

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, February 09, 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 3:04 p.m. and welcomed the dieticians present.

RS 21063C1 **Relating to Retail Sales of Pseudoephedrine. Vice Chairman Broadsword** introduced **RS 21063C1**, which adds to and amends *Idaho Code* to revise provisions relating to maximum pseudoephedrine purchasing making it consistent with Federal law, and establishes electronic sales tracking for real time ability to stop illegal sales. This change will allow law enforcement access to records gathered for electronic sales tracking without having to travel from pharmacy to pharmacy. It will negate the need for pharmacies to keep a hand written log book to track sales unless they have no access to the internet. It provides pharmacies with a consistent online database only accessible by the pharmacy board, law enforcement and prosecutors. Many other states use the electronic tracking system so it will allow law enforcement to see if illegal sales across the border coincide with illegal sales in Idaho.

Vice Chairman Broadsword advised that pseudoephedrine, in its generic form, is one of the key ingredients in methamphetamine (meth). There are a number of agencies supporting this issue including the Idaho Chiefs of Police Association (see Attachment #1) and the Idaho Sheriffs Association. **Vice Chairman Broadsword** asked that **RS21063C1** be sent to print.

Senator Darrington asked if anyone other than the Board of Pharmacy and law enforcement has the right to access information related to pseudoephedrine sales. **Vice Chairman Broadsword** replied this information is only available to the Board of Pharmacy, the pharmacy making the sale, and law enforcement personnel; it is not available to the general public. She stated there is a strong effort to keep pharmacy information private. **Senator Darrington** asked if the electronic system used is a secure system and, if so, is that problematic. **Vice Chairman Broadsword** responded it is a secure system and is not problematic. She indicated that when the bill is heard in Committee, she will bring in some people who are using this particular type of electronic tracking system.

Senator Bock commented that he and Senator Schmidt have been working on legislation related to controlled substances that is similar to this bill. According to the Board of Pharmacy, their lag time for the restrictions, is approximately seven (7) days because they do not have the funding to keep the system up-to-date. He asked if the database referred to in this legislation is the same as that used by the Board of Pharmacy. **Vice Chairman Broadsword** replied that this is a different system. This system compiles information for a number of states and is housed in Kentucky. The Board of Pharmacy can access this information, but it is not the Board of Pharmacy's program to track controlled substances.

Senator Bock asked if there is any reason why this same system could not be utilized to track all controlled substances. **Vice Chairman Broadsword** advised that would be a question for the Board of Pharmacy. **Senator Bock** commented that he would like to have some discussion about the use of this system as it relates to controlled substances upon hearing this bill, as this could have a major impact on tracking prescriptions for controlled substances.

Senator Heider asked if the retailer is responsible for purchasing the electronic sales tracking system and, if so, what the cost is. **Vice Chairman Broadsword** advised there is no cost to the pharmacy. At this time, the pseudoephedrine industry pays 100 percent of the cost, including software needed and maintenance of the system. **Senator Heider** asked if this system utilizes telephone lines, secured lines, or air waves. **Vice Chairman Broadsword** responded the system is run via broadband over the internet. For those pharmacies that do not have internet, there is the potential to modify credit card scanners so the purchaser's drivers license can be scanned into the system for tracking.

MOTION: **Senator Smyser** moved, seconded by **Senator Heider**, that the Committee send **RS21063C1** to print. The motion carried by **voice vote**.

S 1277 **Relating to Dieticians. Nancy Kerr**, Executive Director, Idaho Board of Medicine, stated this legislation allows members of the Dietetic Licensure Board to opt out of the Public Employees Retirement System (PERSI) by changing the reference in Idaho Code to classify the compensation as an honorarium. This change allows members to avoid any possible tax implications since membership in a qualified plan, such as PERSI, limits participation in a personal IRA. **Ms. Kerr** noted the RS specified, correctly, the change in Idaho Code from § 59-509(h) to § 59-509(n); however, the printed bill reflects a typographical error, reflecting the change as § 59-509(b) rather than § 59-509(n). **Ms. Kerr** requested the Committee send **S 1277** to the floor with a do pass recommendation.

The committee discussed the need to correct the typographical error in the code reference and the procedure necessary to correct it on the floor versus going to the Fourteenth Order. After consulting the different sections of *Idaho Code*, it did appear that this would be considered a substantive change; however, presenting this correction in the Fourteenth Order may not be a good use of time on the floor of the Senate. **Senator Darrington** recommended sending the bill to the floor and, if necessary, it could go to the Fourteenth Order.

MOTION: **Senator Bock** moved, seconded by **Senator Nuxoll**, that **S 1277** be sent to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Bock** will sponsor the bill on the floor.

