

**Legislative Update: Week 10**

**3/9/2020 – 3/13/2020**

**Greetings Members of Idaho Public Health Association (IPHA) and Idaho Family Caregiver Alliance (ICA)**



My name is Destinie Triplett and I am the new IPHA/ICA legislative intern for the 2020 session. Throughout this session, I’ll be writing a weekly newsletter for you through the IPHA and ICA. My weekly goal is to provide you details on key legislative activities, summaries, and resources that will helpful to you in your endeavors. Please contact me if you have any questions, comments, or suggestions regarding legislative updates, destinietriplett.policyintern@gmail.com

**Ongoing State Legislation**

**Children’s Residential Treatment Facility**

HB 340, sponsored by Rep. Ron Mendive (R-2) and Sen. Mary Souza (R-4), seeks to create a new category of treatment facility, “temporary alcohol-drug treatment facility” for providing treatment to children ages 13-17 whose primary problem is drug or alcohol abuse. Youth could not spend more than 4 months/year is such facility.

The sponsors rationale for this legislation is the lack of residential substance abuse treatment for youth in Idaho and that by exempting these treatment programs from licensing requirements, that may allow or encourage the provision of such treatment. Advocates have acknowledged the lack of treatment facilities but have expressed concerns about allowing unlicensed facilities that present a risk to youth and is not the solution to the problem.

On February 25, the bill was amended after being placed on General Orders in the House.

The original legislation set forth requirements such as health and safety inspections, must be within 50 miles of a health care facility with emergency medical care capabilities, permission of the child’s parent or guardian and a prescription from a physician verifying the child’s need for treatment. The legislation requires criminal history checks on all staff but there is no requirement for staff to meet licensure or certification requirements for treating youth with these disorders. You can read the original legislation [HERE](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0340.pdf).

The amended version created a pilot program, naming specifically the Good Samaritan Rehabilitation Center, with a first reporting requirement in 2023 and every two years thereafter. This facility is owned and operated by Rep. Tim Remington, a member of the legislature. You can read the amended version [HERE.](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0340E1.pdf) The Idaho Caregiver Alliance has taken a position in opposition to this bill with the following concerns:

* No requirement for training/licensure/certification for staff providing treatment
* No criteria to qualify as “pilot” and lack of evaluation by experts in Substance Use Disorder Treatment
* No protection for children’s and parent’s rights
* No oversight by entity qualified to monitor treatment facilities
* No restriction on overcrowding or sleeping arrangements or separation of adults and children
* None of the minimal requirements offered in the original bill
	+ Background checks for staff
	+ Health and safety inspections
	+ Prescription by a medical doctor for substance abuse treatment
	+ Notification of local law enforcement
	+ Requirement to be within 50 miles of a medical facility providing emergency care
	+ Parental consent

In 2019, the State of Montana took action to close a loophole in their law that had permitted residential treatment programs of youth with behavior and other disorders to operate unlicensed if they were affiliated with a church. For many years, there were multiple instances of child abuse in some of these programs but no action could be taken by the state because of the religious exemption. That was addressed last year and the state is now overseeing these programs.

**After the amended bill passed the House in a vote on March 2 it went for a hearing in the Senate Health and Welfare Committee Tuesday, March 10. The Senate voted 5-4 to send it to 14th Order for amendments. Sen. Mary Souza recommended that the bill add back in the previous safety requirements. You can read the most recent amendment** [HERE](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0340E1A2.pdf).

**Yellow Dot Program**

HB 497 establishes a Yellow Dot program to provide for persons to use yellow dots on motor vehicles to signify that such vehicle contains medical information that may be of use to first responders on the scene of an accident or an emergency situation. Following amendments, HB 497 passed the House Floor on Wednesday, March 3. **On Thursday, March 12, HB 497 was reported out of the Senate Health and Welfare Committee with a Do Pass Recommendation; it has been filed for a third reading.**

**Idaho Patient Act**

**House Bill 515, the Idaho Patient Act (IPACT), passed both the House and Senate** – On Thursday, March 12, the bill was reported delivered to Governor Little’s desk to be signed. The bill seeks to correct gabs in the law by restoring basic free market principles of transparency and access to information in the healthcare marketplace. IPACT ensures that patients will receive proper and timely notice regarding who rendered medical services and how much is owed before being sued in court. IPACT also establishes fair and reasonable attorney fees, costs, and expenses related to medical debt collection.

