

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, January 15, 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:** None.

**GUESTS:** Tana Cory, Roger Hales, Board of Occupational Licenses; Greg Dickerson, Human Supports; Kristin Magruder, Occupational Therapists Board; Piper Field, Licensing Board Counselors; Robert Payne, Board of Social Worker Examiners; Tony Smith, Larry Benton, Association of Idaho Optometrists; Heidi Low, Ritter Public Relations; Ed Haugh, Department of Administration.

**Vice Chairman Perry** called the meeting to order at 9:00 a.m.

**MOTION:** **Rep. Malek** made a motion to approve the minutes for January 10, 2013. **Motion carried by voice vote.**

**Tana Cory**, Bureau Chief, Board of Occupational Licenses, shared a brief history of the Board and how it serves the specialty boards on a day-to-day basis with administrative support, legal counsel, and investigative services. Specialty board funding is from a dedicated fund based on past annual funding needs. Appropriation data is updated monthly on their website. Status reviews identify possible Fee Rule changes. Investigations and inspections are conducted on behalf of several of their independent boards.

Responding to committee questions, **Ms. Cory** said that each board's meeting frequency is set in statute, with additional meetings or conference calls set as needed for application review. A board meeting annually may be minimizing costs, but they hold conference calls for applications. Investigators have been hired to handle the increased inspections and backlog caused by the addition of two new boards and the cosmetology establishment growth.

**DOCKET NO. 24-0601-1201:** **Roger Hales**, Administrative Attorney, Bureau of Occupational Licenses, on behalf of the Occupational Therapy Board, presented **Docket No. 24-0601-1201**, which updates the continuing education requirements, and clarifies that close supervision provides daily direction with different options, depending on the individual's level of education and experience.

**MOTION:** **Rep. Morse** made a motion to approve **Docket No. 24-0601-1201**.  
For the record, no one indicated their desire to testify.

**VOTE ON MOTION:** **Vice Chairman Perry** called for a vote on the motion to approve **Docket No. 24-0601-1201**. **Motion carried by voice vote.**

**DOCKET NO. 24-1001-1201:** **Roger Hales**, on behalf of the State Board of Optometry, presented **Docket No. 24-1001-1201**, legislation to standardize board meeting specifications, remove an outdated address, with updates and clarifications to ocular treatment, the exam passing grade requirements, accrediting body name, electronic verification, patient information confidentiality, minors with lawful agents, FDA regulations, standards of professionalism, competency requirements, prescription requirements for spectacles and contact lenses, current practices terminology, dispensing specifications, procedure eligibility, Health Insurance Portability and Accountability Act (HIPAA) compliance, deposited funds account information, and CPR certification and exams.

In response to questions, **Mr. Hales** said that the passing grade for the regular exam is determined by the National Board of Examiners in Optometry Association; however, the jurisprudence exam originates with the State Board of Optometry, who determines the passing grade. The Rule specifies that expired contact lens prescriptions must be valid; however, in an emergency situation it is up to the provider and patient to work out the situation.

**Larry Benton**, Principal, Benton Ellis & Associates, testified on behalf of the Association of Idaho Optometrists, in **support of Docket No. 24-1001-1201**, stating that they participated in the rule making process and are supportive of the long overdue improvements to properly regulate and oversee this profession on a statewide basis. Idaho has 354 eye care physicians, with 297 are licensed optometrists and resident eye care providers. He encouraged the committee approval of these rules to help the Board protect public safety while regulating the profession of optometry in Idaho.

**MOTION:** **Rep. Rusche** made a motion to approve **Docket No. 24-1001-1201. Motion carried by voice vote.**

**DOCKET NO. 24-1201-1201:** **Roger Hales**, on behalf of the State Board of Psychologist Examiners, presented **Docket No. 24-1201-1201**, legislation that clarifies and provides flexibility to continuing education. The requirement that continuing education be from a specific entity list has been removed to allow for non-listed sources, providing a six-hour limitation for those outside of the listed providers. Teleconferencing use for continuing education from the entity list is unlimited and limited to six hours if not listed.

**Mr. Hales** answered a question, stating that 12 hours of continuing education is required annually.

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

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

**DOCKET NO. 24-1401-1201:** **Roger Hales**, on behalf of the State Board of Social Work Examiners, presented **Docket No. 24-1401-1201**, which adds a new definition to the prohibition of client relationships, and clarifies the bachelor, master, and clinical social worker license types. Additional updates include the independent practice definition, separation of clinical and independent practices supervision rule, clarification of the Board extension approval, and changes in the independent and clinical social worker sections. The out-of-state supervision was expanded to allow for communication with supervisors when across state line supervision occurs. Supervisor credential renewal was changed to every 5 years, with a grandfathering allowance included. Exemption from the national exam was removed. The code of ethics was updated to include a new definition for relationships with clients and individuals close to clients, including an addition to the dual relationships code of ethics and a documentation requirement. The code of ethics changes direct objectivity to business relationships, including bartering for services.

