

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Thursday, February 13, 2014

**TIME:** 3:00 P.M.

**PLACE:** Room WW54

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

**ABSENT/ EXCUSED:** Senator Lodge

**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 meeting to order at 3:15 p.m. and welcomed guests. He asked Allison McCarthy to approach the podium and introduced her as the Senate Health and Welfare Page. He commented that the Committee has been very appreciative of her fine work, and therefore has two letters of recommendation for her, as well as two gifts. He thanked her for doing an outstanding job.

**Ms. McCarthy** thanked the Committee and commented that she had learned several things, loved helping out on the Committee, and that her experience has been very interesting. She added that she was thankful that she had gotten to know the members of the Committee.

**Chairman Heider** asked the Secretary to take a silent roll, and introduced the first speaker.

**PRESENTATION: Relating to the Idaho Criminal Justice Commission (ICJC) Overview:** **Sara Thomas**, State Public Defender and Chair of the Idaho Criminal Justice Commission (ICJC), stated that she would like to give an update on what ICJC has been working on in 2013. She informed the Committee that the ICJC meets once a month and looks at ways to propose balanced solutions that are both cost effective and achieve a safer Idaho.

**Ross Mason**, Chair of the Children of Incarcerated Parents Subcommittee to the Idaho Criminal Justice Commission, and Regional Director for the Idaho Department of Health and Welfare, stated that effort is being made to improve the lives of children who have an incarcerated parent.

**Vice Chairman Nuxoll** inquired if the club meetings were structured, and **Mr. Mason** replied that the meetings were conducted by a counselor with a curriculum loosely based on the life skills curriculum, which most schools are familiar with. It is a socialization curriculum aimed at directing children to better social skills and better discipline skills.

**Sharon Herrigfeld**, Director of the Department of Juvenile Corrections, stated that Monty Prow (Quality Improvement Services Director) was listed on the agenda, but that he is reviewing a program and she is taking his place to speak. She stated that when the ICJC developed their strategic plan, it was discovered that there was no avenue for discussion regarding data. Through the Department of Juvenile Corrections, they obtained a juvenile grant application to create communication with the Idaho Supreme Court, the Department of Health and Welfare and the State Department of Education.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 1).

**Senator Martin** thanked Ms. Thomas for the handout on medical marijuana (included in attachment 1).

**INTRODUCTION** **Chairman Heider** introduced former Senator Joyce Broadsword, who served in Health and Welfare Committee for many years, and stated that it was a pleasure to have her here today.

**S 1291**

**Relating to Dentists - Revisions: Bill Roden**, who represents Delta Dental of Idaho, informed the Committee that this bill amends Idaho Code § 54-903 in the definition of "extended access oral health care programs" to permit non-profit entities organized as 501(c)(3) or 501(c)(4) corporations to provide free dental or dental hygiene services to persons who, due to age, infirmity, indigence, disability or other similar reasons may be unable to receive regular dental or dental hygiene treatment, subject to approval of the Idaho State Board of Dentistry. This bill also amends the definition of "dental assistant" and "dental specialist" to make the terms gender neutral. There is no fiscal impact to the State or local government.

**Senator Lakey** wanted to know if Delta Dental is providing these services free of cost and not seeking reimbursement from Medicaid or any other government program.

**Mr. Roden** replied that was correct and that all of the programs are free of charge.

**Senator Lakey** commented that allowing Delta Dental and other 501(c)(4) corporations to do this type of thing reduces the potential burden on government, where people would have to go to a government program funded by taxpayer dollars.

**Mr. Roden** replied that he hoped that would be true. We work with other community resources and direct them to dentists who are willing to provide dental treatment and dental hygiene services. The extended services may or may not have some cost.

**Senator Lakey** asked for clarification on the change regarding the Board reapproval process - and that it looked like they are moving from an automatic annual approval to something a little more flexible.

**Mr. Roden** responded that was correct. The initial program has to be approved by the Board before they can embark on the program. Sometimes they have an ongoing program and it may be approved for a three year period of time, but the way this is structured, the Board can continue to do it on an annual basis, if they desire to do so, but that they would not be obligated. They could also do it in a lesser time period than a year if they wished. That discretion is left with the Board. The previous law provided for an annual review.

**Senator Lakey** then asked if the general thought behind the flexibility was so the Board would not have to review as often.

**Mr. Roden** confirmed that was the case.

**Senator Hagedorn** recognized Mr. Roden as a former Majority Leader and Senator from many years ago, and congratulated him on his 85th birthday. Then he asked about the strike out of the words "reduced fee," and voiced concern about what organizations will be removed with these deletions.

**Mr. Roden** replied that Senator Lakey had asked a similar question when the bill was introduced. He was not aware of any programs that would be excluded by this language. He has not had contact from anyone who said this would exclude them from offering the programs and they are not trying to make this an exclusive program with Delta.

**MOTION:** **Senator Guthrie** moved, seconded by **Senator Lakey** to send **S 1291** to the floor with a **do pass** recommendation. The motion carried by **voice vote**. Senator Guthrie will carry the bill to the floor.

