

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 23, 2013

TIME: 3:00 P.M.

PLACE:

MEMBERS PRESENT: Chairman Heider, Vice Chairman Nuxoll, Senators Lodge, Guthrie, Martin, Lakey, Bock and Schmidt

**ABSENT/
EXCUSED:**

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.

CONVENED: **Chairman Heider** called the Health and Welfare Committee to order at 3:01 p.m., and silent roll call was taken. He also reminded the senators of the committee that Senate photos will be taken on Thursday, January 24.

PASSED THE GAVEL: Chairman Heider passed the gavel to Vice Chairman Nuxoll for continuation of pending rule review.

**DOCKET NO:
16-0202-1201** **Relating to the Rules of the Emergency Medical Services (EMS) Physician Commission. Dr. Murray Sturkie**, emergency medicine physician at St. Luke's Medical Center and the Chairman of the Idaho Emergency Medical Services Physician Commission, presented. He furthered that EMS came into being by the passage of House Bill 858 by the 2006 Legislature. There are eleven voting members appointed by the governor. The objective of the Physician Commission is to set up standards for the range of practice and medical supervision of licensed EMS personnel and organizations. **Dr. Sturkie** advised the committee that there was an update made on the "Description of Profession" for the Emergency Medical Technician (EMT). Advanced EMTs can decide if they wish to stay at their current scope of practice or transition to a new scope. He furthered that there were changes made to the scope of practice grids, which identify which skills, treatments and procedures that licensed EMS personnel in Idaho may perform. Within the authorized scope of practice for each level of licensed EMS provider, there are optional skills that can be performed with additional training and medical supervision that tailor the services to meet local needs. **Dr. Sturkie** concluded by saying that the final change is that EMS medical directors will submit their medical supervision plan within thirty days of request to the EMS Bureau.

MOTION: **Senator Martin** moved to approve **Docket No. 16-020-12010**. **Chairman Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO:
16-0506-1201** **Relating to Criminal History and Background Checks. Fernando Castro**, supervisor of the Criminal History Unit of the Idaho Department of Health and Welfare, Board of Health and Welfare, presented. He advised the committee that over 21,000 background checks are performed each year. Fingerprints of each applicant are submitted to the Federal Bureau of Investigation (FBI), transmitted through the Idaho State Police (ISP) for a fee. The ISP amended their rules and increased their processing fee from ten dollars to twenty-five dollars. He furthered that Idaho Code necessitates the collection of a fee to cover the costs of a background check. **Mr. Castro** stated that when the ISP increased their fees, the Criminal History Unit initiated the rule change to include the additional cost by requesting authority to increase the Criminal History Unit's fee by \$15 to stay in harmony with the ISP. He furthered that the current fee of \$55 would be therefore be increased to \$70. **Mr. Castro** explained that the Criminal History Unit has

been working with the ISP to keep the costs of a background check as low as possible. The ISP agreed to phase in the increase over the next fiscal year, and they offered a \$5.00 discount due to the fact that the Criminal History Unit will be able to electronically scan fingerprint cards instead of processing paper fingerprint cards. **Mr. Castro** advised the committee that the savings will be passed on to their customers.

MOTION: **Chairman Heider** moved to approve **Docket No. 16-0506-1201**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

DOCKET NO: **16-0701-1201** **Relating to Behavioral Health Sliding Fee Schedules. Kathy Skippen**, Program Specialist with the Department of Health and Welfare presented **Docket No. 16-0701-1201**. She advised the committee that in 2006, the legislature passed several pieces of legislation changing how substance use disorder (SUD) treatment and recovery support service needs were assessed and delivered. One of the bills created the Interagency Committee on Substance Abuse Prevention and Treatment (ICSA) as the authority in charge of budgetary, programming and policy decisions regarding SUD treatment, recovery support services and prevention. The legislation contained a sunset date of June 30, 2011. Due to the fact that ICSA sunsetted as required by legislation, references to it from the Idaho Administrative Procedures Act (IDAPA) rules needs to be removed. She furthered that one other change to this rule is to add the definition of Management Services Contractor (MSC), and that the omission of the definition was an oversight that needed to be corrected.

