

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

- DATE:** Monday, January 14, 2013
- TIME:** 9:00 A.M.
- PLACE:** Room EW20
- MEMBERS:** Chairman Wood(27), Vice Chairman Perry, Representatives Hancey, Henderson, Hixon, Malek, Morse, Romrell, Vander Woude, Rusche, Chew
- ABSENT/
EXCUSED:** Representative(s) Henderson
- GUESTS:** Nancy Kerr, Mary Leonard, Board of Medicine; Parrish Miller, Idaho Freedom Foundation; Dawn Peck, Idaho State Police; Dennis Bell, Speech & Hearing Services; Tana Cory, Occupational Licenses; Fernando Castro, Steve Bellomy, Bev Barr, Department of Health & Welfare (DHW); Gayla Nickel, Board of Massage; Roger Hales, Board of Massage & Speech & Hearing Services; Cherie Simpson, Hille Newton, Linda Goff, Occupational Licenses; Matthew Keenan, Idaho Reporter; Tony Smith, Northwest Career Colleges Federation; Brad Hunt, Department of Administration; Suzanne Budge, Suzie Lindbert, American Massage Therapists Association (AMTA).
- Chairman Wood(27)** called the meeting to order at 9:00 a.m.
- MOTION:** **Vice Chairman Perry** made a motion to approve the minutes of January 9, 2013. **Motion carried by voice vote.**
- DOCKET NO. 16-0506-1201:** **Fernando Castro**, Program Supervisor, DHW Criminal History Unit, presented **Docket No. 16-0506-1201**. This legislation increases the fee for criminal history and background checks to \$70. Services are provided to a variety of DHW programs and requires fingerprint submission to the Federal Bureau of Investigation (FBI) before submission to the Idaho State Police (ISP). The ISP has increased their portion of the cost from \$15 to \$25; however, a discount has been negotiated with a phase in of the fee increase.
- Answering committee questions, **Mr. Castro** said that background checks are used for screening employees and providers of direct patient services as defined in regulations. Of the proposed fee, \$34 is paid to ISP and includes \$17.50 for FBI costs. The \$36 balance would go to operating cost of the DHW Criminal History Unit.
- Dawn Peck**, Idaho State Police, chose not to testify. For the record, no one else indicated their desire to testify.
- MOTION:** **Rep. Chew** made a motion to approve **Docket No. 16-0506-1201**. **Motion carried by voice vote.**
- DOCKET NO. 22-0102-1201:** **Nancy Kerr**, Executive Director, Idaho Board of Medicine, presented **Docket No. 22-0102-1201**, a Fee Rule that eliminates copies of documents. It also clarifies accrediting agencies, status of both students and post graduate trainees, and allows the Board to charge renewal and registration fees. Additional changes align with the FBI requirements for background checks, malpractice proceedings, and adverse actions.

Ms. Kerr stated that residents become licensed after their first year of training, so there would be no renewal fee for them; however, if on an extended training program, a renewal fee would be required. There is no intern or extern fee requirement. Idaho requires licensure after one year. Since residents can extend their training programs, the change to a three year registration helps keep track of them. Disclosure goes to the integrity of the applicant, can be part of discovery after an application is received, and can lead to refusal of the application or monitoring during training.

For the record, no one indicated their desire to testify.

MOTION: **Rep. Malek** made a motion to approve **Docket No. 22-0102-1201**. **Motion carried by voice vote.**

DOCKET NO. 22-0103-1201: **Nancy Kerr**, presented **Docket No. 22-0103-1201**, legislation that provides temporary licensing for applicants awaiting criminal background checks. It clarifies nonrefundable fees, fee range, application cancellation parameters and when a new application is required.

MOTION: **Rep. Rusche** made a motion to approve **Docket No. 22-0103-1201**.

Responding to questions, **Ms. Kerr** stated that the time lapses between application receipt and background check results varied from two to eight weeks. The temporary license allows practice to begin with physician supervision, during the interim. Upon receipt of the results, it becomes a permanent license application and there is no renewal of the temporary license.

