

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, March 20, 2012

TIME: 2:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Lodge, Vice Chairman Broadsword, Senators Darrington, Smyser, Heider, Vick, Nuxoll, Bock, and Schmidt

ABSENT/ EXCUSED: None

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 2:03 p.m.

MINUTES APPROVAL: **Vice Chairman Broadsword** moved, seconded by **Senator Schmidt**, that the minutes of the February 16, 2012, meeting be approved. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Smyser** moved, seconded by **Senator Bock**, that the minutes of the February 20, 2012, meeting be approved. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Nuxoll** moved, seconded by **Senator Schmidt**, that the minutes of the February 23, 2012, meeting be approved. The motion carried by **voice vote**.

MINUTES APPROVAL: **Senator Bock** moved, seconded by **Senator Darrington**, that the minutes of the March 1, 2012, meeting be approved. The motion carried by **voice vote**.

GUBERNATORIAL NOMINATION HEARING: **Allan R. Schneider** of Emmett, Idaho was appointed to the Commission for the Blind and Visually Impaired to serve a term commencing September 22, 2011 and expiring July 1, 2012. **Mr. Schneider** provided the Committee with a brief biography of his personal and professional life, stating that he was born and raised in South Dakota and had been an English teacher for 33 years, the last 20 had been in Emmett, Idaho. He said a couple of years ago, he decided to retire from teaching and he began taking classes with the Commission for the Blind and Visually Impaired. He indicated he is looking forward to giving back by serving on the Board.

Chairman Lodge asked **Mr. Schneider** how he thought he could help the Board. **Mr. Schneider** said he felt that having gone through the classes offered by the Commission he understands that aspect and has started a support group for visually impaired in Emmett and in that effort spent a little bit of time with the Commission's independent living section. He feels his experience will be a benefit to the Commission.

Senator Schmidt said he appreciated **Mr. Schneider's** willingness to serve and asked if it would be a problem for him to commute from Emmett to Boise for Board meetings. **Mr. Schneider** advised that a good friend works in Boise and offers him a ride.

Senator Darrington noted **Mr. Schneider** has an interesting resume with a long teaching career, but along the edges of that has done a thousand things of interest in the community and schools. He said he didn't see anything on the resume that said he was a member of the National Federation of the Blind. **Mr. Schneider** said he was just joining the Federation. **Senator Darrington** said he was not necessarily recommending membership. He stated the reason he asked is because he wanted **Mr. Schneider** to certify to the Committee that he can be

independent and find a balance between sometimes opposing groups of the blind in their efforts to steer the direction of the Commission. **Mr. Schneider** said that in one of his classes they talked about being involved and that the blind is the best advocate for the blind. He said that sometimes the groups had different sets of ideas and values and he would be joining both the National Federation and the American Council for the Blind, but he did not see himself being swayed by either group. **Senator Darrington** thanked him for his comments and said he wanted the record to indicate that he will be an independent member away from other influences when decisions have to be made.

Vice Chairman Broadsword told **Mr. Schneider** she was not familiar with Project Starfish, and asked that he briefly explain. **Mr. Schneider** said that several years ago, there was a group started in Emmett aimed at helping the kids and the reason it is called Project Starfish relates to the story of the man on the beach throwing Starfish back into the ocean to make a difference. Project Starfish reaches out to help kids with whatever project it can. He indicated just reaching out and greeting a child and asking how everything is going makes a difference.

Senator Smyser said she wanted to extend her thanks that **Mr. Schneider** is willing to serve on the Board and she said she thought his talents as an educator would be put to good use by the Commission. She said she felt they would benefit from all of his talents and she looked forward to that.

Chairman Lodge thanked **Mr. Schneider** for being there and for taking the responsibility and added that he would be a great addition to the Board. She said the Committee will vote on his confirmation at the next meeting. She thanked **Lieutenant Governor Brad Little** for being there to support **Mr. Schneider**.

H 551

Relating to the Coroner. Representative Frank Henderson, District 5, stated the purpose of this bill is to amend *Idaho Code*, to revise provisions relating to burial or cremation of unclaimed bodies. He said this bill would correct a clumsy administrative issue that had been faced by County Commissioners. The present statute does not specifically give the County Commission the authority to order the burial or disposition of a body. He stated **H 551** corrects that problem and goes a step further to provide the authority to the Coroner to make the decision to bury or cremate an unclaimed body. He advised that the present statute also does not authorize cremation of a body. He advised the burial of a body is about five time more expensive than cremation.

TESTIMONY:

Ken Mallea, attorney, representing Funeral Directors of Idaho and their Association, spoke **in support of H 551**. He said they were involved in the preparation of this bill, along with the Coroner's Association and the Idaho Association of Counties. His clients are the ones literally holding the body, on orders from the Coroner, in the event the family cannot be found or if the family will not claim the deceased. He said this bill will give the coroner of each county the authority to make the necessary decision.

Senator Darrington asked **Mr. Mallea** if the remains of those cremated are generally interred in a cemetery. He also asked if when remains are buried, is there some kind of a simple marker placed at the site. He said he felt this is extremely important, as there is always someone who wants to know something with regard to their family history, even though they may have disowned the person. He stated, the cemeteries are frequently some of the best sources of information.

