



Idaho Medical Association

2019 LEGISLATURE: IMA STATUS REPORT Week of February 18 – February 22, 2019

MEDICAID EXPANSION UPDATE

Discussions are still ongoing and multiple bills have been drafted. It is too soon to know which, if any, of those bills will move forward. It is just as likely that a yet-to-be-seen bill will be the one that ultimately passes. As we've stated in earlier reports, there are many legislators seeking to add waiver options to place conditions or restrictions on the new Medicaid recipients.

On Thursday, there was an attempt to introduce two different bills that would completely repeal Medicaid expansion as passed through Proposition 2. The sponsors claimed that Idaho voters were not adequately informed about the full implications of Medicaid expansion. However, the Health & Welfare Committee held back both proposals on separate 7-5 votes. IMA is very grateful to the legislators who voted to defend the will of Idaho citizens.

The IMA Board of Trustees developed three principles as a yardstick against which to evaluate all proposals and for IMA to use when developing a formal position on legislation. IMA will not support any provisions in proposed bills that:

- Lead to delayed implementation of Medicaid expansion
- Add administrative burdens and costs to the state in administering Medicaid expansion
- Take away coverage from eligible individuals or are punitive in nature

There is significant discussion about Medicaid implementation going on throughout the Capitol. The IMA lobby team remains very involved in these discussions and will work to uphold the principles outlined by our Board of Trustees.

TOP PRIORITY ISSUES

Graduate Medical Education ~ *SUPPORT*

IMA strongly supports full implementation of the State Board of Education's 10-Year Strategic Plan for GME Expansion, which will create 19 new slots for residents and fellows in the next year. It also increases the per-resident funding amount that the state provides to our existing GME programs, which is critical to their sustainability. This year is the second year of funding for the ten-year plan and we anticipate programs will receive an additional amount of \$1,657,500 over and above existing funding for residency programs in Idaho.

Status: Presentations to JFAC are complete; the committee is working on budget setting and appropriations bills will follow.

HB 109: Maternal Mortality Review Committee ~ *SUPPORT*

IMA is sponsoring a bill to create a Maternal Mortality Review Committee (MMRC) within the Idaho Department of Health and Welfare. The majority of maternal deaths are preventable and the MMRC would be created to study why maternal deaths are happening in Idaho and what can be done to improve outcomes. The MMRC would be a multi-disciplinary group made up of physicians, nurses, midwives and other health professionals. MMRC proceedings would be completely confidential and the privacy of affected individuals is strictly protected and not divulged. The purpose is education, not punishment, and all MMRC work would be under the protection of state peer review statutes.

There are no state funds required to develop the MMRC, as CDC grant funds are available to cover the cost. The bill has a four-year sunset to coincide with the duration of the grant funds. HB 109 passed the House Health & Welfare Committee earlier in the week, and narrowly passed the House floor on Thursday.

Status: *This legislation passed the House on a 34-33 vote and will now be heard in the Senate Health & Welfare Committee.*

Thank you to the IMA members who emailed their representatives in support of HB 109. Watch for a similar request to contact your Senator.

ANOTHER BIG EXPANSION OF PHARMACIST PRESCRIBING COMING TO IDAHO

HB 182: Expansion of Pharmacist Prescribing

Eighteen out of the 22 members of both the House and Senate Health & Welfare Committees are co-sponsoring a bill that will greatly expand our existing pharmacist prescribing laws, which are already the most liberal in the country.

This legislation will allow pharmacists to prescribe any medications they choose to treat any conditions that, in the pharmacist's judgment:

- Do not require a new diagnosis;
- Are minor and generally self-limiting;
- Have a test that is used to guide diagnosis or clinical decision-making and are waived under the federal clinical laboratory improvement amendments of 1988; or
- Threaten the health or safety of the patient should the prescription not be immediately dispensed.

The bill says pharmacists must prescribe in accordance with FDA product labeling and may not prescribe controlled, compounded or biological drugs or products. The Board of Pharmacy will no longer be required to develop administrative rules to authorize specific drugs or conditions allowed for use or treatment by pharmacists.

HB 182 is counter to Idaho's preferred method of healthcare delivery through patient-centered medical homes and coordination of care. Pharmacists do not have access to patient medical records and patients might not be able to provide complete information about their specific conditions and medications. IMA is still trying to assess the spectrum of drugs and conditions for which pharmacists will be able to prescribe.

