



Benn Brocksome
&
ASSOCIATES

Week 7 Idaho Legislative Update for February 21– February 2022

The seventh week of the Sixty-Sixth Idaho Legislature's Second Regular Session brought movement for many policies working through committees and floor sessions. With a handful of legislators bringing theatrics to the floor in response to their grocery tax proposals being called into question and shut down, again. So far, most legislators have been diligent and engaged in their work and left much of the political pandering to events outside the Capitol. The antics and bad behavior of a few legislators has not encumbered the process beyond a general annoyance so far.

A garyloo was called for some bills this week as polices began failing on the floors of the House and Senate. Even bills with small fiscal impacts have failed. Some bills, even with do pass recommendations and unanimous votes out of committee were voted down on the floor. Meanwhile, in the same floor sessions, bills that may not pass constitutional muster, bills that have been redrafted many times this session and still have issues, and even a bill to change the speed of school bus speeds on freeways by 5 MPH have moved forward. All part of the challenging and nuanced process that is policy making in Idaho.

As the days of session grow longer, more exhausting, and often more contentious in the Capitol, much of the attention has turned to budgets. At the forefront this week, JFAC began Fiscal Year 2023 budget setting and pushing hard to motion funding bills, with hundreds of millions of dollars flowing, through committee and to the floor. This process, currently scheduled to continue through the first two weeks of March, is the only thing the legislators must do constitutionally before they can adjourn.

We have yet to see the much talked about and rumored 39-page property tax reduction and sales tax increase bill. It was scheduled for introduction, but then pulled from agendas at the last second, multiple times this week. Despite it being talked about openly in the press, the sponsors have been tightlipped in the building and only a few people have seen all or part of it. We also have not seen the end of bills being introduced with special privileges from the Speaker or Pro Tem to fit last minute needs or wants of the legislature.

More bills pertaining to property tax, sales tax distribution, elections, broadband, housing, and yes, more social issues, continue to be introduced in the basement of the Capitol. With them many other bills are also working through the process. With a record budget surplus, the largest tax cut in Idaho history signed into law, record transportation, education, and infrastructure funding in process with wide support, this session has had many highlights. While not perfect, the general tone and tenor of the Capitol this year is one of dedication and pragmatism. This is a far cry from last year's tantrums and misbehaviors and is lending itself to a shorter and more successful year.

Despite the rhetoric and the procedural articulations to disrupt the process, the work continues at a hurried pace. The urgency and desire of leadership to get bills to the Governor and get out town remains the top priority heading into week eight. This will be especially true as the ability to formally file for office starts Monday. With all statewide officers, all 105 legislators up for re-election, and with new districts drawn and approved, this year's primary elections are sure to be the most expensive ever and could also yield the most candidates for office ever in the history of our state. In the meantime, voter's eyes are on the Idaho Capitol as they begin making a list of new candidates for office and checking it twice.

In addition to this report, all bills from the 2022 Idaho Legislative Session can be viewed through the [Idaho State Legislative Website](#). The Governor's Bill Tracker can be viewed [HERE](#). For more information on any policy or process, please contact us. A link to the Governor's State of the State Address and Budget Highlights can be viewed [HERE](#).



Policies, Appropriations and Rules Updates:

Policies

HB 611 – Reinsurance, Claims House Floor

Direct the Dept. of Insurance to apply for a federal waiver that enables greater flexibility under the Affordable Care Act and should lead to more premium reductions for customers in the high-risk pool. To do so, there would be a one-time, \$25 million appropriation for the High-Risk Reinsurance Pool.

Sponsor: Rep. Furniss (R-35)

HB 534 – State Insurance Fund House Commerce & Human Resources Committee

Intends to allow the State Insurance Fund (SIF) to transition from state vacation and leave programs to Paid Time Off (PTO) and holidays. This would align more with private sector positions. The bill will digitalize their financial transaction offerings with online banking and mobile applications without the approval of the State Controller's Office and Treasurer's office.

Sponsor: Rep. Gestrin (R-8), Sen. Lakey (R-12) - four co-sponsors

SB 1259 – Medicaid, Certified Caregivers, and Property Taxes (29-5-1) Passed the Senate – House Revenue & Taxation Committee

In-home caregivers and home-bound persons. Certified Family Home. You receive Medicaid reimbursement for housing those people, and for some, that would bump you above the circuitbreaker, but only at the state/local level. About 2,500 homes, serving over 3,000 residents. About \$50 per day, where them being institutionalized is around \$100 per day, resulting in a cost-saving for the State.

Sponsor: Sen. Wintrow (D-19)

HB 551 – Subpoena Powers for the PERSI Board (60-0-10) Passed the House – Senate Floor

This proposal would grant subpoena authority to the PERSI Board. The Board would use this power to produce evidence from financial institutions when necessary to resolve a disputed claim.

Sponsor: Rep. Syme (R-11)

HB 552 – PERSI Withdrawal Penalties (61-0-9) Passed the House – Senate Floor

To solidify its legal positions, this proposal would change language in existing State Code relating to PERSI that would change use of the term "liability" to "penalty".

