

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Wednesday, March 02, 2022

**TIME:** 2:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Martin, Vice Chairman Riggs, Senators Heider, Lee, Harris, VanOrden (Bair), Zito, Stennett, and Wintrow

**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 Senate Health and Welfare Committee (Committee) at 2:30 p.m.

**Chairman Martin** informed the Committee there was a packet of testimony to pass around. He explained both bills would be presented and testified on and then the Committee could make motions.

**DISCUSSION:** **Senator Zito** asked for clarification on whether the two bills complemented each other, conflicted, or did separate things. **Chairman Martin** explained that was why they were being heard together in order to answer those questions and decide how to proceed.

**S 1329** **HEALTH AND WELFARE - Repeals and adds to existing law to establish the Extended Employment Services Program in the Department of Health and Welfare.** **Tracie Bent**, Chief Planning and Policy Officer, Idaho State Board of Education introduced herself to the Committee. She explained that Vocational Rehabilitation was governed by the Idaho Board of Education. The Extended Employment Services (EES) program was codified 2 years ago. **Ms. Bent** explained it was determined that the EES program should be under the Department of Health and Welfare (DHW). She explained along with the move to DHW that the stakeholders requested some changes. Ms. Bent outlined the following:

- Section 56-1701 Changes, additions, and deletions in the definition section page 1 through page 3 line 11
- Section 56-1702 Changed the word division to department page 3 lines 12-24
- Section 56-1703 Addition starting page 3 line 31 through page 5 line 21
- Section 56-1704 Addition starting page 5 line 30 through page 8 line 26
- Section 56-1705 Addition starting page 8 lines 33 through 43
- Section 56-1705 addition page 9 line 6 and 7

**DISCUSSION:** **Chairman Martin** asked what the source was for additions to § 56-1703 subsection 2-11. **Ms. Bent** responded they came from participants in the rulemaking process that wanted more of a framework and clarity on what the participants rights were and expectations for participation. **Senator Wintrow** asked why this additional information was so important to the participants. **Ms. Bent** stated the stakeholders emphasized the need to spell everything out in code, not just policy. **Chairman Martin** inquired about who participated. **Ms. Bent** responded they were individuals with disabilities who were participants in the program, providers of services to those individuals, and different advocacy groups. **Senator Lee** asked about page 9 line 1 relating to participants having their status revoked and if there was a due process in place. **Ms. Bent** responded yes, all due process had been retained.

**S 1356**

**EXTENDED EMPLOYMENT SERVICES PROGRAM - Repeals and adds to existing law to move the Extended Employment Services Program from the State Board of Education to the Department of Health and Welfare.** **Senator Kevin Cook** introduced himself to the Committee. He stated the reasons for the bill.

- The Governor's office proposed an initiative to streamline state agencies to eliminate red tape. To recognize the conflict that currently existed in the Idaho Division of Vocational Rehabilitations (VR) federal guidelines and the services offered through EES.
- This bill ensured that services remained intact and the legislative intent was not compromised. **S 1356** included the language from the current Idaho Code Title 33 Chapter 63. The intent was to amend the current statute to move EES to DHW's Division of Medicaid.
- The bill made one small change by removing restrictive language requiring those seeking services to go through the VR door to access EES.

**Senator Cook** stated providers and participants had been held accountable with a provider agreement and a guide that was published in 2019. He believed there was no need for it to be codified in statute. **S 1356** got rid of red tape and allowed Idahoans to make Idaho decisions and allowed those who were participating to do what was best for them.

**DISCUSSION:** In Response to Committee questions, **Senator Cook** provided the following answers:

- Full service meaning the person was given a job and DHW paid for the work.
- Page 1 line 24 changed the definition to define division as the division of medicaid.
- Page 2 removed section 2, DHW would be payor of last resort after all other sources were exhausted.
- This was an Idaho solution, trying to get rid of federal government overlay. Idaho would set the reimbursement amount.
- There would be no change in fiscal impact. VR was turning back millions of dollars every year. Money was already there so they were not asking for more, just using existing funds.

**Dave Jeppesen**, Director, Department of Health and Welfare introduced himself to the Committee. In response to Committee questions, **Mr. Jeppesen** provided the following answers:

- There were 2 EES programs. The first was community supported employment used when the person was not quite able to do job on their own and they got a person or other help to do the job. The program existed in Medicaid and EES. The 2nd program was work services which only existed in EES and there was not a parallel program in Medicaid.
- Removing payer of last resort likely meant that more participants would be looking for services through the General Fund Yes program. Either a waitlist would be generated or there would be a need for more general funds to cover the number of participants in that service.
- There was a \$13 per hour difference. The EES GF program paid \$13 per hour more than the Medicaid program.

**TESTIMONY IN OPPOSITION:**

The following testified in opposition to **S 1329**: McKayla Matlack, Development Workshop Inc.; Hannah Liedkie; and Terry Fredrickson. Issues and concerns included:

- Repeatedly enforced federal overlay that told people where they would work, who they would work next to and whether they would be paid more or less based on federal guidance
- Caused harm to people with significant disabilities
- Would put more barriers in place
- Poorly written legislation which went backwards and hampered people

**TESTIMONY IN FAVOR:**

The following testified in favor of **S 1329**: Emily Petersen; Christine Pisani, Idaho Council on Developmental Disabilities; and Lana Gonzales, self and Living Independent Network Corp. (LINC).

**TESTIMONY IN OPPOSITION:**

The following testified in opposition to **S 1356**: Christine Pisani, Idaho Council on Developmental Disabilities; Emily Petersen; and Lana Gonzales, self and Living Independent Network Corp. (LINC). Issues and concerns included:

- Did not have the voice of people who used the program only the providers
- Would inflate the budget, based on rate study it would double the EES budget
- Would make DHW the payer of first support
- Would be a waiting list and future budget requests
- Allowed the provider to be the referral source, employer, plan writer, and determine type and frequency of services
- Would not be long term employment support
- Fiscal note was inaccurate
- All accountability measures to recipient preferred over last 2 years had been omitted
- Too many requirements
- Would have to do new background checks every year
- Would require all individuals to use Idaho funds first, even if eligible for Medicaid

**TESTIMONY IN FAVOR:** The following testified in favor of **S 1356**: McKayla Matlack, Development Workshop Inc; Serrina Slay, A Team; Kelly Keele, Transitions, Inc.; Hannah Liedkie, Opportunities Unlimited, Inc.; Terry Fredrickson, New Day; Lori Gentillon, Development Workshop, Inc. and Member of ACCESS Idaho; and Mark McDonough.

**MOTION:** **Vice Chairman Riggs** moved to hold **S 1329** and **S 1356** in Committee subject to Call of the Chair. **Senator VanOrden** seconded the motion. The motion carried by **voice vote**. **Senator Wintrow** asked to be recorded as voting nay.

**ADJOURNED:** There being no further business at this time, **Chairman Martin** adjourned the meeting at 4:35 p.m.

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Senator Martin  
Chair

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Lena Amoah  
Secretary