

Minutes of the Joint Legislative Oversight Committee

January 18, 2024

Room EW42, Capitol, Boise, Idaho



Representative David M. Cannon, presiding cochair

Representative Cannon called the meeting to order at 4:00 p.m.

Committee members in attendance were Senators Melissa Wintrow (cochair), Dave Lent, James D. Ruchti, Representatives Ilana Rubel, Steve Berch, and Douglas T. Pickett. Also present were Rakesh Mohan, Director, Office of Performance Evaluations; the Office of Performance Evaluations (OPE) staff; and Dean Cameron, Interim Director, Idaho Department of Health and Welfare.

Audience members in attendance included the following: Christine Pisani, Elke Shaw-Tulloch, Niki Forbing-Orr, Tiffany Robb, Jack Miller, and David Lehman.

Approval of minutes from September 22, 2023

Representative Pickett moved to approve the minutes from September 22, 2023. Senator Ruchti seconded the motion, and it passed by unanimous voice vote without debate.

Follow-up report presentation: *State Response to Alzheimer's Disease and Related Dementias*

Mackenzie Moss, senior evaluator, presented the follow-up report. The Alzheimer's Disease and Related Dementias program and alliance have improved collaboration among dementia partners and created a state plan. The Legislature developed mechanisms for ongoing accountability by statutorily requiring regular updates from the dementia program. This completes OPE's recommendations for a dementia coordinator and system-wide oversight entity.

Representative Cannon asked if the state funding for the program was one-time funding or annual. Mackenzie answered that the funding is annual. Representative Cannon asked about the federal funding. Mackenzie answered that the federal BOLD grant was one-time with opportunities to renew funding contingent on performance through 2028.

Senator Wintrow reviewed remaining related recommendations for the Legislature to consider: the caregiver misconduct registry, acute crisis response, training, ongoing Medicaid reimbursement rate adjustments, and residential care facilities. She asked what resources the state has in regard to residential care for people with dementia. Mackenzie answered that the specific recommendations for this report have been completed, but there is overlap with other OPE report recommendations and policy considerations for the oversight entity and coordinator

position. In regard to residential care, Mackenzie said that memory care units in assisted living and behavioral care units in skilled nursing facilities may be suitable for individuals with dementia. However, we are unable to assess how many people with dementia cannot currently access these types of resources because the state does not track certain metrics about these facilities.

Representative Pickett asked for information about how OPE makes a recommendation for a position, such as the one in the report, and whether it is considered if the department already has capacity and other positions to cover that area. Sasha O'Connell, principal evaluator and lead of the original OPE report on Alzheimer's disease and related dementias, answered that the original recommendation was to create a position, but it is the department's responsibility to understand its budget and determine whether it can reallocate current resources or request more to fulfill the recommendation.

Representative Berch asked if temporary federal funding was used to start the program. Mackenzie answered yes. Representative Berch said that the department should make a case for the benefits of the program when they request additional funding from the state.

Senator Ruchti asked if the 2023 roadmap referenced in the report was complete and how the public could access it. Mackenzie said at the time of the follow-up the program was working on a roadmap for caregivers and had plans to create a roadmap for people with dementia. She deferred to the department for more information about the readiness of both roadmaps.

Senator Lent commented that the CNA Advisory Committee had been meeting regarding a certified nurse aide registry. Principal evaluator Ryan Langrill had attended some of the committee meetings and responded that the registry only covered CNAs while a caregiver misconduct registry would cover direct care workers without that certification. He noted that Director Secrist of the Workforce Development Council is meeting with members of the Legislature on this topic. Senator Wintrow asked Senator Lent about broadening the work of the CNA Advisory Committee to include other stakeholders, like the Council for Developmental Disabilities and similar services. Senator Lent said that he would relay that to Director Secrist.

Representative Cannon welcomed Dean Cameron, Interim Director at Idaho Department of Health and Welfare. Director Cameron thanked OPE for the report. He clarified that the caregiver roadmap should be completed shortly and noted that there is a line item request in the budget to allow the grant funding to continue next year. He noted that while there is information on the number of residents currently residing in assisted living facilities, there is not information on the number of available memory care beds. The committee had no questions.

Director Mohan said that the original recommendations of the report had been implemented and he recommended closing the report.

Senator Wintrow moved to close the *State Response to Alzheimer's Disease and Related Dementias* report. Representative Rubel seconded the motion, and it passed by unanimous voice vote without debate.

Report presentation: *State Oversight of Idaho's Health Information Exchange*

Sasha O'Connell, principal evaluator, presented the report. The report detailed how the state created the Idaho Health Data Exchange as a nonprofit corporation without enough transparency and formal oversight. The report recommended that the Legislature consider mechanisms to increase transparency of any new public-private partnerships. It also recommended steps to prevent future issues with contracts. Finally, it recommended that the department should require regular validation of the exchange's data security.

Representative Berch asked if the Attorney General could investigate these issues. Sasha said that OPE shared the report with the Attorney General's Office, but could not recommend an investigation because of how the state designed the exchange. There was not sufficient information available about the exchange's financials. Representative Berch commented on the lessons learned for future similar circumstances. Sasha responded that there is a lot to be learned for the state in regards to public-private partnerships, especially in regard to transparency. She also noted that the Legislature could pass a wide range of laws to govern the exchange. The department could also change requirements in its current annual contract with the exchange.

Representative Cannon again welcomed Dean Cameron, Interim Director at Idaho Department of Health and Welfare. Director Cameron spoke about the department's shared concerns regarding the contents of the report. He said the department has been working on options to move forward, including whether it should continue to participate in the Idaho Health Data Exchange. The department would expect more transparency from the exchange if it were to continue its relationship.

Representative Cannon asked if there was a timeframe for the department to determine its next steps. Director Cameron said that he is waiting to discuss further with other stakeholders and legislators within the coming weeks. Representative Cannon asked if the department would be better able to speak on these issues at another meeting of the committee in a week or two and Director Cameron agreed.

Representative Berch spoke about the root cause of the public-private partnership, asking if there was enough rigor in the initial establishment of the services and resources of the exchange. Director Cameron responded that at the time of the exchange's creation it was believed that a public-private partnership would be a stronger option, but the end result was not anticipated. He said that the issues with the exchange must be addressed and the exchange must be willing to change.

Senator Wintrow asked how many other similar partnerships are in the state. Director Cameron said that he was aware of a handful of public-private partnerships. Sasha responded that OPE had asked the Secretary of State's office about how many public-private partnerships are in the state. She said that the Legislative Services Office's Budget and Policy Division is trying to create a list by asking agencies, but she questioned whether that list would be able to document all

nonprofit corporations created by the state. High turnover at agencies makes it difficult to keep institutional knowledge without a tracking mechanism.

Representative Pickett moved to close debate, but keep report open for responses. Senator Lent seconded the motion. Senator Wintrow asked for clarity on the motion. Representative Cannon clarified that the motion was to adjourn the meeting, but leave the report open for more discussion in a future committee meeting. Motion passed by unanimous voice vote.

Cochair Cannon adjourned the meeting at 5:37 p.m.