



Idaho Medical Association

2019 LEGISLATURE *FINAL REPORT*

MEDICAID EXPANSION OUTCOME: COVERAGE FOR IDAHO'S WORKING POOR

SUCCESS! Medicaid Expansion will be fully implemented, and eligible Idahoans will receive coverage starting on January 1, 2020! IMA and other healthcare advocates fought for this outcome for six years, so we are very grateful that it has finally come to pass. Idaho physicians see hope for their patients in the gap who will now be able to access preventive care services, get treatment for chronic diseases, and live healthier and longer lives. That is truly something to celebrate!

However, the Legislature chose to add significant costs and administrative burdens to Medicaid expansion by adopting SB 1204, which passed both the House and Senate and was signed into law by Governor Little, despite his numerous stated concerns about the bill. Even though some of the most harmful provisions of SB 1204 would kick people off coverage and drive up costs, there's a chance that these flawed waiver proposals won't be approved by the federal government and people would be able to maintain their health coverage.

The finalized version of SB 1204 includes 10 "sideboards" as summarized by Betsy Russell, veteran Idaho political reporter:

- 1. SUBSTANCE ABUSE ASSESSMENT:** All patients would undergo a substance abuse assessment.
- 2. IMD WAIVER:** The state would seek a federal waiver to allow Medicaid to cover services from "institutions for mental disease," a category of care currently not covered under Medicaid. This provision was widely supported on all sides of the Medicaid expansion issue.
- 3. EXCHANGE OPT-IN:** Those from 100 to 138 percent of poverty wouldn't automatically be shifted to Medicaid; they'd have the option to shift, under a federal waiver for which the state would apply. If that's not granted, they'd automatically be eligible for Medicaid.
- 4. WORK REQUIREMENTS:** All recipients would be required to prove they're working, volunteering or enrolled in training or education programs at least 20 hours a week; those who don't comply would lose their coverage for two months or until they come into compliance. Idaho would have to apply for a federal waiver to implement this; similar requirements were recently overturned in federal court in Kentucky and Arkansas.
- 5. COPAY BACKUP:** If Idaho's work requirements and sanctions are deemed illegal, the state would instead require those who don't comply with the work requirement to cover the maximum allowable copays on their medical care for six months or until they comply with the work requirements.

6. WAIVER IMPLICATIONS: No state applications for federal waivers would delay implementation of Medicaid expansion, which is set for Jan. 1, 2020; and if any waiver would cause the state to lose the 90-10 federal matching rate for Medicaid expansion, the state would be forbidden from implementing that waiver.

7. FEDERAL MATCH: If the federal matching rate dropped below 90-10, the Legislature would be required to consider ending Medicaid expansion.

8. 2023 REVIEW: The Legislature would be required to review Medicaid expansion in 2023 and decide whether or not to continue it.

9. FAMILY PLANNING CLAUSE: No Medicaid expansion recipient could receive family planning services from any provider other than their assigned primary care doctor, without that doctor giving them a specific referral. This also would require the state to seek a federal waiver; some backers touted it as a way to de-fund Planned Parenthood, while its sponsors said it was a money-saving move. Opponents said it would prevent women from seeing their gynecologist for pelvic exams, forcing them to instead see a general practitioner.

10. TASK FORCE: The Legislature would create a task force to study Medicaid expansion and its costs moving forward.

Although this is not the way IMA would have preferred to see Medicaid expansion implemented, the great news is that Idahoans in the gap now have a path forward to coverage, and leading healthier and more productive lives! A huge THANK YOU goes out to all of our IMA members who showed up at the Capitol, called and emailed their legislators, and worked with IMA staff to make this a reality. Without everyone's efforts this would not have been possible. Thanks!

YEAR TWO OF THE GME EXPANSION PLAN APPROVED WITH 19 NEW POSITIONS

SUCCESS! IMA continues to advocate for more residency training opportunities in Idaho to increase our physician workforce. IMA successfully lobbied for a \$2.5 million appropriation to bring state funding for existing GME programs up to \$40K/position, and the creation of 19 new positions at \$50K/position. The ultimate goal is to bring the state funding portion for each residency position to \$60K, and we will keep moving in that direction. As a member of the State Board of Education's Graduate Medical Education Committee, IMA will work with other stakeholders to revise the Ten-Year Strategic Plan for GME Expansion and develop a proposal for Year Three in 2020.