**Hidden Heroes Month**

SCR133 is a resolution brought by Senator Abby Lee with support and assistance of ICA member Jeannette Davidson-Mayer who also works with the Elizabeth Dole Foundation. The resolution recognizes May as Hidden Heroes Month (formerly Military Appreciation Month) and calls out the contributions of caregivers of veterans. It was not heard in committee but passed directly to the floor of the Senate where it was approved on a voice vote. **On Wednesday, March 11, the resolution was reported out of the House Transportation & Defense Committee with a Do Pass Recommendation; it has been filed for a third reading.**

**Telehealth**

HB 342 was approved by the House without opposition on February 5. In a hearing the Senate Health and Welfare Committee sent it to 14th Order for possible amendments on Wednesday, February 12. Following amendment, the bill passed the Senate on Monday, March 2 and the House on March 6. **On Thursday, March 12, the bill was reported signed by Governor Little**. The bill removes statutory barriers and clarifies terminology. Included in the bill is remote patient monitoring through the added language “including but not limited to a patient’s home” in the definition of originating site. The bill also clarifies the services provided under telehealth services to include “synchronous or asynchronous technologies by a provider to deliver patient health care services, including but not limited to…”. You can read the original bill [HERE.](https://legislature.idaho.gov/sessioninfo/2020/legislation/H0342/) The amendment strikes the language “two-way audio and visual interaction” and substitutes it with “two-way audio-visual interaction” when applied to provider-patient communication. You can read the amendments to the bill [HERE.](https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2020/legislation/H0342A1.pdf)

HB 531, sponsored by Rep. John VanderWoude (R-22), also deals with telehealth, amending existing law to provide that prescription drug orders for medication-assisted treatment may be issued using telehealth services. This bill passed the House 66-0-2 on March 2. A hearing on the bill was held in Senate Health and Welfare on March 5.

**Volunteer Health Care Provider Immunity**

On Thursday, February 16, HB 392 was passed with no opposition in the House. On Monday, March 2, the bill passed the Senate with opposition from Senator Burgoyne. **Monday, March 9th, the bill was signed into law by Governor Little.** The bill encourages health care providers to volunteer their services at free medical clinics and community health screening events through *extended* limited liability protections to other health care professionals and supervised students, where recipients are notified if the provider is a student, with signed releases acknowledging the limited liability. The bill is now headed to the Governor.

**Newborn Screening Data**

On Monday, February 17, HB 438 passed with no opposition in the House. The bill was presented in the Senate Health and Welfare Committee with a do pass recommendation. **The bill was read a second time on Monday, March 9th, and has been filed for a third reading.** The bill, sponsored by Rep. Priscilla Giddings (R-7), amends Idaho law to remove language that would make it a misdemeanor to not report newborn screening data to the state. Currently the Department of Health and Welfare is required to maintain this information and if it is not provided by the physician, midwife, or other appropriate entity, the non-reporting is a misdemeanor punishable by a fine of $10-100. The proponents of this legislation state that by removing this penalty, it decriminalizes parents who birth their children at home and choose not to supply that data to the state. The bill was sent to the floor with a do-pass recommendation from the Senate Health and Welfare committee on March 5, where it awaits a vote.

**Paid Sick Leave**

HB475 is co-sponsored by Rep. Brooke Green (D-18) and Sen. Janie Ward-Engelking (D-18); it protects an employee if they use their earned paid sick leave to care for themselves or a family member by considering this leave as an absence that may lead to discipline, discharge, demotion, suspension or other adverse action. If the employer requires notice of the use of earned sick leave, they must provide the employee with a written copy of the policy of its use when the leave is not foreseeable. On Tuesday, February 18, HB475 was reported out of committee and placed on General Orders. **As of Friday, March 13, this legislation has been reported as retained on General Orders.**

**Public Money for Abortions**

HB507, co-sponsored by Rep. Christy Zito (R-23) and Rep. Bryan Zollinger (R-33) would prohibit the transfer or expenditure of public monies to any individual or organization which is a provider of abortion services, except where the prohibition is expressly not permitted by federal law. This prohibition applies at all levels of government in Idaho, including state, county, city and public health districts. This bill was held in the House State Affairs Committee and replaced by HB525 which is currently in House State Affairs.

