

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, January 12, 2012

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Broadsword, Senators Darrington, Smyser, Heider, Vick, Nuxoll, Bock, and Schmidt

**ABSENT/
EXCUSED:**

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.

MINUTES: **Chairman Lodge** called the meeting to order at 3:10 p.m. and welcomed guests, noting that the delay in starting the meeting was due to an extended meeting of the Commerce & Human Resources Committee. She passed the gavel to **Vice Chairman Broadsword** to begin rules review.

DOCKET NO. 16-0506-1101 **Rules relating to Criminal History and Background Checks (Pending): Steve Bellomy**, Bureau Chief of Audits and Investigations for the Department of Health and Welfare (Department), advised that the Criminal History Unit conducts background checks on individuals who provide services to children and vulnerable adults. He stated the primary purpose for this rule change is to define how manslaughter convictions should be handled.

Mr. Bellomy reminded the Committee that last year it was brought to the Department's attention that some citizens fail the background check because of a vehicular manslaughter conviction as a result of a driving accident many years ago. This rule change proposes a five-year disqualification when the conviction was for Vehicular Manslaughter with commission of an unlawful act not amounting to a felony and without gross negligence. He stated that it is the Department's belief that this rule change strikes a fair balance between protecting children and vulnerable adults and maintaining individual rights. He requested that the Committee approve **Docket No. 16-0506-1101**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #1).

Vice Chairman Broadsword expressed appreciation to the Department for addressing this fairness issue. **Senator Nuxoll** directed **Mr. Bellomy's** attention to page 436, and inquired what the connection is with Emergency Medical Services (EMS). **Mr. Bellomy** advised that last year the Department did not include this rule as part of the reference for EMS background checks and this is being corrected with the additional language in paragraph (9).

MOTION: **Senator Bock** moved, seconded by **Senator Nuxoll**, to adopt **Docket No. 16-0506-1101**. The motion carried by **voice vote**.

DOCKET NO. 16-0504-1101 **Rules Relating to the Idaho Council on Domestic Violence and Victim Assistance Grant Funding (Pending): Sally Alvarado**, Grants/Contracts Officer, Idaho Council on Domestic Violence and Victim Assistance, advised that in accordance with input from stakeholders and legislative intent, Section I.B.4. of the document entitled "Minimum standards for the Domestic Violence Offender Intervention Programs" is being revised so as to prohibit conjoint treatment (couples counseling) as an alternative intervention. She requested that the Committee approve **Docket No. 16-0504-1101**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #2).

Vice Chairman Broadsword thanked **Ms. Alvarado** for her work with the public on this matter. **Senator Darrington** asked if the document incorporated by reference in this rule was written by the Idaho Council on Domestic Violence or by the national organization. **Ms. Alvarado** responded that the work was done by the Idaho Council.

MOTION: **Chairman Lodge** moved, seconded by **Senator Heider**, to adopt **Docket No. 16-0504-1101**. The motion carried by **voice vote**.

DOCKET NO. 16-0304-1101 **Rules Relating to Food Stamp Program in Idaho (Pending): Malinda Jones**, Food Stamps Program Specialist, Division of Welfare, Department of Health & Welfare (Department), advised that changes in this docket are being made in order to support the Department's continuing efforts to "do more with less." Changes include: 1) Waiving the interview requirement for the 6 month recertification; 2) Allowing the Department to notify recipients via email and other technology-based methods; 3) Changing process of computing work hours for post secondary students to 80 hours per month rather than 20 hours per week; 4) Exempting pregnant women from participating in the work and training program while in the third trimester of pregnancy; 5) Prohibiting children from receiving a caretaker relative cash assistance grant at the same time they are receiving food stamps in a different household, and 6) Ensuring that Idaho is in compliance with federal food stamp regulations. **Ms. Jones** requested that the Committee approve **Docket No. 16-0304-1101**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #3).

Senator Smyser asked if there are any statistics to support the exemption for pregnant women from participating in the work and training program. **Ms. Jones** advised she did not have statistics, but added that women in the third trimester of pregnancy are difficult to place in work environments. **Senator Nuxoll** inquired if the federal program requires recertification every 12 months. **Ms. Jones** advised that it does and this will align Idaho with the federal rule. **Senator Nuxoll** asked what the eligibility requirements are for a student to receive food stamps and if the 20 hours per week work requirement is in the private sector or through the Department. **Ms. Jones** stated that there are several requirements for eligibility, this work requirement being one of them, and that the work would be in the private sector. **Senator Nuxoll** noted that she has received reports that students are taking advantage of the system and asked what the increase in students receiving food stamps has been. **Vice Chairman Broadsword** requested that **Ms. Jones** direct the Committee to where the eligibility requirements are in this rule. **Ms. Jones** advised that the requirements are not fully listed in this rule, but offered to send the appropriate rule to **Senator Nuxoll**.

