**Idaho Academy of Family Physicians**

**2020 Legislative Report**

**Week 5, February 2 – 7, 2020**

**Flurry of new bills introduced this week and House passes bill to allow optometrists to perform laser surgeries and telehealth services bill.**

There was a large number of new bills introduced in committees this week and a self-imposed deadline of Monday, February 10 as the last day for non-privileged committees to introduce new legislation. As of this writing there have been 252 pieces of legislation introduced this year with more to come.

This week, the House overwhelmingly passed two bills of concern to physicians. The telehealth services bill **(**[**H342**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0342/)**)** amends the telehealth services act to clarify some definitions and importantly, remove the requirement that the first establishment of patient-provider relationship must be “two-way audio and visual interaction.” The House floor vote was 68-0. The bill now goes to the Senate Health and Welfare committee for consideration. The chairman of that committee, Sen. Fred Martin, was involved in creating the original telehealth act in 2015 and likely will have opinions about **H342**.

The full House also approved the bill**(**[**H317**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0317/)**)** allowing expansion of scope of practice for optometrists allowing them to conduct certain laser procedures. The House vote was 58-11. This bill also now goes to the Senate Health and Welfare committee.

**New Legislation Introduced this week:**

[**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 heath events to other medical professionals and students.

*Status:  Introduced in House Health and Welfare committee on Feb 3, awaiting full hearing.*

[**H391**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0391/)**: Youth Athletes and Chiropractors** by Rep. Zollinger

This bill adds licensed practicing chiropractor to the list of medical professionals with authority to evaluate student athlete concussion victims for return to activity.

*Status: Introduced in House Health and welfare committee on Feb 3, awaiting full hearing.*

[**H425**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0425/)**:  Medical Debt Collections** by Rep. Monks

This bill seeks to limit aggressive medical debt collections costs by placing limits on timing and recoverable costs for medical debt collectors. It also seeks to reduce patient confusion regarding medical services and billings received from health care providers by encouraging a “consolidated services and billing” statement from providers.

*Status:  Introduced in House Business committee on Feb 6, awaiting full committee hearing.*

[**H436**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0436/)**: Health Care Directive Registry** by Rep. Youngblood

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

*Status:  introduced in House Health and Welfare on Feb 6, awaiting full committee hearing.*

[**H437**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0437/)**:  Smoking/vaping in vehicles** by Eagle High School students

Prohibits smoking or vaping in a vehicle if any passenger 18 years of age or younger.

*Status:  introduced in House Health and Welfare on Feb 6, awaiting full committee hearing.*

[**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:  introduced in House Health and Welfare on Feb 6, awaiting full committee hearing.*

**Status of Previous Legislation**

[**H387**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0387/)**(formerly H341): Medical Billing Prohibition**, by Rep. Blanksma

This is a new bill with some minor tweaks to replace H341 that had been introduced last week. This bill prohibits “surprise” medical billing when a patient receives care from an in-network hospital facility and is unknowingly charged. This bill also allows out-of-network providers to be reimbursed at the same rate by contracted providers.

According to the sponsor, this legislation requires insurance companies to treat providers who are not contracted as if they were contracted by paying them at the higher contracted rates and providing the member in-network benefits. The provider, in turn, must accept these payments as their total payment, and not bill the patient for any balances.

The IMA opposes this legislation and has asked that IAFP members contact their legislators to voice their opinion.  [**Follow this link to more information about the bill and talking points**](http://idahofamilyphysicians.org/wp-content/uploads/2020/02/Balance-billing-Opposition-HB387-talking-points-FINAL.pdf).  Also, the IMA has offered the use of their tool, **Votervoice;**[**https://www.votervoice.net/IDMA/campaigns/70435/respond**](https://www.votervoice.net/IDMA/campaigns/70435/respond)

*Status:  No activity this week.  Introduced in House Health and Welfare on Monday Jan. 20, awaiting committee hearing.*

[**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 the Department of Insurance, prohibiting gag clauses for pharmacists regarding information to patients that could save costs, and requiring information on how maximum allowable costs are determined.

