

Legislation of Interest to the IPHA

Idaho's 2012 Session

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Safety

Child Safety

[HB405 ELECTRONIC CIGARETTES](#) - is co-sponsored by Sen. Hammond and Rep. Nonini regulating the sale of electronic cigarettes to minors.

Passed House 68-0-2

Passed Senate 33-0-1

Governor Signed into law; effective 7/1/12

[HB486 MINORS, PHOTOTHERAPY AND TANNING DEVICE](#) - legislation is intended to address the rising epidemic of skin cancer and dermatologic health related issues by banning the use of tanning beds by minors under the age of 18. Violation of the bill could be a misdemeanor and a fine.

Amended to reduce fine to \$100 for first violation and \$300 for subsequent violations

Sent back to Health and Welfare Committee

[HB543 FISH AND GAME – YOUTH FIREARMS](#) - amends Idaho Code to allow children younger than age ten to possess a firearm for hunting if they are participating in the fish and game mentored hunting program.

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Passed House 62-7

[HB548 YOUTH ATHLETES – CONCUSSIONS](#) - an addition to Idaho Code which provides for coaches, referees, athletic trainers, parents and youth athletes to receive information regarding the signs and symptoms of concussions and the risks associated with continued play after a concussion. It also provides a protocol for players suspected of sustaining a concussion by exhibiting outward signs or symptoms of concussion to be removed from play and not returned to play until receiving written medical clearance from an appropriate medical professional trained in the evaluation and management of concussions.

[SB1220 STUDENT HARASSMENT](#) - is co-sponsored by Sen. Keough, Sen. Geodde, Rep. Shirley, Rep. Cronin and Rep. Perry. The bill amends and adds to existing law relating to harassment, intimidation or bullying of a student to provide what is included within the term "harassment, intimidation or bullying," to revise who may be found guilty of the offense, to replace discretionary language with mandatory language, to provide an infraction penalty; and to provide requirements for harassment, intimidation and bullying information and professional development.

[SB1254 INJURY TO CHILDREN](#) - amendment would move this crime to Title 18 – Crimes and Punishment, Chapter 15 – Children and Vulnerable Adults and provides for an increased penalty when the conduct that is unreported constitutes a felony. Furthermore, this amends the statute of limitation to include the new section of failing to report. The bill creates a misdemeanor and felony for this crime allows for more discretion in charging and allows for varied sentencing options depending on the severity of the unreported abuse.

[S1260 INJURY TO CHILDREN – REPORTING ABUSE](#) – amends existing law to reduce the age of a child from 18 to 16 in the context of this statute. The bill also increases the penalty of not reporting abuse, abandonment or neglect to a felony. The Judiciary will then have more options (misdemeanor or felony) to charge individuals who fail to report abuse.

[SB 1337 SEXUAL EXPLOITATION OF A CHILD](#)- restructures the format of the child exploitation law to make it easier to follow and updates definitions to more closely match technological trends that exist in today's society. The current law often does not differentiate clearly between possession type crimes and other exploitation. Changes in technology have made some of these crimes much more difficult or impossible to prosecute. This legislation provides updated language that addresses multiple new ways children are being exploited, so that the charged crime more accurately describe the illegal behavior and associated penalties considering the current and potential future technology.

Motor Vehicle Safety

[S1252 MOTOR VEHICLE – TEXTING WHILE DRIVING](#)- The legislation defines texting and imposes a \$50.00 fine for texting while operating a motor vehicle. The subsequent fine will be \$100.00. Exceptions for emergencies and law enforcement are also outlined.

Approved by Senate Transportation Committee

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Passed Senate by a 29-6 vote

Passed House Unanimously

[S1251 MOTOR VEHICLE – CELL PHONE USE](#) - Sponsored by Sen. Les Bock (D – Boise) and Sen. Werk (D-Boise). Amends and adds to existing law a ban on cell phone use while operating a motor vehicle. Exceptions include for emergency use or for those carrying out official duties and are outline in the bill. "Hands Free Phone" usage does not apply. The fine for a violation would be \$75.00.