**Senator Martin** noted that when Mr. Roden was in the Senate, he was the only Senator in Ada County, whereas now there are nine Senators from Ada County. It took nine Senators to replace Mr. Roden.

**S 1295** **Relating to Immunization - Repealing Section 2, Relating to the Sunset Provision of the Idaho Childhood Immunization Policy Commission:** **Senator Guthrie** stated that if the legislation fails, the Childhood Immunization Policy Commission (Commission) will dissolve on July 1, 2014. The Commission has eight regular members, two ex officio (the ex officio are the legislative members, in which Senator Guthrie and Representative Jeff Thompson participate). The Commission makes recommendations to public agencies, health care providers and others regarding policies and practices that are designed to improve Idaho's childhood immunization rates. Members of the Commission shall not be paid for their service or be entitled for reimbursement for travel expenses, except that members of the Idaho legislature serving as ex officio members of the Commission shall be reimbursed for their vouched travel expenses associated with their service on the Commission in a manner consistent with policy for other state officers and employees.

**Dr. Perry Brown**, a general pediatrician, Director of Pediatric education at the Family Residency in Boise and Codirector of the State Cystic Fibrosis Center in Boise stated that since the Commission was established a little over three years ago, he has served on this Commission, and it was highly worthwhile. He informed the Committee that the eight standing members of the Commission are: a representative of the Department of Health and Welfare; a representative from the Idaho Public Health Districts; a member of the Idaho Primary Care Association; a member of the Idaho Hospital Association; a member of the Idaho Academy of Family Physicians; a member of the Idaho Chapter of the American Academy of Pediatrics; a member of the Idaho Immunization Coalition and a member of the Idaho Medical Association (IMA). **Dr. Brown** indicated he is the member of IMA.

**Dr. Brown** said that the Commission makes great contributions to Idaho and asked that the sunset clause be removed so that the Commission may continue.

**Senator Hagedorn** asked why there is a separate Vaccine Assessment Board and an Immunization Commission, and why are they not combined.

**Dr. Brown** replied that the Vaccine Assessment Board's primary function is to get the insurers represented and gather funds to supply to the Department of Insurance and the Department of Health and Welfare to purchase the vaccines at the discounted Center for Disease Control costs. The Immunization Commission does not deal with funding for the vaccines, but rather vaccine access and administration in rural areas during vaccine shortages. That is why the representation of the Vaccine Assessment Board is, for the most part, insurers, whereas the representation of the Immunization Commission is primarily for those providing care.

**Senator Bock** stated that when he was a child, schoolchildren lined up to receive vaccines in the schools and asked why that approach cannot be implemented again to ensure a greater vaccination rate.

**Dr. Brown** answered that in those days, vaccines were given first and questions were posed later. Today, it is critically important that when vaccines are administered, it is done with parental consent and that parents receive information about the vaccines prior to administration. Although the old method would likely increase the vaccination rate, it is not an appropriate approach today.

**Senator Schmidt** stated that the Commission has been in existence for four years, and the stated goal in the statute is to improve immunization rates. He inquired on the status.

**Dr. Brown** replied that the status has gotten better.

**Susie Pouliot**, IMA, stated that one of the missions of IMA is to support and advocate for the medical profession and public health, and voiced support for **S 1295**.

**MOTION:** **Senator Bock** moved, seconded by **Senator Martin**, to send **S 1295** to the floor with a **do pass** recommendation. The motion carried by **voice vote**. Senator Guthrie will carry the bill to the floor.

**S 1292** **Relating to Child Support - to Revise Terminology Relating to Collection:** **Kandee Yearsley**, Child Support Bureau Chief for the Division of Welfare in the Department of Health and Welfare (Department), stated that she was asked to come today with a definition of a child support obligation. Idaho Code § 7-1202 defines "child support" as a legally enforceable obligation assessed against an individual for the support of a child which shall include medical care, including health insurance premiums for the child, and any amount owing under an order for support during a period in which public assistance was expended. One of the child support program's responsibilities is to ensure that child support is collected as it becomes due, before becoming delinquent. Idaho Code § 7-1203 specifies remedies available to Idaho child support enforcement for the collection of delinquent child support. When this section was written, child support payments were made by check, money order or cash. There was no electronic fund transfers at that time. If a case was current, it was anticipated that a parent would pay the payment. A withholding order to an employer or agency to make that payment was only in situations where the paying parent wasn't making their payments. As of 1996, Idaho child support orders have automatic and immediate income withholding language in the order. This language is a child support state plan requirement which the courts routinely include in child support orders.

Over 50 percent of the payments received, including income withholding (whether for ongoing or past due support) are paid electronically. This percentage continues to grow. Some states receive in excess of 90 percent of all payments electronically. Agencies, employers and parents request ongoing payments be made electronically. This statutory change clarifies Idaho Code § 7-1203 and allows the Department to utilize all available remedies for the collection of ongoing and past due child support obligations.