NO CHANGE TO IDAHO VOTER INITIATIVE PROCESS

Despite much fighting between the two political parties and much infighting amongst Republican ranks, and thanks to two important vetoes by Governor Little, there will be no changes in 2019 to the Idaho voter initiative process. This issue will undoubtedly be back next year and some reforms to the initiative process will likely become law. Hopefully the delay to 2020 will allow for a more robust two-way discussion between legislators and the public so that the reforms are not so onerous as to allow voter initiatives in law, but not in practice.

VOLUNTEER FOR THE NEW MATERNAL MORTALITY REVIEW COMMITTEE

SUCCESS! IMA sponsored successful legislation to create a new Maternal Mortality Review Committee (MMRC) within the Idaho Department of Health and Welfare. The majority of maternal deaths are preventable and the MMRC will be a multi-disciplinary committee created

to study why maternal deaths are happening in Idaho and what can be done to improve outcomes.

There are five specific physician categories that need to be filled:

1. Family medicine with a practice that includes maternity care and delivery
2. Obstetrics and gynecology
3. Maternal fetal medicine
4. Family medicine, obstetrics and gynecology, or emergency medicine that includes maternity care and delivery in a rural setting
5. Medical examiner or pathologist or other physician who conducts autopsies

There are other healthcare professional categories that need to be filled:

6. Advanced practice professional nurse midwife
7. Registered nurse working in labor and delivery
8. Direct entry midwife
9. Coronor
10. Master social worker
11. EMS provider
12. Public health representative with expertise in maternal and child health

Please email molly@idmed.org to volunteer or to provide us with names and contact information for other professionals you think would be a good fit. We will provide candidate names to the Idaho Department of Health and Welfare to make the committee appointments.

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: LAW.

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: LAW.

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: LAW.

HB 114: Female Genital Mutilation

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

Status: LAW.

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: Will not proceed.

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: Will not proceed.

HB 180: Syringe and Needle Exchange Act ~ SUPPORT

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: LAW.

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: LAW.

HB 182: Expansion of Pharmacist Prescribing ~ OPPOSE

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 existing language in the statute says they cannot 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.

Despite IMA testimony expressing serious concerns with the bill, both the House and the Senate Health & Welfare Committees passed the bill unanimously. The Idaho legislature remains convinced that non-physician providers need to have a much larger role in patient care than has traditionally been seen in practice.

Status: LAW.

HB 244: 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. (This bill replaces HB 152 and HB 196.)

Status: LAW.

HB 266: Provider Reporting of Sexual Assaults

This legislation states that hospital staff and providers are not required to report sexual assaults to law enforcement when rape kits are collected. It clarifies that victims can assert their right to privacy and hospital staff and providers will not include the victim’s name, address or other personally identifying information in the report accompanying the rape kit.

Status: LAW.

HB 275: Short-Term Health Insurance Plans

This bill, sponsored by the Idaho Department of Insurance, defines and provides for the purchase of enhanced short-term health insurance plans. On August 3, 2018, the U.S. Departments of the Treasury, Labor and Health and Human Services issued new rules to amend the definition of short-term, limited-duration insurance to lengthen the maximum duration of short-term health insurance. This bill defines enhanced short-term health insurance and brings Idaho in compliance with new federal rules that went into effect on October 2, 2018.

Enhanced short-term plans will have an initial period of less than twelve (12) months and allows an individual to renew the policy for up to the number of months established by the Idaho Department of Insurance. This bill establishes a new section of code to allow the director of the Idaho Department of Insurance to adopt rules and standards for enhanced short-term health insurance plans.

Status: *LAW.*

HB 290: Transfer of County Funds to Pay Portion of Medicaid Expansion Costs

The purpose of this legislation is to redirect the current county expenditures for county indigency medical care to the Medicaid Expansion Fund to pay a portion of the state's 10% share of Medicaid expansion expense.

Status: *Will not proceed.*

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: *Will not proceed.*

SB 1003: Human Trafficking – Diversion of Minor Victims ~ ***SUPPORT***

This bill provides a safe harbor provision to protect minor victims of human trafficking from criminal prosecution or juvenile proceedings for nonviolent offenses where committing the offense was a direct result of being a victim of human trafficking. The bill allows for diversion of minor victims into a program that provides comprehensive case management, integrated recovery services, education and employment training, and off-site specialized services. The bill also provides an affirmative defense for identified nonviolent offenses for adult victims of human trafficking where the nonviolent offense was committed as a direct result of being a victim of human trafficking.

