



## **Legislative Update: Week 7**

**2/17/2020 – 2/21/2020**

### **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 be helpful to you in your endeavors. Please contact me if you have any questions, comments, or suggestions regarding legislative updates, [destinietriplett.policyintern@gmail.com](mailto:destinietriplett.policyintern@gmail.com)

#### **Tobacco – Electronic Smoking Devices**

House Bill 498 amends existing law to apply provisions regarding tobacco products to apply to electronic smoking devices as well. On February 19, the House Health and Welfare Committee sent it to General Orders to be amended. Committee members agreed that there is a need to make these products more difficult for minors to obtain, but there were voiced concerns over the specific language of the bill, including concern over language defining these products as containing nicotine “intended for human consumption”. Rep. Zollinger (R-33) stated that the broad phrasing could impact agricultural products like eggplants, tomatoes, potatoes and cauliflower that contain trace amount of nicotine.

#### **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. On Friday, 2/21 the House Health and Welfare Committee sent it to the House floor with a recommendation that it pass.



### **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. This resolution is expected to be on the floor of the House on February 26<sup>th</sup>.

### **Extended Employment Services**

HB 532, sponsored by Rep. Jaron Wagoner (R-10) and Rep. Rick Youngblood (R-12) was introduced at the request of Witco, a provider of extended employment services to people with developmental disabilities. provider. The purpose of the legislation is to move the administration of the Extended Employment Services program from the Division of Vocational Rehabilitation to the Department of Health and Welfare. It was approved for printing on 2/21 and a hearing is expected in the House Health and Welfare Committee on 2/24. Disability advocates are concerned that this action was taken without their involvement.

### **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 14<sup>th</sup> Order for possible amendments on Wednesday, February 12. 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 bill [HERE](#).

### **Volunteer Health Care Provider Immunity**

On Thursday, February 16, HB 392 was passed with no opposition in the House and is now waiting for a vote on the floor of the Senate. 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.

### **Relating to Medicaid Reimbursements**

HB 351 passed the House on February 5<sup>th</sup>. This bill was sent from the Senate Health and Welfare Committee with a do-pass recommendation; it is currently awaiting a floor vote there. HB 351 “reduces net reimbursements to hospitals and nursing facilities in SFY 2020 and SFY 2021 to help achieve the Medicaid general fund needs of a 1% overall reduction in SFY 2020 and a 2% reduction in SFY 2021.” The legislation moves Medicaid payments away from cost-based reimbursements to a value-based payment. Opposition to this legislation has shown concern over cost-shifting. You can read the full bill [HERE](#).

### **Nurses and Nursing Home Administrators**

S1240 and S1242 passed both the Senate AND House and was signed by Governor Little on 02/18 and 02/19. S1240, sponsored by Sen. Mary Souza (R-4), provides signature authority to Advanced Practice Registered Nurses when an established provision of law within their scope of practice requires a physician’s signature. S1242, sponsored by Sen. Mark Harris (R-32), allows for an applicant for a nursing home administrator’s license with management experience at an in-patient facility and a master’s-level degree with an emphasis in healthcare to qualify for a license. You can read S1240 [HERE](#) and S1242 [HERE](#).

### **Newborn Screening Data**

On Monday, February 17, HB 438 passed with no opposition in the House. 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. It is currently in the Senate Health and Welfare Committee.

### **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 in such facility. The legislation sets forth requirements such as health and safety inspections, must be within 50 miles of a health care facility with emergency medical care capabilities, requires the permission of the child's parent or guardian and have 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.

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.

This bill is currently on General Orders in the House for amendment on Tuesday, February 25. The Idaho Caregiver Alliance has taken a position in opposition to this bill.

### **Paid Sick Leave**

On Tuesday, February 18, HB475 was reported out of committee and placed on General Orders. The bill 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.

## **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. The bill is in the House State Affairs Committee.

## **Behavioral Health**

On Thursday, February 20, Governor Little and all five Idaho Supreme Court Justices, and legislators gathered to sign documents in support of the Idaho Behavioral Health Council, derived from SCR 126. SCR 126 passed in both the House and Senate. It states the findings of the legislature and supports 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.



Photo: Betsy Russell/Idaho Press

**JFAC Update**



Photo: Betsy Russell/Idaho Press

On Friday, February 21, JFAC approved budgets for the following divisions in the Department of Health and Welfare.

### **Mental Health Services**

JFAC voted a do-pass recommendation for a budget of \$46,731,500 for the division of Mental Health Services. This included \$35,940,900 from the general fund, \$631,300 from the dedicated fund, and \$10,159,300 from the federal fund. You can listen to the budget hearing [HERE](#).