Sponsor: Rep. Syme (R-11)

HB 553 – PERSI Background Checks (65-0-5) Passed the House – Senate Floor

If passed, this proposal would enable PERSI to cooperate with Idaho State Police to perform FBI criminal history background checks.

Sponsor: Rep. Syme (R-11)

HB 554 – Definitions – PERSI (68-0-2) Passed the House - Senate Commerce & Human Resources Committee

HB 554 is a language update proposal. Current State Code would have the definitions of "Early Retirement" and "Service Retirement" added to be consistent with Federal Code.

Sponsor: Rep. Syme (R-11)



HB 555 – Reemployment, PERSI (66-0-4) Passed the House

In an attempt to lower the general member contribution rate for school employees, this proposal seeks to create a new School Employee rate and allow for previously-retired educators to return to the workforce without risking the benefits they have accrued over their career.

Sponsor: Rep. Horman (R-30)

RS 29565C2 – Hospital Assessment Fund Senate Health & Welfare Committee

Currently, supplemental payment that is routed hospitals, but this bill intends to eliminate the way these collections can be used. The assessment calculation will also be less stringent. These funds come from the Medicaid General Fund appropriations, so this will save the state \$66 million starting in FY 24.

RS 29598 - Rejection of Rules Senate Health & Welfare Committee

This concurrent resolution is to reject the following rules: 16.03.09.772.01c, 16.03.21.101.04q, 16.03.21.302.01, and 16.03.21.407. This is to ensure rejected rules are properly cleaned up.

Sponsor: Sen. Riggs (R-3)

RS 29642 – Essential Caregiver Senate Health & Welfare Committee

This bill would give patients of health care facilities the right to be visited by one essential caregiver of their choosing or the person holding the person holding their designated medical power of attorney. This intends to replace SB 1336.

Sponsor: Sen. Stennett (D-26)

HB 444 - Extending Sunset of Coronavirus Limited Immunity Act To Governor

HB 444 intends to extend the end date of the Coronavirus Limited Immunity Act from July 1, 2022, to July 1, 2023.

Sponsors: Rep. Young (R-31), Rep. Kerby (R-9), and Rep. Skaug (R-12) – co-sponsored by Sen. Lakey (R-12) and Rep. Monks (R-22)

HB 446 – Controlled Substance, Nabiximols (65-5) Passed the House – Senate Floor

HB 446 revises Uniformed Controlled Substances Act to update the definitions of “marijuana” and “tetrahydrocannabinols” under Idaho’s Uniform Controlled Substance Act to exclude nabiximols in a drug product form approved by the FDA. The passage will allow nabiximols to be prescribed after the approval of the drug from the FDA and scheduled by the DEA.

Sponsors: Rep. Wood (R-27), Sen. Martin (R-15)

HCR 30 – PANDA/PANS Awareness Day House Floor

Every year since 2019, the Governor has issued a proclamation declaring October 9th “PANDA/PANS Awareness Day”. This resolution seeks to have the legislature declare October 9th, 2022 “PANDA/PANS Awareness Day” to support the thousands of children and families across Idaho affected by these conditions.

Sponsor: Rep. Mathias (D-19)

HB 461 – Armed Forces Scholarships (67-0-3) Passed the House – Senate Floor

Currently, the state Armed Forces Scholarship’s availability is exclusive to family members of armed service members killed in combat. The intent of this proposal is to expand the availability of this opportunity to families of those lost in training incidents. This idea came from the Army National Guard incident near Lucky Peak in February 2021 where three lives were lost in a helicopter crash.

Sponsor: Rep. Mathias (D-19)



SB 1233 – Shared Investigation Authority – DOPL Senate Commerce & Human Resources Committee

This bill hopes to enable across-the-board collaboration between Department of Occupational & Professional Licenses (DOPL) boards and commissions to improve transparency and efficiency during investigations.

Sponsor: Sen. Souza (R-4)

SB 1236 – State Health Savings Accounts (34-0-1) Passed the Senate – House Commerce & Human Resources Committee

SB 1236 intends to update the Department of Administration's provisions for state employee health savings accounts. This allows employers to deposit no more than the difference between the highest deductible health plan and the lowest deductible health plan per month.

Sponsor: Sen. Thayn (R-8)

SB 1239 – Legislative Session Uniformity Sent to the 14th Order for Amendment

Ensures that each regular session of the legislature shall adjourn by a certain date. It is intended to keep the legislative session uniform and part time but makes exceptions for declared disasters and emergency events.

Sponsor: Sen. Guthrie (R-28)

SB 1244 – Occupational Licenses (33-0-2) Passed the Senate – House Health & Welfare Committee

SB 1244 repeals requirement to establish an advanced practice registered nurse advisory board, but the administrator of DOPL may create and discontinue committees as they see fit. Technical corrections have also been added this language.