HB525, also sponsored by Representatives Zito and Zollinger, is the same as HB507 except that it exempts from the prohibition hospitals that perform abortions in a medical emergency or due to the failure of the fetus to remain viable. HB525 passed the House on a party-line vote (52-17) on March 3 and is currently in Senate State Affairs.

**Simon’s Law**

HB519, sponsored by Rep. John VanderWoude (R-22), adds to existing law to implement Simon’s Law regarding life-sustaining treatment for child patients. The purpose of this legislation is to ensure that at least one parent or guardian of an unemancipated minor child, who is under the care of a doctor and healthcare facility, is notified 48 hours prior to a doctor instituting an order to withhold life-sustaining treatment. Parents of children with disabilities have questions regarding this bill and the Idaho Hospital Association is opposed to it. The bill is waiting for a vote in the House where it passed out of the Health and Welfare committee with a do-pass recommendation on 2/28. On Monday, March 2, at 9:00 am, Rep. VanderWoude presented RS27889 to the House Health and Welfare Committee. Now referenced as HB578, the bill ensures that at least one parent or guardian of an emancipated minor child, who is under the care of a doctor and healthcare facility, is notified 48 hours prior to a doctor instituting an order to withhold life-sustaining treatment. HB578 deleted a section that required the physician, upon the request of the parent or legal guardian of an unemancipated minor who is a patient or prospective patient, of any policies that the minor may be subjected to or receive having to do with life-sustaining procedures, including any policies having to do with treatment deemed to be nonbeneficial, ineffective, futile or inappropriate. These policies must be disclosed in writing. On Thursday, March 5, HB 578 passed the House; **On Thursday, March 12, Senate Health and Welfare Committee reported it out of committee with a Do Pass Recommendation; it has been filed for a third reading.**

**Financial Exploitation of an Elder**

HB404

**New This Week**

**Coronavirus**

On Friday, March 13, Governor Brad Little announced his action in signing an emergency declaration for coronavirus. The declaration increases state access to critical supplies; activates Idaho’s emergency operations plans, including funding, and provides flexibility in expediting contracts and supplies; and expedites the renewal process for certification of nurses, such as retirees returning to work. This news came before Idaho had any confirmed cases of coronavirus – there have now been multiple cases confirmed in Idaho.

**Upcoming Events**

**Wednesday, April 8th: 5th Annual PHED Talks Hosted by IPHA, 5:30 PM. This event has been postponed until further notice.**

**April 6-10th: National Public Health Week. Information** [**HERE**](http://www.nphw.org/nphw-2020)**.**

Here is a [MAP OF FREE VISITOR PARKING](https://cms.idaho.gov/facilitiesservices/wp-content/uploads/sites/30/2016/12/CMP-map.pdf) at the Capitol.

**Bill Tracker**

Do you have any specific Bills you would like to be tracked throughout the session? If so, please reach out and I will gladly track them through this weekly update. You can also view all current bills [HERE](https://legislature.idaho.gov/sessioninfo/2020/legislation/)

