

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

- DATE:** Thursday, February 02, 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:** Representative(s) Bilbao, Loertscher
- GUESTS:** Arthur Evans, Lisa Hettinger, David Simnitt, Division of Medicaid; Dr. Murry Sturkie, Emergency Medical Services (EMS) Physician Care; Wayne Denny, EMS Bureau, Department of Health & Welfare (DHW); Max Greenlee, Risch Pisca; Penelope Schwiebent, Health Information Exchange; Ed Kawley, Legislative Services Offices, Administrative Rules; Steve Thomas, Law and Health Initiative; Bev Barr, DHW; Joie McGarvin and Russell Westerberg, America's Health Insurance Plan; Jim Baugh, Disability Rights, Idaho; Erik Makrush, Idaho Freedom Foundation; Julie Taylor, Blue Cross of Idaho; John Graham, Pacific Research Institute; Christie Herrera, American Legislative Exchange Council.
- Chairman McGeachin** called the meeting to order at 1:39
- MOTION:** **Rep. Thayn** made a motion to approve the minutes of the January 16, 2010, meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Thayn** made a motion to approve the minutes of the January 24, 2010, meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Thayn** made a motion to approve the minutes of the January 26, 2010, meeting. **Motion carried by voice vote.**
- DOCKET NO. 16-0202-1101** **Rep. Roberts** stated that although this rule was held over from the January 26, 2012, meeting, additional time is needed for further discussions with rural EMS groups.
- MOTION:** **Rep. Roberts** made a motion to **HOLD Docket No. 16-0202-1101** subject to the call of the Chair. **Motion carried by voice vote.**
- DOCKET NO. 16-0309-1108** **Lisa Hettinger**, Bureau Chief, Division of Medicaid Financial Operations, presented **Docket No. 16-0309-1108**, legislation that aligns state rules with federal requirements by clarifying payments to providers when a third party is primary to Medicaid. There is no anticipated fiscal impact. In response to questions, Ms. Hettinger stated that the coordination is automated with an increase in accuracy over the last year.
- MOTION:** **Rep. Wood(27)** made a motion to approve **Docket No. 16-0309-1108**. **Motion carried by voice vote.**
- DOCKET NO. 16-0313-1101** **Arthur Evans**, Bureau Chief, Developmental Disability Services (Department), Medicaid, presented **Docket No. 16-0313-1101**, pertaining to consumer directed services. The changes are in keeping with **H 260** and specify that the Department respond with budget modifications under specific circumstances, with additional language regarding unpaid supports, both community and natural.
- Responding to committee questions, **Mr. Evans** assured that a participant is not required to secure unpaid or natural supports or services and the use of such services or supports have no impact of the participant's set budget.
- MOTION:** **Rep. Thayn** made a motion to approve **Docket No. 16-0313-1101**.

In opposition to the motion, **Rep. Rusche** stated that the volunteer services language is confusing and could require the participant and support broker to exhaust volunteers, which decreases legally required plan services.

Rep. Wood(27) spoke to the opposition stating that he agrees that the rule should be rejected if a legal review indicates the language is confusing, even though the Department has said it's not the current practice.

Rep. Thayne spoke to the opposition stating that **Mr. Evans** has assured that the Department is more permissive.

VOTE ON MOTION:

Chairman McGeachin called for a vote on the motion to approve **Docket No. 16-0313-1101. Motion carried by voice vote. Rep. Rusche** requested that he be recorded as voting **NAY**.

PRESENTATION: Chairman McGeachin invited **Christie Herrera**, Task Force Director, American Legislative Exchange Council (ALEC), to present to the committee on Health Insurance Exchanges (HIX).

Ms. Herrera stated that ALEC is opposed to the HIX for several reasons. Their first concern is the lack of flexibility in the federal rules and standards that the states have to follow. The second concern regards the continuing changes of deadlines and timetables. Additionally, in her opinion, federal law gave neither subsidies nor funding to the U.S. Department of Health and Human Services (HHS). She cited funding alternatives being pursued by other states.

Responding to questions, **Ms. Herrera** said that neither state nor federal exchanges will promote flexibility for citizens since every section will be tethered with ongoing federal regulation. She then discussed issues with the existing Utah and Massachusetts health exchanges. Ms. Herrera stated that the states are responsible for ongoing funding mechanisms, with congress determining funding the federal program. There has been no direction from HHS on funding, although as a federal program a federal decision is required. The law allows grants to set up the exchange, which is difficult for any state to do with no guidelines. Essential health benefits guidance has been given from HHS with increased benefit options possible, as long as the actual value is not lower than federal standards.

John Graham, Pacific Research Institute, continued the HIX presentation, stating that the Patient Protection and Affordable Care Act (PPACA) exchanges will not be the same as the existing Utah Exchange, which is voluntary and not subject to tax subsidies or federal law. He believes PPACA will be more expensive and all costs will be the burden of the states. There is no requirement that anything will be operational before 2014 and the Supreme Court ruling is not expected until later in 2012.

Responding to committee questions, **Mr. Graham** stated that the lack of guidelines coupled with missed deadlines suggest it is better to hold off investing in an exchange that may be found to be unconstitutional.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 2:36 p.m.

Representative McGeachin
Chair

Irene Moore
Secretary