

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, January 30, 2012

TIME: 1:30 P.M.

PLACE: Room EW42

MEMBERS: Chairman McGeachin, Vice Chairman Bilbao, Representative(s) Loertscher, Shepherd, Thayn, Wood(27), Guthrie, Roberts, Rusche, Chew

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman McGeachin called the meeting to order at 1:34 p.m.

PRESENTATION: **Dr. Brent Reinke**, Chairman, Idaho Criminal Justice Commission (ICJC), presented an update on the ICJC and the Idaho Department of Correction (IDOC). Dr. Reinke introduced **Shane Evans**, Director, Educational Treatment and Entry, who would also present to the committee.

Dr. Reinke detailed the incarcerated population growth, stating that recent increased numbers are under review and appear to be from treatment front-end loading options, which are creating additional court sentencing options. In reporting on executions, Dr. Reinke remarked that the November experience has resulted in three pieces of legislation and will strengthen the protocol for future events.

Shane Evans, Director, Educational Treatment and Entry, presented an update on the Substance Use Disorder System (SUDS), stating that the new intake process has enhanced reports to the court, and the extended services are based on risk as well as clinical need, which is critical to public safety. Clinical teams communicate regularly on a variety of issues, providing a way to measure treatment effectiveness. Spending is monitored and bills budgeted by IDOC. The SUDS focus is to provide treatment for the neediest clientele while maintaining clinical and fiscal guidelines. The number of clients remains a challenge.

Dr. Reinke detailed the 25 member ICJC and subcommittees. He stated that the Misdemeanor Probation Project gives counties the authority to provide services to the extent that they can collect service fees. **SJR 102** adds the word "felony" to Section 1.5 as it pertains to adult probation and parole, an addition that allows the county system to stay in tact. This change is based on a constitutionality issue that received a limited decision in Kootenai County.

Responding to questions, **Dr. Reinke** said that safety has increased and gang activity has decreased dramatically. Savings have resulted from their task force partnership.

RS 20814C1: **Paul Leary**, Administrator, Division of Medicaid, presented **RS 20814C1**, legislation that amends **IDAPA Title 41, Chapter 4**, to allow available funding to be used for program expenditures to the Children's Health Insurance Program, Children's Access Card, and the Small Business Health Insurance Pilot Program. Current specific program funding can under fund one program and over fund another. There is no impact to the General Fund with this amendment.

MOTION: **Rep. Rusche** made a motion to introduce **RS 20814C1**. **Motion carried by voice vote.**

RS 20985: **Robert Vande Merwe**, Executive Director, Idaho Health Care Association, presented **RS 20985**, which allows the required one-year administrator-in-training (AIT) internship to begin before completion of a baccalaureate degree. AIT's are required to complete two internships, which could be simultaneous under this change.

Responding to committee questions, **Mr. Vande Merwe** stated that the training period would still be a full year and is compatible with the baccalaureate degree load.

MOTION: **Rep. Bilbao** made a motion to introduce **RS 20985**. **Motion carried by voice vote.**

RS 20948: **Tony Poinelli**, Idaho Association of Counties, presented **RS 20948**, legislation to allow the Catastrophic Health Care Cost Program (CAT) and counties to investigate alternative programs to manage and control health care costs for indigent persons.

In response to questions, **Mr. Poinelli** explained that the county and CAT share any over-limit costs for premiums. This legislation delineates payment for costs and necessary medical services. He stated that future presentations of this legislation would include a breakdown of the statewide savings, details of the policies, the responsibility of the insured, and the level of the deductible. The current law is based on an individual's ability to pay, which is often assisted by counties.

MOTION: **Rep. Rusche** made a motion to introduce **RS 20948**. **Motion carried by voice vote.**

H 405: **Rep. Nonini** presented **H 405**, legislation that makes it illegal to sell electronic cigarettes (e-cigarettes) to minors. He reviewed the code changes for definitions, inclusion with referenced tobacco products, time frame for sales, fines and civil penalties for violation, sales to minors, age of minors, and shipping requirements. He stated that there is approximately 1.2 mg. nicotine in cigarettes and up to 20 mg. in cartridges, detailing nicotine's toxicity. He said that the Reynolds Tobacco Company is in support of this legislation and do not condone sales of e-cigarettes to minors.

