

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, January 13, 2014

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood(27), Vice Chairman Perry, Representatives Hancey, Henderson (Chambers), Hixon, Malek, Morse, Romrell, Vander Woude, Rusche, Chew

**ABSENT/
EXCUSED:** None

GUESTS: Natalie Peterson, Matt Wimmer, David Simnitt, Medicaid; Joan Cloonan, Social Work Examiners Board; Roger Sherman, Idaho Children's Trust Fund; Holly Kool, IPAA; Rober Payne, Social Work; Tana Cory, Occupational Licenses; Jim Baugh, DRI; Parrish Miller, Idaho Freedom Foundation; Mark Johnston, BOP; Kendra Knighten and Micholas Stout, GOV; Ryan Fitzgerald, IACP; Kurt Stembridge, GSK; Frank Powell and Paul Leary, DHW

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

RS 22380C1: **Mark Johnston**, Executive Director, Board of Pharmacy, presented **RS 22380C1**, legislation that updates the Prescription Monitoring Program (PMP) data collection for controlled substances. The example was given of a Physician's Assistant (PA) who obtained multiple valid prescriptions from several prescribers, with positive screenings for the medication, and died from an overdose. The proposed data access would have saved this person's life by allowing access to recovery network professionals.

Responding to Committee questions, **Mr. Johnston** stated that collated patient profiles, currently available for use by physicians and law enforcement, have been requested by recovery network administrators. The new PMP software program is expected to go live in February and will have interstate operability with Utah, Nevada, Wyoming, and Montana. Any physician or psychiatrist treating someone, like the impaired PA, would have direct access. The overall case manager, with patient permission, would also be allowed access.

MOTION: **Rep. Rusche** made a motion to introduce **RS 22380C1**.

Responding to questions, **Mr. Johnston** stated that the new system is both a national standard by the Board of Pharmacies and recognized by the Department of Justice. There are many assurances that the information is adequately protected.

**VOTE ON
MOTION:** **Motion carried by voice vote.**

RS 22417: **Mr. Johnston** presented **RS 22417**, legislation that updates and coordinates with the Drug Enforcement Administration (DEA) list of substances. Two of the new substances are designer steroids, Prostanazol and Methasterone, and listed in Schedule III. The third substance, Alfaxalone, is a depressant listed in Schedule IV and used as an anaesthetic in veterinary medicine. The fourth substance, Lorcaserine, is a stimulant used for weight loss and is listed in Schedule IV.

MOTION: **Rep. Rusche** made a motion to introduce **RS 22417**. **Motion carried by voice vote.**

RS 22428: **Mr. Johnston** presented **RS 22428**, a Board of Pharmacy statutory mandate for regulation of wholesale distribution of drugs into Idaho. The previous change to IDAPA 54-1754(2) fell short of requiring a wholesale distributor furnish controlled substances to only those who possess both DEA and Idaho controlled substances registration. It has been discovered that shipments by wholesale distributors to prescribers not properly registered to receive controlled substances are occurring, with some cases of diversion. Additionally, non-resident drug outlet and pharmacist licensure have been modified to include U.S. Territories.

In answer to Committee questions, **Mr. Johnston** stated that drug distribution is restricted to states, which can include territories, but not foreign countries. Transport of drugs through the mail system from Canada is a federal issue and is illegal. Transport across borders is allowed for minimum quantities.

MOTION: **Rep. Hancey** made a motion to introduce **RS 22428**. **Motion carried by voice vote.**

RS 22403: **Natalie Peterson**, Bureau Chief, DHW, Division of Medicaid, Long Term Care Program, presented **RS 22403**, which updates current terminology to allow for the creation of the Medicaid Managed Care Plan for the dual-eligible population.

Responding to Committee questions, **Ms. Peterson** explained that Medicaid individuals are over 65 years of age and have met a Social Security (SS) criteria. Dual-eligible individuals in the current program have a variety of options, depending on their enrollment category and disabling criteria.

