

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 555

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO OVERSIGHT OF FEDERAL HEALTH CARE REFORM; AMENDING CHAPTER 90,
2 TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-9005, IDAHO
3 CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE OVERSIGHT OF FEDERAL
4 HEALTH CARE REFORM AND TO DEFINE A TERM; AMENDING SECTION 67-456, IDAHO
5 CODE, TO REVISE THE NAME OF A CERTAIN COMMITTEE, TO REVISE PROVISIONS
6 RELATING TO MEETINGS OF THE SPECIAL OVERSIGHT COMMITTEE ON HEALTH CARE
7 REFORM, TO REVISE THE DUTIES OF SUCH COMMITTEE AND TO REQUIRE CERTAIN
8 REPORTS; AND DECLARING AN EMERGENCY.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Chapter 90, Title 39, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 39-9005, Idaho Code, and to read as follows:

14 39-9005. LEGISLATIVE FINDINGS -- OVERSIGHT OF FEDERAL HEALTH CARE RE-
15 FORM. (1) The legislature finds that:

16 (a) The state has embarked on a rigorous process of implementing a
17 strategic plan for health care reform pursuant to the recommendations
18 of the governor's select committee on health care;

19 (b) The state should adopt free-market reforms to address Idaho's
20 unique circumstances, provide affordable, accessible, quality care and
21 minimize federal interference;

22 (c) Idaho is a leader in the nation for health care reform that in-
23 cludes:

24 (i) Enrolling all children currently eligible for medicaid or the
25 children's health insurance program (CHIP);

26 (ii) Creating a high insurance risk pool;

27 (iii) Expanding medical residency and other educational opportu-
28 nities for health care professionals;

29 (iv) Developing primary care medical homes;

30 (v) Developing and using health data to control costs and qual-
31 ity; and

32 (vi) Improving health through better managed care; and

33 (d) The federal patient protection and affordable care act of 2009, P.
34 L. 111-148, as amended by the health care and education reconciliation
35 act of 2010, P. L. 111-152 (collectively referred to as PPACA):

36 (i) Infringes on state powers;

37 (ii) Imposes a uniform solution to a problem that requires differ-
38 ent responses in different states;

39 (iii) Threatens the progress Idaho has made towards health care
40 system reform; and

41 (iv) Infringes on the rights of citizens of this state to provide
42 for their own health care by:

- 1 1. Requiring a person to enroll in a third party payment sys-
 2 tem;
 3 2. Imposing fines on a person who chooses to pay directly for
 4 health care rather than using a third party payer;
 5 3. Imposing fines on an employer that does not meet federal
 6 standards for providing health care benefits for employees;
 7 and
 8 4. Threatening private health care systems with competing
 9 government supported health care systems.

10 (2) Prior to implementing any portion of federal health care reform
 11 that is passed by the United States congress after March 1, 2010, an Idaho de-
 12 partment or agency shall report to the special oversight committee on health
 13 care reform established in section 67-456, Idaho Code. Such report shall
 14 include, at minimum, the following information:

- 15 (a) The specific federal statute or regulation that requires the state
 16 to implement a federal reform provision;
 17 (b) Whether the reform provision has any state waiver or options;
 18 (c) What the reform provision requires the state to do and how it would
 19 be implemented;
 20 (d) Who in the state will be impacted by adopting the federal reform
 21 provision or not adopting the federal reform provision;
 22 (e) The cost to the state or citizens of the state to implement the fed-
 23 eral reform provision; and
 24 (f) The consequences to the state if the state does not comply with the
 25 federal reform provision.

26 (3) Notwithstanding any recommendation of the special oversight com-
 27 mittee on health care relating to the implementation of federal health
 28 care reform, the legislature may pass legislation specifically authorizing
 29 or prohibiting the state's compliance with, or participation in, federal
 30 health care reform subject to the limitations of the United States and Idaho
 31 constitutions.

32 (4) For purposes of this section, "federal health care reform" means
 33 federal legislation or federal regulation that:

- 34 (a) Mandates an individual to purchase health insurance;
 35 (b) Mandates a small employer to provide health insurance coverage for
 36 employees;
 37 (c) Imposes penalties on small employers who do not provide health in-
 38 surance for their employees;
 39 (d) Expands the eligibility for the medicaid program or the children's
 40 health insurance program and passes the cost of that expansion to the
 41 state;
 42 (e) Creates new insurance coverage mandates; or
 43 (f) Creates a new government run, public insurance program.