Healthcare Access and Quality

[H0368 MILITARY DIVISION -](#) by the Idaho Military Division Bureau of Homeland Security updates and extends the responsibility of the Statewide Communications Interoperability Executive Council which develops and maintains the statewide plan for public safety wireless interoperable communications.

Referred to third reading

[H0393 RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE](#) - Amends and repeals existing law relating to rural health care access and physician incentive to provide for the Rural Health Care Access and Physician Incentive Fund. The State Board of Education may assess a fee for medical students supported by the state. This fee, along with monies appropriated by the state, gifts, grants and other sources, will be used exclusively as grants for improved access to primary care medical services, including physician loan repayment. The fund will provide incentive for physicians to serve in federally designated primary health care professional shortage areas.

Passed House 66-2-2

Passed Senate 33-0-1

Delivered to Governor

[HB501 COUNSELORS AND THERAPISTS –](#) includes changes to licensing requirements and definitions of clinical counselors as well as family and marriage therapists.

Passed House 67-0-3

Passed Senate 33-0-2

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[HB541 HEALTH CARE ORGANIZATIONS](#) - clarifies that hospitals can establish their own criteria for medical staff membership but cannot deny medical staff membership to someone merely because that doctor also practices elsewhere, has an ownership interest in another facility such as an ambulatory surgical center or specialty hospital, or because that doctor is a competitor of other doctors on the hospital medical staff.

Passed House 65-0-5

[SB1249 MEDICAL CONSENT AND NATURAL DEATH ACT](#) revises provisions of the act to address individual with mental illness and developmental disabilities. The bill also clarifies the Physician Orders for Scope of Treatment (POST) form and adds nurse practitioners and physician assistants as providers authorized to sign the form.

Medicaid, Medicare and Catastrophic Health Insurance Programs

[HB441 INDIGENT HEALTH CARE](#) provides authority to county commissioners and Catastrophic Board members to issue payment for alternative programs in order to control healthcare costs. Alternative programs include paying for insurance premiums for indigent individuals, preventative care programs and case management. These programs have a projected savings of \$3.7 million in state general funds.

Passed the House 64-0-6

[HB609 PUBLIC ASSISTANCE LAW](#) - restores cuts to Medicaid made during the 2011 Legislative Session in HB 260. The services being restored relate to preventative dental services, duplicative skill training for individuals with mental health and developmental disabilities, and the removal of tiered individual budgets for adults.

Passed House 65-0-0

Health Insurance and Health Insurance Exchange

[HB423 SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT](#) clarifies standards for small employer and individual health insurance rates and stipulates that immunization assessments should not be considered for purposes of risk calculation. Essentially because most of the information sent to the Department of Insurance regarding small employer and individual health insurance is considered proprietary, this legislation will clarify competing federal and state laws regarding public disclosure.

[HB555 FEDERAL HEALTH CARE REFORM - OVERSIGHT](#)- this bill would create a Federal Health Care Reform Oversight committee to provide policy direction and feedback for any federal health care initiatives, including but not limited to the Patient Protection and Affordable Care Act.

Passed House 55-12-3

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[HB565 INSURANCE](#) - The purpose of this legislation is to amend Idaho to allow all health care providers to participate in the delivery of health care and specifically be able to contract with health insurance companies and managed care organizations and not be excluded by the growing amount of private networks.

[HCR45 PRIVATE HEALTH INSURANCE EXCHANGE](#)- encouraging the private providers of health insurance in Idaho to develop their own insurance exchange as part of the solution to health insurance costs

Reproduction and Contraceptives

[SB1349 ABORTION](#) – to require an ultrasound before abortions are performed and to provide add places where free ultrasounds will be offered

[HB530 DISABILITY INSURANCE POLICIES](#) – provides that policies, contracts, plans or certificates of disability insurance delivered, issued for delivery or renewed in this state shall not be required to include coverage for abortifacients, sterilization and contraception. For purposes of this section, "abortifacient" means any substance that induces an abortion

[HJM010 RESPECT FOR RIGHTS OF CONSCIENCE ACT](#) - stipulates that the Patient Protection and Affordable Care Act (PPACA) does not allow stakeholders with religious or moral objections to decline specific required items or services.

