

MINUTES
Approved by the Committee
Occupational Licensing and Certification Laws Committee
Friday, November 20, 2020
2:30 P.M.
Room WW54 for viewing.
Boise, Idaho

Cochair Lakey called the meeting to order at 2:32 p.m.; a roll call was requested - all members/staff participated via video conference.

Members present: Cochair Senator Todd Lakey and Senators Fred Martin and Grant Burgoyne; Cochair Representative Gayann DeMordaunt and Representatives Julianne Young, Randy Armstrong, and Elaine Smith; LSO staff Make Drake, Christine Otto, and Jennifer Kish; Absent: Senator Lori Den Hartog.

NOTE: presentations and materials distributed to members are posted to the Idaho Legislature's website: <https://legislature.idaho.gov/sessioninfo/2020/interim>; and copies of those items are on file with the Legislative Services Office located in the State Capitol.

Cochair Lakey requested a motion to approve the minutes of the November 13, 2020, meeting. **Sen. Burgoyne moved to approve the minutes of the Nov. 13 meeting; motion was seconded by Rep. Smith; with the roll being called, the minutes were approved by a majority vote.**

At 2:36 p.m., Matt Drake, LSO Legislative Drafting Attorney, began discussion on [DRMDD075](#) *Licensure by Endorsement - Members of the Military, Veterans, and Spouses* by indicating the edits made within the draft language. There were no questions from the members on this draft. After a brief discussion as to whether the committee should move to accept legislation as presented, the committee noted that no public comment had yet been held on any of the draft legislation and also that the agenda had not provided for the committee to take action on any of the legislation.

At 2:43 p.m., Matt Drake reviewed the [Sunrise Review Application](#) and indicated the edits made since the last meeting. There were no questions from the members on this draft.

At 2:45 p.m., Matt Drake discussed [DRMDD076](#) *Occupational and Professional Licensure Review Committee* and indicated the edits made to the previous language.

- Cochair Lakey inquired about staffing needs and funding for such staffing of the review committee. Mr. Drake reported that Christine Otto, LSO Senior Budget and Policy Analyst, had researched that issue prior to the meeting and surmised that the staffing needs would be mostly administrative in nature. The review of the identified licensing entities would need to accommodate 14 reviews per year on the five-year rotation. He added that Eric Milstead, LSO Director, was aware of the inception of the review committee and possible staffing needs and was willing to discuss the issue with the cochairs before the next meeting. Sen. Burgoyne reported that the Legislative Council had appointed Rep. Horman and himself to work with Director Milstead to evaluate and better understand LSO's staffing needs for future support of the Legislature.
- Cochair DeMordaunt reported that she had contacted NCSL (National Conference of State Legislatures) and requested information from any studies about the economic impact of sunset and/or sunrise reviews performed in other states. She hoped to have that information before the next meeting.

At 2:54 p.m., Matt Drake reviewed [DRMDD082](#) *Treatment of Apprenticeship Programs for Licensing Purposes* and explained the edits made since the last meeting.

- Sen. Burgoyne reported that he had spoken with the Idaho AFL-CIO and remarked that there may be an issue with the definition of apprenticeship. Cochair DeMordaunt reported that some

of the edits Mr. Drake had made were in response to feedback from the Division of Building Safety and Career-Technical Education prior to the meeting. Cochair Lakey requested that Mr. Drake collaborate with Sen. Burgoyne on the AFL-CIO information and ensure that the responses from DBS and CTE were congruent with the draft language.

At 3:00 p.m., Matt Drake reviewed a [report](#) from Idaho Division of Occupational and Professional Licenses related to licensing and telehealth.

- Cochair Lakey noted that the opportunity for complaints from a telehealth visit were not as great as that of an in-person visit and inquired whether it was possible to compare the instances of care for each per each complaint. Mr. Drake responded that this data was more in relation to the number of licensees relevant to incidents. Cochair DeMordaunt commented that the data was very relevant to understanding the affect of telehealth; she surmised that the Department of Health and Welfare may be able to provide additional data sought by the committee to better understand telehealth's impact.
- Sen. Burgoyne reasserted his opinion that this draft language should begin under the purview of standing health and welfare committees and not this committee. He also shared portions of a letter received from a constituent who expressed concern about the telehealth draft language and possible unintended consequences.

At 3:22 p.m., Matt Drake discussed edits made to [DRMDD083](#) *Interstate Telehealth*.

- Sen. Martin was uncomfortable with the draft language, particularly because it provided opportunities for individuals who did not possess an Idaho license to practice telehealth. He noted that there were certain health professions that were not recognized to practice in the state per the recommendation of the standing health and welfare committees. He recognized that the licensing of such was within the purview of this committee. He would like to review the recommendations of the telehealth task force before weighing in on this proposed legislation.
- Sen. Burgoyne supported the committee's charge to remove barriers to licensing but felt this item needed more feedback. He also expressed concerns on the issue of jurisdiction for legislative proceedings of complaints.
- Rep. Smith agreed that this proposed legislation should be vetted by the standing health and welfare committees and that the occupational licensing committee should consider the language after that.
- Rep. Young commented that the language provided for the situation when an individual was not licensed in another state. She also felt there was appropriate legal authority for an individual who practiced illegally within Idaho. Rep. Young noted that it was very important for telehealth to be expanded due to the need for mental health care to individuals, especially during the isolation created by COVID quarantines and social distancing.
- Rep. Armstrong supported the draft language and encouraged the committee to do so also. He observed that the pandemic had forced many professions to find new ways to operate and it had opened new ways for individuals to address their health care needs.
- Sen. Martin noted that telehealth was a very important topic, especially in response to health care during the COVID quarantines. He reported that he was aware of multiple pieces of draft legislation related to telehealth already headed to the Senate Health and Welfare Committee.
- Sen. Burgoyne suggested that the committee make a recommendation for certain legislation to be considered by the standing committees, as well as a recommendation that others consider whether full-licensure was necessary to meet the needs for health care in Idaho. He observed that the pandemic was still affecting societal norms and that the committee needed to be cautious about putting language into statute.

With the next meeting planned for November 30, the meeting was adjourned at 4:08 p.m.