*Status: Passed the full house 51-17 on Feb 6, now awaiting action in Senate Commerce and Human resources Committee.*

[**H385**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0385/)**: Certified Medication Assistants**by Idaho Health Care Association

Updates and clarifies requirements, provides an avenue for CNAs to get additional training/certification to administer medications (esp. in long term care facilities). Sponsors claim this is not new, but a revamp of existing statute and eliminates confusing rules.

*Status: Passed favorably out of House Health and Welfare on Feb 6, awaiting debate and action by the full House.*

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

This bill 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. This bill also adds to the definition for "telehealth technologies" and removes the requirements for "two-way audio and visual" used for the first telehealth encounter in order to establish patient/provider relationship.

*Status:  Passed full House 68-0 on Feb 5, now awaiting action by Senate Health and welfare committee.*

[**H 317**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0317/)**:  Optometric physician licensing act**, by the Bureau of Occupational Licensing

Cleans up and modernizes the optometric licensing act. Among other things, includes expanded scope of practice to allow optometrists to perform certain laser surgical procedures once they’ve met certain examination and experience requirements.

*Status:  Passed full House 58-11 on Feb 5, awaiting action in Senate Health and Welfare committee.*

[**S1240**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1240/)**:  Advanced Practice Registered Nurse,**by Sen. Souza

To provide signature authority to Advanced Practice Registered Nurses for such documents as signing disabled parking permits, jury exemptions, disabled hunter permits, athletic physicals, or mental health declarations (all of which by statute currently require a physician signature).

*Status:  passed full Senate 35-0 on Feb 3, awaiting House Health and Welfare committee action.*

[**S1252**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1252/)**:  Injectable Cosmetics**by Idaho Cosmetic Safety Association

Clarifies that only physicians, PAs, RNs, dentists, or pharmacists may inject substances into a patient’s head or neck. Specific to include Botox, Dermal/soft tissue fillers.

*Status: No action this week. Introduced in Senate Health and Welfare committee on Jan 24.*

[**H 315**](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:**Passed full Senate 34-0 on Feb 6, now goes to Governor for action. Passed full House 62-5 on Jan 27.*

[**H 316**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0316/)**:  Pharmacy Act updates**, by the Board of Pharmacy

Updates Uniform Controlled Substances Act as it relates to Forfeitures and Discipline, updates and modernizes Pharmacy Act to be more consistent with recent legislative action.

*Status:  Passed full senate 34-0 on Feb 6, now goes to Governor for action.  Passed full House 62-5 on Jan 27.*

[**H339**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0339/)**: Physical Therapy Dry Needling,**by Idaho Physical Therapy Association

Makes a correction to Physical Therapy Practice Act related to dry needling provisions adopted in the last legislative session. Previous legislation required the courses be approved by a national physical therapy accreditation board, however such organization does not exist. This gives authority for such course approval to the Idaho Physical Therapy Licensure Board.

*Status:  Passed full House 68-0 on Feb 5, to Senate Commerce and Human Resources for action.*

[**H351**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0351/)**:  Medicaid Reimbursements,**by the 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 is 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 payments.

*Status: Passed full House 44-24 on Feb 5, to Senate Health and Welfare for action.*

**Key priorities**

Medicaid Expansion- Governor Little proposed in his State of the State address no new state general funds for Medicaid expansion. Instead, to cover the first-year costs, the governor’s budget recommends using a combination of state budget offsets of $20 million, $12.5 from the Millennium Fund, and $8.5 million from the county budget savings.

Idaho Physician Shortage- The governor’s budget includes a request to use ongoing General Funds for 25 new medical residents and got a mention in his speech. The IMA created a useful [**tool to help explain the 10 year GME plan.**](http://idahofamilyphysicians.org/wp-content/uploads/2020/02/GME-Infographic-Updated-2020.pdf)

Opioid Abuse Prevention- The governor is recommending $30 million to go towards identifying opioid abuse problems. A portion of this money will be spent on enhancing the Board of Pharmacy’s Prescription Monitoring Program (PMP).

As always, we will continue to track Legislative activity of interest to Idaho Family.  We stand ready to answer any questions you may have.

Thanks,

Ken Burgess, Partner

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