



Week 8 Idaho Legislative Update for February 28 – March 4, 2022

The eighth week of the Sixty-Sixth Idaho Legislature's Second Regular Session brought with it the start of the third, and hopefully final, month of the session. Committees continued working hard to get bills sent to the Floor and on their way across the rotunda ahead of the looming transmittal deadline. We also saw a series of bills debated in contested, lengthy floor sessions and committee hearings, many more new bills get introduced, and even a chance to celebrate Idaho Day and former Gov. Phil Batt's Birthday. With the candidate filing period now open, and billions of dollars in appropriations now being debated before the end of session, the Idaho Legislature is now at full speed and hoping the wheels do not come off before they are done working to finish the session.

This week also brought the introduction of the long awaited and much talked about property tax cut and sales tax increase bill. The bill was introduced in the House Revenue and Taxation Committee in a print hearing Friday where the massive 41-page bill was discussed and questioned for over 30 minutes – this is a process that traditionally takes only a few moments. As policymakers grapple with collywobbles over the concepts presented in the bill, they are also now faced with reading, understanding, and deciding to agree with or oppose the longest bill of the session with only a few days' notice. The many provisions of the bill were discussed generally but all the moving parts left the committee confused, concerned, and left facing a tight deadline to get the bill to the Senate ahead of the transmittal date next week if they agree. This could result in a full hearing early next week on the largest and most sweeping piece of tax policy in generations.

Several social issues, COVID-19, and dozens of election related bills have also been working through the process. Often these bills, in addition to other hotly contested policies about education, healthcare, transportation, taxes, and the proper role of government create lengthy committee hearings and even longer floor debates. This can cause fatigue and create friction between otherwise friendly legislators. Conflicts like this are a natural product of the legislative process but also creates challenges for working with policymakers who are now in fighting with each other on multiple issues. It becomes an emotional, and at times personal, process that can quickly turn an otherwise simple policy into a hostage to be bartered for votes on another.

On Thursday, Governor Brad Little held the "[Operation Esto Perpetua](#)" press conference – the press release can be found [here](#). "Operation Esto Perpetua" was kicked off as the response to the growing fentanyl and meth problem in Idaho. There has been a large increase in the availability of these dangerous substances at a low cost. Governor Little noted he wants to make Idaho the least desired state for drug trafficking to occur. The operation will include a Law Enforcement Panel with several representatives of the law enforcement in Idaho. A Citizens Action Group on Fentanyl has also been formed. This operation aims to increase enforcement and take multi-solution approach to prevention. To do all this, Governor Little is requesting a one-time, \$250,000 appropriation from the General Fund. The Governor urged citizens to share their thoughts and stories with the panels and with his office.

Despite the drama, politics, and personalities, many good policies have worked their way through the process and been signed into law by the Governor. Appropriations are moving fast out of JFAC and working through the floor process. One example of this is the massive transportation supplemental with a price tag of \$210 million. This bill passed the Senate unanimously and now heads to the House.

As we push towards the end of the session, we still have several weeks to finish our work. The days get even longer and more challenging. The efforts of the last year come to fruition and the fatigue sets in, but we remain committed and vigilant as we serve you. We will continue to work hard through the rest of session and again want to thank you for your trust in us.

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](#).



Policies, Appropriations and Rules Updates:

Policies

HB 611 – Reinsurance, Claims (66-0-4) Passed the House – Senate Commerce & Human Resources Committee

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 – Senate Commerce & Human Resources Committee

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)

HB 728 – PERSI, Russian Assets House State Affairs Committee

This bill is to ensure Russian currency and government bonds within PERSI are sold, dispersed, or traded. PERSI will be required to publicly disclose of all Russian investments that any company has. The bill will sunset March 1, 2023.

Sponsor: Rep. Gannon (D-17) and Rep. Skaug (R-12)

SB 1350 – Hospital Assessment Fund House Health & Welfare Committee – Held in 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 FY24.

SCR 120 - Rejection of Health & Welfare Rules Passed the House (Voice Vote) – House 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)

SB 1353 – Essential Caregiver Senate Floor

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)

HCR 40 – State of Disaster Emergency Ending House Floor

This concurrent resolution is to end to the current state of disaster emergency that has been ongoing to the past two years. It states the State of Emergency is no longer needed and this will bring it to an end.

Sponsor: Rep. Scott (R-1) and Rep. Christensen (R-32)

HB 446 – Controlled Substance, Nabiximols To the Governor

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 Passed the House (Voice Vote) – Senate Health & Welfare Committee

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 To the Governor

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 1368 – Occupational Licensing Reform Act, Language Clean-up Senate Commerce & Human Resources Committee

This bill would update all Idaho Division of Occupational and Professional Licensing boards and commission statute references in alignment with Idaho Code § 67, Chapter

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. Thayne (R-8)

HB 718 – Out-of-State Medical Students, Return to Idaho House Education Committee

This legislation would require Idaho students who enroll in WWAMI Regional Medical Program or the University of Utah School of Medicine to sign a contract with the State Board of Education stipulating that the student will repay monies paid for their education from public funds, unless the student is actively engaged in professional practice in Idaho for four years.

