

Minutes of the Joint Legislative Oversight Committee*

January 18, 2001

Senate Majority Caucus Room
Boise, Idaho

Co-chair Senator Lin Whitworth called the meeting to order at 3:35 p.m. Committee members Senators Grant Ipsen, Stan Hawkins, and Betsy Dunklin and Co-chair Representative Debbie Field, Representatives Margaret Henbest and Donna Boe attended. Staff members Nancy Van Maren, Eric Milstead, and Margaret Campbell also were present. Staff members Jim Henderson, Lewissa Swanson, and Paul Headlee also attended the meeting in part.

Co-chair Whitworth opened the meeting with a review of the minutes. **Senator Dunklin moved to approve the minutes of the January 16, 2001 meeting and Senator Hawkins seconded the motion. The motion passed unanimously by voice vote.**

COMMITTEE ACTION 1/16/01 ON INMATE PHONE RATES

Co-chair Whitworth called on Representative Field to review the motion from the 1/16/01 JLOC meeting that had requested the Department of Correction work with the Department of Administration to negotiate lower inmate call rates. Representative Field said the motion was a great recommendation, but that, as a matter of practice, JLOC requested reports, tracked progress, and referred reports to germane committees with the hope that germane committees followed through and made recommendations to the agency.

Representative Field moved to rescind the previous motion and forward the report to the germane committees and JFAC for consideration with the recommendation that the department: (1) come up with avenues for cost savings; (2) renegotiate its inmate phone contract to obtain lower rates; (3) investigate ways to limit the number of calls against a single phone number per month; and (4) provide JFAC justification for other sources of funding needed if revenues declined as a result of reduced rates. Rep. Field also moved to request an update on progress from the department in six months. Senator Ipsen seconded the motion. With the approval of the second, the motion was amended to request that the department include with its six-month update an explanation as to why the alternative phone systems (such as 800 numbers and calling cards) wouldn't work for the department.

In discussion, Representative Field said her motion was substantively the same as the motion of the previous meeting, but that it was directed through the germane committees. In response to a question as to how a germane could take action beyond what JLOC did, she said she hoped for action, as she thought the Senate and probably the House would hear the report, and there was an RS out there that she understood would address the issue of high rates.

Senator Hawkins noted that there were two parts to the cost of the calls: the amount the vendor (phone company) retained and the amount the department received in commissions. He thought that, to lower the cost to those receiving calls, the department could potentially negotiate a lower

* As approved by a majority of members, Joint Legislative Oversight Committee (see attached signatures)

vendor portion and leave the commission rate alone. He added that he thought that JLOC had a right to expect action from the department and would like to see something stronger than just a referral of the report to the germane committees. He suggested the co-chairs write a letter to the department director. Representative Field said she would attend germane committee meetings with Ms. Van Maren to communicate JLOC recommendations.

Senator Ipsen said the committee had asked several questions about alternatives to the present arrangement and were told 800 numbers and phone cards compromised security. He needed more explanation as to how available alternatives compromised security because of the money they could save.

Senator Dunklin reiterated that she thought it was important the department find ways to limit the number of calls made to any particular number per month, to protect those who were victimized by a high number of calls.

The motion passed unanimously by voice vote.

REVIEW AND APPROVAL OF PROPOSED SCOPE OF EVALUATION OF STATE FEES

Ms. Van Maren reviewed the proposed scope of an evaluation of state fees. OPE proposed a three-phase scope: (1) a comprehensive descriptive compilation of state fees; (2) an in-depth assessment of fees in 1-3 agencies; and (3) an evaluation of the fee review process.

Senator Ipsen reiterated his original interest in this evaluation and said he thought it was important to get a handle on the enormous number of fees statewide. He said he was not advocating for or against fees; he just had a number of questions about them.

Senator Ipsen moved to conduct an evaluation of Phase 1 - the descriptive compilation of state fees. Representative Henbest seconded the motion.

In discussion, the committee decided that the first phase should be conducted, to include a reference to the statutory authority for the fees. After receipt of this part of the evaluation, the committee would then decide whether to move forward with the other more analytical parts of the evaluation.

The motion passed unanimously by voice vote.

RECENT REQUESTS FOR EVALUATION: SCHOOL DISTRICT ADHERENCE TO THE PHARMACY FREEDOM OF CHOICE ACT

Co-chair Whitworth called upon Representative Henbest to explain the request for the evaluation. She said the request had come from Representative Wendy Jaquet. By unanimous consent, Co-chair Whitworth called on Representative Jaquet to address the committee. Representative Jaquet explained that her concern had to do with the insurance plan of school teachers. According to a concerned constituent, the plan required teachers to purchase

prescriptions through an out-of-state mail-order pharmacy, which may be contrary to the Pharmacy Freedom of Choice Act. In addition, she had heard that this arrangement did not produce cost savings. Also, it seemed the plan wasn't consistent with the Governor's "Buy Idaho" emphasis, and was driving small Idaho pharmacies out of business.

Co-chair Whitworth called on JoAn Condie, Executive Director, Idaho State Pharmacy Association, to further explain the concerns. Ms. Condie added that they had sought the review of the Department of Insurance and the Attorney General's office and had "gotten nowhere." In response, committee members asked how JLOC could help if the Department of Insurance and the Attorney General's office could not. Ms. Condie said she was not sure; the AG's office had told them the matter had to be settled in court.

