

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, March 11, 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 Malek

GUESTS: Marilyn Sword, Idaho Council on Developmental Disabilities; Ken McClure and Emily McClure, Givens Pursley; Mark Johnston, Board of Pharmacy.

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

MOTION: **Vice Chairman Perry** made a motion to approve the minutes of the March 6, 2013, meeting. **Motion carried by voice vote.**

RS 22196C1: **Marilyn Sword**, Executive Director, Idaho Council on Developmental Disabilities (DD), presented **RS 22196C1** to restore preventative dental services to adults on the Medicaid Enhanced Plan. She explained the **H 260** temporary reductions and the return of partial coverage for specified groups. The fiscal impact of service restoration for the remaining adults on the Medicaid Enhanced Benefit Plan is estimated at \$1.48M in state General Funds and \$3.442M in federal funds. This restoration supports prevention and best practice that will save the state money in the long run.

MOTION: **Vice Chairman Perry** made a motion to introduce **RS 22196C1**, commenting that she is a proponent of preventive care.

Responding to a question, **Ms. Sword** said a trailer bill would be required to modify the Division of Medicaid budgets, which have already been set.

Rep. Rusche commented in support of the motion, stating that, although the significant restoration cost does not include emergency visits or pharmacological costs for infections and pain, it was a repeated comment and request at the joint Health & Welfare hearing.

**VOTE ON
MOTION:** **Chairman Wood(27)** called for a vote on the motion to introduce **RS 22196C1**. **Motion carried by voice vote.**

RS 22221: **Rep. Luker** presented **RS 22221**, pertaining to the Health Insurance Exchange (HIX) and the Patient Protection and Affordable Care Act (PPACA). This legislation does not impact the HIX and encourages continuation of insurance sales outside of the Exchange. **RS 22221** starts the discussion about insurance policies sold outside of the HIX, with ground-level costs, open deductibles, co-pays, and stop losses. A policy would be priced at 70% of the lowest metallic level in the Exchange and sold through brokers. This is a free-market approach.

In answer to committee questions, **Rep. Luker** said the requirement to offer a plan comparable to each metallic level would mean four additional plans would be offered. The current limited method of rating would still apply, with no new rating analysis necessary. The intent is to allow a broad flexibility of insurance plans in the marketplace. A review with the Department of Insurance (DOI) would be part of the discussion. The six-month requirement allows better risk management by the insurance companies and would also be a part of the discussion points. The stipulation that policies are priced at 70% or less for the lowest plan offered at metallic levels is a starting point to get the discussion going and does not preclude other policies with higher percentages. Rep. Luker was unaware of anything that would prevent a carrier from offering this type of policy now.

MOTION: **Rep. Hancey** made a motion to introduce **RS 22221**.

Rep. Hixon commented in support of the motion, stating that this is a good time to discuss healthcare options and avenues for lower costs.

Vice Chairman Perry commented that it is important to have a discussion and she will support the motion.

Rep. Rusche stated he will be opposing the motion, since it's premature to involve the DOI without checking with them first and the structure is counter to federal law.

VOTE ON MOTION: **Chairman Wood(27)** called for a vote on the motion to introduce **RS 22221**. **Motion carried by voice vote.** **Rep. Rusche** requested he be recorded as voting **NAY**.

RS 22222: **Sen. Guthrie** presented **RS 22222**, proposed legislation that amends Idaho Code Section 49-1011 to allow farm vehicles transporting agricultural products up to two thousand pounds in excess of any axle, bridge, or gross vehicle weight limit. He gave examples of situations when weight shift might cause an overweight reading on an axle, although the overall weight is within limits.

MOTION: **Rep. Hixon** made a motion to introduce **RS 22222**.

Responding to a question, **Sen. Guthrie** explained that the intent is not to increase weight limits, but to mitigate challenges when the overall weight limit is fine and the axle weight is too high. This applies only to the agricultural industry.

