

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, March 06, 2012

**TIME:** Upon Adjournment

**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 with the minutes 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 10:37 a.m.

**MOTION:** **Rep. Bilbao** made a motion to approve the minutes of the February 24, 2012, meeting. **Motion carried by voice vote.**

**H 486** **Chairman McGeachin** announced that there would be no additional public testimony today. Testimony was given January 20, 2012, when **H 486** was before the committee. She also stated that there were dermatologists in the gallery who were available to answer any committee questions.

Because **H 486** was returned from the floor for discussion, **Rep. Rusche** appeared before the committee to respond to concerns expressed during the floor debate on March 1, 2012. He stated that the allegation that dermatologists want the bill for their financial gains is confusing since they make their living by examination and treatment of skin diseases, which will decrease with this bill. He said that the additional issue of dermatological equipment competing with tanning beds could be explained by **Dr. Lindsay Sewell**.

**Chairman McGeachin** placed a teleconference call to **Dr. Sewell**, President, Idaho Dermatology Society. He explained the electromagnetic spectrum, which includes gamma (the highest energy level), x-rays, ultraviolet (UV), visible, infrared, micro, and radio waves (the lowest energy level). The shorter the wave length, measured in nanometers (nm), the higher the energy. UV is broken into three segments. UVC measures 200 to 289nm, UVB measures 290 to 319nm, and UVA measures 320 to 400nm. UVA is broken down into two segments, UVA2 (320 to 339nm) and UVA1 (340 to 400nm).

Since the various wave lengths have different affects on the skin, dermatologists decide on a case-by-case basis what is right for their patients, including those with psoriasis, eczema, and lymphoma. He said that UV treatments, although decreasing inflammation, can damage the DNA in the cell and mutate to cancer. **Dr. Sewell** stated that it was discovered that a specific energy level worked best for treating inflammation, so dermatologists use a quick, narrow band of only 311nm UVB in a vertical light box that minimizes the risk and maximizes the therapeutic outcome. He described conditions that would respond to UVA exposure, stating that new lotions and medications offer excellent treatment without the UV risks.

**Dr. Sewell** explained that the skin penetration is different for UVC, which goes just below the stratum corneum, UVB, which goes just past the Epidermis, and UVA, which penetrates well into the Dermis, where mole cells are found. He said that tanning is a defense mechanism in response to UVA exposure to protect the DNA and prevent cell mutation. Too much UV, a darker tan, can overwhelm the body's ability to protect itself. He stated that dermatological UV delivery devices offer specific UV ranges and are not interchangeable with tanning beds, which provide general UV light.

He said that phototherapy sessions have decreased because new medications offer less risk in many instances. **Dr. Sewell** stated that their profession has the responsibility of using UV treatments effectively and minimally.

**Rep. Rusche** introduced three amendments to **H 486**. Amendment One modifies the details and definition of tanning equipment, exempts personal residential use, exempts sunless tanning products, decreases the age to fifteen and under, adds parental consent provision and guidelines, adds age verification guidelines and consequences for false information, provides owner liability exemption, and allows stricter limitations by local governments. Amendment Two clarifies safety or health risk information provided by tanning salon representatives. Amendment Three specifies warning sign requirements.

Responding to questions, **Rep. Rusche** said that tanning bed owners did not participate in the development of **H 486**.

**MOTION:** **Rep. Roberts** made a motion to send **H 486** to General Orders. **Rep. Wood** seconded the motion.

**Rep. Thayn** stated his concern that the industry wasn't involved in writing the bill for better balanced results.

**SUBSTITUTE MOTION:** **Rep. Thayn** made a substitute motion to **HOLD H 486** in committee.

**Rep. Guthrie** stated that he agrees that this issue needs to be addressed due to genuine risk, but he was troubled about the lack of stakeholder conversations and language that bans a particular group.

