

IN THE SENATE

SENATE BILL NO. 1355

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO STANDARD OF MEDICAL CARE; AMENDING CHAPTER 10, TITLE 6, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 6-1014, IDAHO CODE, TO PROVIDE
3 THAT METRICS ESTABLISHED BY THE FEDERAL GOVERNMENT UNDER THE AFFORDABLE
4 CARE ACT AND BY INSURERS DO NOT ESTABLISH THE STANDARD OF MEDICAL CARE IN
5 IDAHO AND TO DEFINE TERMS.
6

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

8 SECTION 1. That Chapter 10, Title 6, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 6-1014, Idaho Code, and to read as follows:

11 6-1014. PATIENT PROTECTION AND AFFORDABLE CARE ACT AND OTHER MET-
12 RICS NOT USED TO ESTABLISH COMMUNITY STANDARD. (1) In determining whether
13 a health care practitioner has met a standard of care under this chapter or
14 under any other Idaho statute, no criteria, guideline, standard or other
15 metric established or imposed by the patient protection and affordable
16 care act (PPACA), P.L. 111-148, by any other law or regulation of the United
17 States or any entity or agency thereof, by another state or by a third party
18 payor, shall be used as a basis for establishing an applicable community
19 standard of care. The fact that a health care practitioner has met or failed
20 to meet any such criteria, guideline, standard or other metric shall not
21 be admissible or considered by a finder of fact in any proceeding or other
22 action concerning a determination of liability of a health care practitioner
23 to a patient or other party seeking damages on account of an injury to a pa-
24 tient or in any proceeding or other action of a state licensing or regulatory
25 authority imposing professional discipline for failure of a health care
26 practitioner to meet the applicable standard of care.

27 (2) Notwithstanding the provisions of subsection (1) of this section,
28 nothing in this section shall prevent the consideration of facts that estab-
29 lish compliance or lack of compliance with a community standard of care, so
30 long as the facts considered do not include reference to any criteria, guide-
31 line, standard or other metric imposed by the PPACA, by any other law or regu-
32 lation of the United States or any entity or agency thereof, by another state
33 or by a third party payor.

34 (3) For the purposes of this section, the following definitions shall
35 apply:

36 (a) "Health care practitioner" means a person licensed, registered or
37 otherwise authorized under title 54, Idaho Code, to provide services
38 relating to the prevention, cure or treatment of illness, injury or dis-
39 ease.

40 (b) "Third party payor" means any entity subject to the jurisdiction
41 of the department of insurance under title 41, Idaho Code, and also
42 includes any federal, state or local government entity and its contrac-

1 tors making payments or administering any plan or program paying for
2 health care services.