

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 13, 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 3:05 p.m.

GUBERNATORIAL CONFIRMATION VOTE : **Michael D. Gibson** of Nampa, Idaho was appointed to the Commission for the Blind and Visually Impaired to serve a term commencing July 1, 2011 and Expiring July 1, 2014.

MOTION: **Senator Bock** moved, seconded by **Senator Nuxoll**, to send the gubernatorial appointment of **Michael D. Gibson** to the Commission for the Blind and Visually Impaired to the floor with the recommendation that said appointment be confirmed by the Senate. The motion carried by **voice vote**.

RS 21221 **Relating to Vocational Rehabilitation. Vice Chairman Joyce Broadsword**, District 2, reported that Idaho's End-stage Renal Disease Program was established in 1970 and requires the Division of Vocational Rehabilitation to provide financial assistance to individuals diagnosed with end-stage renal disease who are unable to pay for the cost of services. A recent study by the Office of Performance Evaluations (OPE) (see Attachment #1) found that Medicare, Medicaid and private insurance provide for some or all of the costs associated with end-stage renal disease, making the original legislative intent of these laws no longer relevant. She indicated the Governor is recommending this program be phased out and the purpose of this legislation is to amend *Idaho Code* Sections 33-2307 and 33-2308, thereby terminating the end-stage renal disease program by June 30, 2013. **Vice Chairman Broadsword** requested that the Committee send **RS 21221** to print.

Senator Schmidt commented that he recalled an executive order issued in 2010 stating that any requirements to participate in the federal health care program would need to be authorized by the Governor and wondered if that order would have implications here. **Vice Chairman Broadsword** indicated that order dealt with state agencies seeking federal money. She advised that they are not looking for federal dollars to replace monies in this program; there are already programs in place that people who suffer from renal disease can access, and this program is essentially a duplication.

MOTION: **Senator Schmidt** moved, seconded by **Senator Nuxoll**, that the Committee send **RS 21221** to print. The motion carried by **voice vote**.

Vice Chairman Broadsword indicated she would appreciate receiving any specific questions anyone would like addressed when this bill comes back before the Committee.

S 1260

Relating to Nurses. Sandra Evans, Executive Director, Idaho Board of Nursing (Board), advised that this proposed legislation grants the Board clear statutory authority to develop and implement an alternative to formal discipline in cases where minor substandard practice has occurred and there is no showing on the part of the nurse of intentional or reckless behavior and where there is no evidence of substantial harm or the potential for substantial harm caused by the deficiency. She requested that the Committee send **S 1260** to the floor with a do pass recommendation.

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 asked what the alternative discipline would consist of. **Ms. Evans** indicated that currently the Board can only restrict, revoke or deny a license and the Board is seeking an alternative short of that formal process to remediate the nurse through additional education or supervision. **Senator Bock** asked what is currently being done in circumstances that do not merit disciplining the license. **Ms. Evans** advised that the Board does use remediation through the grievance process or stipulated agreements. The Board is seeking clear statutory authority to continue those practices. **Senator Schmidt** noted, from his experience in the medical community, this process is difficult and costly and questioned why there is no significant fiscal impact. **Ms. Evans** related that a year ago the Board requested the addition of two staff members to handle disciplinary and monitoring related activities so additional manpower is already in place.

MOTION:

Senator Smyser moved, seconded by **Senator Schmidt**, that the Committee send **S 1260** to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Smyser** will sponsor the bill on the floor.

S 1261

Relating to Nurses. Ms. Evans advised that this proposed legislation amends *Idaho Code*, Section 54-1404, by authorizing the Board to use its dedicated resources to support nursing workforce initiatives to develop the education, distribution and availability of nurses, or to enter into contracts or agreements with others to fulfill these purposes in an effort to improve the delivery of quality health care in Idaho.

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

Vice Chairman Broadsword asked if the Board has been approached by anyone seeking some type of initiative and asking for support. **Ms. Evans** responded, yes. The Board has been talking for a number of years about funding to support research initiatives. A concern of the Board with the retirement of a number of nurses in the baby boomer generation is the maldistribution of professionals. With the assistance of the legislature and the Governor's office there have been several initiatives in place over the years with the Department of Labor doing some very targeted workforce analysis. She stated the Board has been approached by the Idaho Alliance of Leaders in Nursing to talk about the future. **Vice Chairman Broadsword** asked what the Board's dedicated fund balance is currently. **Ms. Evans** stated it is in excess of \$1 Million.

TESTIMONY:

Margaret Henbest, Executive Director, Nurse Leaders of Idaho, spoke in support of **S 1261**. She provided background on the Idaho Nursing Work Force Center at Boise State University which was initially funded by a HRSA grant and stated the Idaho Alliance of Leaders in Nursing has maintained a volunteer advisory capacity with the Department of Labor to look at the ongoing nursing work force data collection effort and has asked for support of the Board of Nursing for funding using dedicated nurse license fees.