**AMENDED SUBSTITUTE MOTION:** **Rep. Guthrie** made a motion to send **H 486** to General Orders with the presented amendments, the deletion of 18-1524(2) in its entirety, and a change to 18-1524(3) from "between sixteen (16) and eighteen (18) years of age" to "no person under eighteen (18) years of age."

**Rep. Bilbao** spoke in **support** of the original motion, stating that the amendments presented reflect what the bill should be.

**ROLL CALL VOTE ON AMENDED SUBSTITUTE MOTION:** **Rep. Roberts** requested a roll call vote on the amended substitute motion to send **H 486** to General Orders with the presented amendments, the deletion of 18-1524(2) in its entirety, and a change to 18-1524(3) from "between sixteen (16) and eighteen (18) years of age" to "no person under eighteen (18) years of age." **Motion failed by a vote of 1 AYE and 10 NAY. Voting in favor of the motion: Rep. Guthrie. Voting in opposition to the motion: Reps. Bilbao, Loertscher, Shepherd, Thayn, Wood(27), Roberts, Rusche, Chew, McGeachin.**

**VOTE ON SUBSTITUTE MOTION:** **Chairman McGeachin** called for a vote on the substitute motion to **HOLD H 486** in committee. **Motion failed by voice vote.**

**ROLL CALL  
VOTE ON  
ORIGINAL  
MOTION:**

**Rep. Roberts** requested a roll call vote on the original motion to send **H 486** to General Orders. **Motion carried by a vote of 7 AYE to 3 NAY. Voting in favor** of the motion: **Reps. Bilbao, Loertscher, Wood(27), Roberts, Rusche, Chew, McGeachin. Voting in opposition** to the motion: **Reps. Shepherd, Thayn, Guthrie. Rep. Rusche** will sponsor the bill on the floor.

**H 487**

**Tony Poinelli**, Idaho Association of Counties, presented **H 487**, which clarifies that the county costs for court-ordered commitments would be either the contract provider or the Medicaid rate. This eases the county financial burden from the full costs they have been paying.

**MOTION:**

**Rep. Bilbao** made a motion to send **H 487** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Jaquet** will sponsor the bill on the floor.

**Chairman McGeachin** turned the gavel over to **Vice Chairman Bilbao**.

**H 609**

**Rep. McGeachin** presented **H 609**, which is a working effort between parties in response to previous legislation. She said that the projected savings from each program that was a part of **H 260** (2011) is on target, with management improving. After reviewing the economic rise and budget cut impact, three categories need reinstatement.

The first restoration is for preventative dental care to participants on the aged and disability waiver and the developmental disability (DD) waiver. **Rep. McGeachin** stated that **H 260** (2011) addressed duplication of skill treatment for mental health and DD services by requiring a choice between the two. It has been determined that what is really required is further clarification and definition of both services to assure that duplication doesn't occur, so eligible individuals do not have to choose one service or the other. Finally, the tiered budget approach for adults, that was based on the system used by children's services, needs to be put on hold until some issues are resolved.

**Rep. McGeachin** stated that the fiscal note indicates an impact of \$1,500,000 to the state General Fund, but the impact is actually \$7-8 mil when federal funding is included.

**MOTION:**

**Rep. Wood** made a motion to send **H 609** to the floor with a **DO PASS** recommendation. He commented that the Joint Finance and Appropriations Committee had approved funding for these restorations at their March 6, 2012, meeting.

**Rep. Rusche** thanked **Rep. McGeachin** for working with the community and other chairmen to pursue these reinstatements.

**VOTE ON  
MOTION:**

**Vice Chairman Bilbao** called for a vote on the motion to send **H 609** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. McGeachin** will sponsor the bill on the floor..

**Vice Chairman Bilbao** returned the gavel to **Chairman McGeachin**.

**Chairman McGeachin** asked anyone in the gallery who had come in support of **H 609** to stand and be recognized for their assistance.

**ADJOURN**

There being no further business to come before the committee, the meeting was adjourned at 11:43 p.m.

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Representative McGeachin  
Chair

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Irene Moore  
Secretary