Vice Chairman Broadsword asked how the Department would address a situation where one parent has custody on a limited basis and gets food stamps, while the children are actually living with grandparents or another parent and the kids are going hungry. **Ms. Jones** indicated that situation sometimes happens in cases of joint custody where both parents share the children. She advised everything is looked at on a case by case basis and it is sometimes a difficult call; but in a situation where the parent has custody only one weekend a month, it is obvious that others have the burden of support for that child. **Vice Chairman Broadsword** expressed appreciation that the Department is looking at this and hopefully will address some of those issues. **Senator Vick** noted income excluded by federal law is excluded for food stamp benefits and asked for examples of what that includes. **Ms. Jones** advised that federal law excludes some types of Indian money,

Americorps income, and other monies of that type. **Vice Chairman Broadword** asked that she forward a list of excluded income to the committee members. **Senator Heider** asked what percentage or how many people in Idaho are on the food stamp program. **Ms. Jones** advised that she did not have the percentage of increase over the last year, but for the month of December 2011, the number of participants was 237,364 which included 102,844 households, and as of November 2011 there were 10,902 individual students participating in the food stamp program.

MOTION: **Senator Heider** moved, seconded by **Senator Darrington**, that the Committee adopt **Docket No. 16-0304-1101**. The motion carried by **voice vote**.

16-0308-1101 **Rules Relating to Temporary Assistance for Families in Idaho (TAFI) (Pending):** **Rosie Andueza**, Program Manager, Division of Welfare, Department of Health and Welfare (Department), stated that the Department's Self-Reliance Programs have realized significant growth due to hard economic times. Idaho has succeeded in maintaining quality in all programs while experiencing staff reductions due to budget shortfalls. Changes are being requested in this docket in order to further advance efforts for quality improvement as well as to place more emphasis on family accountability. She advised that these changes in Idaho's TAFI's program rules will increase a family's accountability by including step parents in the household unit and thus the work program, and by collecting overpayments in all situations, not just those resulting from fraudulent activity by the family. The proposed resource limit change from \$2,000 to \$5,000 will result in bringing the TAFI program resource rules in line with many of the other programs administered by the Department further advancing the Department's ability to gain efficiency through streamlined policies, and electronic notification will allow the Department another vehicle for communicating with customers. **Ms. Andueza** requested that the Committee approve **Docket No. 16-0308-1101**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #4).

Chairman Lodge asked how many cases the Department is able to contact electronically. **Ms. Andueza** responded that the Department does not yet have the automated capacity to notify customers via email and yet meet all federal requirements. This rule change will allow it to do so when the time comes. The Department does communicate via email with some participants, however there are very strict guidelines requiring notification in writing. **Vice Chairman Broadword** asked then if it is correct that email would not be the only notice that is given. **Ms. Andueza** responded, "No," and added that if email is not opened, a paper notice would automatically go in the mail. **Senator Heider** inquired how an overpayment happens. **Ms. Andueza** indicated the only instance she is aware of occurred during a system update and that in most instances the families voluntarily returned the overpayments .

MOTION: **Senator Nuxoll** moved, seconded by **Senator Heider**, that the Committee adopt Docket No. 16-0308-1101. The motion carried by **voice vote**..

16-0601-1101 **Rules Relating to Child and Family Services (Pending):** **Kathy Morris**, Program Specialist, Child and Family Services, Department of Health & Welfare (Department), stated The Indian Child Welfare Act was passed by Congress in 1978 to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum federal standards for the removal of Indian children from their families and the placement of these children in foster or adoptive homes which will reflect the unique values of Indian Culture. These rules refer only to the removal of Indian children living off reservation. She noted that this rule change removes errors, inconsistencies, and redundancies from the current chapter of rules and streamlines the process

for notice of pending proceedings when a child's tribe is known or unknown. **Ms. Morris** requested that the Committee approve **Docket No. 16-0601-1101**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #5).

Vice Chairman Broadsword asked if the tribes in Idaho were contacted regarding this rule and have they given their approval. **Ms. Morris** indicated they were contacted through their advisory committees.

