

Minutes of the Joint Legislative Oversight Committee
March 9, 2006
West Conference Room, JR Williams Office Building
Boise, Idaho

Co-chair Representative Margaret Henbest called the meeting to order at 5:06 p.m. Attending the meeting were Senators Shawn Keough, Bert Marley, and Kate Kelly, and Representatives Maxine Bell and Donna Boe. Representative Debbie Field arrived later. Also present were staff members Rakesh Mohan, Director, and Margaret Campbell, Administrative Coordinator, and all other OPE staff.

Co-chair Henbest welcomed those in attendance, including:

Representatives: Sharon Block and Kathie Garrett
Division of Financial Management: Sara Nye
Board of Health and Welfare: Dr. Robert Roberge
Department of Health and Welfare: Karl Kurtz, Director
Department of Correction: Thomas Beauclair, Director
Department of Juvenile Corrections: Brent Reinke, Director
Judicial Branch: Patty Tobias, Administrative Director
Idaho State Police: Colonel Dan Charboneau, Director

MINUTES

Senator Kelly moved to approve the minutes of the February 28, 2006, meeting. Senator Keough seconded the motion and it passed unanimously by voice vote.

DISCUSSION OF REPORT, *STATE SUBSTANCE ABUSE TREATMENT EFFORTS*, AND DISCUSSION OF THE ROLE OF THE BOARD OF HEALTH AND WELFARE

Co-chair Henbest said she and Representative Field had met with staff last week to develop an outline for proposed legislation to present at the meeting. Mr. Mohan gave an overview of three options (provided in the committee notebooks) for structuring oversight of state substance abuse treatment efforts.

Representative Bell indicated her preference for options B and C, and said option B would provide a vision for the future without incurring \$330,000 (option C) in additional costs each year. Option B proposed legislation to create an Interagency Committee with 17 members consisting of directors of some state entities, chairs or their designees of specific boards/committees, chairs or their designees of the Senate and House Health and Welfare and Judiciary and Rules committees, and one staff member of the Office of the Governor. The agency of the currently elected chair would provide staff support.

Senator Keough discussed a proposal presented by Representative Kathy Skippen in a JFAC meeting to request an interim committee to explore options for substance abuse and mental health. While it was not yet legislated, Co-chair Henbest said House Leadership was considering

the request. Representative Bell suggested the co-chairs send a letter of support to House Leadership for the establishment of the interim committee.

Members discussed whether option B would get in the way of an interim committee study, and weighed the options against the urgency of substance abuse treatment concerns. They decided to put in place an alternative plan in case an interim committee was not approved.

Representative Boe moved to draft legislation for establishing an Interagency Committee to oversee substance abuse treatment efforts. Representative Bell seconded the motion.

In discussion, Senator Marley asked for clarification of JLOC's intent to send a letter to House Leadership of support for an interim committee and to draft legislation for an Interagency Committee. He said they were doing two things at the same time with the potential of different outcomes. Co-chair Henbest said both activities would require monitoring from germane committees.

The motion to draft legislation for establishing an Interagency Committee passed unanimously by voice vote.

Representative Boe moved to send a letter from the co-chairs to House Leadership and copied to Representative Skippen expressing support for an interim committee to study substance abuse and mental health options. Representative Field seconded the motion and it passed unanimously by voice vote.

Members discussed two options within option B regarding the interaction of the already-established regional advisory committees with the proposed Interagency Committee. Senator Marley said the state needed a change from the current structure of reporting to the Department of Health and Welfare, and said he supported option 2 where the regional advisory committees reported to the Interagency Committee. Senator Kelly suggested establishing the Interagency Committee and then let that committee decide to whom the regional advisory committees would report. Representative Boe said input from the regional advisory committees was important and wanted to make sure a structure was in place so they would not be left out.

Senator Marley moved to draft legislation for the regional advisory committees to report to the proposed Interagency Committee. Senator Keough seconded the motion and it passed unanimously by voice vote.

Members discussed other sections of Idaho Code that could be amended to provide additional oversight for the Interagency Committee. Co-chair Henbest suggested amending only section 39-304 that directs the Interagency Committee to advise the Department of Health and Welfare in establishing a comprehensive program for the treatment of substance abuse. She said that since the Board of Health and Welfare was still in flux, JLOC should wait to address sections 39-305 and 39-311.

Senator Marley said he was concerned about the size of the proposed Interagency Committee and whether it would be a barrier to making decisions. He asked who would do the work if the entire

board was composed of volunteers. Representative Field provided examples of large decision-making groups and said the Criminal Justice Commission was an effective group because members had a vested interest. Representative Boe indicated differences between the Criminal Justice Commission and the proposed Interagency Committee—the commission only established policy and its success hinged upon an effective chair/facilitator hired specifically for that purpose.

Representative Field moved to amend Idaho Code section 39-304 to have the proposed Interagency Committee advise the Department of Health and Welfare in establishing a comprehensive program for substance abuse treatment. Senator Keough seconded the motion and it passed unanimously by voice vote.

Mr. Mohan gave an overview of proposed requirements (provided in the committee notebooks) to generally restructure the Board of Health and Welfare, with three options to strengthen oversight. Members questioned the addition of germane chairs on the board and its impact on the chairs' time. Ned Parrish, Principle Performance Evaluator, indicated the Board of Juvenile Corrections and the Permanent Building Fund Advisory Council included legislative members.

Senator Keough moved to draft legislation to strengthen the role of the Board of Health and Welfare with one modification: membership will include germane chairs or their designee. Senator Kelly seconded the motion.

Senator Keough said that JLOC could later look at establishing separate boards to oversee the Department of Health and Welfare's health and social services functions. Senator Marley said he had a concern about the options. Senator Keough suggested voting on the motion and then discussing the three options for structuring the board.

The motion to draft legislation to strengthen the role of the Board of Health and Welfare passed by a majority by voice vote. Senator Marley voted no.

Senator Keough said option 3 to establish separate boards for health and social services did not make sense because of other actions the committee had taken today. Co-chair Henbest asked if it was possible to cleanly divide health and social services. She called Karl Kurtz, Director, Department of Health and Welfare, to provide input. Mr. Kurtz said the department would have to meet in conjunction with the board to divide health and social services. He said roles could take some time to sort out. Mr. Parrish pointed out that other states had divided services into separate agencies so responsibilities could be divided.

Senator Marley moved to accept option 1 to expand the role and responsibilities of the Board of Health and Welfare and, if necessary, decide at a later date whether to develop subcommittees (as outlined in option 2). Representative Boe seconded the motion and it passed unanimously by voice vote.

Members looked at the Department of Health and Welfare's response to the implementation of recommendations in the report, *State Substance Abuse Treatment Efforts*. Mr. Mohan said that

staff had not verified the information and recommended conducting follow-up work in six months.

By unanimous consent, JLOC agreed to conduct a follow-up report on recommendations to the report on substance abuse treatment efforts in six months.

Representative Boe directed members' attention to a letter written by Amy Slack, Chair of the State Substance Abuse Executive Council. She emphasized the importance of a sentence from the letter: "We cannot take away from the current resources and staffing because substance abuse is an area that is seriously under-resourced in our state."

Representative Field said the efforts of the day were about partnership and thanked the entities involved for their contribution.

The meeting adjourned at 6:30 p.m.