Sponsor: Sen. Riggs (R-3)

SB 1245 - Board of Pharmacy Definitions (34-0-1) Passed the Senate – House Health & Welfare Committee

SB 1245 repeals Section 54-1704 which relates to various pharmaceutical definitions. Technical corrections to the language and the removal of definitions have been made that are reflected in other relevant section. This bill does not add new requirements but is used to add clarity.

Sponsor: Sen. Harris (R-32)

SB 1246 - Uniform Controlled Substance Act (32-0-3) Passed the Senate – House Health & Welfare Committee

SB 1246 to meant to reflect the DEA controlled substance decisions for 2021. This includes synthetic opioids in Schedule I, opiates in Schedule II, and anticonvulsant substance in Schedule V.

Sponsor: Sen Wintrow (D-19)

HB 515 – Public Health Districts and Boards, Clarifications (65-0-5) Passed the House – General Orders

This bill would amend State Code to reflect the status of Public Health District/Board employees as not being employees of the State of Idaho.

Sponsor: Rep. Blanksma (R-23)

HB 516 – Clarification Surrounding Public Health Districts (67-0-3) Passed the House – Senate Floor

HB 516 would add clarifying language in State Code that would enable Public Health Districts to create personnel support systems that establish rates-of-pay for appointments, demotions, promotions, separations, and other actions.

Sponsor: Rep. Blanksma (R-23)



SB 1256 - Notarization Process for Background Checks (34-0-1) Passed Senate – House Health & Welfare Committee

Change would allow for electronic signatures to be used when background checks are notarized.

This proposal hopes to expedite notarization process, eases regulatory burden, and reduces costs on those that need those checks performed.

Sponsor: Rep. Bair (R-31)

SB 1257 – Southwest Idaho Treatment Center Classification (28-6-1) Passed Senate - House Health & Welfare Committee

Current Statute makes it tough for SWITC to turn towards a community re-entry model of care under current regulations. To help address this, the proposal would remove the definition of ICT/IID (Intermediate Care Facility) as it applies to the Southwest Idaho Treatment Center.

Sponsor: Sen. Wintrow (D-19)

SB 1258 – Authority, State Hospitals and Treatment Facilities (34-0-1) Passed Senate – House Health & Welfare Committee

This bill would amend the current list of state institutions by adding State Hospital West.

Sponsor: Sen. Stennett (D-26)

SB 1260 - Contraception (20-14-1) Passed the Senate – House Health & Welfare Committee

Allows contraception to be prescribed in six-month intervals. There is also language added that would require shorter prescription intervals for "new users".

Sponsor: Sen. Wintrow (D-19)

HB 510 – State & Local Taxes, Businesses (69-0-1) Passed the House – Senate Local Government & Taxation Committee

This proposal aims to “make technical corrections to legislation passed in 2021 (HB 317)”. That bill allowed Affected Business Entities (ABE’s) to elect to pay state income taxes on behalf of their owners, making those payments deductible from their federal taxes. This new bill would extend that election opportunity to trusts, estates, and ABE’s with owners that have no Idaho income tax liability.

Sponsor: Rep. Okuniewicz (R-2)

SB 1270 – Down Syndrome Diagnosis Information (34-0-1) Passed the Senate – House Health & Welfare Committee

This bill is an informational proposal that will not be mandatory but will provide parents with making an informed decision regarding testing for a down syndrome diagnosis. This bill intends to broaden the audiences targeted and adds an annual review by medical experts and the Idaho Down Syndrome Council.

Sponsor: Sen. Martin (R-15)

HB 561 – Uses for Grant Funding, Emergency Service Personnel (43-22-5) Passed the House – Senate Health & Welfare

Currently, under State Code, grant funds for emergency medical services are limited to use for the purchase and acquisition of vehicles and equipment. HB 561 would update State Code to make training, licensing, technology upgrades, and other costs not related to salaries eligible.

Sponsors: Rep. Rubel (D-18), Rep. Gestrin (R-8)



HB 562 – Drug Outlet (Pharmacy) Registration (69-0-1) Passed the House – Senate Health & Welfare

For resident and non-resident pharmacies, this legislation intends to improve the registration process by making it simple and more consistent.

Sponsors: Rep. Erickson (R-33), Sen. Martin (R-15)

HR 006 – State Health Insurance Reserves House Commerce & Human Resources

By using \$25 million in ARPA funds, HR 006 would rebuild reserves in the State Employee Health Insurance Fund. This is a proposal that was drafted in accordance with the Governor's plan for strategic investments in education.

Sponsor: Rep. Holtzclaw (R-20)

HB 577 – Vaccine Mandates, Legal Remedies for Employees House State Affairs Committee

Expands on State Code, by incorporating language that would allow for employees to claim religious exemption in the event their employer has vaccine requirements.