### **Psychiatric Hospitalization**

JFAC voted a do-pass recommendation for a budget of \$44,753,200 for the division of Psychiatric Hospitalization. This included \$23,667,600 from the general fund, \$28,377,200 from the dedicated fund, and \$2,706,400 from the federal fund. You can listen to the budget hearing [HERE](#).

### **Substance Abuse Treatment & Prevention**

JFAC voted a do-pass recommendation for a budget of \$13,064,200 for the division of Substance Abuse Treatment & Prevention. This included \$500,000 from the general fund, \$1,343,000 from the dedicated fund, and \$11,221,200 from the federal fund. You can listen to the budget hearing [HERE](#).

## **[Upcoming Events & Advocacy Days](#)**

**[Wednesday, February 26, 2020: 2<sup>nd</sup> Annual ICA Legislative Luncheon, 11:30-1:30, first floor of Capitol Rotunda](#)**

**Tuesday, March 10: Screening of *To Err is Human*, 5:30, Egyptian Theater, Boise**

**Wednesday, April 8<sup>th</sup>: 5<sup>th</sup> Annual PHED Talks Hosted by IPHA, 5:30 PM, Details to Come**

**April 6-10<sup>th</sup>: National Public Health Week. Information [HERE](#).**

Here is a [MAP OF FREE VISITOR PARKING](#) 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](#)

<b>Bill No</b>	<b>Description</b>	<b>Last Action</b>
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
H0340	CHILD CARE LICENSING – Amends existing law to allow unlicensed "temporary alcohol-drug abuse treatment facilities" for youth.	01/29 Reported out of Committee, currently on General Orders in House for amendment
H0342	TELEHEALTH – Amends existing law to define "telehealth technologies" and to revise provisions regarding telehealth services	02/05 Passed House 68-0-2; 02/13 Sent From Senate Health and Welfare Committee to 14 <sup>th</sup> Order for amendment
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	02/12 Read second time; filed for Third Reading
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.	02/20 Read second time; filed for Third Reading
H0404	FINANCIAL EXPLOITATION OF AN ELDER – Adds to existing law to provide for the offense of financial exploitation of an elder	02/05 Reported Printed; hearing held in House Judiciary Rules and Administration Committee on 2/21; vote not yet taken
H0435	ADOPTION – Amends existing law to clarify the consent necessary for the adoption of an adult.	Hearing held in House Judiciary Rules and Administration Committee on 2/21; vote not yet taken
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.	02/21 Reported out of House Health & Welfare Committee with Do Pass Recommendation; on 2 <sup>nd</sup> Reading in House
H0438	HEALTH – Amends and repeals existing law regarding the criminalization of not providing newborn screening data.	02/17 Passed House 66-0-4; referred to Senate Health and Welfare
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
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	02/11 Reported Printed and Referred to Judiciary, Rules, & Administration
H0461	FORCIBLE ENTRY AND LAWFUL DETAINER – Amends existing law to provide for the removal of a tenants property following judgement in favor of a landlord in certain instances	02/11 Reported Printed and Referred to Judiciary, Rules, & Administration
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	02/11 Reported Printed and Referred to Judiciary, Rules, & Administration
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.	02/18 Reported out of Business Committee; Placed on General Orders for amendment

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.	House State Affairs Committee sent to the floor of the House with a do-pass recommendation; awaiting a vote
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.	02/19 Referred to House 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.	02/21 Printed and referred to House State Affairs Committee (replaces H0507)
H0533	MEDICAL AND INDIGENT ASSISTANCE – Amends, repeals, and adds to existing law to provide a county share of funding for Medicaid expansion.	02/21 Introduced and referred to House Judiciary and Rules for printing
S1219	GUARDIANS AND CONSERVATORS – Amends existing law to revise provisions for the appointment of guardians and conservators.	01/23 Passed Senate unanimously; currently in House Judiciary and Rules Committee
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.	01/29 Passed Senate 34-0-1; currently in House Judiciary and Rules Committee
S1226	CIVIL RIGHTS - Adds “sexual orientation” and “gender identity” to the Idaho Human Rights Act	01/15 Reported Printed; referred to State Affairs
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
S1348	CONTROLLED SUBSTANCES – Amends existing law to provide for review of a patient’s prescription drug history under certain circumstances.	02/21 Printed and referred to Senate Health and Welfare

S1295	DENTISTS – Adds to existing law to establish provisions regarding teledentistry and restrictions for such practice	02/19 Passed Senate 30-4-1; Referred to House Health and Welfare Committee
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.	02/18 adopted by Senate on voice vote; expected to be acted upon on the floor of the House on 02/26