S 1278 **Relating to Athletic Trainers. Ms. Kerr** advised that this legislation allows members of the Board of Athletic Trainers to opt out of the PERSI by changing the reference in *Idaho Code* to classify the compensation as an honorarium. **Ms. Kerr** requested the Committee send **S 1278** to the floor with a do pass recommendation.

MOTION: **Senator Schmidt** moved, seconded by **Vice Chairman Broadsword**, that **S 1278** be sent to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Vick** will sponsor the bill on the floor.

S 1280 **Relating to the Respiratory Care Practice Act. Ms. Kerr** stated this legislation allows members of the Respiratory Care Licensure Board to opt out of PERSI by changing the reference in *Idaho Code* to classify the compensation as an honorarium. **Ms. Kerr** requested the Committee send **S 1280** to the floor with a do pass recommendation.

MOTION: **Senator Nuxoll** moved, seconded by **Senator Heider**, that **S 1280** be sent to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Nuxoll** will sponsor the bill on the floor.

PRESENTATION: **Idaho Academy of Nutrition & Dietetics**. **Sue Linja**, RD, LD, President, Idaho Academy of Nutrition & Dietetics (Association), introduced **RoseAnna B. Holliday**, RD, LD, PhD, MPH, President-Elect, and acknowledged Board members in attendance, as well as representatives of the licensed registered dietitians in the state and students from the University of Idaho and Idaho State University dietetics programs. She stated that some students in attendance have done their pre-dietary work at Boise State University, College of Western Idaho, College of Southern Idaho, or North Idaho College, reflecting the Association's nutrition programs throughout the state. She also acknowledged Tim Olson and Steve Rector of Pinnacle Business Group who are helping the Association through the process of having a voice in health care discussions in Idaho.

Ms. Linja stated that their goal is to introduce the Association and provide education on the Licensed, Registered Dietitian and how they can play a huge role in the reduction of health care costs. She emphasized that prevention through good nutrition is the key and provided handouts for each Committee member listing names of Registered Dietitians within their districts. These dietitians work in three major hospitals, local health clinics, private practices, private industries, dialysis centers, diabetes treatment centers, public schools, nursing homes, in the WIC program at Central District Health, and teaching at the College of Southern Idaho.

Ms. Linja stated there are approximately 550 licensed registered dietitians and dietetic students in Idaho. She provided highlights of the extensive requirements involved in pursuing a career in the nutritional dietetic profession:

- Licensed registered dietitians must have at least a four (4) year, bachelor's degree; many also have a master's level degree and several, like Dr. Holliday, are PhDs.
- They must pass a national registration exam.
- They must have 75 hours of continuing education credits over a five (5) year period to keep current in their profession.

Dr. Holliday stated she practices in Twin Falls and teaches nutrition at the College of Southern Idaho. She reported that a licensed, registered dietitian is really an advocate for healthy lifestyles and prevention. **Dr. Holliday** noted there is a study projecting that Idaho can save \$62 million by improving preventive services, including nutrition. She stated that there is a tsunami of information about nutrition that exists, with everyone claiming to be nutrition experts. However, much of the information is scattered, often inaccurate, or even misinterpreted. Idaho's licensed, registered dietitians can cut through the clutter and provide expert guidance to improve nutrition that is personal, doable, practical, and affordable.

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

Senator Darrington asked how the dietitians reach individual people who need education in proper nutrition and if that is through nurses and doctors. **Dr. Holliday** noted that the focus does need to be on integrated care and responded by inviting **Senator Darrington**, and any of the Committee members, to their annual meeting in Sun Valley from May 2-4, at which time they will be discussing integrated care and building relationships.

Senator Heider asked how those who are healthy, and want to remain healthy, interface with nutritional experts. **Dr. Holliday** responded that there are a variety of ways in which to access a registered dietician, one of which is through their website, eatrightidaho.org. If you enter your zip code, you will see a list of registered dieticians in your area.

Chairman Lodge expressed her appreciation for the excellent, enthusiastic presentation and commented that, due to several aspects of working in the Legislature, further information about nutrition would be very helpful to everyone here. **Ms. Linja** stated, the Association would love to support the Legislature with educational sessions on nutrition.

Senator Smyser suggested the Association contact Teresa Luna at the Department of Administration and consider partnering with the Department's Wellness Committee to provide education on nutrition for all State employees, including the Legislature.

ADJOURN:

Chairman Lodge advised that she would be presenting to JFAC on Thursday and asked the Committee to give her any suggestions on items they might want addressed. The meeting was adjourned at 3:42 p.m.

Senator Lodge
Chairman

Lois Bencken
Secretary

Diana Page
Assistant Secretary