**Idaho Academy of Family Physicians**

**2020 Legislative Report**

**Week 6, February 10 - 14**

**Telehealth bill likely to be amended, new version of Balanced Billing proposal introduced on Thursday**

More bills keep coming as the legislature begins to hit its stride. As of this writing there have now been 362 pieces of legislation introduced – 110 more than last week.

This week the Senate Health and Welfare Committee sent the telehealth services bill ([**H342**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0342/)) to the Senate Amending Order, which means they intend to amend the version of the bill that had passed the House last week 68-0.  The bill may be stalled for a while as stakeholders attempt to work with Senators to come up with amendments to the bill that would be acceptable.

A third version of the “No Surprises” balanced billing legislation championed by Rep. Megan Blanksma was introduced on Thursday, Feb 13 (now [**H506**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0506/)).  The new version apparently makes it more clear that patients can contract with out-of-network providers for in-network, non-emergency services.

**This report covers the following bills:**

[**H506**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0506/)**: No Surprises Act Balanced Billing**

[**H507**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0507/)**:  Public Moneys, Abortion Providers**

[**H497**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0497/)**: Yellow DOT Program**

[**H499**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H499/)**:  Medicaid Reimbursement Parents as Teachers**

[**S1305**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1305/)**:  Psychologists, Prescription Authority**

[**S1308**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1308/)**:  Tobacco Products, Age**

[**S1331**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1331/)**:  Chiropractors Prescriptions**

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

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

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

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

[**H437**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0437/)**:  Smoking/Vaping in Vehicles**

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

[**H387**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0387/)**(formerly H341): Medical Billing Prohibition**, Please see [**H506**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0506/)

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

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

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

[**H317**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0317/)**:  Optometric Physician Licensing Act**

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

[**S1252**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S12525/)**:  Injectable Cosmetics**

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

[**H316**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0316/)**:  Pharmacy Act updates**

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

[**H351**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0351/)**:  Medicaid Reimbursements**

**New Legislation Introduced this week:**

[**H506**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0506/)**: No Surprises Act Balanced Billing** by Rep. Blanksma

(formerly H341, formerly H387). 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.

*Status:  Introduced Feb 13 in House Ways and Means Committee, awaiting House Committee action, likely in Health and Welfare.*

[**H507**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0507/)**:  Public Moneys, Abortion Providers** by Reps. Zollinger and Zito

Prohibits transfer of any public money to any individual or organization that is a provider of abortion services.

*Status: Introduced Feb. 13 in House State Affairs Committee, awaiting full committee hearing.*

[**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 their 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.

*Status:  Introduced Feb 12 in House Health and Welfare, awaiting committee hearing.*

[**H499**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0499/)**:  Medicaid Reimbursement Parents as Teachers** by Rep. Blanksma

Instructs Dept of Health and Welfare to seek Federal approval for increased reimbursement rates for home visits for Medicaid children. Stated goal is to provide services for families prenatal through age five in the home setting by a qualified provider.

*Status:  Introduced Feb 12 in House Health and Welfare, awaiting committee hearing.*

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

Adds Family 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:  Passed out of Senate Health and Welfare Committee on Feb 12, now awaiting full Senate action.*

[**S1308**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1308/)**:  Tobacco Products, Age** by Dept of Health and Welfare

Aligns Idaho law with recent Federal law change making age to purchase tobacco products 21 years.

*Status:  Introduced on Feb 10 in Senate Health and Welfare, awaiting full committee action.*

[**S1331**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1331/)**:  Chiropractors Prescriptions**, by Idaho Assn of Chiropractic Physicians

Allows chiropractors with prescribing authority to obtain prescriptions from Idaho compounding facilities.

*Status:  Introduced on Feb 10 in Senate Health and Welfare, awaiting full committee action.*

Status of Previous Legislation

[**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:  Passed full house 69-0 on Feb 13.  Now goes to S**enate Health and Welfare for action.*

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

Adds licensed practicing chiropractors to the list of medical professionals with authority to evaluate a student athlete concussion victim for return to activity.

*Status: NO ACTION this week.  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:  A NEW version of this bill Introduced on Friday Feb 14, will have details next report.*

[**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:  NO ACTION this week. 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:  NO ACTION this week.  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 date 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:  Passed out of House Health and Welfare on Feb 13, awaiting full House action.*

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

Please see **H506**above.

[**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: NO ACTION this week.  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, provide 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 elimination confusing rules.

*Status: Passed full House 68-0 on Feb 12.  To Senate Health and Welfare committee.*

[**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 a 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:  Placed on Senate Amending calendar for possible amendments on Feb 13.  Passed full House 68-0 on Feb 5.*

[**H317**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0317/)**:  Optometric Physician Licensing Act**, by 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:  NO ACTION this week.  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 House 67-0 on Feb 12.  Passed full Senate 35-0 on Feb 3, now goes to Governor.*

[**S1252**](https://legislature.idaho.gov/sessioninfo/2020/legislation/S1252/)**:  Injectable Cosmetics**by ID 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.*

[**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:**To Governor.  Passed full Senate 34-0 on Feb 6, Passed full House 62-5 on Jan 27.*

[**H316**](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0316/)**:  Pharmacy Act updates**, by 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:  To Governor.  Passed full senate 34-0 on Feb 6, 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:  NO ACTION this week.  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 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: Passed Senate Health and Welfare on Feb 12, now to full Senate for action.  Passed full House 44-24 on Feb 5.*

As always, we will continue to track activity of interest to the Academy of Family Physicians in the Legislature.  We stand ready to answer any questions you may have.

Thanks,

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Veritas Advisors, LLP