

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 22, 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: Kris Ellis, IMC; Barbara Rawlings, Board of Midwifery; Tana Cory, Midwifery Occupational Licenses; Dennis Stevenson, Rules Coordinator; Kristin Matthews and Lori Wolff, DHW, Mark Johnston, BOP, Kinzi Jones, Dolores Parr, DiAnn Butterfield, ISU - COP; Bev Barr, DHW Rules

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

MOTION: **Vice Chairman Perry** made a motion to accept the minutes for January 13 and January 14, 2014. **Motion carried by voice vote.**

DOCKET NO. 16-0304-1301: **Kristin Matthews**, Program Manager, DHW, Division of Welfare, presented **Docket No. 16-0304-1301**, relating to food stamp policies. Subsequent to approval on January 14, 2014, this docket was found to have an administrative error in its effective date that would leave a gap of several months, during which the Department would be out of compliance. This technical fix changes only the date, with no other changes to the already approved Rules.

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

MOTION: **Rep. Rusche** made a motion to approve **Docket No 16-0304-1301**. **Motion carried by voice vote.**

DOCKET NO. 27-0101-1207: **Mark Johnston**, Executive Director, Board of Pharmacy, Adjunct Professor at Idaho State University, presented **Docket No. 27-0101-1207**, which has substantive changes for continuing pharmacy education (CPE) and pharmacy security. He explained a movement toward national certification through the Accreditation Council for Pharmacy Education. Pending changes to Rule 50 create more structure to the Board approved CPE process. The number of required CPE annual hours remains the same, but the nationally accredited hours increase from eight to twelve, with one hour of CPE on sterile compounding required for sterile compounders.

Dr. Johnston said the public requested changes to Rule 604 to allow for a pharmacy to designate a secured delivery area where filled prescriptions may be left for pick up for subsequent delivery after the pharmacy is closed. These deliveries would be for limited service pharmacies (aka closed door pharmacies) who service assisted living facilities and are not open to the public. Such pharmacies often receive after hour calls to fill prescriptions for new patients. In the absence of pharmacist oversight, security parameters are more stringent and include a two-token entry, security cameras, and background checks on delivery drivers. Changes to structural security requirements in this Rule clarify that they pertain to all pharmacies.

Responding to questions, **Dr. Johnston** stated that off-premises storage includes a Schedule II since patient-specific controlled substances are often required. The storage rooms are large enough to house several totes, if necessary. This does require that couriers perform background checks on their employees, plus the additional security of a two-car entry and cameras to document entry into the building.

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

MOTION: **Rep. Chew** made a motion to approve **Docket No. 27-0101-1207**. **Motion carried by voice vote.**

DOCKET NO. 27-0101-1301: **Mark Johnston** presented **Docket No. 27-0101-1301**, requesting that the Committee reject the entire docket. He explained that this Rule is a direct result of the New England Compounding Center (NECC) tragedy that is expected to result in 700 deaths. After several rule making sessions they had Rules that they felt adequately regulated the situation. However, in November Congress passed and signed into law the Compounding Quality Act, which is in direct conflict with much of this Docket of Rules. Attempts to modify the Rules have proven ineffective and the Governor has indicated that he would entertain Temporary Rules.

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

MOTION: **Rep. Hixon** made a motion to reject **Docket No. 27-0101-1301**. **Motion carried by voice vote.**

DOCKET NO. 27-0101-1302: **Mark Johnston** presented **Docket No. 27-0101-1302**, regarding controlled substance dispensing identification. He said that passports are not necessarily required anymore to enter the United States. Many Canadian travelers use Western Hemisphere Travel Initiative enhanced driver's licenses or Nexus Air Cards. These Rule changes would allow these documents to satisfy a pharmacy's requirements.

Dr. Johnston, answering Committee questions, stated that foreign driver's licenses are not acceptable since their validity is difficult to determine and not within a pharmacist's training. The Western Hemisphere Travel Initiative documents look like passports. They are not easy to obtain and require three to four months for approval, 40 pages of application information, and a background check.

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

MOTION: **Rep. Morse** made a motion to approve **Docket No. 27-0101-1302**. **Motion carried by voice vote.**

RS 22607C1: **Kris Ellis**, Idaho Midwifery Council, presented **RS 22607C1**, proposed legislation pertaining to the Midwifery Practice Act, which has been in effect for five years. The changes include updates to definitions, medications, scope and practice, monitor by a licensed health care provider instead of a physician, use of physicians in a bordering state, and conditions of transfer.

MOTION: **Rep. Hixon** made a motion to introduce **RS 22607C1**. **Motion carried by voice vote.**

DOCKET NO. 24-2601-1301: **Tana Cory**, Chief, Bureau of Occupational Licenses, presented **Docket No. 24-2601-1301**, a Pending Fee Rule for the Board of Midwifery that increases the initial application fee from \$50 to \$200; the initial license fee from \$550 to \$800; and the annual renewal fee from \$550 to \$850. After three disciplinary matters went to hearing, the Board's cash balance dropped from \$6,441 to a negative \$79,908. As a self-governing agency with no general fund monies, they are increasing fees to recoup costs. The new fees are expected to generate an additional \$10,000 annually that will insure they can work toward eliminating the negative balance while discharging their charge to the public.

In answer to questions, **Ms. Cory** said that the balance is expected to be eliminated in four to five years. The Bureau of Occupational Licenses has one "common bucket" fund for all board revenue and expenses. This provides the continuation of any board facing this type of debt until they can work with legislation to pay back that amount. Internal accounting tracks the funds for each board. Any payback from the cases would apply to the deficit balance. Once the Board is in a positive cash balance, they would be back with fee decreases. Ms. Cory will provide a listing of all Bureau managed boards that includes their membership numbers and cash position. In the event that the Committee rejects the fee increases, they would have to figure out how to keep the Board in legal compliance.

Ms. Cory further explained that the three instances stem from care complaints and were public protection issues. There are no guarantees that such issues would not occur again. She noted that the Board has, over the five years of its existence, cut expenses and streamlined annual costs from \$70,000 to \$4,000. They do not have the authority to do a one-time licensee assessment.

MOTION: **Rep. Hancey** made a motion to approve **Docket No. 24-2601-1301**.

Kris Ellis, Idaho Midwifery Council, testified **in support** of **Docket No. 24-2601-1301** reiterating that they have worked with the Board and agreed to increase fees without raising the fee cap.

Molly Steckel, Idaho Medical Association, testified **in support** of **Docket No. 24-2601-1301**, emphasized that the action taken by the Board in these cases indicates a success that they are taking their charge seriously, even though it has caused the debt.

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

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

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:41 a.m.

Representative Wood(27)
Chair

Irene Moore
Secretary