

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, March 08, 2012
TIME: 3:00 P.M.
PLACE: Room WW54
MEMBERS PRESENT: Chairman Lodge, Vice Chairman Broadsword, Senators Darrington, Smyser, Vick, Nuxoll, Bock, and Schmidt
ABSENT/ EXCUSED: Senator Heider
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.
CALL TO ORDER: **Chairman Lodge** called the meeting to order at 3:06 p.m.

H 503

Relating to Prescription Drug Orders. Susie Pouliot, CEO, Idaho Medical Association (IMA) advised this legislation clarifies in law that there are limited and very specific situations where it is appropriate for a health care provider to write a prescription for an individual with whom that provider did not have an established provider-patient relationship. In 2006 the legislature passed a law to combat internet prescribing. Although, that legislation was effective in getting rid of inappropriate internet prescribing, it had unintended consequences. She said this bill was the product of collaboration between the IMA and the Boards of Medicine, Nursing and Pharmacy, as well as the Department of Health and Welfare and the Public Health Department.

Ms. Pouliot stated **H 503** lists seven specific situations where a physician or another prescriber can write a prescription for a patient with whom they do not have a physician/patient relationship: 1) writing initial admission orders for a newly hospitalized patient; 2) writing a prescription for a patient of another prescriber for whom the prescriber is taking call; 3) writing a prescription for a patient examined by a physician assistant, advanced practice registered nurse or other licensed practitioner with whom the prescriber has a supervisory or collaborative relationship; 4) writing a prescription for medication on a short-term basis for a new patient prior to the patient's first appointment; 5) in emergency situations where life or health of the patient is in imminent danger; 6) in emergencies that constitute an immediate threat to the public health including, but not limited to, empiric treatment or prophylaxis to prevent or control an infectious disease outbreak; and 7) if a prescriber makes a diagnosis of a sexually transmitted disease in a patient, the prescriber may prescribe or dispense antibiotics to the infected patient's named sexual partner or partners for treatment of the sexually transmitted disease as recommended by the most current Centers for Disease Control and Prevention (CDC) guidelines. The specific situations outlined in the legislation follow well-established methods of care in the health care community, as well as best practices established by (CDC) guidelines.

Ms. Pouliot advised that prescribing drugs to individuals without a prescriber/patient relationship and not in accordance with this section, would be considered unprofessional conduct and the prescriber would be subject to discipline according to the provisions of the *Idaho Code* chapter under which the prescriber is licensed, certified or registered. She asked the Committee to support this bill.

Chairman Lodge asked **Ms. Pouliot** if they have had problems. **Ms. Pouliot** responded that these situations are well established practices and physicians suddenly found themselves running afoul of the law when they had been doing this all along. She said they simply want to clarify in statute that these situations are appropriate.

Senator Schmidt indicated he has a concern that something could be missed when we specifically list situations. **Ms. Pouliot** said this is covered in the legislation under the situations listed in (6) and (7) above where they talking about public health threat and infectious disease.

TESTIMONY: **Dieuwke A. Dizney-Spencer**, RN and Bureau Chief, Bureau of Clinical and Preventive Services, spoke **in support** of **H 503**. She talked about her experience at a high school, where she was a public health nurse, when a student came down with meningitis and died. She explained that physicians, nurse practitioners, and physician's assistants were able to provide antibiotics to protect family members and friends from this potentially rapidly spreading disease because they were not required to see everyone in person prior to writing the prescription.

Supporting documents related to this testimony have been archived and are accessible in the office of the Committee Secretary (see Attachment #1).

TESTIMONY: **Hanna Brass** representing Planned Parenthood, testified **in support** of **H 503**. She said an early pregnancy test is a crucial strategy because it eliminates the cost, time and similar barriers to treatment. She urged the Committee to vote yes on **H 503**.

MOTION: **Senator Schmidt** moved, **seconded** by **Senator Nuxoll**, that the Committee send **H 503** to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Schmidt** will carry the bill on the floor.

H 558 **Relating to Residential Care Provisional Permits. Robert VanderMerwe**, Idaho Health Care Association, advised that a license is required to operate an assisted living facility in Idaho. He indicated that the 2011 Legislature revised licensing requirements to add experience to other requirements for licensure. He indicated that the current law is being interpreted to require the same education and experience requirements for a Provisional Permit as required for a regular license. He advised that this legislation will allow the issuance of a Provisional Permit for a period of 90 days if either the education requirement or the experience requirement is met. He stated that licensed administrators, especially in rural areas, are difficult to find and this will allow a facility to fill vacancies on an emergency basis. Should a facility have an administrator leave, the Department of Health and Welfare requires that an administrator be hired within 30 days. If the facility is unable to find a licensed administrator and there is someone with either the required experience or required education available, the 90 day time frame of the Provisional Permit should allow for the completion of the education or experience requirement.

Senator Bock asked what happened after the expiration of the Provisional Permit? **Mr. VanderMerwe** answered that the Provisional Permit is only good for 90 days. After the 90 days, one has no licensed administrator. In rare cases, he said, in a rural area, for example, the Bureau would allow another 90 days. He said, generally, 90 days should be enough time to find and hire a licensed administrator. He pointed out that the minimum number of experience hours if one had a degree would be 200 hours.

Chairman Lodge asked how many licensed administrators there are in Idaho? **Mr. VanderMerwe** answered there are about 400 facilities and each one has a licensed administrator and there are probably another 200, like himself, who have a license that are not working in a medical building. He guessed there are about 600 total.

TESTIMONY: **Mark Nupil** testified in support of **H 558**. He stated that he owns several assisted living facilities in a rural communities throughout Idaho. He said if the bill does not pass, it would be detrimental to the industry.

Chairman Lodge asked **Mr. Nupil** if he felt he could operate his facilities throughout the state without an administrator and he replied absolutely not. He said the 90 day Provisional Permit would give time to find someone or allow someone on staff to complete education requirements.

MOTION: **Senator Smyser** moved, seconded by **Senator Bock**, to send **H 558** to the floor with a **do pass** recommendation. The motion carried by **voice vote**. **Senator Smyser** will carry the bill on the floor.

ADJOURNMENT: **Chairman Lodge** advised the Committee that the Monday agenda would include the confirmation hearing for the Director of the Department of Environmental Quality and asked that members have their questions ready. The meeting was adjourned at 3:32 p.m.

Senator Lodge
Chairman

Lois Bencken
Secretary

Linda Kambeitz
Assistant Secretary