MOTION: **Senator Hagedorn** moved to approve **Docket No. 16-0701-1201**. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

DOCKET NO: **16-0717-1201** **Relating to Alcohol and Substance Use Disorder Services. Ms. Skippen** presented **Docket No. 16-0717-1201**. She advised the committee that in IDAPA, there is a section of rules that pertains to substance use disorder services, and another section that pertains to facility and program approval. She furthered that these two sections of rules should work in harmony, but that they currently have confusing and inconsistent language that makes the enforcement of the rules challenging, and equally challenging for the State's private providers to adhere to them. The change to this rule will make these two sections less confusing and will update terminology for services.

MOTION: **Senator Schmidt** moved to approve **Docket No. 16-0717-1201**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

DOCKET NO: **16-0720-1201** **Relating to Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs. Ms. Skippen** presented **Docket No. 16-0720-1201**. She advised the committee that a number of changes are being requested to this section of the IDAPA rule for the purpose of aligning rules and existing standards for substance use disorder (SUD) treatment and recovery support services in the private sector, in conjunction with those pertaining to mental health services. She furthered that the first requested action is to reject the revision to Subsection 009.01, as it was inadvertently removed and should be left in. **Ms. Skippen** stated that updated terminology was incorporated in a number of areas as well. She continued that revisions were made to make supervision of clinicians more individualized. For supervision to be more effective, it needs to concentrate on the areas where the clinician requires more training and experience.

Ms. Skippen stated that there was a major change in who can provide SUD treatment services. Previously, a number of professions required considerable experience in providing SUD treatment services before being allowed to provide the same services in an approved facility. Because of this rule, providers were facing a severe workforce shortage of qualified clinicians to work in their facilities. Individuals who have the credentials in these fields have the basic background to

provide SUD services. In the areas that require more experience, supervision would be provided to meet their needs.

Ms. Skippen advised the committee of the request to remove the subsection of this rule pertaining to Drug Court, as it is unnecessary bureaucracy.

A new section was added to cover Adolescent Safe and Sober Housing, in order to fill a treatment need that exists for some adolescents where circumstances determine that they no longer need residential treatment, cannot live at home, but also, are not ready to live alone. It provides for adult supervision and ongoing outpatient treatment, which will provide better outcomes.

MOTION: **Senator Schmidt** moved to approve **Docket 16-0720-1201** with the exception of Subsection 009.01. **Senator Martin** of seconded the motion. The motion carried by **voice vote**.

DOCKET NO: **16-0608-1201** **Relating to Minimum Standards for DUI Evaluators.** **Ms. Skippen** stated to the committee that a person who receives a DUI can be required by the court to have a DUI evaluation performed. The evaluation is then provided to the judge for sentencing purposes. The DUI Evaluator who conducts the evaluation is credentialed by the Department of Health and Welfare, after meeting particular requirements to provide the service. She stated that magistrate judges have voiced concerns regarding the quality and consistency of the DUI evaluations they receive, which prompted an extensive review of the evaluation system with leadership from the courts. The result was the recommendation that this chapter of IDAPA rule be removed. The purpose of this change is to require DUI Evaluators to be affiliated with an approved facility. This will safeguard that evaluations are done at a site that has been inspected for safety, has shown documentation of satisfactory business practices and can provide professional supervision of those persons conducting the evaluations. **Ms. Skippen** advised the committee that the evaluations being performed are strictly used in the court system, and that decisions regarding their quality should be made within that system. She then introduced Mr. Kerry Hong, representing the Idaho Supreme Court, to answer any questions concerning the court's participation in the rule change.

Mr. Hong told the committee that he is with the Administrative Office of the Idaho Supreme Court. He stated in that in 2010, a survey was conducted among the magistrate judges specific to the status of their satisfaction of the DUI evaluations. It was found that 66 percent of magistrate judges were dissatisfied with the evaluations, and therefore the evaluation process was redesigned.

MOTION: **Senator Bock** moved to approve **Docket 16-0608-1201**. **Senator Martin** of seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business to come before the committee, **Chairman Heider** adjourned the meeting at 4:40 p.m.

Senator Heider
Chairman

Linda Hamlet
Secretary