



2010 Legislative Wrap-up

March 30, 2010

Deteriorating Revenue Haunted the 2010 Session

On the 78th day of the session the Idaho Legislature voted to Sine Die and go home. The 2010 session will go down in the record books as one of the more difficult budgetary session. With Idaho's revenues continuing to plummet, the Legislature cut budgets and developed a contingency plan. **SB 1445** set aside \$107.6 million for the Governor to use with any shortage of general fund revenues in FY 2010. Of that amount \$80 million comes from reserve accounts that are used in the FY 2011 budget. This is a rather strange budgetary move. If these funds are used, the 2011 budget will be out of balance. It is already anticipated that the Governor may have to use \$90 million of those funds.

In addition, the Division of Medicaid has been told to find an additional \$47 million in savings for FY 2010 and 2011. JFAC told Medicaid to first look to provider rate reductions before eliminating any programs. Medicaid has already negotiated an agreement with the Idaho Hospital Association for an additional assessment of about \$25 million. On the last day of the session, the Legislature passed **HB 708** to continue the rate freezes established last year for physicians and dentists. The bill also changes the way nursing homes, assisted living and personal care services are paid. It requires the pharmacies to participate in a cost survey in order to obtain accurate and current prices. In addition, Medicaid providers will probably have their payments held for up to eight weeks beginning sometime in May.

Childhood Immunization Success

Thanks to the persistent work of the Immunization Subcommittee, the Legislature passed three pieces of Legislation that will help improve Idaho Childhood Immunization rates.

The legislature passed HB 432 Supplemental Funding for the Idaho Immunization Program, HB 495 Idaho Childhood Immunization Policy Committee and SB 1335 Immunization Registry. The “opt out” rather than “opt in” registry legislation sponsored by the IMA was threatened when former Representative Bill Sali showed up to the House hearing with amendments in hand. It required more than six motions to overcome this attempt to kill the bill, but it was finally passed in an acceptable form.

Legislation we tracked:

HB 391 Idaho Health Freedom Act. LAW Codifies Idahoans’ freedom from government mandates to purchase health insurance products and tasks the Idaho Attorney General to challenge any statute that forces Idahoans to purchase insurance. It primarily supports Governor Otter’s pledge to challenge any individual insurance mandates contained in federal health care reform legislation. <http://www.legislature.idaho.gov/legislation/2010/H0391.htm>

HB 432 Supplemental Funding for the Idaho Immunization Program. LAW Adds to existing law relating to immunization assessments; to provide for the Idaho Immunization Assessment Board and a plan of operation, to provide for powers and liability of the board, to provide for assessments, to provide for the Idaho Immunization Dedicated Vaccine Fund, and to provide rulemaking authority. <http://www.legislature.idaho.gov/legislation/2010/H0432.htm>

HB 482 Disposal of Legend Drugs. LAW Amends existing law relating to pharmacists; to allow certain persons to deliver a lawfully obtained legend drug to an authorized person for purposes of disposal. <http://www.legislature.idaho.gov/legislation/2010/H0482.htm>

HB 495 Idaho Childhood Immunization Policy Committee. To the Governor. Adds to existing law relating to childhood immunizations; to provide for the Childhood Immunization Policy Commission. <http://www.legislature.idaho.gov/legislation/2010/H0495.htm>

HB 518 Uniformed Controlled Substance. LAW Amends existing law relating to uniform controlled substances; to revise provisions relating to Schedule I controlled substances; and to revise provisions relating to Schedules II, III, IV and V drugs and other substances. <http://www.legislature.idaho.gov/legislation/2010/H0518.htm>

HB 528 Any Willing Provider Failed to pass the House on a vote of 31-39. Amends existing law relating to insurance; to provide certain contractual obligations of an insurance company and a managed care organization.

HB 534 Pharmacist, Epilepsy Drugs. To the Governor. Adds to existing law relating to pharmacists; to define terms and to provide notification of drug product selection for epilepsy and seizure drugs. <http://www.legislature.idaho.gov/legislation/2010/H0534.htm>

HB 621 Medically Indigent Program Bill has been replace with HB 681.