Mr. Mallea said in the case of cremation, there is no formal or informal method of marking anything. Those cremated remains are usually prepared at the funeral

home and then they are boxed. If no one comes to claim the remains, the funeral directors do, as a matter of practice bury those periodically. There was no specific name recognition that he knew of that is attributed to that person. When a body is buried in any cemetery, there is some form of marker that is placed there primarily so the cemetery knows there is a body there. He said funeral directors would prefer to have a burial in these cases, but the County budgets do not have the funds to do that.

Senator Nuxoll asked if there was a certain class of people or the poor who didn't want to claim the bodies. **Mr. Mallea** said those people in the indigent category are at the low end of the economic strata. There were other cases where the deceased has assets and for one reason or another, the family does not want to have anything to do with them. The funeral homes could identify them, but the family would not come forward for them. He said they have cases where friends or the church have offered to and were willing to pay for cremation and no one from the family would sign for the body. He reiterated it was not always a case of financial necessity.

Vice Chairman Broadsword asked how the 14-day time period was reached and whether two weeks is long enough. **Mr. Mallea** said the coroners and their Association felt the 14 days was sufficient. He explained that if no family comes forward or they find the family and they want nothing to do with the body, at that point, the funeral home can apply to the county for signature by the coroner. The bill does not specify after that how soon the coroner must act. He said coroners do a thorough search in these instances by utilizing their office and law enforcement. Fourteen days was the period that must elapse, but there was no specific time for the coroner to discharge his or her duty.

Vice Chairman Broadsword said her concern was if someone had to go out of the country for a month and there might be instances where there could be family who would claim the body, had they not been out of the country. **Mr. Mallea** agreed with **Vice Chairman Broadsword**, but said the people who have to deal with this, namely the Idaho State Association of County Coroners and the Idaho Funeral Directors, came up with the 14 days as appropriate.

TESTIMONY:

John Buck, President, Idaho State Association of County Coroners, spoke in support of **H 551**.

Representative Henderson stated he wanted to assure everyone the County Recorder's Office records every death and the disposition of the remains. The date of death and the disposition of the remains would be part of a permanent record kept in each county. If funeral homes have an unclaimed body that was known to be a veteran, the urn with the ashes would be sent to the closest veteran's cemetery. The other urns are kept and the body identified on the urn which is kept for some period of time by the funeral home.

Senator Nuxoll asked if the family did not claim the body, were they trying to get out of the expense. **Representative Henderson** said that was probably correct and some people might respond in that way. He said this bill is intended to make the best possible solution of that kind of problem.

MOTION:

Senator Heider moved, seconded by **Senator Vick**, that the Committee send **H 551** to the floor with a do pass recommendation. The motion carried by **voice vote**. **Senator Smyser** will carry this bill on the floor.

H 631

Relating to Intermediate Care Facility Assessment. **Kris Ellis**, representing Idaho Health Care Association, advised that the purpose of this legislation is to

continue the Intermediate Care Facility Assessment Act. The monies generated from the assessment will be used to primarily increase the payments to Intermediate Care Facilities, in order to offset the cuts to the facilities. She indicated that in Idaho there are three assessments which were for hospitals, nursing homes and intermediate care facilities. This legislation brings the intermediate care facilities assessments in line with the hospital and nursing home assessments. **Ms. Ellis** explained to the Committee that the assessment is a system whereby the providers pay the assessment and the funds are then federally matched to an upper payment limit and that money is distributed back to the state. She stated that last year under **H 260**, because of the significant budget shortfall, a portion of that money was sent to the Department of Health and Welfare to be used for trustee and benefits.

She advised that this bill takes off the sunset that was part of **H 260** and reviewed the specific changes. She stated this will revert back to the original intent of all of the assessments, which was simply to use another method during the budget cuts to help with that situation for the providers.

Senator Vick noted a reference to Sections 22 and 23 of the act, which are not a part of this legislation and asked where they could be found. **Ms. Ellis** answered that those sections are in **H 260**; Section 22 was the repeal of the Trustee and Benefits for the nursing homes and Section 23 was for the hospital.

Senator Heider asked **Ms. Ellis** to define "idle monies." **Ms. Ellis** explained that the funds come via the assessment from an intermediate care facility, and go into the same fund as the hospital and nursing home assessments. The monies stay in the fund for a while before it is actually matched with federal dollars and then it is paid out. This fund can amount to a significant amount of money; for the hospitals last year the assessment was \$25 Million and for the nursing homes it was \$13.5 Million. The intent is to allow the State Treasurer to invest those funds sitting in the account.

TESTIMONY:

Tom Whitemore, owner of CommuniCare Inc., spoke **in support of H 631**. He stated his company serves people with intellectual disabilities (ID) who need Intermediate Care Facility (ICF) care in the state and he said he has been in business since 1980. He provided a fact sheet related to the operation of his business and indicated the ICF-ID provider assessment was vital, as it had restored their rates to include funds removed from the rate-setting process through recent years of rate freezes and reductions due to changes in reimbursement methodology by the state.

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

MOTION:

Senator Bock moved, seconded by **Vice Chairman Broadsword**, that the Committee send **H 631** to the floor with a do pass recommendation. The motion carried by **voice vote**. **Vice Chairman Broadsword** will carry this bill on the floor.

ADJOURNMENT:

Chairman Lodge thanked the Committee for all of their hard work, indicated they would have one more meeting and adjourned the meeting at 2:47 p.m.

Senator Lodge
Chairman

Lois Bencken
Secretary