Senator Ipsen said it seemed to him that, with the Pharmacy Freedom of Choice Act, the state had all the legislation necessary to take care of the problem, short of mandating that people "Buy Idaho." Representative Henbest said she thought there may be details that would be brought to light in a preliminary look at this issue. Representative Field recommended sending a letter from the co-chairs to the Department of Insurance and Department of Health and Welfare directors (if both were involved in the issue), telling them that JLOC had received this request and asking for their review. If results weren't satisfactory, then the issue could come back to JLOC for consideration as an evaluation. **By unanimous consent, the committee decided to write a letter to the Department of Insurance.**

RESPONSE TO COMMITTEE QUESTION: ARE DATA AVAILABLE TO EVALUATE THE IMPACT OF PRISON PROGRAMMING ON RECIDIVISM?

Mr. Eric Milstead, Senior Performance Evaluator, reviewed the availability of data to evaluate the impact of prison programming on recidivism. He said that, in most cases, adequate data were not presently available. However, the Department of Correction was collecting needed programming data for residential substance abuse treatment programs, making an evaluation of these programs possible by mid-2002.

Representative Field moved to reconsider an evaluation of the impact of programming on recidivism in 2002. Representative Henbest seconded the motion.

The committee discussed the importance of having data in place so that program outcomes could be determined. Representative Henbest said she thought the implications of what the data could show were huge – because, for example, the data might show that some people could actually do better on the outside. Outcomes needed to be known.

Co-chair Whitworth called on Mr. Mark Gornick, Chief of the Bureau of Offender Programs, Department of Correction, to address the committee. Mr. Gornick reviewed the status of data collection and evaluation efforts. He added they were looking at an automated system for collecting data this year.

Representative Field amended her motion, with the approval of the second, to specify that JLOC would send a letter to the germane committees and JFAC indicating that JLOC was looking forward to the results of the department's efforts to collect appropriate data and encouraging the germane committees to recommend the department collect appropriate data to conduct outcome studies of more programs in the future, as outlined in recommendation #3 in the committee notebooks.

Representative Boe asked if the scope of a future OPE evaluation could include a comparison of the outcomes in Idaho with national results. She also asked if, for example, relapses could be looked at to compare the behavior of the released inmates with those who had been given other types of sanctions. Ms. Van Maren said OPE would include these requests in the notes for a future evaluation.

The motion passed unanimously by voice vote.

RECENT REQUESTS FOR EVALUATION: BOARD OF MEDICINE

Ms. Van Maren provided an overview of the questions posed for a second evaluation of the Board of Medicine. Representative Henbest said recent complaints appeared to be the opposite of the concerns addressed in the first evaluation. Concerns had arisen that some physicians were being looked at with too much scrutiny, that hearing officer decisions were not taken by the board, and that board decisions were being overturned on appeal. She said she felt the concerns warranted a reexamination of the board. Senator Hawkins asked if the authority and responsibility of the board would be part of the scope. Representative Henbest said that was one of the issues in question – had the board acted outside the scope of its authority?

Representative Field asked if there were resources to conduct another evaluation in addition to the evaluations already assigned. Members discussed priorities and agreed there was a need to conduct an evaluation of the Board of Medicine quickly, noting that “people’s lives are being impacted by the board.”

Representative Henbest moved to conduct an evaluation of the Board of Medicine before moving forward on a full evaluation of state agency fees. Noting she had also heard a number of complaints, **Senator Dunklin seconded the motion and it passed unanimously by voice vote.**

RECENT REQUESTS FOR EVALUATION: BONNEVILLE COUNTY COURTS

Ms. Van Maren reviewed an anonymous letter the committee received regarding concerns about the Bonneville County Courts. She said that, traditionally, JLOC had not given as much credence to evaluation requests submitted without signature. Senator Hawkins said he had heard a number of concerns about Bonneville County courts, particularly related to custody cases, and was sympathetic to the concerns expressed in the letter. In addition, some judges lived outside Bonneville County and came to the county to decide a number of cases. This was problematic because county residents weren't given the ability to vote on the judges' performance.

Committee members expressed concern about the latter practice, but remained concerned that the letter was not signed. **Representative Field moved to hold the request for consideration in the future if additional information came in. Senator Ipsen seconded the motion.** In discussion, **the motion was amended, with the approval of the second, to request that the co-chairs write a letter to Administrator of the Courts, Patti Tobias, requesting that she look into the two areas of concern and respond back to JLOC with answers. Copies of JLOC's letter should be sent to the Judiciary and Rules germane committees and to JLOC members.**

The motion passed unanimously by voice vote.

RECENT REQUESTS FOR EVALUATION: GOVERNMENT-FUNDED EARLY CHILDHOOD EDUCATION PROGRAMS

Senator Dunklin reviewed the request for evaluation. She explained that a legislative task force was established last year to evaluate school readiness and pre-literacy skills of preschool-aged children. Members of the task force had encountered difficulty in knowing what programs were out there and what funding was already going to them. Members of the task force, which had disbanded, were now proposing an interim committee to look at the issues and come back with recommendations on legislation that was needed. However, those who had been involved in the task force felt it would help to have the data about existing programs as a beginning point. In response to questions, she said they would prefer to have a comprehensive review of private sector programs as well as county, state (very little), and federally-funded programs, but was willing to adjust the scope as needed. Ideally, the evaluation would be completed by the end of session for use by an interim committee.

Representative Field said that traditionally, JLOC had not taken on issues that interim committees were also reviewing. Senator Hawkins said he wondered if having JLOC work on an evaluation would decrease the chance of an interim committee being assigned. Senator Dunklin acknowledged that she did not want to harm the chances of an interim committee approval.

Co-chair Whitworth moved to reconsider the request at the end of session, after interim committees had been selected. Senator Hawkins seconded the motion, and it passed unanimously by voice vote.

The meeting adjourned at 5:30 p.m.