HB 681 Medically Indigent Program. To the Governor.
<http://www.legislature.idaho.gov/legislation/2010/H0681.htm>

HCR 39 Resolution Relating to the Study of Strokes. Adopted. Stating findings of the Legislature and encouraging the Health Quality Planning Commission to study stroke systems of care in Idaho and develop a plan to address stroke identification and management.
<http://www.legislature.idaho.gov/legislation/2010/HCR039.htm>

SB 1270 Abortion/Contraceptives. Replace by SB 1353.

SB 1272 Chemotherapy Insurance Coverage. Failed to get a hearing.

SB 1301 Pharmaceuticals/public Health Districts. To the Governor. Amends existing law relating to pharmaceuticals; to provide for the labeling and delivery of certain prepackaged items by licensed practical or professional nurses when such items have be prescribed by certain licensed professional health care providers.
<http://www.legislature.idaho.gov/legislation/2010/S1301.htm>

SB 1313 Board of Medicine Subpoena Power. To the Governor. Amends existing law relating to physicians and surgeons; to revise provisions relating to the board's powers.
<http://www.legislature.idaho.gov/legislation/2010/S1313.htm>

SB 1314 Relating to Physicians Assistants. To the Governor. Amends existing law relating to physicians and surgeons; to revise definitions, to remove licensure requirements for physician assistants, to provide requirements relating to physician assistants, supervising physicians and alternate supervising physicians and to establish the Physician Assistant Advisory Committee.
<http://www.legislature.idaho.gov/legislation/2010/S1314.htm>

SB 1320a Legend Drug Donation Act. To the Governor. Amends existing law relating to the Idaho Legend Drug Donation Act; to revise definitions, to revise provisions relating to the Idaho Legend Drug Donation Act, and to revise provisions relating to the Board of Pharmacy's duties and powers. <http://www.legislature.idaho.gov/legislation/2010/S1320.htm>

SB 1335 Immunization Registry. To the Governor. Amends existing law relating to immunization; to remove a certain authorization requirement for inclusion in the registry, to provide for exclusion from the registry upon a certain statement that may not be part of a general authorization or release, to clarify the purposes for which the registry shall be maintained and for which the registry information shall be disclosed.

<http://www.legislature.idaho.gov/legislation/2010/S1335.htm>

SB 1353 Freedom of Conscience. To the Governor. Adds to existing law relating to abortion and end of life care; to provide freedom of conscience for health care professionals.

<http://www.legislature.idaho.gov/legislation/2010/S1353.htm>

SB1364 Prohibit the Sale of Dissolvable Tobacco in Idaho. Bill died in Committee.

SB 1365 Rural Physician Incentive Fund. To the Governor. Allows contributions from other entities such as hospitals, physician practices, insurance companies, etc. to the Rural Physicians Incentive Program (RPIP) to assist with physician recruitment efforts. Currently WWAMI and the University of Utah medical students contribute to the fund when they enter either program. When these individuals return to Idaho to practice medicine, they can access RPIP funds to assist with loan repayment.

<http://www.legislature.idaho.gov/legislation/2010/S1365.htm>

SB 1369 Naturopathic Medicine Practice Act. Held in Senate Health and Welfare Committee without a hearing.

SB 1373 Provisions Relating to Immunity from Civil Liability . Failed in the House Health and Welfare Committee.

SB 1390 Automated External Defibrillator. To the Governor. Amends existing law relating to immunity for use of automated external defibrillators; to delete provisions relating to immunity from civil damages for certain persons or entities that acquire or maintain a defibrillator.

<http://www.legislature.idaho.gov/legislation/2010/S1390.htm>

SB 1399 Physician-patient Relationship. To the Governor. Adds to existing law relating to physicians and surgeons; to provide for no physician-patient relationship for certain informal consultations. <http://www.legislature.idaho.gov/legislation/2010/S1399.htm>

I would like to Kathie Garrett for monitoring legislation for the IAFP this legislative session.

Many of the bills are still waiting for the Governor's signature so they have not become law as of yet. I have included links to the bills that passed the legislature so for more information, click on the link at the end of the description to access the language of the bill. <http://www.legislature.idaho.gov/legislation/2010/minidata.htm> is the link to all of the bills by bill number if you are interested in reading bills that were not included in this report. If you have any questions regarding any of the legislation passed this year, please give me a call or send me an email at Idahoafp@aol.com.

PLAN TO ATTEND THE IAFP 62nd ANNUAL CONFERENCE IN WEST YELLOWSTONE. Access all of the conference information at the redesigned IAFP Web page, www.Idahofamilyphysicians.org