

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

- DATE:** Wednesday, January 30, 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:** Peter Shearer and Shanna Shearer, Idaho Residents; Roger Hales, Board of Occupational Licensing; Kris Ellis, Idaho Health Care Association; Kristin Magruder, Occupational Therapists Licensing Board; Matt Keenan, Idaho Reporter; Fiona Cory, Occupational Licenses; Robert Payne, Board of Social Workers; Heidi Low, Idaho Psychologists Association; Elizabeth Criner, Veritas Advisors.
- Chairman Wood(27)** called the meeting to order at 9:00 a.m.
- MOTION:** **Rep. Rusche** made a motion to approve the minutes of the January 24, 2013, meeting. **Motion carried by voice vote.**
- MOTION:** **Rep. Rusche** made a motion to approve the minutes of the January 28, 2013, meeting. **Motion carried by voice vote.**
- H 32:** **Roger Hales**, Attorney, Board of Occupational Licenses, on behalf of the Board of Psychologist Examiners, presented **H 32**, legislation that gives the Board of Psychologist Examiners the authority to set forth communication technology use rules that include texting, E-mail, phones, and videos. Specific rules will cover security, confidentiality, and consent forms.
- MOTION:** **Rep. Malek** made a motion to send **H 32** to the floor with a **DO PASS** recommendation.
- For the record, no one indicated their desire to testify.
- VOTE ON
MOTION:** **Chairman Wood(27)** called for a vote on the motion to send **H 32** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Morse** will sponsor the bill on the floor.
- H 33:** **Roger Hales**, on behalf of the Occupational Therapy Licensure Board, presented **H 33**, which relates to the Board's limited permit that allows an applicant to practice prior to taking and passing the licensing examination. This legislation clarifies that the permit is issued for six months and can be extended, if the Board deems it appropriate. Responding to questions, Mr. Hales said that applicants take a national standardized examination and reasons for a permit extension could include medical issues that cause an applicant to miss an examination and have to wait for a subsequent examination date.
- For the record, no one indicated their desire to testify.
- MOTION:** **Rep. Hixon** made a motion to send **H 33** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hixon** will sponsor the bill on the floor.

H 34: **Roger Hales**, on behalf of the Speech and Hearing Services Board, presented **H 34**. This legislation removes the requirement that the public board member must be in attendance in order to have a quorum, when the public member is absent and a quorum is otherwise present. Additional changes align the audiology educational requirements with the accredited audiology educational levels, which have changed from masters to doctoral programs and no longer offer masters programs.

In answer to questions, **Mr. Hales** said that most boards have a public member, but do not require their presence for a quorum. The members from the three distinct professions covered by the board will remain a requirement for the seven-member board. There would be no affect on current students since a masters program is no longer available in audiology. Anyone currently licensed would be exempt from the new requirements. The three licensed distinct professions board members are required to be in attendance to explain anything pertaining to their profession.

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

MOTION: **Rep. Malek** made a motion to send **H 34** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Malek** will sponsor the bill on the floor.

H 35: **Roger Hales**, on behalf of the Board of Social Work Examiners, presented **H 35**, which has three changes. The first change allows the board to review the practice of a social worker who is the subject of a complaint. Information from such a review is maintained in a confidential manner, unless the licensee provides written consent. This bill will also add two additional grounds for discipline of a licensee disciplined in another state, and discipline of a social worker for failing to comply with a Board order.

Mr. Hales, responding to questions, stated that their website lists all Idaho licensed social workers and indicates if there has been any disciplinary action. Disciplinary action communication from other states is via a national data base, with direct notification to other known licensing states. Only actual disciplinary orders, not complaints, are on the data base.

Robert Payne, Licensed Clinical Social Worker, Board of Social Workers Member, testified **in support of H 35**, stating that a professional reviewer looks at the records after an investigation has occurred. In answer to committee questions, Mr. Payne explained that the primary cause of complaints are Medicare and Medicaid fraud, inappropriate relationships between a licensee and a client, and felony convictions that impact a social worker's practice. License renewal forms are signed affidavits that disclose any violations of the standards of conduct and are individually reviewed. Six of the nine listed specific behavior violations are standard. Unlike most mental health boards, they chose not to adopt their association's code of conduct and have listed additional specific behavior violations that protect the public. The Board does not see the name of an individual involved in a complaint until it becomes a point of action, and confidential dismissal records belong to the Bureau.

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

MOTION: **Rep. Hancey** made a motion to send **H 35** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Romrell** will sponsor the bill on the floor.

H 36: **Roger Hales**, on behalf of the Board of Nursing Home Administrators, presented **H 36**, legislation that adds authority to the Board to impose a fine for licensee violation of law or rules and adds costs and fee recovery, if a licensee is found to have violated the law or rule. As a self-sufficient board that pays for all expenses through license fees, it is their contention that investigation and prosecution costs should be borne by the culprit, instead of all licensees. A fine, which can be as high as \$1,000, is a useful disciplinary action tool without earning capability loss.

Responding to questions, **Mr. Hales** stated that there are occasions when the Board finds a fine, rather than suspension, appropriate. The Board has to prove that the law has been violated intentionally, willfully or repeatedly. Any possible fine would be upon pursuit of an actual disciplinary case and under the guidelines of the Administrative Procedures Act. Definition of "reasonably unfit" would require expert testimony to establish. He detailed the process of complaint receipt, initial jurisdictional review, investigation, post investigation prosecutor visit to allow stipulation with a fine, and formal complaint with an evidentiary hearing. The Board can force payment of a fine or costs and fees only if a licensee is found to have violated the law or rules. Investigative costs are separate from prosecution, and recovery attempts occur when the prosecuting attorney approaches the licensee for possible settlement and stipulation. The individual can dispute the costs and fees. The Board has 2-4 disciplinary cases a year.

Chairman Wood(27) commented that the Board's number one priority is the protection of the public, not the protection of the members or licensees; however a licensee gets due process. Every professional board has to have the ability to discipline.

MOTION: **Rep. Rusche** made a motion to send **H 36** to the floor with a **DO PASS** recommendation.

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

VOTE ON MOTION: **Chairman Wood(27)** called for a vote on the motion to send **H 36** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Hancey** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:59 a.m.

Representative Wood(27)
Chair

Irene Moore
Secretary