Sponsor: Rep. Young (R-31)

HB 578 – Required Immunity Liability Act House Business Committee

Allows for employees to request an exemption from receiving the vaccine, and the employer still requires the vaccine, then an employee is injured the employer can be held liable for this injury. The employee will have the ability to seek suit against the employer. The businesses that are required to have all employees receive the vaccine per the federal government mandate, this employer will be exempt from this bill.

Sponsor: Rep. Monks (R-22) and Sen. Den Hartog (R-22)

HB 579 – Medical Information, Employers House Business Committee

Intends to protect employee's medical privacy by stating employees do not have to disclose medical information to an employer. An employer may request a new employee to share relevant medical information that is considered essential function to the job.

Sponsor: Rep. Monks (R-22)

HB 581– Employee Medical Information Protection Act (39-29-2) Passed the House – Senate Commerce & Human Resources Committee

Prevents a business to mandate the COVID-19 vaccine on their employers. The definition of the vaccine would be updated through this bill

Sponsor: Rep. Shepherd (R-7)

HB 590 – Streamlining the Worker's Compensation Process House Floor

HB 590 plans to streamline the worker's compensation process for the parties involved who wish to settle instead of going to trial. To speed the process up, the bill intends to eliminate the approval needed from the Industrial Commissioners. This does not apply to cases involving a minor or a legally incompetent person. The Industrial Commission will still require submitting information regarding the settlement. This replaced HB 518.

Sponsor: Rep. Skaug (R-12)



HB 592 – Idaho Workforce Housing Fund House Floor

Adds to existing law to establish the Idaho Workforce Housing Fund and to establish the Idaho Workforce Housing Advisory Commission. The Commission would consist of 10 members that would be tasked with developing, implementing and maintaining a statewide workforce housing plan. The new Fund would accept dollars allocated by the legislature and distribute them in accordance with the Commission's Plan.

Sponsor: Rep. Syme (R-11)

HB 593 – Worker's Compensation, COVID-19 House Commerce & Human Resources Committee

This proposal would update existing law to include vaccine-related complications as a result of employer vaccine mandates as being a compensable incident.

Sponsors: Rep. Monks (R-22) and Rep. Skaug (R-12)

HB 595 – Performance-based Raises for State Employees House Commerce & Human Resources Committee

Amends existing law to provide for compensation increases based on performance as well as consideration of certain internal and external factors.

HB 598 – DNA Testing (66-0-4) Passed the House – Senate Health & Welfare Committee

Amends existing law to provide an exemption regarding DNA analysis for quality control.

Sponsor: Rep. Cannon (R-31)

HB 603 — Hospital Districts (60-0-1) Passed the House – Senate Health & Welfare Committee

Allows district hospitals to have the same privileges as a county hospital for leasing and selling the property to non-profits that qualify with the intent to continue services for the community. The district hospitals will be able to address fiscal challenges they may face in the future with this option.

Sponsor: Rep. Furniss (R-35)

HB 604 – Medical Information, Employers House State Affairs Committee

Intends to protect employee's medical privacy by stating employees do not have to disclose medical information to an employer. An employer may request a new employee to share relevant medical information that is considered essential function to the job.

Sponsor: Rep. Monks (R-22)

SB 1280 – Dyslexia Screening Program (33-0-2) Passed Senate – House Education Committee

This proposal would create a screening program that would assess Idaho students, grades Kindergarten through 5th Grade, for dyslexia. Screening would be completed upon a student's first enrollment in a school district or at a charter school. **Sponsors: Sen. Crabtree (R-7), Sen. Blair (R-6)**

SB 1283 – Supplemental Medicaid Reimbursement for Ground Emergency Transport Senate Floor

This proposal states that, currently, medicaid covers only ¼ the true cost of ambulance trips by using Federal funds to supplement the cost of these services, which is intended to help improve ground transport service for Idahoans in rural areas who might avoid ground transport for medical services due to prohibitive costs. This expansion would be made at no cost to the State or local governments.

Sponsor: Sen. Riggs (R-3)



SB 1286 – Psychological “Extenders”, DOPL Senate Floor

Clarifies DOPL authority to permit psychological extenders

SB 1287 – Rural Nursing School Loan Repayment Program (14-17-4) Failed in the Senate

SB 1287 would establish the “Rural Nursing Loan Repayment Program”. This program, that would be operated by the Department of Health & Welfare, would use ongoing funds, totaling \$250,000 per year in allocations. Qualified applicants that commit to serving the healthcare needs of rural communities in Idaho would be eligible for up to \$25,000 per year, and could receive a total of \$75,000. The fund would allocate loan awards to up to 10 applicants each year.

Sponsor: Sen. Riggs (R-3)

SB 1309 - Fetal Heartbeat, Preborn Child Protection Act Senate Floor

Adds civil cause of action options for family members to sue the physicians for performing an abortion after six weeks. This can include extended family, such as grandparents. This bill is modeled over the Texas Heartbeat Law but would not include family members being able to sue the mother.

Sponsor: Sen. Lodge (R-11).