Vice Chairman Broadsword noted there has been a shortage of nursing instructors and asked if that is getting any better. **Ms. Henbest** responded that there continues to be a shortage of nursing faculty.

MOTION: **Vice Chairman Broadsword** moved, seconded by **Senator Bock**, that the Committee send **S 1261** to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Smyser** will sponsor the bill on the floor.

S 1262 **Relating to Nursing.** **Ms. Evans** advised that this proposed legislation amends *Idaho Code* Section 54-1406A to require that state and federal criminal background checks required as part of the application for certification as a medication assistant be fingerprint based. She noted that a recent FBI audit of the Board of Nursing's conduct of criminal background checks identified that statutory language does not specify the basis for the background checks to be applicant fingerprints thereby preventing the Board from accessing the national fingerprint database. She requested that the Committee send **S 1262** to the floor with a do pass recommendation.

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

Vice Chairman Broadsword asked if the Board is already doing background checks and this just adds the fingerprint based requirement, and if so, is there an additional cost. **Ms. Evans** responded that this was an oversight on the part of the Board and the fee applicants are being assessed includes fingerprint checks. **Senator Schmidt** asked how many practicing medical assistants are certified versus non-certified. **Ms. Evans** advised that this legislation affects a certified medication assistant which is different from a medical assistant. She further advised that the Board has only had three applicants with one being currently certified.

TESTIMONY: **Eric Pedersen** spoke in opposition to **S 1262**. He stated he has been coming to committee meetings for a few weeks and has observed that legislators tend to just look at whether or not they think it is good and will benefit the state instead of what the government's role is. **Chairman Lodge** informed **Mr. Pedersen** that he should speak only on the topic of **S 1262**. **Mr. Pedersen** stated he was speaking to the bill and indicated there is nothing in Section 54-1401 that is not purely socialist and it is a complete takeover. **Chairman Lodge** recognized **Senator Darrington** who asked if **Mr. Pedersen** was saying that the Committee members are socialists and enacting socialist legislation. **Mr. Pedersen** responded, "Yes, it is." **Chairman Lodge** again reminded **Mr. Pedersen** to speak to the bill. **Mr. Pedersen** indicated he wanted to speak on **S 1261** but was not familiar with the procedure. **Chairman Lodge** recognized **Senator Darrington** who informed **Mr. Pedersen** that everyone is given a chance to speak on any particular bill and the Chairman had invited testimony. **Mr. Pedersen** stated the problem is that we have lost faith in people and things like this—like a fingerprint check—is a violation of people's rights. **Chairman Lodge** asked if **Mr. Pedersen** is a nurse. He responded, "No," and asked **Chairman Lodge** if she is a nurse. **Senator Darrington** informed **Mr. Pedersen** that it is appropriate to make comments regarding the legislation, but it is inappropriate for a witness to question a chairman. **Mr. Pedersen** left the podium.

MOTION: **Senator Darrington** moved, seconded by **Senator Smyser** that **S1262** be sent to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Schmidt** will sponsor the bill on the floor.

S 1273

Relating to Nurses. Ms. Evans advised that nurses are licensed in Idaho to practice in advanced roles as certified nurse midwives, clinical nurse specialists, nurse practitioners and registered nurse anesthetists. This legislation provides consistency with nationally agreed upon designations for licensed nurses, proposing the abbreviation RN for registered nurse, and the abbreviation APRN for advance practice registered nurse. It does not alter existing advance practice nurse roles or scopes of practice. The legislation changes the membership of the APRN Advisory Committee to assure representation of the four advanced practice nursing roles as well as the public interest and increases the term of appointment from two to three years. **Ms. Evans** requested that the Committee send **S 1273** to the floor with a do pass recommendation.

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 noted the legislature has heard bills from the Board of Medicine to change the designation of board members so they are not paying into PERSI, she asked if the compensation for this board takes that into account. **Ms. Evans** advised that this legislation deals with members of the Advisory Committee to the Board and the members are not compensated. In response to a question from **Senator Schmidt**, **Ms. Evans** indicated that the purpose in amending the statute related to membership is to fully represent the four advance practice nursing roles and then to add a consumer member as well to be sure the consumer interest is present during the dialogue. The addition of two physicians was a compromise at the request of the Medical Association and Board of Medicine to better balance the number of physicians and nurses on the committee.

TESTIMONY:

Ms. Henbest spoke in support of **S 1273**. She stated this legislation reflects the evolution of the advance practice nurse in Idaho, and the increase in the Committee membership is timely.

MOTION:

Senator Schmidt moved, seconded by **Senator Heider**, that the Committee send **S 1273** to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Nuxoll** will sponsor the bill on the floor.

ADJOURN:

Chairman Lodge noted Committee members are due on the floor in fifteen minutes and adjourned the meeting at 3:45 p.m.

Senator Lodge
Chairman

Lois Bencken
Secretary