MOTION: **Vice Chairman Perry** made a motion to introduce **RS 22403**. **Motion carried by voice vote.**

RS 22419: **Matt Wimmer**, Bureau Chief, DHW, Medical Care, Division of Medicaid, presented **RS 22419**, legislation that adjusts the Medical Assistance Premium Assistance Program, which purchases private insurance for those not qualified for direct Medicaid coverage. Previous federal funding changes were only available through 2013, with a temporary bridge extension for the transition to the Idaho Health Exchange or other health care options. Other changes prevent duplication of other coverage options and removes income standards ambiguity.

Answering questions, **Mr. Wimmer** stated that people were transitioned to other coverage through Title 21 funding and the Advisory Board role is unaffected.

MOTION: **Rep. Romrell** made a motion to introduce **RS 22419**. **Motion carried by voice vote.**

RS 22375: **Roger Sherman**, Executive Director, Idaho Children's Trust Fund, presented **RS 22375**. He gave a brief history of the Fund and how it addresses child abuse and neglect in our communities. This legislation removes obsolete terminology. It also expands Board authority, aligning it with current business practices, clarifies it's ability to contract and employ support staff, and authorizes Board solicitation of grants and donations. The Trust Fund receives no state general funds. Any additional staff will be funded through the existing budget and monies raised through grants and donations.

Responding to Committee questions, **Mr. Sherman** stated that the Treasurer's office maintains the Fund's tax-designated contributions, a portion of which is given to the Fund annually for operating costs. There is a current balance of \$250,000, with a balance ceiling of \$2.5 million dollars. Managerial and office costs will come out of the Fund's operating budget.

MOTION: **Vice Chairman Perry** made a motion to introduce **RS 22375**. **Motion carried by voice vote.**

RS 22385: **Roger Hales**, State Board of Counselors of Marriage and Family Therapy, presented **RS 22385**, legislation that allows the Board to promulgate rules for technology standards for marriage and family therapy. Precise rules will be brought to the Committee when drafted.

MOTION: **Rep. Morse** stated that **RS 22385** adopts current technology to a number of professions and made a motion to introduce **RS 22385**. **Motion carried by voice vote.**

RS 22387: **Roger Hales**, on behalf of the State Board of Social Work Examiners, presented **RS 22387**, legislation that increases the Board's powers for increased technology.

MOTION: **Rep. Morse** made a motion to introduce **RS 22387**. **Motion carried by voice vote.**

RS 22391: **Roger Hales**, on behalf of the State Board of Podiatry, presented **RS 22391**, which updates changes in the profession by recognizing that the Board no longer conducts the national exam. It also allows establishment of an inactive license status and clarifies that the original fee cannot exceed the renewal fee. It recognizes that the Board can discipline to facilitate supervision or additional education, adding new disciplinary grounds in alignment with state requirements and The Procedures Act For Disciplinary Action.

In answer to questions, **Mr. Hales** stated that the original license fee is typically lower than the exam fee, which is set by the national entity giving the exam. Having no exam cost input, the Board is establishing a pass-through scenario. Any exam cost cap by the Board could cause subsidies and additional costs.

MOTION: **Rep. Rusche** made a motion to introduce **RS 22391**. He stated that **RS 22391** allows the Board to show the sole of their profession, eliminate heels, and keeps Idaho in step with national standards.

Rep. Hancey stated that, pursuant to **Rule 38**, he had a conflict of interest and would not be voting on **RS 22391**.

VOTE ON MOTION: **Motion carried by voice vote.**

RS 22383: **Tana Cory**, Chief, Bureau of Occupational Licenses, presented **RS 22383**, which modifies the Board quorum by removing the requirement that one member of each profession, including a member of the public and a member of the relevant profession, be present for any action to be taken.

Ms. Cory responded to questions stating that the Board meets physically three to four times a year and conducts interim application processing conference calls, which can conflict with vacation schedules and lead to delays in licensure.

MOTION: **Rep. Hancey** made a motion to introduce **RS 22383**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:01 a.m.

Representative Wood(27)
Chair

Irene Moore
Secretary