**Mr. Greg Dickerson**, Licensed Master Social Worker, Human Supports of Idaho, testified in **opposition to sections of Docket No. 24-1401-1201**, asking the committee to reject Sections 210.02 paragraph b, 210.03 paragraph b and 210.04 paragraph c because of their detrimental effect and ambiguity of interpretation. He stated that there is no reason to depart from the established practice, citing his own situation and his concern that his strong management duties now put his previous clinical services into jeopardy, since the majority occurred prior to the five-year cutoff.

In answer to committee questions, **Mr. Dickerson** stated that one other individual in his company faces the same situation and this is also an issue in rural communities where individuals perform multiple roles in their businesses. Interested stakeholders would be any social workers, National Social Workers (NSW), Idaho Chapter, and the Board of Social Work Examiners. Mr. Dickerson's interpretation is that this legislation applies to current applicants, with no grandfather clause.

**Mr. Hales** stated that the rule would apply to new applicants submitting a plan of supervision. Under the current rule **Mr. Dickerson's** issue would be facilitated with an extension request.

**Robert Pane**, Licensed Clinical Social Worker, State Board of Social Work Examiners Member, testified to the committee regarding **Mr. Dickerson's** concerns, stating that there is an extension provision for illness. He said that the Board's choice of the five-year stipulation clarifies the Board's role in insuring competency and protecting Idaho citizens. They recognize that the changing role of social workers requires some of their work be administrative and directive, instead of patient direct. He emphasized that the clinical level of licensure is a choice and the Masters level is the one involved in administrative work. **Mr. Dickerson** has a small agency, with many multiple duties to fulfill, and his current supervision plan isn't affected, since the Rules apply to new applicants.

Replying to additional committee questions, **Mr. Dickerson**, said that acceptance of the Rules as presented will impact the adhoc performance of clinical services as needed. He has found no indication in the Rules that existing plans are exempt from the five-year cap.

**Mr. Pane** was invited to respond to **Mr. Dickerson's** comments, stating that the Pending Rules do not affect previous decisions and current licenses, so **Mr. Dickerson** is neither grandfathered nor affected. The Board is comprised of social workers at every level of licensure and meets four times a year, with conference calls as necessary. Although public hearings are not held, they discuss Rule changes with professional groups, who contact universities and their membership for feedback. They have received no other comments beyond Mr. Dickerson's. Mr. Pane reiterated that Mr. Dickerson has a current applicant and the new changes would be for new applicants, who provide updates for Board review every six months.

In closing, **Roger Hales** said that applications and plans for supervision are subject to the rules in effect at the time of submission. He stated that the Board sympathizes with **Mr. Dickerson**, although there is a need for the changes.

**MOTION:**

**Rep. Morse** made a motion to approve **Docket No. 24-1401-1201**.

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

**VOTE ON MOTION:**

**Vice Chairman Perry** called for a vote on the motion to approve **Docket No. 24-1401-1201**. **Motion carried by voice vote.**

**DOCKET NO. 24-1501-1201:** **Roger Hales**, on behalf of the Board of Counselors and Marriage and Family Therapists, presented **Docket No. 24-1501-1201**, which adds a new rule to establish a nature of conformed consent. Changes include removal of unnecessary language, update to the code of ethics for family and marriage therapists, revision of guidelines, clarification of the 3,000-hour requirement. The continuing education rule change recognizes hours that include instructors and participants, with a revision to reflect additional supervision discussions.

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

**MOTION:** **Rep. Morse** made a motion to approve **Docket 24-1501-1201**. **Motion carried by voice vote.**

**DOCKET NO. 24-1701-1201** **Roger Hales**, on behalf of the State Board of Acupuncture, presented **Docket No. 24-1701-1201**, legislation that combines the inactive status sections and moves the continuing education requirement to the Continuing Education Rule Section. It also breaks down the continuing education requirements to provide for Asian Theories and the Western Medicine Approach, allowing a one-and-a-half year notice for the required training. Further changes explain categories and clarify course providers. The new code of ethics rules assures up front disclosure of fees and payment information and clarifies the role of nonexempt or unlicensed staff within the office parameters. Changes to advertisement ethics prohibit misleading and fraudulent advertising.

In response to committee questions, **Mr. Hales** stated that the advertising limitations are within government regulation of free speech and are recognized as regulation appropriate areas. He was unclear to what extent Asian Theories and Western Medicine Approaches overlapped. **Rep. Chew** responded to the question of use of diet and exercise, citing her expertise in Asian theories and stating that they are the first line of treatment in the Asian scope of practice.

**MOTION:** **Rep. Rusche** made a motion to approve **Docket No. 24-1701-1201**.

**Larry Benton**, Principal, Benton Ellis & Associates, on behalf of the Acupuncture Association, testified in **support of Docket No. 24-1701-1201**, saying that he appreciates professions who govern through their rules to address public safety and advertising issues. There are 197 licensed acupuncturists in Idaho, with 147 resident licensees. The Board's mandatory duty is to protect citizens and he appreciates the legislature allowing them to follow that mandate.

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

**VOTE ON MOTION:** **Vice Chairman Perry** called for a vote on the motion to approve **Docket No. 24-1701-1201**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:50 a.m.

---

Representative Perry  
Chair

---

Irene Moore  
Secretary