



2021 LEGISLATIVE REPORT

Feb. 5, 2021

JFAC considers Health and Welfare budget, including Medicaid

On Feb. 4, the Joint-Finance and Appropriations Committee considered the Department of Health and Welfare budget, specifically Medicaid. The Medicaid portion was of particular interest because it provided the opportunity to evaluate the first full year of Medicaid expansion. The Milliman Report, which estimated the costs of Medicaid expansion, unfortunately missed the mark on the initial projections, which resulted in additional costs to the State of Idaho and created a \$30 million hole in the Medicaid budget. The increased costs were largely due to pent-up demand and impacts from the global pandemic.

The governor's original budget recommendation to address the \$30 million shortfall was focused on cost containment measures in the Medicaid program, and included the possibility of provider reimbursement cuts. However, this recommendation was withdrawn because the federal public health emergency (PHE) was extended through the end of 2021. The extension of the PHE sustains the 6.2% federal funding increase to the Medicaid FMAP which means Idaho will receive at least an additional \$100 million in federal money to cover the \$30 million Medicaid shortfall. The IMA lobby team has been meeting with the governor, legislators, and other stakeholders to ensure Medicaid funding remains stable, especially during the pandemic. IMA is grateful to Gov. Little and Department of Health & Welfare Director Dave Jeppesen for revising the original budget proposal and avoiding negative impacts on providers.

Legislation to delay Idaho Patient Act passes the House

On Feb. 1, the House passed HB 42 by a vote of 70-0 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. The bill is now pending before the Senate Commerce and Human Resources Committee. Here are the important provisions of the legislation:

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.

IMA thanks Rep. Jason Monks (R-Nampa) for his leadership in advancing the legislation in the House and we look forward to working with Sen. Kelly Anthon (R-Burley), who is the bill sponsor in the Senate.

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.

STATUS: HB 42 passed the House by a vote of 70-0 and is awaiting consideration before the Senate Commerce and Human Resources Committee

Governor moves Idaho to Stage 3 of the Idaho Rebounds plan

On Feb. 2, Gov. Brad Little advanced Idaho to Stage 3 of the Idaho Rebounds plan due to declining COVID-19 cases and hospitalizations. For more information on these new guidelines, [click here](#).

The governor's announcement was released hours before the Senate had planned to consider SCR 103 which would have eliminated the governor's Stage 2 phase of Idaho Rebounds. This legislation was essentially nullified by moving to Stage 3.

STATUS: SCR 103 was sent to the Senate State Affairs Committee, essentially solidifying the legislation will not move forward this session

Legislation to let voters consider constitutional ban on illegal drugs passes Senate

SJR 101, which was introduced by Sen. Scott Grow (R-Eagle) and proposes a constitutional amendment that would prohibit the distribution, manufacturing, and use of illegal drugs, passed the Senate by a vote of 24-11. The legislation does allow for drugs that are currently illegal to become legalized in the future IF the Food and Drug Administration and the State of Idaho approve the use of a drug based on emerging science, which would prove the safety and therapeutic benefits of such a drug. SJR 101 will proceed to the House and need two-thirds support to be included on the 2022 general election ballot for the consideration of Idaho voters. The IMA Board of Trustees voted to support this legislation in January

because it is consistent with existing IMA policy to oppose the legalization of medicinal marijuana unless future scientific research deems it appropriate.

STATUS: SJR 101 passed the Senate by a vote of 24-11 and awaits a hearing in the House State Affairs Committee

Federal update

In Washington, D.C., the U.S. Senate finalized a power-sharing agreement on Feb. 3. This paved the way for Democrats to become the new Senate majority under the leadership of Sen. Chuck Schumer (D-NY).

The Senate moved quickly towards working on the annual budget resolution which would unlock a process called Budget Reconciliation. The House already passed the budget resolution on a 218-212 vote. This means that the Senate can pass a single piece of legislation on a simple majority vote rather than a 60-vote threshold, which is typically needed to move to final passage. This process has recently been used to pass major policy priorities on party line votes. The Affordable Care Act and the Tax Cuts and Jobs Act were both passed using this process.

The Biden administration is utilizing this reconciliation process with the goal of passing a COVID-19 relief measure. The proposal costs roughly \$1.9 trillion and includes funding for more stimulus checks, state and local governments, and an increase to the federal minimum wage to \$15 an hour.

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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