SB 1343 - Fetal Heartbeat, Preborn Child Protection Act Senate State Affairs Committee

Amends S.B. 1309 and amends existing law to revise a provision regarding attorney’s fees, to remove a provision regarding an affirmative defense, and to redesignate a section.

Sponsor: Sen. Lodge (R-11).

SB 1305 – Psychology Interjurisdictional Compact Senate Floor

Would join a psychology interjurisdictional compact, allowing psychologist to practice temporary face-to-face and telehealth services within other compacted states. The compact allows out of state compact psychologists to practice within Idaho as well to help with currently availability issues.

SB 1306 – Chiropractic Physicians, Youth Concussion Senate Health & Welfare Committee

Adds chiropractors to the list of qualified health professionals to diagnose youth patients with a concussion. Chiropractors will also be able to clear previous concussions so the patient may return to the respected sport. The physician will be permitted to diagnose after completing proper education programs required.

HB 612 – Occupational Licensing Reform Act, Disciplinary Action Expungement (68-0-2) Passed the House - Senate Commerce & Human Resources Committee

Allows for disciplinary actions based on failure to renew on time or failure to complete required continuing education coursework to be expunged from one’s record at the appropriate Board’s discretion at the request of the licensee.

Sponsor: Rep. DeMordaunt (R-14)

SB 1326 – Regulatory Shift, Division of Licensing & Certification Senate Health & Welfare Committee

This legislation would effectively shift eighteen (18) different types of medical facilities and agency types, as well as the regulatory authority, duties, and staff responsible for licensing and inspection, from the Division of Licensing & Certification to the Division of Occupational & Professional Licenses (DOPL). Included in this transition would be the management of the certification program for certified family homes to DOPL.

Sponsors: Sen. Riggs (R-3), Rep. Erickson (R-33)



[SB 1327 – Civil Commitment, Idaho Behavioral Health Council](#) Senate Floor

Proposed changes include: Assignment of financial responsibility for pre-commitment holds and post-commitment costs as necessary based on the passage of HB 316 last session; Assignment of responsibilities for organizing designated examinations and transportation; Clarifying definitions of criteria for commitment; Expanding requirements for qualifications of designated examiners. The total, annualized fiscal impact is \$3.89 million as a result of shifting cost responsibility from counties to the State.

[SB 1328 – Idaho Telehealth Access Act Update](#) Senate Health & Welfare Committee

By amending the Idaho Telehealth Access Act, this legislation would add language that permits the use of asynchronous, “store-and-forward” technology. Changes would also be made to this Section that would permit asynchronous prescribing of legend drugs.

Sponsor: Sen. Riggs (R-3)

[SB 1329 – Extended Employment Services Program, DHW](#) Senate Health & Welfare Committee

This proposed legislation would move the Extended Employment Services Program from the Division of Vocational Rehabilitation to the Division of Health & Welfare (DHW). Current funding for the program would be shifted from the Division of Vocational Rehabilitation to DHW, resulting in the transfer of three (3) FTP and \$3.51 million.

[SB 1330 – Naturopathic Doctors](#) Senate 14th Order for Amendment

This bill would establish a structure for voluntary licensure and regulation of licensed naturopathic doctors. This bill would also create the Idaho Board of Naturopathic Health Care.

Sponsor: Sen. Anthon (R-27)

[HB 631 – Prohibit State Government Mask Mandates](#) (46-24) Passed the House – Senate State Affairs Committee

Prevents government entities from mandating face coverings for containing and preventing infectious diseases. This applies to the State of Idaho, a political subdivision, or an officer of the state. Intends to replace HB 514.

Sponsor: Rep. Hanks (R-35)

[HB 632 – Human Right’s Protection – Obtaining Medical Services](#) House Health & Welfare Committee

Adds new section relating to Human Rights that medical services appropriate cannot be denied to a person’s condition, disease, or injury based on the Covid-19 infection or the status of immunization.

Sponsor: Rep. Nichols (R-11)

[HB 644 – Peer Support Specialists, First Responders](#) House Judiciary, Rules, & Administration Committee

HB 644 would amend State Code to prohibit the disclosure of communications made during peer support counseling sessions for first responders and provide exceptions.

Sponsor: Rep. Syme (R-11)

[HB 658 – Non-disclosure Protections for Death Penalty](#) (38-30-2) Passed the House – Senate Judiciary & Rules

Provides legal protection for the disclosure for the entities and people who carry out an execution for the death penalty, and where the lethal injection drugs are disclosed. Also intends individuals from receiving discipline because of carrying out a death penalty. This bill replaces HB 633.

Sponsor: Rep. Chaney (R-10)



SB 1331 – Department of Health & Welfare FY 2022 Appropriations, Division of Medicaid (31-2-2) Passed the Senate – House Floor

This is a FY 2022 supplemental appropriation for the Division of Medicaid. It provides additional funds for contractually required, retrospective settlements, additional funds for held payments, and a rescission due to the impacts of the public health emergency.