For the record, no one indicated their desire to testify.

VOTE ON MOTION: **Chairman Wood(27)** called for a vote on the motion to approve **Docket No. 22-0103-1201**. **Motion carried by voice vote.**

DOCKET NO. 22-0113-1201: **Nancy Kerr**, presented **Docket No. 22-0113-1201**, a Fee Rule which updates the Board's web and E-mail addresses, severability provisions, clarification of the grounds for discipline, and establishes the application renewal and license reinstatement fee.

Ms. Kerr replied to committee questions by saying that the disciplinary additions are consistent with all professions licensed by the Board and the new fee range is a money saving feature for the Board, allowing fees without annual legislative modifications.

For the record, no one indicated their desire to testify.

MOTION: **Rep. Romrell** made a motion to approve **Docket No. 22-0113-1201**. **Motion carried by voice vote.**

DOCKET NO. 24-2301-1201: **Roger Hales**, Administrative Attorney, Bureau of Occupational Licenses, On Behalf of the Speech and Hearing Licenses Board, presented **Docket No. 24-2301-1201**, legislation for inactive licenses, including licensees who desire time off, with a reduced fee and a suspended continuing educational obligation while inactive. It also clarifies post graduate and permit requirements for speech pathologists.

For the record, no one indicated their desire to testify.

MOTION: **Rep. Rusche** made a motion to approve **Docket No. 24-2301-1201**. **Motion carried by voice vote.**

**DOCKET NO.
24-2701-1201:**

Roger Hales, on behalf of the Idaho State Board of Massage Therapy, presented **Docket No. 24-2701-1201**, giving a brief history of the newly established Board. Licensure is required by July 1, 2013, so this legislation sets forth license fees, qualifications, and other professional requirements. This Rule provides legal authority, standard rules consistent with other professions, definitions as set forth in the law, direction for update of records, Board organization and operation, and specifies the Bureau of Occupational Licenses as agent. Fees include a \$50 initial fee, \$75 original licence fee, and a \$75 annual renewal fee. The estimate is 1,000 potential licensees, with anticipated revenue from the first licensing process to be sufficient for incurred expenses and continued operation funding.

This Rule also includes original license requirements, education and exam requirements, grandfathering parameters, processing applications with criminal convictions, licensure by endorsement from another state, renewal on birth date, license lapses, continuing education 6 hour annual parameters, renewal or reinstatement of license, revocation and suspension of license maximum \$1,000 fine with legal costs and fees recovery. The code of ethics is in alignment with the National Massage Therapy Association standards of professional practice. Other standards include file retention, advertising, and disclosures of fees and financial arrangements. The stipulated twelve-month waiting period for personal relationships with clients was contentious, with the majority desiring less time than the national six-month waiting period. The Board chose twelve months to send a clear message of the inappropriateness of such a relationship.

In response to questions, **Mr. Hales** clarified that the initial application fee would be \$125, and the \$125,000 projected fee set up income is based on 1,000 applications, generating funds to cover a \$30,000 deficit balance and initial application processing costs. Licenses will be issued for twelve months or longer, depending on birth date. The educational specification and grandfathering provisions are a mix to provide flexibility to practitioners with skills evidence.

Tony Smith, NW Career College Federation, testified in **support of Docket No. 24-2701-1201**, with the exception of the 500-hour licensure requirement, which is a compromise from the 600 hours they would prefer. In answer to a question, Mr. Smith stated that the increase to 600 hours would provide better public safety and a better educated workforce.

Suzie Lindberg, President, AMTA Idaho Chapter, testified in **support of Docket No. 24-2701-1201**, stating that the 500 hours is a national standard, and, even though some Northwest states are higher, this entry level meets the needs of local practitioners.

MOTION: **Vice Chairman Perry** made a motion to approve **Docket No. 24-2701-1201**.
Motion carried by voice vote.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:11 a.m.

Representative Wood(27)
Chair

Irene Moore
Secretary