44 SECTION 2. That Section 67-456, Idaho Code, be, and the same is hereby
 45 amended to read as follows:

46 67-456. SPECIAL OVERSIGHT COMMITTEE ON HEALTH CARE REFORM. (1) In or-
 47 der to maintain a degree of continuous oversight of ~~rural and urban~~ health
 48 care issues, there is hereby established a special legislative oversight
 49 committee on health care reform. The committee shall consist of five (5)

1 members of the senate, three (3) from the majority party appointed by the
2 president pro tempore, and two (2) from the minority party appointed by the
3 minority leader and five (5) members of the house of representatives, three
4 (3) from the majority party appointed by the speaker of the house, and two
5 (2) from the minority party appointed by the minority leader. The president
6 pro tempore of the senate and the speaker of the house shall each appoint a
7 co-chairman from among the appointed members. Appointments to the committee
8 shall be for the term of office of the member appointed. If a vacancy occurs
9 or exists, it shall be filled in a manner consistent with the appointment
10 procedure set out in this section; except the appointment shall be for the
11 remainder of the unexpired term. A committee member may be reappointed to
12 the committee. The co-chairmen shall have authority to appoint ad hoc mem-
13 bers of the general public for special projects and issues.

14 ~~The committee shall have as a primary duty and responsibility the task~~
15 ~~of monitoring and reviewing all aspects of the health care delivery sys-~~
16 ~~tem in Idaho, including without limitation, delivery of rural health care~~
17 ~~services, organization of the state department of health and welfare, the~~
18 ~~health districts, health maintenance organizations, laws relating to the~~
19 ~~licensing of hospitals, nursing homes and other health care providers, and~~
20 ~~the federal programs involving or relating to health care services.~~

21 ~~The director of the department of health and welfare shall provide all~~
22 ~~necessary staff support and services to the committee.~~

23 ~~The committee shall report to the president pro tempore of the senate~~
24 ~~and the speaker of the house by not later than February 1 of each year on all~~
25 ~~matters that have come to its attention, and may report and make recommenda-~~
26 ~~tions on any aspect of the health care delivery system in this state at any~~
27 ~~time.~~

28 ~~Members of the committee shall be compensated from the legislative ac-~~
29 ~~count on order of the president pro tempore of the senate or the speaker of~~
30 ~~the house at the rates applicable for committee members of the legislative~~
31 ~~council. The committee may meet not more than six (6) times in any calendar~~
32 ~~year as necessary during the fiscal year at the call of the chair, subject~~
33 ~~to approval of the president pro tempore of the senate and the speaker of the~~
34 ~~house.~~

35 ~~The special committee shall cease to exist following its report to the~~
36 ~~Second Regular Session of the Fifty-third Idaho Legislature in 1995.~~

37 (2) The committee shall provide legislative oversight, policy direc-
38 tion and recommendations for legislation with respect to the compliance with
39 and implementation of any federal health care initiative, law or regulation
40 including, but not limited to, the patient protection and affordable care
41 act of 2009, P. L. 111-148, as amended by the health care and education rec-
42 onciliation act of 2010, P. L. 111-152, (collectively referred to as PPACA)
43 as it determines appropriate. The committee may also review existing rules
44 and policies adopted pursuant to a federal health care initiative, law or
45 regulation including, but not limited to, the PPACA and may recommend to the
46 germane committees of the legislature the repeal of such rules and policies.
47 The committee shall make recommendations to the germane committees of the
48 legislature relating to the implementation of federal health care reform, as
49 provided in section 39-9005, Idaho Code.

1 (3) The director of the department of insurance and the director of the
2 department of health and welfare shall make periodic reports as requested by
3 the oversight committee regarding the provisions of any federal health care
4 initiative, law or regulation including, but not limited to, the PPACA, that
5 have taken legal effect, or that may take legal effect, in Idaho.

6 SECTION 3. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after its
8 passage and approval.