

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 20, 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 1:31 p.m.

H 500: **Roger Hales**, Board of Occupational Therapy, presented **H 500**, legislation that eliminates ambiguity in the Idaho Code regarding continuing education.

MOTION: **Rep. Thayn** made a motion to send **H 500** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Thayn** will sponsor the bill on the floor.

H 501: **Roger Hales** Board of Counselors and Marriage and Family Therapists, presented **H 501**, legislation that clarifies the previous Idaho Code additions of Clinical Counselors, Marriage and Family Therapists, and Associate Marriage and Counselor Therapists.

MOTION: **Rep. Thayn** made a motion to send **H 501** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Chew** will sponsor the bill on the floor.

Chairman McGeachin introduced the committee's new page, Rachel Uhlenkott.

H 530: **Chairman McGeachin** explained to the audience the procedure and etiquette for giving testimony.

Testifying in **opposition** to **H 530** were Sylvia Cheriton, Vice President Public Policy, American Association of University Women in Idaho; Monica Hopkins, Executive Director, American Civil Liberties Union of Idaho; Erin Capener, Idaho Resident, Resident Nurse; Bonnie Douglas, former State Representative, Idaho Resident; Muriel Roberts, Director of Advocacy, The League of Women Voters of Idaho; Lisa Bousad, Idaho Resident, Nursing Student; Chris Cooke, Idaho Student Association, Idaho resident; Yvette Sedlewicz, Dominique Howell, Darcy James, Eve Palmer, Elaine Kuzakoff, Elizabeth Littman, Pilar Howell, Alexander Grad, Dr. Roberta Olson, James Gravatt, Kay Markword, Justin Blakely, Patti Moran, Idaho Resident.

Those testifying detailed medical conditions that rely on birth control products. They indicated that affordability without insurance becomes an issue which could lead to non use and future cost consequences that affect the entire community. It was stated that by singling out products used by women, **H 530** violates the state's responsibility to allow equal freedom and neither employers nor insurance companies should dictate coverage. It was expressed that **H 530** takes away control of an individual's life and health and that many religions disagree with other unregulated basic health care options.

Testifying in **support of H 530** were Julie Lynde, Executive Director, Cornerstone Family Counseling, and Jason Herring, President, Right to Life.

They stated that this legislation protects our state rights and women's freedom. It was pointed out that our state policy prefers live birth over abortion. Those testifying disagree with the government injecting itself into any individual's decision and forcing employer insurance companies to provide coverage against their conscience.

Rep. Bilbao stated that the real issue is with mandates, which oppose the First Amendment. Although contraceptives can be used for medical reasons, he objects to those that end life, which will be covered and paid for with taxpayer dollars. He shared his disappointment in statements of assurance made by the federal government at the same time bills that eliminate any option were being passed by Health and Human Services (HHS). **Rep. Bilbao** stated that we must pay for our own choices.

MOTION: **Rep. Bilbao** made a motion to send **H 530** to the floor with a **DO PASS** recommendation.

Rep. Rusche stated that contraceptives are not abortifacients. The definition of abortifacients is unclear in this legislation and could apply to almost any medication, including chemotherapy. Additionally, **H 530** would exclude services for women, but not those for men. He would not be able to support this legislation because it enables an employer to force personal values on his or her employees.

Rep. Wood(27), said he would be unable to support **H 530**, which is preempted by federal law and rule and would require federal court action to be set aside, spending tax dollars. He noted that oral contraceptives are also used for other medical reasons.

SUBSTITUTE MOTION: **Rep Wood(27)** made a substitute motion that **H 530** be held in committee. **Rep. Bilbao** requested a roll call vote.

Rep. Thayn said that the intent in writing **H 530** was to keep Idaho's status quo. Insurance companies are not required to offer abortifacients, but do, because it makes sense to them. In his opinion, if this bill passes, most insurance companies, for financial reasons, would still continue to offer these services. However, he is unable to support **H 530** because of the vagueness of the abortifacient definition.

AMENDED SUBSTITUTE MOTION: **Rep. Roberts** made an amended substitute motion to hold **H 530** subject to the call of the Chair.

Rep. Roberts stated that he supports the sponsor's motive, but the potential unintended consequences need addressing.

Rep. Rusche stated his opposition to holding **H 530** for time certain, that the bill was irreparable and if returned could still invite legal expenditures.

ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION: **Rep. Bilbao** requested a roll call vote. **Motion carried by a vote of 7 AYE, 3 NAY.** **Voting in favor of the motion: Reps. Bilbao, Loertscher, Shepherd, Thayn, Guthrie, Roberts, McGeachin.** **Voting in opposition to the motion: Reps. Wood(27), Rusche, Chew.**

HJM 10: **Marcie Wilske**, Chancellor, Roman Catholic Diocese of Boise, testified in **support** of **HJM 10**, stating that HHS mandated that all private health care plans must cover sterilization, abortion-inducing drugs, and contraceptives. A final rule issued on February 10th would exempt religious employers, but not their insurance companies. With automatic insertion into policies, coverage would still be employer paid. Ms. Wilske encouraged the committee members to speak out for religious liberties by supporting this joint memorial.

Dave Ripley, Idaho Chooses Life, testified in **support** of **HJM 10**, stating that this is federal coercion for a political social agenda that is objectionable.

In closing, **Rep. Bilbao** stated that **HJM 10** is the Idaho legislative direction to Congress to consider the Respect for Right of Conscience Act of 2011.