Parents today are retiring and are responsible for children under the age of majority in their home. They wish to have their child support withheld from their retirement account for an ongoing basis, despite remaining current with their ongoing obligation. Under the present version of § 7-1202, the Public Employee Retirement System of Idaho (PERSI) can only honor a child support withholding order for past due support. If a PERSI participant's child support order is current, PERSI cannot withhold that participant's ongoing support obligation. The participant must become delinquent for child support to be withheld. This interferes with the constant flow of support into the household of the child. This change allows agencies, including PERSI, to honor a single income withholding order for both past due and ongoing support, which will be more efficient and effective in maintaining monthly support payments to the child.

**Senator Hagedorn** asked if the idea is to obtain ongoing collection from any means available.

**Ms. Yearsley** replied that there are many places where electronic payments can be taken for support to enable people to pay their current support, such as state taxes. PERSI had not been included to enable people to pay their current support, and it is hindering those people to meet their obligations. This applies to people who are in arrears with their payments or by people who are requesting it.

**Senator Hagedorn** stated that he was confused by the language. If the term "delinquency" is being replaced by "support obligation," then that would encompass situations where the child support obligations were current.

**Ms. Yearsley** replied that support obligation includes any monies that are owed, which could mean current or in arrears. The way the statute currently reads, it does not allow for agencies to take retirement funds.

**Senator Hagedorn** asked if the individuals who own these accounts have the ability to set up an electronic transfer on their own.

**Ms. Yearsley** responded that, according to the Attorney General of PERSI, there is no ability to do so. It would have to be done through an income withholding; otherwise, it would have to be deposited into their bank account.

**Senator Lakey** stated that the request is to amend a section that deals with remedies. This is more of an accounting process to receive payment. This would give the ability to go after people for payment, even if they are current.

**Ms. Yearsley** replied that the concept of child support is to be able to collect the money when it is due. If a person is current, the remedies for delinquent payments are not utilized. The change in the wording for the statute is to say that if a case is current and someone wishes to continue to pay this way, they have the ability to do so. They presently do not.

**Senator Lakey** commented that if the focus is primarily just an accounting process to allow for someone to make payments, then perhaps the language should appear in another section other than the section that deals with remedies and collections for delinquencies.

**Senator Schmidt** referred to § 7-1203 (4), where it states that: "The department shall intercept and withhold a portion of any veteran's benefits payable to an obligator pursuant to state or federal law." That language is already in the remedy section of the statute, and payments can already be garnered with or without a delinquency.

**Ms. Yearsley** replied that the Department worked with the Attorney General's Office to make this change, and would like to defer to an attorney rather than guess at the intent herself.

**Senator Guthrie** asked if "support obligation" was defined in code.

**Ms. Yearsley** replied that Idaho Code § 7-1202 defines child support obligation as a legally enforceable obligation assessed against an individual for the support of a child.

**Senator Guthrie** stated that it appeared as if delinquency sufficiently addresses the need to enforce payment from someone's support obligation. Someone could be current and this revision states that the department "shall" obtain payment by various means. He voiced his concern.

**Senator Bock** was curious to know what the lag time was between the actual collection (whether current or in arrears) and when the recipient receives the payment.

**Ms. Yearsley** stated that if payment is electronically received, the money is available the next day. There is a 24-hour turnaround. That money is deposited into their account within 24 hours. We have either the direct deposit or Idaho Family Support Card, where the money goes into a debit type card.

**Senator Bock** asked if the Department were collecting all of the child support payments in the State.

**Ms. Yearsley** confirmed that was correct. In the child support program, we are referring to those cases under Title IV-D of the Social Security Act. This refers to people who have not been paying or need to be enforced to pay. We are not involved in cases where payments are being received on time.

**Senator Hagedorn** pointed out the bill's language which states that the Department shall intercept and withhold tax refunds, any unemployment benefits and any veteran's benefits payable to an obligor to satisfy child support obligations. The Statement of Purpose, on the other hand, is focusing on PERSI. PERSI is not mentioned in the bill itself. Because support obligation is such a drastic change from delinquency, he thought it opens up more than what the actual intent is.

**MOTION:** **Senator Hagedorn** moved, seconded by **Vice Chairman Nuxoll** to hold **S 1292** in Committee.

**SUBSTITUTE MOTION:** **Senator Bock** moved to send **S 1292** to the 14th Order for Amendment. The substitute motion failed for lack of a second.

**Senator Lakey** commented that the change does not accomplish the voluntary nature in keeping payers current and accepting payments in a more modern, appropriate fashion. He felt that the change should appear in another section.

**VOTE ON ORIGINAL MOTION:** The motion carried by **voice vote**. **Senators Schmidt, Martin and Bock** voted nay, and wished to be recorded.

**ADJOURNED:** There being no further business at this time, **Chairman Heider** adjourned the meeting at 4:28 p.m.

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Senator Heider  
Chair

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Linda Hamlet  
Secretary