Responding to committee questions, **Rep. Nonini** stated that e-cigarettes are not taxed as a tobacco product. In discussing the age verification requirements, he explained the difference between "no permittee" and "no seller." The legislature also addresses a child's use of an adult's card, with attention to online purchases, when proof of age is not required. Adults without a debit or credit card would not be able to purchase online with someone else's card and would have to purchase locally with cash. Rep. Nonini stated that there were numerous conversations about the wording of this legislation between the health districts and the Legislative Services Office.

Lora Whalen, Director, Panhandle Health District, spoke **in support of H 405**. She detailed how the e-cigarette works, and stated that Coeur d'Alene, Post Falls, and Hayden have city ordinances banning sales to minors. Ms. Whalen discussed dosage, toxicity with skin contact, lack of child safety locks or regulation, and how both the flavors and advertising target youth. She said the cost varies from a disposable pack of 2 e-cigarettes at \$10-15 to a starter kit at \$75-\$100, with online coupons available. The FDA has announced that they are looking into regulation.

In response to questions, **Ms. Whalen** said federal law states that it is legal to purchase e-cigarettes and other states have limited the sales to minors and use in public. The definition of e-cigarettes in this legislation includes all components. The product is being sold where cigarettes are located and in mall kiosks.

MOTION: **Rep. Rusche** made a motion to send **H 405** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Nonini** will sponsor the bill on the floor.

H 388:

Rep. Phylis King presented **H 388**, which updates the code for the Early Childhood Coordinating Council (EC3), and the Individuals with Disabilities Education Act (IDEA) in response to **Executive Order No. 2011-15**. The changes in this legislation update terminology, provide for donated funds, connect stakeholders, codify current practice, and define the ages of the children, without changing eligibility.

Responding to questions, **Rep. King** stated that the council advises and assists professionals who are members and serve 3 to 5 year old special needs children, with no additional funds expended. The part time and administrative assistant salaries would have to be covered by the Infant Toddler Program if the federal grant money was not available. She clarified that not all children with developmental delays are disabled, so the definition was changed to "special needs". Screening is done by community volunteers or on line with ages and stages questionnaires.

Wayne Hoffman, Executive Director, Idaho Freedom Foundation, spoke in **opposition to H 388**. He advised that the age adjustment is an expansion of existing statute that previously covered infants and toddlers. He said that this legislation refers to program standards as "national acceptable standards," which allows the statute instead of the legislature to dictate what constitutes program standards. He discussed the references to US code, stating that a change of federal law would automatically impact this legislation, taking the legislative power away from the state legislative body, which is an unconstitutional delegation of authority.

The written testimony of **Amanda Holloway**, Idaho Council on Development Disabilities, is attached per the request of **Chairman McGeachin**.

Lorraine Clayton, Director, EC3, stated that EC3 is in place for families and children for coordination and identification of gaps in resources. This Council is the only one in Idaho, and is specific to young children with special needs and their families. She stated that the EC3 is required in order to receive the federal funds, they work with private partners, and collaborate with the Attorney General and Treasurer for scholarships for special need children.

In response to questions, **Ms. Clayton** stated that the term "special needs" in place of "disabled" is not an expansion of services, but a more acceptable term. Federal code references include the Headstart Reorganization Act of 2007 and the IDEA Act, Part C (20 US Code). The sponsors of the bill were not able to clarify all references to federal code. The "other services" definition pertains specifically to early intervention services and use of funds, with only the reference to the bill changed.

MOTION:

Rep. Wood(27) moved to send **HB 388** to the floor with a **DO PASS** recommendation.

Rep. Wood(27) stated that before the national standard, the health care cost drivers had variations based on individual regions of the country and the sectors of health care that were utilized. The national standards were developed for the best courses of treatment and tools for diagnosis and identifying early problems. To miss preventive services or screening early in life would result in a huge cost later.

Rep. Thayne remarked in **opposition to HB 388** that the work of the Council is important to give children a start in life. However, Mr. Hoffman raises an interesting issue on the federal laws referenced in the legislation and exercising care to include federal rules that might change without allowing the state to agree or disagree.

**ROLL CALL
VOTE:**

Rep. Bilbao requested a roll call vote on **H 388**. **Motion carried by a vote of 5 AYE, 4 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Bilbao, Wood(27), Guthrie, Rusche, Chew. Voting in opposition to the motion: Reps. Loertscher, Shepherd, Thayn, McGeachin. Rep. Roberts was absent/excused. Rep. King** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned at 3:47 p.m.

Representative McGeachin
Chair

Irene Moore
Secretary