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| **Bill No** | **Description** | **Last Action** |
| H0311 | HEALTH - Amends existing law to revise the definition of “evaluation committee,” thereby permitting licensed professional counselors to serve on committees evaluating individuals for developmental disabilities | 02/14 Reported Signed by Governor on February 13, 2020; LAW |
| H0314 | DEAF AND HARD OF HEARING - Amends existing law to revise terminology regarding persons who are deaf or hard of hearing. | 02/14 Reported Signed by Governor on February 13, 2020; LAW |
| H0340a | CHILD CARE LICENSING – Amends existing law to allow unlicensed “temporary alcohol-drug abuse treatment facilities” for youth. Amended to make this facility a pilot program with limited oversight; the requirements for health and safety and other restrictions in the original bill were removed in the amended version. | 03/13 Read second time as amended in the Senate, filed for third reading |
| H0342a | TELEHEALTH – Amends existing law to define “telehealth technologies” and to revise provisions regarding telehealth services. Amended in Senate to substitute the language “two-way audio and visual interaction” with “two-way audio-visual interaction” when applied to provider-patient communication. | 03/13 Reported Signed by Governor March 13, 2020; LAW |
| H0351 | MEDICAID REIMBURSEMENT - Amends and adds to existing law to provide for the establishment of Medicaid reimbursement payment methods and to provide for a temporary reduction in certain reimbursements | 03/03 Reported Signed by Governor March 3, 2020; LAW |
| H0352 | INCOME TAX CREDIT - Amends existing law to revise the income tax credit for food sales | 1/23 Reported Printed; referred to Revenue & Taxation |
| H0392 | VOLUNTEER HEALTH CARE PROVIDER IMMUNITY – Amends existing law to revise the definition of “health care provider” to include students practicing under the supervision of a licensed provider. | 03/09 Reported Signed by Governor March 9, 2020; LAW |
| H0404 | FINANCIAL EXPLOITATION OF AN ELDER – Adds to existing law to provide for the offense of financial exploitation of an elder | 03/13 Read first time as amended; filed for Second Reading |
| H0435 | ADOPTION – Amends existing law to clarify the consent necessary for the adoption of an adult. | 03/06 Read second time; filed for third reading |
| H0436  | HEALTH – Amends existing law to provide for the administration and maintenance of the Health Care Directive Registry by the Department of Health and Welfare. | 02/26 Read Third Time in Full – FAILED in House |
| H0438 | HEALTH – Amends and repeals existing law regarding the criminalization of not providing newborn screening data.  | 03/09 Read second time; filed for third reading |
| H0458 | BATTERY – Amends existing law to provide certain exemptions for battery against health care workers | 02/11 Reported Printed and Referred to Judiciary, Rules, & Administration; held |
| H0459 | NOTICE OF RENT INCREASE -Amends existing law to provide that certain notice shall be given for an increase in the amount of rent charged that is greater than ten percent; replaced by HB 594 | 03/03 Returned to Judiciary, Rules, & Administration Committee |
| H0461 | FORCIBLE ENTRY AND LAWFUL DETAINER – Amends existing law to provide for the removal of a tenant’s property following judgement in favor of a landlord in certain instances | 03/09 Reported out of committee; to 14th Order for amendment |
| H0462 | FORCIBLE ENTRY AND UNLAWFUL DETAINER – Adds to and amends to existing law to provide certain requirements for a landlord and to provide a certain requirement for a security deposit; replaced by HB595 | 03/13 Retained on General Orders |
| H0475 | LABOR – Establishes law to provide that if an employer provides paid sick leave to an employee pursuant to a policy or agreement, that such employer shall allow a covered employee to use such sick leave pursuant to the policy or agreement without disciplinary consequences. | 03/13 Retained on General Orders |
| H0497a | HEALTH AND WELFARE – Adds to existing law to provide yellow dots on motor vehicles that contain medical information that may be used by first responders on the scene of an accident or emergency situation. Amended to state that the yellow dot does not provide probable cause for law enforcement to stop a motor vehicle. | 03/13 Read second time; filed for third reading |
| H0498 | HEALTH – Amends existing law regarding tobacco products and electronic smoking devices. (Held in House Health and Welfare; see alternative H0538) | 02/13 printed and referred to Health and Welfare Committee; 02/19 sent to General Orders for amendment; 02/25 referred back to Health and Welfare |
| H0500 | FAIRNESS IN WOMEN’S SPORTS ACT – Adds to existing law to establish the Fairness in Women’s Sports Act; prevents “men identifying as women” (transgender) from participating in women’s high school and college athletics. | 03/11 filed for third reading03/12 retained on calendar |
| H0507 | PUBLIC MONEYS – Adds to existing law to prohibit governments in this state from expending funds to a provider of abortion and to provide exceptions. | 02/14 Referred to House State Affairs Committee |