Sponsors: Sen. Cook (R-30), Rep. Nash (D-16)

SB 1332 – Confidential Relations for Employees, Domestic or Sexual Violence Program Senate Floor

Conforms the state laws with federal law regarding protecting confidential communications between a client of a non-governmental domestic or sexual violence program and the staff and volunteers.

Sponsor: Sen. Wintrow (D-19)

HB 668 – Patient Visitation Rights House Health & Welfare Committee

Intends to allow in person access to residents in assisted living. The restrictions may only be placed if the same restrictions are placed on the staff to see a resident. An immediate family member may not be denied the right to see a resident based on vaccination status. This replaces HB 601.

Sponsor: Rep. Young (R-31)

HB 664 – Speech and Hearing Services House Floor

Would join an audiology and speech-language pathology interstate compact, allowing audiologist and speech-language pathologist to provide their services of practice and telehealth in any of the other compact states. The practitioner would need to qualify through passing a fingerprint-based background check to practice in other compact states. There are currently 15 compacted states and 10 more potential states currently. Replaces HB 602.

Sponsor: Rep. Bundy (R-23) and Sen. Riggs (R-3)

HB 661 – FY22 Supplemental Appropriations, DHW (40-28-2) Passed the House – Senate Finance Committee

This appropriation bill would supplement the divisions of Public Health, Medicaid, Psychiatric Hospitalization, and Independent Councils.

Sponsor: Rep. Nash (R-16).

SB 1346 – Medical Record Requests, Cap Senate Health & Welfare Committee

This bill would establish “a reasonable maximum charge” for a patient, or their representative, to obtain a copy of records from a physician or other health care service that is intended to prevent price gouging, but also provide an incentive for electronic download of records.

Sponsor: Sen. Ricks (R-34)

HB 681 – Care of Biological Products House Health & Welfare Committee

Repeals Chapter 15, Title 39 of Idaho Code “Care of Biological Products”. This is a trailer to HB 445, which was signed by the Governor as a means of tidying up this portion of Code.

Sponsor: Rep. Blanksma (R-23)



HB 688 – State-directed Opioid Settlement Fund House Health & Welfare Committee

This bill would amend an existing section in State Code that pertains to the State-directed Opioid Settlement Fund. The change suggested in this legislation is to add the Office of the Governor as one of the recipients, in addition to JFAC, for the Idaho Behavioral Health Council's annual recommendation presentation.

Sponsor: Rep. Troy (R-5)

HB 436 – Income Taxes Signed into Law

HB 443 – Creation of the Public School Health Insurance Fund Signed into Law

HB 450 – Unemployment Insurance Tax Rates Signed into Law

HB 445 – Care of Vaccines, Antitoxins, and Other Sera Signed into Law

HCR 029 – Intervention & Severe Emotional Trauma Adopted

Appropriations and Budgets

HB 661 – FY22 Supplemental Appropriations, DHW (40-28-2) Passed House – to the Senate

This appropriation bill would supplement the divisions of Public Health, Medicaid, Psychiatric Hospitalization, and Independent Councils.

Sponsor: Rep. Nash (D-16)

SB 1331 – Department of Health & Welfare FY 2022 Appropriations, Division of Medicaid (31-2-2) Passed Senate – to the House

This is a FY2022 supplemental appropriation for the Division of Medicaid. It provides additional funds for contractually-required, retrospective settlements, additional funds for held payments, and a rescission due to the impacts of the public health emergency.

Sponsors: Sen. Cook (R-30), Rep. Nash (D-16)

SB 1347 - Office of Species Conservation, FY23 Appropriation Senate Floor

15 FTP; \$1.69 million from the GF; \$15,000 from dedicated funds; \$18.06 in federal funds. The total appropriation request is for \$19,761,900, which would reflect an 34.8% increase over FY22. Some items included are: CEC, Sage Grouse Study, Salmon migration projects, travel for staff.

Sponsors: Sen. Cook (R-30), Sen. Nash (D-16)

SB 1349 – State Independent Living Council, FY23 Appropriation (19-0-1) JFAC - Senate Floor

4 FTP; \$2,300 benefits; \$800 inflation adjustments; \$20,400 CEC; and removing \$500 for statewide allocation. This \$685,600 appropriation request would reflect a 3.5% increase over the FY22 appropriation.

Sponsors: Sen. Cook (R-30), Rep. Bundy (R-23)



PERSI, FY23 - Vote: 17-1-2

36.6% increase from FY22's appropriation (\$9.14 million to \$12.49 million)

Motion By: Sen. Grow, Seconded By: Rep. Syme

Division of Human Resources, FY23 - Vote: 17-1-2

83.3% increase from FY22's appropriation (\$2.55 million to \$4.67 million)

Motion By: Sen. Cook, Seconded By: Rep. Syme

FY22 Supplemental, Medicaid Consultants - Vote: 16-3-1.

\$450,000 in one-time operating expenditures from the General Fund to procure a contract to study cost containment strategies for DHW's Division of Medicaid.