MOTION: **Senator Smyser** moved, seconded by **Senator Nuxoll**, that the Committee adopt **Docket No. 16-0601-1101**. The motion carried by **voice vote**.

16-0601-1102 **Rules Related to Child and Family Services (Pending Fee): Stephanie Miller**, Adoption Program Specialist, Division of Family and Community Services, Department of Health and Welfare (Department), advised that families in Idaho must have a home study prior to completing an adoption. Idaho statute allows for individual practitioners called Certified Adoption Professionals to perform these home studies. The statute also requires the Department provide oversight of Certified Adoption Professionals.

She advised that these proposed rule changes are the result of a group of stakeholders including private adoption agencies, Certified Adoption Professionals and Department employees collaborating to identify potential improvements to the program. The changes include: 1) increased requirements for certification as an adoption professional; 2) clarification of the minimum standards for service; 3) specification of consequences for failing to provide the minimum standards for services; 4) requirement for Certified Adoption Professionals to be covered by malpractice insurance; 5) specification of the responsibilities of the Department and the Certified Adoption Professional to one another; and 6) implementation of an application and certification fee for Certified Adoption Professionals which will be used to offset the expense of providing the increased level of supervision necessary to support the program. **Ms. Miller** requested that the Committee approve **Docket No. 16-0601-1102**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #6).

Vice Chairman Broadsword expressed appreciation to the Department for working with the Certified Adoption Professionals on these rule changes. **Senator Nuxoll** requested a summary of the changes in this rule. **Ms. Miller** advised that regarding Certification the rule outlines more clearly the requirements of prerequisite experience; requires that the applicant be a licensed social worker; and that malpractice insurance is maintained. The certification period is also being changed from four years to two years in order for the Department to provide better guidance and supervision. **Vice Chairman Broadsword** asked if the judicial system is in agreement with this rule. **Ms. Miller** stated that there continue to be complaints about the quality of work coming from some Certified Adoption Professionals and that these rules are set forth to try and address the concerns. **Senator Darrington** asked if Certified Adoption Professionals are barred from handling international adoptions. **Ms. Miller** responded that is correct. **Senator Darrington** further noted that a lot of people are going through international adoptions and asked what the reason for that might be, and is there a duty to register with the Department of Vital Statistics when there is an international adoption. **Ms. Miller** indicated one reason is that some people are drawn by a desire to help children in less fortunate countries, another is younger children are easier to adopt than in the United States, and some choose to go to other countries because they believe children in other countries may be less impacted by drug and alcohol exposure in the womb. She did not know if international adoptions are registered with the Department of Vital Statistics, but offered to get that information and forward it.

MOTION: **Senator Darrington** moved, seconded by **Chairman Lodge**, that the Committee adopt **Docket No. 16-0601-1102**. The motion carried by **voice vote**.

16-0602-1101 **Rules Relating to Standards for Child Care Licensing (Pending Fee): Valerie Burgess**, Program Supervisor, Division of Family and Community Services, Department of Health & Welfare (Department), advised that this rule change is being made to meet statutory requirements for day care licensing. These changes were effective as temporary rules July 1, 2011, and impact three significant areas: child/staff ratios; licensing fees; and local options for licensure. The change to child/staff ratios provides clarity on how children are to be counted for licensure and adopts a point system to support child/staff ratios. She reviewed the licensing fee scale and advised that cities or counties who choose local options for regulation and licensing of day care services now have the option to count or not count children of a provider in meeting requirements for licensure. **Ms. Burgess** requested that the Committee approve **Docket No 16-0602-1101**.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see Attachment #7).

Senator Heider noted that public meetings were held in four different locations and no one attended. He asked how the rule is working since a lot of time was spent last year on this issue. **Ms. Burgess** responded that although the Department had anticipated more interaction, no one attended the meetings and no comments were submitted. She indicated the rules are working well. **Senator Schmidt** asked why points for attendance was not considered in setting fees. **Ms. Burgess** advised that the fee is set according to the number of children for the facility operated and the point system is used for child/staff ratio limitations. **Vice Chairman Broadsword** noted she had substantially less email on this issue this year and thanked the Department for their hard work in reaching a resolution.

MOTION: **Senator Heider** moved, seconded by **Senator Bock**, that the Committee adopt **Docket No. 16-0602-1101**. The motion carried by **voice vote**.

ADJOURNMENT: **Vice Chairman Broadsword** returned the gavel to **Chairman Lodge**, who thanked the presenters for an excellent job and adjourned the meeting at 4:07 p.m.

Senator Lodge
Chairman

Lois Bencken
Secretary