**Idaho Academy of Family Physicians**

**FINAL 2020 Legislative Report**

**March 30, 2020**

Before we begin the update; **We are pleased to announce that ECHO Idaho will continue to host COVID-19 drop-in sessions two days a week starting on Tuesday, March 31.**Please join the rotating panel of experts for up-to-the hour information about COVID-19 epidemiology, PPE and to ask questions about what you are experiencing on the frontlines of this disease. You are welcome to attend as often as your schedule allows:

**Tuesdays**: Noon to 1 p.m. (MST)  
11 a.m. to Noon (PST)  
  
**Fridays**: 1-2 p.m. (MST)  
Noon to 1 p.m. (PST)

More information on the ECHO Idaho <website>,[**https://www.uidaho.edu/academics/wwami/echo/covid-19**](https://www.uidaho.edu/academics/wwami/echo/covid-19)

Governor Little has acted on MOST pieces of legislation that made it to his desk, so this final report on the 2020 legislative session will focus first on those laws that may have most impact on Family Physicians, followed by a couple notes about what did not get accomplished and a look forward to the interim and/or next legislative session.

A number of bills were passed this year that will have some impact on Idaho’s Family Physicians.  Unless otherwise noted, these laws go into effect July 1, 2020.

**BILLS THAT HAVE BECOME LAW**

[**H500**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0500/)**: Fairness in Women’s Sports**by Rep Earhart

Forbids transgender girls or women from competing in school sports and allows any female school sports player’s gender to be challenged, requiring her to undergo both physical and chromosomal exams to prove her gender. If this bill becomes law, family physicians could be involved in their patients “proof of gender” processes.

*Status:* ***LAW.****Signed by Governor on March 30.  Amended version agreed to in House 54-16 on March 18.  Passed full Senate 24-11 on March 16.*

[**S1348**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1348/)**: Controlled Substances, Prescription Drug Monitoring Program** by Sen Lee

Strengthens the state’s efforts to combat opioid misuse by enhancing the use of the prescription drug monitoring program (PDMP) requiring a check prior to writing a prescription for opioids or benzodiazepines in an outpatient setting.  PDMP usage data shows the top 100 prescribers, on average check the system around 37% of the time. This bill is a result of recommendations from the Governor’s Opioid and Substance Use Disorder Advisory Group.

Prior to prescribing, prescriber shall review patient’s prescription drug history for the preceding twelve months and evaluate for indicators of prescription drug diversion or misuse.  **Becomes effective October 1, 2020.**

*Status:  Now LAW.  Signed by Governor on March 23.  Passed House 50-16 on March 17.  Passed Senate 34-1 on Feb 24.*

[**H515**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0515/)**:  Idaho Patient Act**, by Rep Monks

This law makes changes in patient billing requirements by medical providers.  It institutes new timelines for billing, requires transparency regarding the services being billed to patients, implements deadlines for when providers can send a bill to collections and caps the amount attorneys can receive in supplemental attorney’s fees in medical debt-collection lawsuits.  **Careful reading of this law by any medical billing staff is crucial. Becomes effective January 1, 2021.**

*Status:* ***LAW.****Signed by Governor on March 16.  Passed full Senate 32-1 on March 9. Passed the House 49-20 on Feb 24.*

[**S1305**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1305/)**:  Psychologists, prescription authority** by Idaho Psychological Association

Adds Family Practice Physician to the list of approved supervisors for prescribing authority for psychology students.  To address the lack of supervisors available to prescribing psychology students.

*Status:****Now LAW.****Signed by Governor on March 24.  Passed House 66-0 on March 17.  Passed full Senate 34-0 on Feb 18.*

[**H392:**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0392/)**Health Care Providers Immunity** by Idaho Medical Association

Expands the limited liability provisions of physicians who volunteer at free medical clinics or community-oriented health events to other medical professionals and students.

*Status:****LAW,****signed by Governor on March 9.  Passed Senate 31-1 on March 2, now to Governor. Passed the House 69-0 on Feb 13.*

[**S1395**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1395/)**: Graduate Medical Education Funding**by JFAC

Graduate Medical Education Programs budget was set at the Governor’s request of $22.2 million and takes into account growth for year three of the 10-year plan for expansion of the GME programs, including an additional $1.25 million for 25 new residents.

*Status:****LAW.****Signed by Governor on March 17.  Passed House 52-19 on March 12, had passed Senate 32-1 on March 10.*

[**H342**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0342/)**:  Telehealth Services,**by Rep. Blanksma

Amends the current Telehealth Act to add to the definition of "Telehealth services" to include services such as consultations, assessments, remote monitoring, and transferring of medical data. It also adds a definition for "telehealth technologies".  The Senate amendments re-established the requirements for "two-way audio and visual" used for the first telehealth encounter in order to establish patient/provider relationship.