Passed House 53-15-3

Nursing

[S1260 NURSING – BOARD POWERS AND DUTIES- DISCIPLINE](#) This legislation grants the Board of Nursing the statutory authority to develop and implement alternatives to discipline, including a practice remediation program to educate and rehabilitate a nurse when a practice deficiency can best be addressed without resorting to formal discipline.

Filed for third reading

[S1261 NURSING – BOARD POWERS AND DUTIES](#) - authorizes the Board of Nursing to expand upon the work of the Governor's Nursing Taskforce and other initiatives to identify and appropriately address issues related to current and future nursing shortages and the improvement of the delivery of quality health care in the state. This will be accomplished by giving the Board of Nursing the power and duty to enter into contracts or agreements with others, evaluate and develop education, distribution and availability of the nursing workforce. The bill also amends existing law relating to nurses to provide that the Board of Nursing shall have the power and duty to evaluate and develop, or to enter into contracts or agreements with others to evaluate and develop the education, distribution and availability of the nursing workforce for the purpose of improving the delivery of quality health care. These initiatives

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would be funded with existing nurse license fee revenue. This legislation is in response to an NLI request to the Board of Nursing.

Filed for third reading

[S1262 NURSING – MEDICATION ASSISTANT](#) - amends existing law relating to nursing to require that all applicants for original certification or certification reinstatement as a certified medication assistant submit to a fingerprint-based criminal history check and to provide requirements relating to such criminal history check. The bill is proposed due to an FBI audit that revealed a deficiency in the statute.

Filed for third reading

[SB1273 NURSING – LICENSING AND ADVANCED PRACTICE-](#) proposed legislation will not alter existing advanced practice nurse roles or scopes of practice. Instead, the legislation will refine titles, change the membership of the current board of nursing APRN advisory committee and create a statutory framework for identifying by rule educational requirements for licensure, criteria for educational programs and grandfathering of advanced practice nurses currently licensed in Idaho as well as advanced practice nurses licensed in other states applying to endorse into Idaho based on previous requirements.

[SB1299 MILITARY EDUCATION](#) - helps separating service members who leave the military with documented training and experience that can prepare them for civilian employment; but this documentation is not always used by state entities to qualify them for licenses required for their occupation or to provide them academic credit. Reported unemployment rates of separating service members that are higher than national averages have brought attention to supporting issues such as expedited licensure and increased academic credit recognition to alleviate this problem.

Passed Senate 31-0

Prescriptions and Medication

[H0370 MEDICAL MARIJUANA](#) – includes the “Idaho Compassionate Medical Marijuana Act” establishes the circumstances under which a qualified patient may legally be prescribed by a physician a specified amount of marijuana which would be dispensed at an authorized treatment center. It directs the Department of Health and Welfare to define rules to enact the legislation.

Referred to third reading

[HB503 PRESCRIPTION DRUG ORDERS](#) -This legislation will clarify in law that there are limited and very specific situations where it is appropriate for a health care provider to write a prescription for an individual with whom that provider does not have an established provider-patient relationship. There are seven specific situations set forth in this legislation. One example would be when a provider needs to distribute doses of medicine quickly to prevent a public

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outbreak of a serious infectious disease

Passed House 64-0-6

[S 1241 PRESCRIPTION TRACKING PROGRAM](#) – amends existing law and requires that practitioners of new patients or patients that have not received a prescription for a controlled substance in 12 months obtain a report from the Prescription Monitoring Board.

Disease Control and Prevention

[S1264 VENERIAL DISEASES](#) - modernizes the law regarding STD testing in correctional facilities by adding appropriate STDs and eliminating another, and by reducing the need to test for STDs in certain cases.

[SCR 110 ALZHEIMER'S PLANNING GROUP](#) – acknowledges the seriousness of Alzheimer's disease and other dementias in Idaho by endorsing the Idaho Alzheimer's Planning Group and supporting its comprehensive approach to the development of a statewide plan to address the needs of people with Alzheimer's disease and other dementias, their family members and caregivers.

Passed Senate 31-0