VOTE ON MOTION: **Chairman Wood(27)** called for a vote on the motion to introduce **RS 22222**. **Motion carried by voice vote.**

RS 22244: **Ken McClure**, Attorney, Idaho Medical Association, presented **RS 22244**, which replaces **H 189**. This proposed legislation allows physicians and other health care professions working in a hospital to place a temporary mental health hold on a child who is in imminent danger of causing harm to himself or others. The parental role concerns expressed with **H 189** are reflected in the stipulation that no detainment can occur if it is against parental or legal guardian explicit direction, unless the physician believes the child poses an imminent danger to himself or others. If this occurs, the physician can detain the child to get a law enforcement officer present. This change strikes a balance to protect the public, the child, and allow police negotiation only if necessary. Other changes are technical in nature and were judiciary requests.

MOTION: **Rep. Morse** made a motion to introduce **RS 22244**.

SUBSTITUTE MOTION: **Rep. Rusche** made a substitute motion to introduce **RS 22244** and send it directly to the Second Reading Calendar.

Mr. McClure explained, in response to questions, that the new process allows detention over parental objections, until parental consent is obtained, or a police arbitrator arrives. The physician must determine that the child is in imminent danger of harming himself or others, and allows the system to work through the issue without law enforcement intervention. The officer is a neutral third party, possibly in disagreement with the parents.

Rep. Hixon stated he was not sure a registered nurse practitioner could make the call to detain a child and will be voting in opposition to the motion.

Answering further questions, **Mr. McClure** said the proposed legislation is consistent with the defined child protection law roles of medical staff. The goal is to alleviate law enforcement participation, unless the parents disagree, at which point they would be called to mediate the situation. Confidentiality requirements allow the sharing of information with a parent or police officer. The mental health definition is not limited to suicide, but does require the determination that an emergency exists. He explained the definition contained in the Children's Mental Health Act.

WITHDRAWAL OF SUBSTITUTE MOTION: **Rep. Rusche** withdrew his substitute motion to introduce **RS 22244** and send it directly to the Second Reading Calendar.

VOTE ON ORIGINAL MOTION: **Chairman Wood(27)** called for a vote on the original motion to introduce **RS 22244**. **Motion carried by voice vote.** **Rep. Hixon** requested that he be recorded as voting **NAY**.

RS 22211: **Emily McClure**, Attorney, Idaho Medical Association, presented **RS 22211**, which applies to assaults on doctors and other medical professionals. This redrafted proposed legislation addresses previous committee concerns.

MOTION: **Rep. Morse** made a motion to introduce **RS 22211**. **Motion carried by voice vote.**

H 239: **Mark Johnston**, Executive Director, Idaho Board of Pharmacy, presented **H 239**, legislation in response to the New England compounding center tragedy that strengthens the compounded product drug outlet and distribution law. Idaho Code allows dispensing with a valid prescription drug order, which makes the distribution of compounded product illegal. This legislation grants the Board of Pharmacy statutory authority to promulgate rules that legalize limited exceptions. He gave examples of distributions that would be allowed. Existing statutory limitations remain untouched, except expanding limited distribution to all pharmacies, since many compounding pharmacies are registered as limited service, not retail pharmacies.

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

MOTION: **Rep. Chew** made a motion to send **H 239** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Chew** will sponsor the bill on the floor.

S 1063: **Ken McClure** presented **S 1063**, which corrects ambiguity created with previous amendments to the Medical Consent Natural Death Act. He described end-of-life care choices and the various directives. 2012 legislation specified that health care cannot be withdrawn or denied, except in certain limited circumstances, if a patient has an advanced directive or living will that stipulates medical care continuation in a nearing death situation with an uncommunicative patient. He said the 2012 language might apply to non-end-of-life circumstances, potentially requiring costly, inappropriate and unnecessary medical care, especially as it relates to surrogated decision makers. This legislation clarifies that a patient nearing death is entitled to care that is necessary to sustain life and provide comfort, if he or she has so directed.

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

MOTION: **Vice Chairman Perry** made a motion to send **S 1063** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Vice Chairman Perry** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:05 a.m.

Representative Wood(27)
Chair

Irene Moore
Secretary