IMA staff have reached out to the IMA Board of Trustees to develop a response to this legislation. Given the level of support the bill already has in the legislature, it is likely it will pass. However, IMA believes we have an obligation to educate legislators about potential patient safety impacts regardless of whether we can change the trajectory of this particular piece of legislation.

Status: *Awaiting a hearing in the House Health & Welfare Committee.*

NEW THIS WEEK

HB 172: Hospital Districts

This legislation amends existing law to provide that a person shall not simultaneously serve as both a trustee for a hospital district and on the board of directors for a hospital within the same district.

Status: Awaiting a hearing in the House Health & Welfare Committee.

HB 180: Syringe and Needle Exchange Act

This legislation allows the Department of Health & Welfare, a government entity, or a private organization to operate a syringe and needle exchange program in Idaho. The administrator of such a program is responsible for giving instructions on methods for preventing Hep C and HIV, as well as options for obtaining substance use disorder treatment, testing for blood-borne diseases, and opioid antagonists.

Status: Awaiting a hearing in the House Health & Welfare Committee.

HB 181: Child Abuse

This legislation broadens the definition within child abuse statutes to remove the term “subdural hematoma” and replace it with the term “head injury.” This change will help to identify potential abuse situations by allowing the consideration of various types of head injuries.

Status: Awaiting a hearing in the House Health & Welfare Committee.

OTHER ISSUES

HB 9: Board of Medicine Statute and Administrative Rules Updates ~ SUPPORT

The Idaho Board of Medicine has undertaken a rewrite of their statutes and rules to modernize the language and to ensure that what is in law reflects the processes and procedures BOM currently follows. There are, however, a few new provisions:

New Grounds for Medical Discipline. BOM has added unprofessional or disruptive behavior to the list of acts that are considered grounds for medical discipline. The language in the new law addresses a physician who is: Engaging in a pattern of unprofessional or disruptive behavior or interaction in a healthcare setting that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient; provided that such behavior does not have to have caused actual patient harm to be considered unprofessional or disruptive.

Changes to PA Supervision Ratios. BOM is increasing the number of PAs a supervising physician or alternate supervising physician may supervise from three to four. The provision enabling a physician to petition the board to supervise up to six PAs will remain in place.

New PA Position on Board of Medicine. BOM is adding a PA position to their full board. The board will now consist of eleven members: seven physicians, one PA, two public members, and one representative of law enforcement.

Status: LAW.

HB 12: Expanded Access to Opioid Antagonists ~ SUPPORT

Current law states only “prescribers or pharmacists” may prescribe an opioid antagonist. HB 12 revises the language to state that any health professional licensed or registered under this title

may prescribe and dispense an opioid antagonist. The bill sponsor reports that some public health programs have been hindered by the original language.

Status: LAW.

HB 58: Expansion of Idaho Legend Drug Donation Act ~ SUPPORT

This legislation adds donation repositories to the current statute, including community health centers, free clinics, regional behavioral health centers, state charitable institutions and drug outlets. It also expands the definition of qualified donors.

Status: Passed the House on a 68-0 vote and is awaiting a hearing in the Senate Health & Welfare Committee.

HB 59: Age for Self-Identifying as an Organ Donor on Driver's License

This legislation clarifies that 15-year-old drivers are able to volunteer as organ donors on their driver's licenses.

Status: Passed the House on a 64-5 vote and is awaiting a hearing in the Senate Health & Welfare Committee.

HB 64 (previously HB 29): Reporting on Abortion Complications

HB 64 adds to and revises the legislation passed last year that requires reporting on abortion complications. The bill sponsor states that, "It is the intent of the State of Idaho to enact this statute to protect the health of women and advance Idaho's medical knowledge about the frequency and nature of abortion complications in Idaho. The data collected as a result of this legislation will provide statistical information about actual patients who receive treatment because of an abnormal or a deviant process or event arising from the performance or completion of an abortion."

Status: Passed the House on a 54-16 vote and is awaiting a vote in the Senate.

HB 114: Female Genital Mutilation

This legislation makes female genital mutilation of a minor a felony.

Status: Passed the House on a 69-0 vote and is awaiting a hearing in the Senate Judiciary & Rules Committee.

