

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, February 20, 2024

**TIME:** 3:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chair VanOrden, Senators Harris, Bjerke, Zuiderveld, Wintrow, and Taylor

**ABSENT/ EXCUSED:** Senator Lee

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chair VanOrden** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:00 p.m.

**NOTE:** Chair VanOrden reordered the agenda and brought **H 435** to the beginning of the agenda.

**H 435** **UNIFORM CONTROLLED SUBSTANCES - Amends existing law to revise provisions regarding controlled substances.** **Nicki Chopski**, Bureau Chief, Health Professions, Department of Health & Welfare (DHW) presented this legislation that moved six substances to Schedule 1. The legislation also included several edits to language.

**DISCUSSION:** **Senator Wintrow** asked if this legislation was simply to make sure that all drugs were in their proper categories. **Ms. Chopski** stated that it was.

**MOTION:** **Senator Wintrow** moved to send **H 435** to the floor with a **do pass recommendation**. **Senator Taylor** seconded the motion. The motion carried by **voice vote**.

**S 1351** **MEDICAL RECORDS - Amends existing law to allow for disclosure of deidentified health records for research and statistical purposes.** **Senator Carlson** stated that this legislation would provide Idaho citizens under a non-disclosure agreement (NDA) access to public health records. These records did not provide any personally identifiable information. It would aid in the clean up of Idaho's voting records, identify trends in fatal diseases, identify statistical trends in drug use and overdose deaths, and identify statistical vaccine data. This legislation was similar to H 694 that passed in 2022 which allowed the US Department of Health and Welfare's monthly deceased voter reports to become public record. **S 1351** provided transparency to Idaho citizens who were denied access to this information.

**DISCUSSION:** In response to Committee questions, **Senator Carlson** stated that this data was currently available to government agencies, but not Idaho citizens.

**TESTIMONY:** **Joseph Gish** testified as the originator of this legislation and in support of it. He gave an in-depth overview of the privacy that this bill would provide through a NDA, while still making the information accessible to outside researchers.

**DISCUSSION:** **Senator Taylor** asked Mr. Gish to clarify the relationship between voting records and public health records. **Mr. Gish** explained that the monthly deceased voters list was produced by the Department of Health and Welfare and how further research produced could be helpful to the citizens of Idaho. **Senator Bjerke** asked what the workload would be for the holders of the repository of information to provide information to a private researcher. **Mr. Gish** responded that there would be administrative overhead needed in order for this to be successful due to not wanting private information and date to be taken off the premises.

**MOTION:** **Senator Zuiderveld** moved to send **S 1351** to the floor with a **do pass recommendation**. **Senator Bjerke** seconded the motion.

**DISCUSSION:** **Senator Zuiderveld** explained that she felt this bill helped with research for health, elections, and accountability of the Department of Health and Welfare. **Senator Wintrow** stated general concern about people's private information being released.

**VOICE VOTE:** The motion to send **S 1351** to the floor with a **do pass recommendation** carried by **voice vote**.

**S 1352** **COUNSELORS AND THERAPISTS - Adds to existing law to provide that a counselor or therapist practicing in Idaho shall not be required to counsel a client in support of goals, outcomes, or behaviors that conflict with the sincerely held religious, moral, or ethical principles of the counselor or therapist.** **Representative Young** presented this legislation and stated that it would ensure that Idaho counselors and therapists weren't penalized for declining to support goals, outcomes, and behaviors that directly violated their held principles. The Alliance Defending Freedom completed a survey of religious doctors, nurses, and other medical providers and found that nine out of ten of those individuals would rather stop practicing medicine than violate their own moral or religious beliefs. This legislation made it possible for mental health professionals to not have to choose between their career and their own held principles.

**Representative Young** addressed an issue that had been raised about referrals. She stated that a required referral, was forced participation. When the legislature provided conscience protections for medical providers related to abortion, they deliberately provided also a protection against having to provide a referral for those same services, because a required referral was forced participation in the activity, which was morally objectionable. She I believe that the same dignity and respect should be extended to our mental health professionals.

**DISCUSSION:** **Senator Wintrow** stated that she was concerned about what the referral process for a client looked like when a counselor turned a client away due to their held principles. **Representative Young** stated that this legislation looked at the desired goal, outcome, or behavior and if it was in conflict with their sincerely held principles. It did not mean that a counselor or therapist would turn away a client simply because they lived a certain way. It applied to what the therapist would have to encourage or support in continued therapy.

**TESTIMONY:** **Peggy McFarland; Jennifer Arzola; Kristi Hardy; Marcie Scarrow; Joy Huffman; Rebecca Carroll**, Rural Educational Services LLC; **Edith Ramos Hemmert; Lynn Laird; Hilber Nelson; Grace Howatt**. Idaho Family Policy Center; **Mark Hand**; and **Stephanie Alvarez** testified in support of **S 1352**.

Their comments included:

- It returned the rights of freedom of conscience to counselors that the ACA Code of Ethics took from them.
- This legislation would help protect health care providers and nurses as well as counselors.
- It would help therapists and counselors by keeping them from having to check their values and morals at the door before client sessions.
- It would help clients have a better chance of success by being referred to a therapist that would better suit them.
- It gave therapists and counselors the ability to be more genuine in their care of clients.

**Liz Hatter**, Idaho Counseling Association, and **Joseph Seiders** testified against **S 1352**.

Their comments included:

- The lack of reference to a client referral for continuity of care was concerning.
- This legislation was not equal protection for clients and violated the Code of Ethics to do no harm and improve the quality of life.

**MOTION:** **Senator Zuiderveld** moved to send **S 1352** to the floor with a **do pass recommendation**. **Senator Bjerke** seconded the motion.

**DISCUSSION:** **Senator Wintrow** expressed concern about this legislation. She stated that it was in direct opposition to the LGBTQ+ community. How did we help someone who might be in disagreement with our values? She also stated she did not understand why there could not be a referral to another counselor, based on some of the topics discussed in the meeting.

**Chair VanOrden** and **Senator Harris** reserved the right to change their vote on the floor.

**MOTION:** The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chair VanOrden** adjourned the meeting at 4:48 p.m.

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Senator VanOrden  
Chair

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Lena Amoah  
Secretary

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Madison Schrader  
Asst. Secretary