

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, January 21, 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: Paul Leary, Sheila Pugatch, Genie Sue Weppner, Alberto Gonzalez, Martha Garcia, Aileen Medina, Cindy Medina, Abby Medina, Rosie Andueza, Miren Unsworth, Erika Wainoina, Russ Barron, David Simnitt, Frank Powell, Department of Health & Welfare (DHW), Cristian Gonzalez, Kyler Barron, Peter Sheaver, Tom Humphrey, Idaho Resident; Lauren Willis, National Association of Social Workers (NASW); Lyn Darrington, Business Psychology Association; Matthew Keenan, Idaho Reporter; Jacob Padil, Catholic Charities of Idaho; Sara Stover, Division of Financial Management.

Chairman Wood(27) called the meeting to order at 9:00 a.m.

DOCKET NO. 16-0325-1201: **Sheila Pugatch**, Principal Financial Specialist, Division of Medicaid, presented **Docket No. 16-0325-1201**, a Pending Rule that implements a federal incentive program for the adoption of electronic technology and data for eligible hospitals and professions.

Responding to questions, **Ms. Pugatch** stated that the Program Integrity Group has computer programs that ferret out up-coding and other price increase attempts. She said that access to patient information is part of the Health Insurance Portability and Accountability Act (HIPPA) and is only available, with patient approval, to physicians and hospitals. This voluntary incentive program has no Medicaid program penalties. The Department regularly updates its firewalls to protect all claims information. Responding to additional questions, **Paul Leary**, Administrator, Medicaid, stated that firewall updates are an ongoing process that includes federal and state requirements.

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

MOTION: **Rep. Rusche** made a motion to approve **Docket No. 16-0325-1201**. **Motion carried by voice vote.**

DOCKET NO. 16-0402-1201: **Genie Sue Weppner**, Program Manager, Division of Welfare, presented **Docket No. 16-0402-1201**, that changes the Idaho Telecommunication Service Assistance (ITSA) program eligibility level from 133% to 135% of the Federal Poverty Guidelines (FPG). The changes align this Rule with the Federal Communication Commission (FCC), include obsolete language updates, and remove the "Link Up" benefit program.

In response to questions, **Ms. Weppner** stated that federal and state phone bill surcharges fund the repayment of losses to the utility companies. She described the original program, approved during President Reagan's administration, and updates, the most recent of which increases integrity, as well as eliminates waste, fraud and abuse. A state contract manages the administration of the program. The number of individuals on the program has declined from 29,000 to 14,000 in the last three years.

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

MOTION: **Rep. Rusche** made a motion to approve **Docket No. 16-0402-1201**. **Motion carried by voice vote.** **Rep. Morse** requested that he be recorded as voting **NAY**.

DOCKET NO. 16-0410-1201: **Genie Sue Weppner**, presented **Docket No. 16-0410-1201**, a Pending Rule for the Community Service Block Grant Program (CSBG). Ms. Weppner gave a brief overview of the CSBG program. The temporary 200% FPG eligibility level has sunsetted and this update returns the FPG eligibility level to 125%, in alignment with the current federal requirement.

In response to questions, **Ms. Weppner** stated that the 125% FPG level is federally mandated and not changing the percentage could result in a federal audit and possible fine. An option for individuals who are not eligible for this program would be the Food Stamps Program, which offers training opportunities to find work.

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

MOTION: **Rep. Morse** made a motion to approve **Docket No. 16-0410-1201**. **Motion carried by voice vote.**

DOCKET NO. 16-0612-1201: **Martha Garcia**, Program Specialist, Division of Welfare, presented **Docket No. 16-0612-1201**, which aligns the Idaho Child Care Program (ICCP) with other Department assistance program rules by changing the eligibility level to 130% of the FPG, changing reporting requirements, and amending full and part time care activity hour calculations to match child care industry billing standards and help manage monthly child payment responsibilities. This Pending Rule also includes refugee resettlement assistance programs to provide child care while individuals obtain skills that lead to work, and adds immunization to the provider-required records list. Answering a question, Ms. Garcia stated that the new level allows more families to be eligible.

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

MOTION: **Rep. Hancey** made a motion to approve **Docket No. 16-0612-1201**. **Motion carried by voice vote.**

DOCKET NO. 16-0601-1201: **Erika Wainaina**, Idaho Foster Care Program Specialist, Division of Family and Community Services, presented **Docket No. 16-0601-1201**, a Pending Rule that increases the foster care reimbursement monthly rates, which are now \$274 to \$301 for zero to five years of age, \$300 to \$339 for six to twelve years of age, and \$431 to \$453 for 13 years of age and older. She explained that there has been no rate increase for several years, and Idaho has one of the lowest spending rates per foster child in the country, which is evident in the declining foster parent census.

Responding to committee questions, **Ms. Wainaina** stated that the 2012 approved additional funds cover the increases and additional funding requests will be presented to the Joint Finance and Appropriations Committee (JFAC). **Rob Luce**, Administrator, Division of Family and Community Service, said that the 2012 budget increase is an ongoing amount, with an additional \$500,000 request to JFAC as a further budget increase. Federal funding is a 30/70 split. Ms. Wainaina commented that ongoing efforts along with the rate increase will help in recruiting more foster parents.