Motion by: Rep. Nash. Seconded by: Sen. Ward-Engelking.

Department of Insurance - Vote: 19-0-1

FY23 Appropriation, 71.50 FTP; \$9.89 million base; \$41,800 in benefit costs; \$54,000 for replacement items; \$17,100 removed for statewide cost allocation; and \$373,400 added for CEC. Total request of \$10.34 million, reflecting a 2.7% increase over their FY22 application.

Motion by: Sen Grow. Seconded by: Rep. Youngblood.

Department of Health & Welfare, Division of Welfare FY23 Appropriation. Vote: 17-2-1.

613.5 FTP; \$44.62 million from the General Fund; \$4.85 million from dedicated funds; and \$241.14 million from federal funds. This includes \$391,600 for benefit costs; a \$10,000 reduction for statewide cost allocation; and \$2.99 million for CEC. The total appropriation request is for \$290.61 million, which would reflect a 0.3% increase over the FY22 appropriation.

Motioned by: Sen. Riggs, Seconded by: Rep. Troy

Department of Health & Welfare, Public Health Services Division, FY22 Supplemental. Vote: 18-1-1.

This is a \$17.65 million request to expand laboratory capacity – this is a one-time request. All funding sources are federal grant programs.

Motioned by: Sen. Riggs, Seconded by: Rep. Troy

Department of Health & Welfare, Public Health Services Division, FY23 Appropriation. Vote: 17-2-1.

259.02 FTP; \$10.76 million from the General Fund; \$50.06 million from dedicated funds; and \$156.38 million from federal funds. This includes \$147,700 for benefit costs; \$77,500 for replacement items; remove \$4,600 for statewide cost allocation; and \$1.34 million for CEC. The total appropriation request is for \$217.20 million, which would reflect a 5.4% increase over the FY22 appropriation

Motioned by: Sen. Nash, Seconded by: Sen. Riggs

Department of Health & Welfare, Mental Health Services Division, FY22 Supplemental. Vote: 17-2-1.

This is a recommendation from the Governor for a \$15 million, one-time transfer from the General Fund to expand residential care facility availability for children and youth in Idaho to provide intensive treatment for children and their families. This funding would create a new psychiatric residential treatment facility.

Motioned by: Rep. Green, Seconded by: Sen. Van Orden



Department of Health & Welfare, Mental Health Services Division, FY23 Appropriation. Vote: 17-2-1.

305.23 FTP; \$37.63 million from the General Fund; \$582,400 from dedicated funds; and \$24.11 million from federal funds. This includes \$165,300 for benefit costs; removes \$8,300 for statewide cost allocation; and adds \$1.58 million for CEC. The total appropriation request is for \$62.32 million, which would reflect a 9.3% increase over the FY22 appropriation.

Motioned by: Rep. Nash, Seconded by: Sen. Van Orden

Department of Health & Welfare, Psychiatric Hospitalization, FY22 Supplemental. Vote: 19-0-1.

This is a \$1.84 million, one-time General Fund request from State Hospital North to demolish an 80-year-old maintenance facility and adjoining warehouse to construct new facilities.

Motioned by: Sen. Cook, Seconded by: Rep. Troy.

Department of Health & Welfare, Psychiatric Hospitalization, FY22 Supplemental. Vote: 19-0-1.

This is a \$2.73 million, one-time General Fund request from State Hospital South to demolish an existing warehouse and to construct a new facility.

Motioned by: Sen. Van Orden, Seconded by: Rep. Nash

Department of Health & Welfare, Psychiatric Hospitalization, FY23 Appropriation. Vote: 19-0-1.

467.18 FTP; \$17.11 million from the General Fund; \$23.42 million from dedicated funds; and \$11.49 million from federal funds. This includes \$276,000 for benefit costs; \$124,300 for replacement items; removes \$10,000 for statewide cost allocation; \$2,36 million for CEC; and provides for a net-zero fund shift for nondiscretionary adjustments, and a net-zero fund shift for endowment income funds. The total appropriation request is for \$52.03 million, which would reflect a 7% increase over the FY22 appropriation.

Motioned by: Sen. Cook, Seconded by: Rep. Amador

Department of Health & Welfare, Substance Abuse Treatment & Prevention, FY23 Appropriation. Vote: 19-0-1.

16 FTP; \$1.29 million from dedicated funds; and \$17.83 million from federal funds. The total appropriation request is for \$19.12 million, which would reflect a 24.2% decrease from the FY22 appropriation.

Motioned by: Sen. Van Orden, Seconded by: Rep. Nash

Rules

[HERE](#) is the link for the Index of all Proposed Rules seeking legislative approval. Committees in both the House and Senate are assigned rules to approve. As a reminder, if a rules docket pass either House or the Senate, they are set to go into effect but need to be enacted by legislation or executive order.