Sponsor: Rep. Moyle (R-14)

HB 712 – Crisis Standards of Care Act House Health & Welfare Committee

Intends to give the responsibility to the Department of Health & Welfare of limiting the time that Idaho is operating in crisis standards of care (CSC). The department will also need to develop long term strategies to reasonably prepare for future healthcare surges. A facility and the department will both be required to create a report of the steps that will be taken to limit the time on CSC.

Sponsor: Rep. Blanksma (R-23)

SB 1239 – Legislative Session Uniformity Senate Floor

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 Floor

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 to this language.

Sponsor: Sen. Riggs (R-3)

[SB 1245 – Board of Pharmacy Definitions \(34-0-1\)](#) Passed the Senate – House Floor

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 sections. 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 Floor

SB 1246 is 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 – Senate Floor

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 Floor

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 Floor

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 Floor

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)

HB 713 – State and Local Taxes, Businesses House Floor

Like HB510, this bill also makes the election available to more taxpayers by including fiscal year taxpayers and ABEs with owners that are trusts or estates. It differs from HB510 in that it allows tiered pass-through entities (entities in which other pass-through entities are owners) to use the election. It also clarifies language used in HB510 that allowed ABEs with owners who do not have Idaho income tax liability to qualify for the election without charging those members a tax they do not owe. Finally, it eliminates the unintended multiple imposition of the permanent building fund excise tax erroneously caused by HB510, so a taxpayer pays it only once.

Sponsor: Rep. Addis (R-4)

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 Floor

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 719 – Vaccine Mandates, Religious Exemption (54-15-1) Passed the House – Senate 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. This intends to replace HB 577.

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 (65-3-2) Passed the House – Senate Commerce & Human Resources Committee

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 701 – Idaho Workforce Housing Fund (37-31-2) Passed the House

By using \$50 million in ARPA funds, this legislation would create the Idaho Workforce Housing Fund, which would accept monies as appropriated by the legislature and be used to provide gap financing for workforce housing development. This intends to replace HB 592.

Sponsor: Rep. Blanksma (R-23)

HB 698 – Worker's Compensation, COVID-19 House Commerce & Human Resources Committee

This legislation specifies that injuries arising from employer mandated vaccinations shall be compensable under the Idaho Workers Compensation laws. This intends to replace HB 593.

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



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 708 – Medical Information, Employers (54-14-2) Passed the House – Senate Health & Welfare 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. This intends to replace HB 604.

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 (33-0-2) Passed the Senate – House Health & Welfare Committee

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 (25-7-3) Passed the Senate – House Health & Welfare Committee

Clarifies DOPL authority to permit psychological extenders

Sponsor: Sen. Harris (R-32).

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 (28-6-1) Passed the Senate – House State Affairs Committee

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 1358 – Fetal Heartbeat, Preborn Child Protection Act (28-6-1) Passed the Senate – House State Affairs Committee

Amends SB 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. This intends to replace SB 1343.

Sponsor: Sen. Lodge (R-11)

HCR 19 – Abortion Resolution to US Supreme Court House State Affairs Committee

This resolution is to send a message to the Supreme Court before a decision is made on the recent abortion bans. It states that the authority of protecting all life should be a state matter and the Court should recognize this.

Sponsor: Rep Scott (R-1)

SB 1305 – Psychology Interjurisdictional Compact (22-11-2) Passed the Senate – House Health & Welfare Committee

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.

Sponsor: Sen. Harris (R-32).

SB 1327 – Civil Commitment, Idaho Behavioral Health Council (33-0-2) Passed the Senate – House Health & Welfare Committee

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.

Sponsor: Sen. Riggs (R-3).

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 14th Order for Amendment

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 Held in 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 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 Held in 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 1330aa – Naturopathic Doctors (32-1-2) Passed the Senate

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 699 – Peer Support Counseling, First Responders House Floor

HB 699 would amend existing State Code by adding meetings with peer support specialists to the list of confidential relations and communications for first responders. This intends to replace HB 644.

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 1332 – Confidential Relations for Employees, Domestic or Sexual Violence Program (29-4-2) Passed the Senate - House Judiciary, Rules, & Administration Committee

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 (43-24-3) Passed the House – Senate Health & Welfare Committee

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)

SB 1346 – Medical Record Requests, Cap Sent to the 14th Order for Amendment

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 (66-0-4) Passed the House – Senate 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)

SB 1356 – Extend Employment Services Held in Senate Health & Welfare Committee

SB 1356 would codify employment services from Idaho Division of Vocational Rehabilitation to the Division of Medicaid. This is a state supported employment and vocational training service and aims to ensure full access to the vocational services Idahoans with significant disabilities.

Sponsor: Sen. Cook (R-30)

HB 688 – State-directed Opioid Settlement Fund House Floor

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 731 – Dyslexia, Early Intervention House Education Committee

This legislation spells out requirements to screen students for dyslexia identification and for professional development of educational staff.

