

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, January 22, 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 Vander Woude

GUESTS: Cherie Simpson, and Roger Hales, Occupational Licensing; Rosie Andueza, and Bev Barr, Department of Health and Welfare (DHW); Susan Miller, Board of Dentistry; Jennifer Visser, Gallatin; Brad Hunt, Office of Administrative Rules Coordinator; Wendy Norbom, Ruth Spencer, Michael Sandrig, John Tanner, National Alliance on Mental Illness Idaho; Colby Cameron, Sullivan & Reerger; Elizabeth Criner, Idaho State Dental Association.

Chairman Wood(27) called the meeting to order at 9:01 a.m.

DOCKET NO. 16-0717-1201: **Kathy Skippen**, Program Manager, Division of Behavioral Health, DHW, presented **Docket No. 16-0717-1201**, a Pending Rule that aligns with **IDAPA Rule Section 16.07.20** and the private sector by changing confusing language and updating terminology.

Responding to questions, **Ms. Skippen** stated that the Division provides facility approval, with reviews every two years. She described the history of the Interagency Committee on Substance Abuse Prevention and Treatment (ICSA) and its sunset, stating that the individual agencies still meet monthly to discuss all aspects of the network. This is especially helpful since they all have clients who move between agencies. The agencies also view each other's budget expenditure reports. She agreed that they are working better now that they have individual budgets, instead of one joint budget.

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

MOTION: **Rep. Romrell** made a motion to approve **Docket No. 16-0717-1201**. **Motion carried by voice vote.**

DOCKET NO. 16-0720-1201: **Kathy Skippen**, Program Manager, Division of Behavioral Health, DHW, presented **Docket No. 16-0720-1201**. These Rule changes align with existing standards for substance use disorder (SUD). She requested that the **Section 009.01** changes be rejected since one date is still relevant to allow individuals to remain grandfathered under the old rule. This section impacts providers who are in recovery themselves, unable to pass background checks due to previous criminal convictions, but are valuable role models and mentors. This rule change also updates terminology, makes supervision of clinicians more individualized, removes the provider list experience requirement, and removes reference to Drug Court. A new section has been added for Adolescent Safe and Sober Housing, addressing a treatment need for adolescents who no longer need residential treatment, can't live at home, but are not ready to live on their own, providing adult supervision and ongoing outpatient treatment for better long-term outcomes.

Answering questions, **Ms. Skippen** stated that leaving **Section 009.01** as it is requires a background check for everyone, with allowance for certain previous convictions. Some individuals, with offenses twenty to thirty years ago, have a lot to offer the treatment community. The intent is to make a section that allows them to provide services; however, the existing section is adequate for the time being. To remove the section would result in unemployment for a valuable resource.

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

- MOTION:** **Vice Chairman Perry** made a motion to accept **Docket No. 16-0720-1201**, with the exception of **Section 009.01**. **Motion carried by voice vote.**
- RS 21591:** **Susan Miller**, Executive Director, Board of Dentistry, presented **RS 21591**. Idaho code requires a dentist to practice under his own true name, except as allowed by the Professional Service Corporation Act. This legislation adds reference to professional limited liability companies and provides the Board of Dentistry authority to take disciplinary action against a licensee who engages in the practice of dentistry with any business entity in which a person not licensed to practice dentistry in this state holds an ownership interest.
- MOTION:** **Rep. Hixon** made a motion to introduce **RS 21591**. **Motion carried by voice vote.**
- RS 21597:** **Roger Hales**, Boise Attorney, Bureau of Occupational Licenses, on behalf of the Psychologist Examiner Board, presented **RS 21597**, legislation that changes the powers and duties section to promulgate rules that govern standards and requirements for the use of communication technology in the practice of psychology. Responding to a question, **Mr. Hales** stated that supervision of individuals pursuing a psychology license can include video links and phone contacts.
- MOTION:** **Rep. Rusche** made a motion to introduce **RS 21597**. **Motion carried by voice vote.**
- RS 21599:** **Roger Hales**, on behalf of the Occupational Therapy Licensure Board, presented **RS 21599**, which clarifies that the limited permit available prior to the licensing examination allows supervised practice for 6 months, unless extended by the Board.
- MOTION:** **Rep. Hancey** made a motion to introduce **RS 21599**. **Motion carried by voice vote.**
- RS 21603:** **Roger Hales**, on behalf of the Board of Speech and Hearing Services, presented **RS 21603**, legislation that eliminates the public member requirement for a quorum. It also updates the audiology education qualification to conform to available educational programs that require a doctoral degree. Responding to questions, **Mr. Hales** explained that the board consists of seven members, one of which is public and this requirement has caused problems and financial loss when the public member was unable to attend the meeting.
- MOTION:** **Rep. Rusche** made a motion to introduce **RS 21603**. **Motion carried by voice vote.**
- RS 21620:** **Roger Hales**, on behalf of the Board of Social Work Examiners, presented **RS 21620**. This legislation allows board review of a social worker's practice when a complaint is received, maintains confidentiality, adds two additional grounds for licensee disciplinary action, allows consideration of disciplinary action in another state, and provides for noncompliance disciplinary action. Answering questions, **Mr. Hales** said that disciplinary action in another state is communicated to the Idaho Board through self-reporting renewal statement requirements and national registry reports.
- MOTION:** **Rep. Hixon** made a motion to introduce **RS 21620**. **Motion carried by voice vote.**

RS 21676: **Roger Hales**, on behalf of the Board of Nursing Home Administrators, presented **RS 21676**, legislation that adds authority for the Board to impose a fine for a licensee's violation of the law or rules, allowing recovery of costs and fees if the licensee is found to have violated the law or rule. This addition is similar to existing rules for other boards and provides for a self-sufficient board's financial burden. It also allows flexibility to fine an individual, instead of suspending or revoking a license.

Answering questions, **Roger Hales** said that anytime a state agency acts, it is subject to judicial review and pursuant to the Administrative Procedures Act. Appeals would be to a district judge, who can award reasonable attorney fees against the state or agency. The \$1,000 fine is the maximum amount that can be imposed. The actual fine amount would depend on the circumstances and seriousness of any violation.

MOTION: **Vice Chairman Perry** made a motion to introduce **RS 21676**. **Motion carried by voice vote. Rep. Hixon** requested that he be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:55 a.m.

Representative Wood(27)
Chair

Irene Moore
Secretary