Rules Accepted:

[16-0000-2100](#) - Notice of Omnibus Rulemaking, Department of Health and Welfare (with the exception of chapter 16.03.09)

[16-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule), Department of Health and Welfare

[15-0100-2100](#) - Omnibus Rulemaking - Proposed Rule, Office of the Governor, Idaho Commission on Aging

[04-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule, Office of The Attorney General, Page 5-91

[34-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule, Secretary of State, Page 357-376

[34-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, Secretary of State Page 78-111



Benn Brocksome
&
ASSOCIATES

[38-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule, ID Dept. of Administration, Page 377-417
[38-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, Id Dept. of Administration, Page 112
[21-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule) - Pending Rule – Idaho Division of Veterans Services
[18-0000-2100F](#) Notice of Omnibus Rulemaking (Fee Rule) - Pending Rule – Department of Insurance
[18-0000-2100](#) Notice of Omnibus Rulemaking - Pending Rule – Department of Insurance
[18-0201-2101](#) Insurance Rates and Credit Rating (New Chapter) - Pending Rule
[18-0305-2101](#) Credit Life and Credit Disability Insurance (New Chapter) -Pending Rule
[18-0401-2101](#) Health Carrier External Review (New Chapter) - Pending Rule
[18-0402-2101](#) Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Pending Rule
[18-0407-2101](#) Restrictions on Discretionary Clauses in Health Insurance Contracts (New Chapter) - Pending Rule
[18-0410-2101](#) Medicare Supplement Insurance Standards (New Chapter) - Pending Rule
[18-0604-2101](#) Continuing Education (New Chapter) - Pending Rule
[09-0000-2100](#) Notice of Omnibus Rulemaking - Pending Rule – Department of Labor
[59-0000-2100](#) Notice of Omnibus Rulemaking - Pending Rule – Public Employees Retirement System of Idaho (PERSI)
[16-0000-2100](#) - Omnibus Rulemaking – Proposed Rule – Department of Health and Welfare
[16-0000-2100](#) - Section 16.03.09.772.01(c) Held in Committee – Department of Health and Welfare
[16-0000-2100F](#) - Omnibus Rulemaking (Fee Rule) - Proposed Rule – Department of Health and Welfare
[15-0200-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule – Office of the Governor Idaho Commission for the Blind and Visually Impaired
[18-0000-21000](#) - Notice of Omnibus Rulemaking - Amendment to Temporary Rule, p. 115; 18.01.01 - 18.08.01, pp. 119 - 346 – Department of Insurance
[18-0604-2101](#)- Continuing Education (New Chapter) - Proposed Rule, p. 400
[18-0402-2101](#) - Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule, p. 364
[15-0400-2100](#) – Notice of Omnibus Rulemaking – Pending Rule – Idaho Division of Human Resources
[15-0100-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule – Idaho Commission of Aging
[15-0200-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule – Commission for the Blind and Visually Impaired
[16-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule – Department of Health and Welfare
[24-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule – Division of Occupational and Professional Licenses
[24-0000-2100F](#) - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule – Division of Occupational and Professional Licenses
[34-0000-2100](#) - Omnibus Rules Review - Office of Secretary of State
[34-0000-2100F](#) - 2022 Pending Fee Rules - Secretary of State Office
[38-0000-2100](#) - Proposed Omnibus Rules - Idaho Dept. of Administration
[38-0000-2100F](#) - Fee Rules review - Idaho Dept. of Administration
[15-0400-2100](#) - Notice of Omnibus Rulemaking - Pending Rule – Division of Human Resources
[16-0000-2100](#) - Notice of Omnibus Rulemaking - Proposed Rule – Department of Health & Welfare
- Exception of 16.03.09.772.01C, 16.03.21.101.04.Q, and 16.03.21.302.01 A-E, and 16.03.21.101.047



Appointments

- **Brett Thomas's appointment to the Idaho Health Insurance Exchange Board was confirmed on [Feb 10th, 2022](#).**
- Margaret Henbest's reappointed to the Idaho Health Insurance Exchange Board was confirmed on Feb. 24th, 2022.
- Jerry Edgington was re-appointed as a member of the Idaho Health Insurance Exchange Board
- Janice Fulkerson's re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Kevin Settles' re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Margaret Henbest's reappointed to the Idaho Health Insurance Exchange Board was confirmed on Feb. 24th, 2022.
- Mike Matthews of Declo, Idaho, was reappointed to the Commission of Pardons and Parole
- Anna Jane Dressen was appointed to the Commission of Pardons and Parole
- Lori Wolff was appointed as the Administrator of the Division of Human Resources
- Karan Tucker's appointment to the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Gregory Donaca's appointment to the Idaho Health Insurance Exchange Board was confirmed on Feb 14th, 2022.
- Hyatt Erstad's appointment for the Idaho Health Insurance Exchange Board was confirmed on Feb 16th, 2022.
- Peter Sorenson's appointment for the Idaho Health Insurance Exchange Board was confirmed on Feb 16th, 2022.
- Stephen Weeg's appointment for the Idaho Health Insurance Exchange Board was confirmed on Feb 17th, 2022.