

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, February 18, 2020

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

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Martin, Vice Chair Souza, Senators Heider, Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson

**ABSENT/ EXCUSED:** None

**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:** **Chairman Martin** called to order the meeting of the Senate Health and Welfare Committee (Committee) at 3:10 p.m.

**MINUTES APPROVAL:** **Vice Chair Souza** moved to approve the Minutes of January 23, 2020. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**PAGE WELCOME:** **Chairman Martin** welcomed the Committee's new page, Lila Pulver, and asked her to introduce herself to the Committee and tell about her future plans. **Ms. Pulver** indicated she attends Boise High School and next year will attend Point Loma Nazarene University in San Diego to study international development. She enjoys baking and involvement in the Young Life youth group.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Nelson** moved to send the Gubernatorial reappointment of Kevin C. Boling to the Board of Environmental Quality to the floor with recommendation that he be confirmed by the Senate. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**. Vice Chair Souza will be the floor sponsor.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Heider** moved to send the Gubernatorial reappointment of Leonard "Nick" Purdy to the Board of Environmental Quality to the floor with recommendation that he be confirmed by the Senate. **Senator Jordan** seconded the motion. The motion carried by **voice vote**. Senator Heider will be the floor sponsor.

**H 392** **Emily McClure**, a lawyer and lobbyist representing the Idaho Medical Association, asked for the Committee's support of **H 392**. She explained that previously, the Legislature enacted Chapter 77, Title 39 of Idaho Code (1998) to limit civil liability for doctors, dentists, optometrists, physician assistants, and nurses who volunteer at free medical clinics. In 2018 this protection was extended to community health screening events. This legislation would extend this protection to other volunteer healthcare professionals and students in training. The liability would still only apply to civil actions, and the patient must be informed of the liability limitation and if the provider is a student in training. This bill would include additional professionals such as podiatrists, chiropractors, pharmacists, physical therapists, oncologists, speech-language pathologists; audiologists; social workers; counsellors; therapists; dieticians; occupational therapists, and respiratory therapists, but only to the extent that they are practicing within the scope of their practice. It would also apply to students in training in these professions, but only if under the direct supervision of a licensed professional and only if the patient is informed he or she is a student in training. This will also help students achieve their hours toward accreditation.

Idaho Code § 39-7703 describes the liability protection and does not extend to healthcare providers for any acts constituting intentional, willful, or grossly negligent conduct or acts of a healthcare provider that are outside the scope of practice authorized by the provider's license, certification, or registration. The volunteer healthcare provider and the patient must sign a waiver.

**DISCUSSION:** **Vice Chair Souza** commented on the need for this bill and thanked Ms. McClure for bringing it.

**MOTION:** **Senator Lee** moved to send **H 392** to the floor with a **do pass** recommendation. **Senator Bayer** seconded the motion. The motion carried by **voice vote**. Senator Lee will be the floor sponsor.

**S 1331** **Caroline Merritt**, representing the Idaho Association of Chiropractic Physicians, presented **S 1331**, which relates to chiropractic physicians. She introduced Dr. Tim Klena, Boise chiropractor. She said this bill amends Idaho Code § 57-704, which would allow a chiropractor certified in clinical nutrition to issue certain patient specific prescriptions. This bill also makes certain technical corrections and amends Idaho Code § 54-716, which would allow for approved vitamins or minerals to be obtained from a compounding pharmacy for use in the chiropractor's office. A 503(a) compounding pharmacy would be more cost effective than using a 503(b) outsourcing pharmacy. **Ms. Merritt** explained this bill does not expand the scope of practice or the list of products.

**DISCUSSION:** In response to Senator Heider's question about the process not having same day availability from order to delivery of the prescription vitamin or mineral compound, **Ms. Merritt** explained the ongoing nature of the doctor-patient relationship which would allow the doctor to know when the prescription would be needed and reiterated the patient specific use, so it could not be used for any other patient.

**Senator Nelson** and **Ms. Merritt** discussed the possibility of the cost being driven up by limiting to an Idaho licensed pharmacy, and the experiences of Idaho chiropractors being restricted without prescriptive authority. There are 35 outsourcing facilities in Idaho, but not all the pharmacies are willing to service chiropractors; in fact, there is only one in eastern Idaho that is willing to service Idaho chiropractors.

**Dr. Timothy J. Klena**, chiropractor and past president of the Chiropractic Association, stated he had been working on this legislation approximately five years. **S 1331** overcomes some of the limitations still facing chiropractors. **Chairman Martin** asked about the compounds and **Dr. Klena** explained that only those listed on the formulary are included: the B vitamin family, vitamin C, calcium, and others. The problem is attaining them at a cost effective basis.

In response to a question from Vice Chair Souza, **Dr. Klena** explained the difference between 503(a) and 503(b) pharmacies and how this bill affects them and chiropractors.

**Senator Heider** asked about license to compound. **Dr. Klena** explained the extra training required to use and administer the vitamin-mineral formulas, and only by those chiropractic physicians who have chosen to advance their studies in this area.

**MOTION:** **Vice Chair Souza** moved to send **S 1331** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion.

**DISCUSSION:** **Senator Heider** stated that he intends to vote in favor of the bill, but expressed concerns of misuse. **Vice Chair Souza** clarified that only chiropractors certified in clinical nutrition may prescribe and administer these formulas and the chiropractic physicians are not compounding them, only the pharmacies selected are compounding.

**VOICE VOTE:** The motion to send **S 1331** to the floor with a **do pass** recommendation passed by **voice vote**. Vice Chair Souza will be the floor sponsor.

**RS 27719** **Senator Lee** presented **RS 27719** and explained that this RS addresses a long-standing problem in our community. She is a member of the opioid task force and this RS requires prescribers of opioids to use the database pharmacists currently use as a way to look at who is using opioids and what they are using.

**MOTION:** **Chairman Martin** asked for unanimous consent to send **RS 27719** to the State Affairs Committee for a print hearing. There were no objections.

**PRESENTATION:** **Melinda Smyser**, Administrator of the Governor's Office of Drug Policy, reported on statistics of vaping, drug overdose deaths in Idaho, illicit drug use, and states that have legal retail or medical marijuana. She also gave an overview of substance use prevention grant programs and outcomes, the underage drinking prevention media campaign known as "Be the Parents," Millennium Fund Projects, and naloxone distribution. See attachment 1.

**DISCUSSION:** **Senator Lee** commended Ms. Smyser on what the task force is working on. It's one of the most functional work groups involving tribes, doctors' offices, facilities, and more. **Vice Chair Souza** commented on the bag that dissolves opioids and looks forward to seeing the bag handed out with each opioid prescription to encourage proper disposal of unused opioids.

**Ms. Smyser** closed her presentation adding that acute and chronic pain are included among their projects.

**ADJOURNED:** There being no further business at this time, **Chairman Martin** adjourned the Committee at 4:04 p.m.

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Senator Martin  
Chair

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Margo Miller  
Secretary

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Juanita Budell  
Assistant Secretary