Sponsors: Sen. Crabtree (R-7), Rep. Boyle (R-9)

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

HB 444 - Extending Sunset of Coronavirus Limited Immunity Act Signed into Law

Appropriations and Budgets

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

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 To the Governor

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 1347 - Office of Species Conservation, FY23 Appropriation (32-2-1) Passed the Senate – House 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 - (33-0-2) Passed the Senate – House 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)



HB 724 – Public Employee Retirement System of Idaho (PERSI), FY23 Appropriation. (17-1-2) JFAC

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

Sponsors: Rep. Syme (R-11), Sen. Grow (R-14)

HB 710 – Division of Human Resources, FY22 Supplemental Appropriation (17-1-2) JFAC - House Floor

HB 710, if passed, would authorize a \$218,600 supplemental appropriation to the Division of Human Resources for five (5) additional FTP.

Sponsors: Rep. Troy (R-5), Sen. Cook (R-30)

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.

HB 722 – Department of Insurance, FY23 Appropriation (19-0-1) JFAC – (65-0-5) Passed the House – Senate Floor

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.

Sponsors: Rep. Youngblood (R-12), Sen. Grow (R-14)

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

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

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

Sponsor: Rep. Nash (R-16).

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

DHW - Service Integration Child Welfare, FY23 Appropriation. Vote: 17-0-3.

\$6.19 million base; 35 FTP; add \$22,000 for benefit costs; \$168,100 for CEC; and removing \$600 for statewide cost allocation. The total FY23 appropriation request is for \$6.39 million, which would reflect a 3.1% increase over the FY22 appropriation.

Sponsors: Sen. Van Orden (R-31), Rep. Amador (R-4)



DHW - Child Welfare - FY 2023 Original. Vote: 18-0-2.

\$81.05 million base; 434.80 FTP; adding \$248,900 for benefit costs; \$2.11 million for CEC; and removing \$11,400 for statewide cost allocation. The total FY23 appropriation request is for \$96.64 million, which would reflect a 17% increase over the FY22 appropriation.

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

DHW - SWITC Remodel, FY22 Supplemental. Vote: 15-4-1.

This is a \$13.15 million, one-time transfer request from the General Fund for a remodel project at the Southwest Idaho Treatment Center.

Sponsors: Rep. Amador (R-4), Sen. Van Orden (R-31)

DHW - SWITC Recruitment and Retention, FY22 Supplemental. Vote: 19-0-1.

DHW is requesting \$65,000 in one-time dollars for personnel costs to aid recruitment and retention efforts at the Southwest Idaho Treatment Center - the targeted groups are psychiatric technicians, nurses, and clinical and professional staff.

Sponsors: Sen. Cook (R-30), Rep. Amador (R-4)

DHW - Services for the Developmentally Disabled, FY23 Appropriation. Vote: 19-0-1.

\$32.65 million base; 303.71 FTP; adding \$167,100 for benefit costs; \$1.49 million for CEC; and removing \$9,400 for statewide cost allocation. The total FY23 appropriation request is for \$36.38 million, which would reflect a 10.1% increase over the FY22 appropriation.

Sponsors: Sen. Lent (R-33), Rep. Amador (R-4)

DHW - Licensing and Certification, FY23 Appropriation. Vote: 18-0-2.

\$7.75 million base; 71.90 FTP; adding \$41,100 for benefit costs; \$389,300 for CEC; and removing \$400 for statewide cost allocation. The total FY23 appropriation request is for \$8.18 million, which would reflect a 5.5% increase over the FY22 appropriation.

Sponsors: Sen. Lent (R-33), Rep. Nash (D-16)

DHW - Division of Medicaid - MMIS Development, FY22 Supplemental. Vote: 18-0-2.

This FY22 supplemental appropriation request is for \$1.2 million in one-time funds to develop a modernized data processing system, replacing their old one, called a "Medicaid Management Information System" (MMIS). \$1.08 million of that total would come from federal funds, with the remainder coming from the General Fund.

Sponsors: Sen. Cook (R-30), Rep. Amador (R-4)

DHW - Division of Medicaid - Managed Care Provider Enrollment, FY22 Supplemental. Vote: 16-2-2.

The FY22 supplemental appropriation request is for \$2.29 million to get in compliance with CMS rules for Medicaid Management Information System (MMIS) enrollment processes for providers. \$2.06 million would be coming from federal funds and the remainder from the General Fund.

Sponsors: Sen. Cook (R-30), Rep. Amador (R-4)



DHW - Division of Medicaid, FY23 Appropriation. Vote: 16-2-2.

\$3.64 Billion base; 213 FTP; adding \$115,200 for benefit costs; \$1.12 million for CEC; \$126.36 million for nondiscretionary adjustments; and removing \$2,100 for statewide cost allocation. The total FY23 appropriation request is for \$4.04 Billion, which would reflect 6.6% increase over the FY22 appropriation.

Sponsors: Rep. Amador (R-4), Sen. Van Orden (R-31)

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
[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's re-appointed as a member of the Idaho Health Insurance Exchange Board was confirmed on Mar 3rd, 2022.
- 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.
- 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.