*Status:****LAW.****Signed by Governor on March 12.  Amended version passed full House 66-0 on March 6. Passed the Senate on March 2.*

[**H497**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0497/)**: Yellow DOT program** by Rep. Nilsson Troy

Creates a Yellow DOT system for Idaho.  Yellow DOT is a program in which those with medical issues place a folder of documents in the glove box of their car so that in the instances of an emergency situation and if the person is incapacitated first responders have the information available to them.  A sticker is placed in rear window of car indicating such information.  Some patients may choose to participate in or may be good candidates for this program.

*Status:****Now LAW****.  Signed by Governor on March 24.  Passed Senate 25-7 on March 18.  Passed House 36-32 on March 4.*

[**H386:**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0386/)**Pharmacy Benefit Managers,**by Rep. Vander Woude

This bill creates and places parameters and requirements for creation of third-party pharmacy benefit managers, including registering with Dept of Insurance, prohibiting gag clauses for pharmacists regarding info to patients that could save costs, and requiring information on how maximum allowable costs are determined.

*Status:****LAW.****Signed by Governor on March 12.  Passed the Senate 34-1 on March 3. Passed the full house 51-17 on Feb 6.*

[**H538**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0538/)**:  Electronic smoking devices,**by Rep. Wood

Amends the Prevention of Minors Access to Tobacco Act to include electronic smoking devices into the definition of tobacco products.

*Status:****Now LAW.****Signed by Governor on March 26. Passed Senate 27-6 on March 18.  Passed full House 38-32 on March 6.*

[**H616**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0616/)**: Health Care Directive Registry** by Rep. VanderWoude

Transfers the responsibility of the Health Care Directive Registry from the Secretary of State’s office to the Department of Health and Welfare.

*Status:****LAW****.  Signed by Governor on March 24.  Passed full Senate 32-0 on March 18.  Passed full House 52-18 on March 12.*

[**H438**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0438/)**:  Prevention of Blindness and Disease in Infants** by Rep. Giddings

Eliminates a penalty provision when parents who home birth children fail to provide newborn screening data to the state.  In the words of the sponsor it will “decriminalize parents who birth their children at home and choose to not provide the state with newborn screening data.”

*Status:****Now LAW.****Signed by the Governor on March 24.  Passed senate 30-1 on March 17. Passed Full House 66-0 on Feb 17.*

[**H351**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0351/)**:  Medicaid Reimbursements,**by Dept of Health and Welfare

Reduces net reimbursements to hospitals and nursing facilities in 2020 and 2021 to help achieve the general Medicaid general fund needs of a 1% overall reduction in FY 2020 and a 2% reduction in FY 2021.  (This in response to Governor Little’s edict to all state agencies for such reductions over the next two years).  Directs the Department to work collaboratively with hospitals and nursing facilities to update reimbursement methods.  Will facilitate a movement away from cost-based Medicaid payments to value-based.

*Status:****LAW.****Signed by Governor on March 3. Passed Senate 32-3 on Feb 25.  Passed full House 44-24 on Feb 5.*

[**H315**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0315/)**:  Controlled substances, Schedule I**, by Board of Pharmacy

This bill aligns Idaho Controlled Substances Act with decisions made in 2019 by the Federal DEA.  It places synthetic cannabinoids, synthetic cathinones, and synthetic fentanyls in Schedule I.

*Status:****Now LAW****.  Signed by Governor on Feb 13. Passed full Senate 34-0 on Feb 6, Passed full House 62-5 on Jan 27.*

**ISSUES THAT FAILED TO BE RESOLVED**

Medicaid funding:  The Legislature adjourned on March 20 having failed to provide dedicated funding for Medicaid expansion, leaving an estimated $8.5 million funding gap for the second half of this fiscal year.  That funding can theoretically be “backfilled” with a supplemental appropriation once the Legislature comes back into session January 2021.  The Legislature is inclined to make the counties pay for Medicaid expansion out of their Catastrophic Health Care and indigent care funds.  Three efforts were made this year to find a solution, but all failed.  This is certain to be a continuing matter moving forward.

**Scope of Practice Issues:** In the continuing slow creep of scope of practice expansion by allied health care workers the issue will continue this summer and fall specifically related to optometrists conducting certain laser eye surgeries.  A rather pitched battle surrounding this issue is likely to continue to the next legislative session.

**Balanced Billing:**An effort this year to control in-network vs. out-of-network payments, pricing, billing stalled and seems likely to become an issue again next year.  It is possible the Idaho Patient Act and the billing practices required in that law may satisfy the main proponents of the balanced billing issue, however.

**Property Tax Relief:**  The Legislature also failed to agree on any property tax relief solutions this year.  Nearly a dozen bills were introduced, four passed one house and failed in the other.  There will be an interim committee to study the property tax issue through the Summer and Fall.

The 2020 Legislative session has been interesting in many unique ways.  We at Veritas Advisors have been pleased to work with Neva and the Idaho Academy of Family Physicians.  Thank you for all you do to keep our communities and state healthy.

Thanks,

Ken Burgess, Partner

Veritas Advisors, LLP