| H0519 | HEALTH – Adds to existing law to implement Simon’s Law, regarding life-sustaining treatment for child patients. The purpose of this legislation is to ensure that at least one parent or guardian of an unemancipated minor child, who is under the care of a doctor and healthcare facility, is notified 48 hours prior to a doctor instituting an order to withhold life-sustaining treatment; replaced by HB578 | 03/02 U.C. to be returned to Health and Welfare Committee |
| H0525 | PUBLIC MONEYS – Adds to existing law to prohibit governments in this state from expending funds to a provider of abortion and to provide exceptions. | 03/04 Received from the House Passed; referred to Senate State Affairs |
| H0531 | HEALTH – Amends existing law to provide that prescription drug orders for medication-assisted treatment may be issued using telehealth services. (This bill replaced HB342) | 02-27 House Health and Welfare sent to floor with a do-pass recommendation; passed House 66-0-2 on 03/02; received a hearing in Senate Health and Welfare on 03/05 |
| H0532 | EXTENDED EXMPLOYMENT SERVICES – Moves the administration of this program from the Division of Vocational Rehabilitation to the Department of Health and Welfare. | 02/24 Referred to Health and Welfare Committee; held in committee |
| H0533 | MEDICAL AND INDIGENT ASSISTANCE – Amends, repeals, and adds to existing law to provide a county share of funding for Medicaid expansion. | 02/24 Reported Printed and Referred to Health and Welfare |
| H0538 | HEALTH – Amends existing law to apply provisions regarding tobacco products to electronic smoking devices as well. Similar to H0498 without provision of a fee on retailer permits to pay for increased administrative costs | 03/13 Read second time; filed for Third Reading |
| H0574 | CHILD TAX CREDITS - This legislation makes it clear that a court order shall be recognized by the Tax Commission when determining which parent can claim any tax deductions or credits for a child or children. | 03/13 Read second time; File for Third Reading |
| HB 578 | HEALTH - Adds to existing law to establish Simon’s Law regarding life-sustaining treatment for children. (This bill replaced HB519) | 03/13 Read second time; filed for Third Reading |
| S1219 | GUARDIANS AND CONSERVATORS – Amends existing law to revise provisions for the appointment of guardians and conservators. | 03/13 Reported delivered to Governor |
| S1220 | GUARDIANS AND CONSERVATORS – Amends existing law to revise provisions regarding appointment of a guardian of minors and incapacitated persons and to revise provisions regarding temporary and emergency appointments of a conservator. | 03/13 Reported delivered to Governor |
| S1226 | CIVIL RIGHTS - Adds “sexual orientation” and “gender identity” to the Idaho Human Rights Act | 01/15 Reported Printed; referred to State Affairs |
| S1240 | NURSES – Adds to existing law to provide verification authority to advanced practice registered nurses. | Passed House and Senate unanimously; signed by Governor on 02/18 |
| S1242 | OCCUPATIONS – Amends existing law to clarify applicability of certain training requirements for nursing home administrators. | Passed House and Senate unanimously; signed by Governor on 02/19 |
| S1322 | DOMESTIC RELATIONS – Repeals and adds to existing law to establish provisions regarding visitation rights for grandparents and great-grandparents. | 02/20 passed Senate unanimously; currently in House Judiciary Rules and Administration |
| S1330 | EMPLOYMENT – Codifies the Idaho Extended Employment Services Program which provides job skill training for people with significant disabilities; retains the program within the Division of Vocational Rehabilitation | 03/13 Reported out of Committee with Do Pass Recommendation; Filed for second reading |
| S1348 | CONTROLLED SUBSTANCES – Amends existing law to provide for review of a patient’s prescription drug history under certain circumstances. | 03/12 Read second time; Filed for third reading |
| S1295 | DENTISTS – Adds to existing law to establish provisions regarding teledentistry and restrictions for such practice | 03/12 Read second time; Filed for third reading |
| S1330 | EMPLOYMENT – Establishes in law the Idaho Extended Employment Services Program within the Division of Vocational Rehabilitation to provide work-skills training to individuals with significant disabilities | 03/13 Reported out of Committee with Do Pass Recommendation; filed for second reading |
| SCR126 | HEALTH – Stating findings of the Legislature and supporting a collaboration among the three branches of the state government, local governments, and community partners in developing and implementing a statewide strategic plan to improve the Idaho behavioral health system. | 02/20 Reported delivered to the Secretary of State on 02/19/20 |
| SCR133 | HIDDEN HEROES MONTH – Stating findings of the Legislature and expressing support for military and veteran caregivers and proclaiming May as Hidden Heroes Month in Idaho. | 03/12 Read second time; Filed for third reading |