HB 133: Notice of Immunization Requirements

This legislation requires daycares and schools to notify parents or guardians of their right to opt out of immunizations at the same time they provide information about immunization requirements.

Status: Awaiting a vote of the House.

HB 152: Licensing Naturopaths Under the Idaho Board of Medicine ~ NEUTRAL

This legislation would create state licensure for naturopathic physicians with 4-year post-graduate training from accredited naturopathic colleges. Neither the Board of Medicine nor the IMA are opposing this legislation because it would give the Board of Medicine oversight and regulatory authority over these practitioners rather than creating a regulatory board made up of other naturopaths.

Status: Awaiting a hearing in the House Health & Welfare Committee.

HCR 4: Rejecting IDHW Rules Mandating Immunizations for Idaho School Students ~ OPPOSE

HCR 4 would reject (repeal) the entire docket of administrative rules of the Idaho Department of Health and Welfare requiring any immunizations for Idaho school students. The rationale is that these requirements “are not consistent with legislative intent.”

Status: In House Ways & Means Committee – unlikely to receive a hearing this session.

SB 1034: Access to Oral Chemotherapy ~ *SUPPORT*

This legislation creates co-insurance parity for anti-cancer medications regardless of the route of administration so that oral medications are no costlier than those that are injected or administered intravenously.

Status: Awaiting a hearing in the Senate Health & Welfare Committee.

SB 1049: Partial-Birth Abortions

According to the bill sponsors, it is the purpose of this legislation to update the Idaho partial-birth abortion ban so it is consistent with the federal law that bans the performance of a partial-birth abortion except when necessary to save a mother's life.

Status: Passed the Senate on a 29-6 vote and is awaiting a hearing in the House State Affairs Committee.

SB 1068: Requirements for Pharmacy Benefit Managers (PBMs) ~ *SUPPORT*

This legislation creates registration for PBMs under the Idaho Department of Insurance and requires transparency of PBM activities in Idaho.

Status: Awaiting a hearing in the Senate Commerce & Human Resources Committee.

SB 1098: Bone Marrow Donors

Allows physicians to inquire whether patients ages 18-45 are bone marrow donors and to provide information about bone marrow donor registration.

Status: Passed the Senate on a 34-0 vote and is awaiting a hearing in the House Health & Welfare Committee.

SB 1100: Medicaid Expansion

This legislation provides for optional enrollment in an employment and training program for Medicaid participants under expansion, for premium assistance for qualified health plans, for research on waiver opportunities, for a review of Medicaid eligibility expansion, and to provide that expansion will be null and void if federal financial participation is reduced below a certain rate.

Status: Awaiting a hearing in the Senate Health & Welfare Committee.

Rule Docket 16-0215-1802. Requiring Meningitis Vaccination for High School Seniors ~ *SUPPORT*

The Idaho Department of Health & Welfare has submitted an administrative rule that adds a new school entry immunization requirement. It requires a second dose of meningococcal (MenACWY) vaccination before a student enters the 12th grade in Idaho, or a first dose if the student was not previously vaccinated, starting with school year 2020-2021. If a student received their first dose of the vaccine at 16 years of age or older, they will not be required to receive the second dose before entry into the 12th grade.

Status: This rule was adopted and will go into effect July 1, 2019.

As always, the IMA will provide weekly electronic legislative reports during the session. If you have questions or concerns on any of the issues discussed in our reports, please contact us. We are always happy to provide context, additional information, or background on how IMA legislative policies are developed.

If we don't have your current email address you could miss out on important legislative news. If you would like to receive the reports, please send your current email address to membership@idmed.org or call us at (208) 344-7888. For more frequent legislative updates, follow the IMA on Facebook!

ADDITIONAL LEGISLATION

It is not possible for us to report on all legislation that is introduced in a legislative session. Go to this link for a complete list of 2019 legislation:

<https://legislature.idaho.gov/sessioninfo/2019/legislation/minidata/>.

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. Even though there was just an election in late 2018, please consider donating to IMA's political action committee (IMPAC). Campaign contributions are made during election years (every two years in Idaho) and it is important that the PAC coffers get refilled in the non-election years.

IMPAC needs your contributions now to support the house of medicine in Idaho!

Go here to donate: [IMPAC](#)