Status: *LAW.*

SB 1005: Human Trafficking - Prosecution ~ ***SUPPORT***

This bill makes changes in definitions of trafficking and requires additional training for law enforcement to allow them to better identify traffickers. It also makes trafficking an independent crime. In effect, this legislation makes it easier for prosecutors to charge traffickers.

Status: *LAW.*

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: *Will not proceed.*

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: *LAW.*

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: Will not proceed.

SB 1097: Coverage During Clinical Trials ~ SUPPORT

This legislation ensures that health benefit plans cover the costs for the same standard of care a patient would receive if they were not in a clinical trial, while not being required to pay for the costs of the trial itself.

Status: LAW

SB 1098: Bone Marrow Donors ~ SUPPORT

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

Status: Will not proceed.

SB 1159 & HB 296: Revise Ballot Initiative Requirements

These bills seek to change Idaho's current voter initiative laws as follows:

Current Law	If SB 1159 Passes	If HB 296 Passes
18 months to gather signatures	180 days to gather signatures	270 days to gather signatures
Signatures of 6% of voters	Signatures of 10% of voters	Signatures of 10% of voters
Requires 18 legislative districts	Requires 32 legislative districts	Requires 24 legislative districts
No fiscal impact statement required	Fiscal impact statement required	Fiscal impact statement required
No funding source requirement	Identification of funding source	Identification of funding source

After narrow passage of SB 1159 in the Senate by one vote, the public outcry in opposition has intensified and includes a former Secretary of State and the last four Attorneys General. One day before it was to be heard on the House floor, the House Ways & Means Committee quickly introduced HB 296 to moderate some of the provisions of the original bill.

There have been 15 successful initiatives over the last approximately 100 years of Idaho history. Those who worked on Prop 2 know how difficult it is to meet the current requirements to get initiatives on the ballot. Stringent requirements are a good thing because it is important for ideas to be vetted by a large number of voters before they are placed on the ballot. However, requirements that are so stringent it is unlikely they can be met, are not good public policy. IMA urges caution and hopes the legislature will give careful consideration to the ramifications of such legislation.

Status: SB 1159 passed the Senate 18-17 and passed the House 40-30; HB 296 passed the House 47-22 and passed the Senate 20-15. Governor Brad Little vetoed both bills, saying he did his best to listen to his fellow Idahoans.

SB 1165: Graduate Medical Education ~ SUPPORT

IMA lobbyists have been advocating for full funding of the Governor's recommendation to bring state funding for existing GME programs up to \$40K/position, and the creation of 19 new positions at \$60K. However, JFAC's proposal shaved \$215,000 off of the budget request and funds the new GME positions at \$50K. IMA expressed concern that it might not be possible for programs to stand up expansion seats for less than \$60K. JFAC then recommended the \$215K be allocated to the University of Idaho ECHO program, which the Governor did not include in his original budget recommendation.

Status: LAW.

SB 1199: Funding for the Office of Healthcare Policy Initiatives (OHPI) ~ SUPPORT

The Healthcare Transformation Council of Idaho (HTCI) – the successor to the Idaho Healthcare Coalition (IHC) – and the Office of Healthcare Policy Initiatives (OHPI), are seeking to continue promoting the advancement of patient-centered healthcare delivery transformation in Idaho. These entities have been critical to the implementation of the SHIP grant project, which has been a major success for Idaho.

Guided by the IHC and administered by OHPI, SHIP facilitated the transformation of 162 primary care practices across the state to patient-centered medical homes; engaged payers to evolve their payment models from paying for volume of services to paying for improved health outcomes; and through their work, the state bent the cost curve by \$90M (i.e., avoided additional spending).

These achievements are the result of a four-year effort aimed at implementing targeted healthcare reforms in Idaho. Now in order to keep that momentum, support for the HTCI and the OHPI is essential to continue Idaho's efforts to achieve improved health, improved healthcare delivery, and lower costs. IMA supports sustaining this work of the HTCI and the budget request necessary for the OHPI to continue playing their essential role in implementing future reform.

Status: LAW.

Senate Concurrent Resolution 117

SCR 117 appoints a legislative committee to complete a study and make recommendations regarding the effects of Medicaid eligibility expansion on existing programs that serve medically indigent individuals. Those programs include the county medically indigent program and the catastrophic health care costs program.

Status: ADOPTED

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.*

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!

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