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

MOTION: **Rep. Hixon** made a motion to approve **Docket No. 16-0601-1201**. **Motion carried by voice vote.**

DOCKET NO. 16-0601-1202: **Miren Unsworth**, Child Welfare Program Manager, Division of Family and Community Services, presented **Docket No. 16-0601-1202**, which contains rule amendments clarifying the information that can and must be shared with foster parents and other professionals involved in the ongoing care of children in Idaho's welfare system.

Responding to questions, **Ms. Unsworth**, stated that Court Appointed Special Advocates (CASA) Guardian ad Litums (GAL) are not included because they receive a court order that allows them access to all of the child's information. Issues with GALs obtaining information is a training matter that they are currently addressing with the Attorney General. She stated that the term "minimally necessary" refers to information essential for that provider to carry out services, and is a discretionary term for highly confidential information release. Appeals are through the Department complaint process; however, they have ultimate discretion when sharing information. **Rob Luce**, Administrator, Division of Family and Community Service, said that child protection is centered around the best interest of the child and is confidential via legislation, with information release carefully determined.

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

MOTION: **Rep. Morse** made a motion to approve **Docket No. 16-0601-1202**. **Motion carried by voice vote.**

DOCKET NO. 16-0501-1201: **Miren Unsworth**, presented **Docket No. 16-0501-1201**, a Pending Rule for the disclosure of information regarding child fatalities. This amendment specifies and clarifies Department information disclosure, in accordance with the Child Abuse Prevention and Treatment Act (CAPTA). Information that can be released includes the child's age, gender, pertinent previous investigations, results of previous investigations, circumstances, and actions by the state on behalf of the child. Information will be released to the newly formed Statewide Child Fatality Review Team. Additional changes specify that the Department has discretion to disclose information when it is not in conflict with the child's best interest, previously published or released through the media, disclosed in adjudication, or otherwise previously disclosed.

In response to questions, **Ms. Unsworth** stated that they had not heard from any media groups regarding the revisions, and clarified that information related to child fatalities must be released to the Statewide Child Fatality Review Team, which will be reviewing all state child fatalities dating from 2011. All other information for public disclosure is handled through public information requests. Ms. Unsworth described the type of information that would not be disclosed; however it is case dependent and persons involved in any case have access to almost all information. She said that information release to local authorities is already covered in the Rules. non-identifying case summary information would be disclosed per CAPTA requirements. **Rob Luce**, Administrator, Division of Family and Community Service, explained that the previous use and disclosure rules omitted the ability to disclose child protective information to law enforcement without a subpoena.

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

MOTION: **Rep. Hixon** made a motion to approve **Docket No. 16-0501-1201**. **Motion carried by voice vote.**

DOCKET NO. 16-0608-1201: **Kathy Skippen**, Program Specialist, Department of Health and Welfare, presented **Docket No. 16-0608-1201**, which is a chapter repeal based on magistrate judges' concerns about driving under the influence (DUI) evaluation quality and consistency. This change will require evaluators be affiliated with an approved facility that is inspected for safety and provides supervision.

Kerry Hong, Misdemeanor Sentencing Specialist, Idaho Supreme Court, testified **in support of Docket No. 16-0608-1201**, stating that the Court agrees that the chapter repeal will provide quality and appropriate recommendations at sentencing. Evaluators will no longer have separate credentials and will have to be associated with an approved licensed facility or contracted to a licensed facility.

Responding to committee questions, **Kathy Skippen** said that there were concerns with evaluation locations, which will now be required to be held in an approved facility, allowing more people to do the evaluations. She described conversations on rural availability of resources, stating that courts must be cognizant of resource availability and provide waivers as necessary in situations where treatment must be at the same facility where the evaluation was conducted. **Mr. Hong** stated that the repeal is an overall effort for the DUI evaluation redesign. Idaho Code prohibits evaluation agencies from self-referrals without an explicit waiver. Ms. Skippen said that some evaluators are already affiliated with a facility. Freestanding evaluators who provide additional clinical services can continue in the private sector, but state funding services have to be through a facility. She verified that the current fee for DUI Evaluator licensure is \$25 annually.

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

MOTION: **Vice Chairman Perry** made a motion to approve **Docket No. 16-0608-1201**. **Rep. Hixon** declared Rule 38 citing that he has a family member who is a DUI evaluator.

Rep. Hixon would like to see evaluators transition into their new role to give them some direction.

VOTE ON MOTION: **Chairman Wood(27)** called for a vote on the motion to approve **Docket No. 16-0608-1201**. **Motion carried by voice vote.**

DOCKET NO. 16-0701-1201: **Kathy Skippen**, presented **Docket No. 16-0701-1201**, a Pending Rule regarding substance use disorder (SUD) treatment and recovery support services needs assessment and delivery. The previously established Interagency Committee on Substance Abuse Prevention and Treatment (ICSA) had a sunset date of June 20, 2011. This Rule removes references to ICSA and adds a definition of Management Services Contractor (MSC), for management of the SUD private treatment provider network.

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

MOTION: **Rep. Morse** made a motion to approve **Docket No. 16-0701-1201**. **Motion carried by voice vote.**

Due to time constraints, **Chairman Wood(27)** stated that **Dockets No. 16-0717-1201 and 16-0720-1201** will be held over for committee review tomorrow, January 22, 2013.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:47 a.m.

Representative Wood(27)
Chair

Irene Moore
Secretary