORT

Last August, the Idaho Legislature passed legislation that provided liability protections to ensure businesses were not the subject of unnecessary lawsuits related to COVID-19. The IMA was strongly in support of the legislation led by IMA Legal Counsel Ken McClure and the Idaho Liability Reform Coalition. Specifically, the bill ensured employers who make good faith efforts to provide COVID-19 precautions for their employees are provided some immunity from liability.

The protections were temporary and as a result required additional legislation to extend the original law passed in August. HB 149 was introduced by Rep. Julianne Young (R-Blackfoot) and extends the liability protections for employers in relation to COVID-19 to July 1, 2022.

Status: LAW

SB 1128: Uneducated Naturopaths Licensing - OPPOSE

The Senate Health and Welfare Committee held several hearings on SB 1128 which would license naturopaths who have not graduated from an accredited naturopathic medical school. IMA Legal Counsel Ken McClure and IMA Director of Government Affairs Jamie Neill testified in opposition to the legislation expressing concerns with the significant overreach in the scope of practice for unlicensed naturopaths. SB 1128 was ultimately sent to the amending order in the Senate where the legislation did

not proceed. IMA will continue to oppose any legislation that allows licensure of naturopaths beyond their scope of education and training.

Status: SB 1128 was sent to the amending order in the Senate and did move forward this session

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

IMA Bill Tracker

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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