MOTION: **Rep. Roberts** made a motion to send **HJM 10** to the floor with a **DO PASS** recommendation.

Rep. Chew said she was unable to support **HJM 10** because it is discriminatory.

ROLL CALL VOTE ON MOTION: **Rep. Roberts** requested a roll call vote on the motion. **Motion carried by a vote of 7 AYE, 2 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Bilbao, Loertscher, Shepherd, Thayn, Guthrie, Roberts, McGeachin. Voting in opposition to the motion: Reps. Rusche, Chew. Rep. Wood(27) was absent/excused. Rep. Bilbao will sponsor the bill on the floor.**

H 486: **Jerry Deckard**, Capitol West Public Policy Group, Idaho Indoor Tanning Association, testified in **opposition** to **H 486**, stating that there is no indication of the method of enforcement. He stated that tanning facilities already require parental permission without the need for a law and its penalties. Mr. Decker expressed concern that inclusion of home use would be an over reach that is unenforceable.

Wayne Hoffman, Executive Director, Idaho Freedom Foundation, testified in **opposition** to **H 486**, expressing his concern with the removal of parental decision making. In answer to a question, he said that parental involvement is better than government involvement on any issue.

Patti Moran, Idaho Resident, testified in **support** of **H 486**. She stated that behavioral changes could prevent melanoma skin cancer and resulting deaths. Ms. Moran cited several studies and reports that indicate the extensive use of tanning beds by teenage girls.

Lauren Douty, Idaho Resident, spoke in **support** of **H 486**. She described her tanning experience and the resulting surgical scars, stating that she wished someone would have stopped her from using tanning beds. Ms. Douty said her friends admit to multiple weekly visits to different salons, since there is no common exposure record kept between the various salons.

Jared Scott, Dermatologist, Boise Valley Dermatology Society, spoke in **support** of **H 486**, stating his concern for our youth and his experience as a dermatologic surgeon who removes skin cancer often from teens and has to explain the result of their risky behavior. Dr. Scott stated that the increase in tanning salon popularity is in line with the epidemic skin cancer increase. He explained that even 1mm melanoma penetration is very serious and can spread to other areas of the body.

In closing remarks, **Rep. Rusche** stated that tanning in tanning beds is a known cancer causing condition that has been demonstrated to increase the incidences of skin cancer and fatal skin cancer. Whether in salons or homes, tanning bed usage needs to be treated like other carcinogens, as a misdemeanor, with imprisonment and a fine. He described the Federal Drug Administration protections, which are only for the medical devices, stating that they do not prescribe the exposure frequency or duration, and have recommendations for only the first week of tanning. Responding to questions, Rep. Rusche said law enforcement would be handled through multiple police and sheriff entities. The amount of the fine is up to the discretion of the judge, with both the minor and the salon owner liable.

MOTION: **Rep. Roberts** made a motion to send **H 486** to general orders with amendments. **Rep. Rusche** seconded the motion. **Motion carried by voice vote.** **Rep. Rusche** will sponsor the bill on the floor.

H 555: **Chairman McGeachin** requested unanimous consent from the committee to postpone **H 555** until the next committee meeting.

PRESENTATION: **Sue Linja**, Registered Dietitian (RD), Licensed Dietitian (LD), President, Idaho Academy of Nutrition and Dietetics, presented "Healthy Idaho: Licensed Registered Dietitians, The Nutrition Experts!" She stated that there are 550 licensed, registered dietitians and dietetic students in Idaho. Licensing is under the Board of Medicine statute and requires a minimum 4 year degree, internship, passage of a national registration exam, and continuing education.

Ms. Linja stated that health care costs can be reduced by adopting the view that nutrition plays a key role in the prevention of every disease. As educated experts, licensed, registered dietitians would like to be involved in any health care discussions.

RoseAnna Holiday, LD, RD, President-Elect, Idaho Academy of Nutrition and Dietetics, stated that they advocate for health related issues, including improved school lunches and meals for elderly citizens. She detailed the estimated state savings that is possible through nutrition improvement, noting that classes are available on line as well as in classrooms. The current obesity epidemic has an underlying cause of poor nutrition and inactivity, which leads to medical issues. She said that prevention through nutrition is the key to health care cost reductions.

In response to questions, **Ms. Holiday** stated that one of the preventative cost saving services would involve the patient meeting with a registered dietitian to discuss their health issues. The meeting could be annually or monthly, but would be individualized for their particular need. Some physicians are referring patients to dietitians, but the Idaho Academy of Nutrition and Dietetics is just starting to advertise who they are and what they can do.

In answer to questions, **Ms. Linja** stated that the Department of Health and Welfare's Infant and Children Program has a strong nutritional component and the Federal Food Stamp Program could include nutritional educational.

Ruth Schneider, Dietetic Internship Clinical Coordinator, Idaho State University Meridian Health Science Center, was invited to answer a question about state waiver possibilities for the federal Special Needs Assistance Programs (SNAPS). She stated that SNAPS is a general diet and the Women, Infants, and Children (WIC) Program is for specific foods. She supports education of program members so they can plan their diets.

Ms. Linja stated that they would like to be included in any discussions about cost savings through nutrition and nutrition prevention, such as those mentioned in the Patient Protection and Affordable Care Act.

ADJOURN

There being no further business to come before the committee, the meeting was adjourned at 4:12 p.m.

Representative McGeachin
Chair

Irene Moore
Secretary