

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 24, 2014

TIME: 3:00 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: None

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 3:08 p.m.

GUB APPT: **Senator Martin** moved to send the gubernatorial appointment of Janet Penfold to the State Board of Health and Welfare to the floor with a recommendation that she be confirmed by the Senate. **Senator Bock** seconded the motion. The motion carried by **voice vote**. Senator Martin will carry the appointment to the floor.

H 354 **Relating to Counselors and Therapists: Roger Hales**, Administrative Attorney on behalf of the State Board of Counselors and Marriage and Family Therapists (Board), stated that this bill is rather straightforward. It would allow the Board to have authority to promulgate certain rules to set forth standards and other requirements for the use of communication technology in the practice of counseling and marriage and family therapy. The rules that the Board creates would come back before the Committee for review and approval. The rules would cover various forms of practitioner and client interaction using the newer types of electronic communication methods. Those rules would also need to address issues of client confidentiality in relation to the different types of communication.

Mr. Hales said that this Board has been working with other mental health boards to come up with more uniform language in dealing with the technology available. He noted that there has been no opposition to the bill and it is being brought forward at the request of the practitioners due to the lack of clear guidelines in this area.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 1).

Vice Chairman Nuxoll wanted to know why they needed rule legislation to use modern technology. **Mr. Hales** responded that it comes down to what type of security, guidelines, and consent might be needed since there are privacy issues involved between the provider and patient where a lot of confidentiality is required. These guidelines have been requested by the practitioners to protect them in cases where there may be claims of inappropriate use of technology in interacting with their clients. **Vice Chairman Nuxoll** asked for examples of possible abuse. **Mr. Hales** stated that if a provider is using just email to communicate with a client and sensitive issues are being discussed, you need to be careful and understand who may be able to also have access to those emails.

Senator Bock gave a hypothetical example of a counselor who has a message to pass on to his patient through an email, and he gives it to his secretary instead to take care of, that would be a breach in confidentiality to watch out for. He wanted to know if this type of scenario is something the rules for **H 354** will address and clarify for the practitioners. **Mr. Hales** agreed with Senator Bock, and said that this is a perfect example of what the rules will attempt to address with the legislation: who should be privy to the information and what types of forms to use in various settings.

Senator Martin wanted to make sure that Mr. Hales was familiar with the Idaho Telehealth Task Force and the efforts they are putting into place. **Mr. Hales** said that he was aware of that group, they have the needed information, and are passing it onto the Board so they can also be involved with that group.

Chairman Heider commented that it seems as though any medical field seems to be moving to telemedicine and he could certainly see the need to set standards for privacy and confidentiality. He assumed that this was the reason for the legislation at this time. **Mr. Hales** stated that was well said by the Chairman, and agreed with his points.

MOTION: **Senator Bock** moved to send **H 354** to the floor with a **do pass** recommendation. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**. Senator Bock will carry **H 354** to the floor.

H 355 **Relating to the Social Work Licensing Act: Roger Hales**, on behalf of the State Board of Social Work Examiners (Board), stated that this legislation has basically the same language as the previous legislation before the Committee.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 2).

Senator Martin also wanted to recommend that this legislation be communicated to the Idaho Telehealth Task Force. **Mr. Hales** said he would be happy to do that.

MOTION: **Senator Schmidt** moved to send **H 355** to the floor with a **do pass** recommendation. **Senator Martin** seconded the motion. The motion carried by **voice vote**. Senator Schmidt will carry **H 355** to the floor.

H 353 **Relating to the Children's Trust Fund: Roger Sherman**, Executive Director of the Idaho Children's Trust Fund (ICTF), said the ICTF was created by the Legislature in 1985 in an effort to support community based programs and services to prevent child abuse and neglect throughout the State. **Mr. Sherman** stated that in the 28 years since the ICTF was formed, the board has worked to remain faithful to the high words of the intent language and prevent child abuse and neglect before it ever occurs. The ICTF's board and staff have provided funding, training, technical assistance and convened practitioners throughout the State in order to create a system of prevention that uses the best research based practices that have existed throughout the years. Over the years since the ICTF was established, Idaho has grown substantially and the field of prevention has changed as well. Many issues remain the same but the approach to solving them is different. It is the goal of **H 353** to do three things. It cleans up obsolete language. It brings the statute into compliance with current business practices in regard to the board and staff and provides the board with additional tools that will allow it to do its work more effectively.

Supporting documents related to this testimony have been archived and can be accessed in the office of the Committee Secretary (see attachment 3).

Senator Bock wanted to know the current balance of the fund and what is the source of their operating expenses. **Mr. Sherman** responded that at the end of 2013, the balance of the fund was at \$1,359,758.36. Part of the operating costs are covered by the fund and the rest are covered by the Community-Based Child Abuse Prevention grant. **Senator Bock** inquired as to what the approximate operating budget for the ICTF is on an annual basis. **Mr. Sherman** answered that it's around \$325,000.

Vice Chairman Nuxoll asked how much of the funds come from the federal government and the amount. **Mr. Sherman** stated that part of the funds do come from the federal government, through grants given to each state, the rest of the money comes from the voluntary designation on the tax forms as a means for citizens to donate to the fund, along with interest that adds up on the account. **Vice Chairman Nuxoll** wanted to know if the ICTF is considered a nonprofit organization. **Mr. Sherman** said that the ICTF is considered a governmental entity, being governed by the board of directors that are appointed by the Governor and established by the Legislature. **Vice Chairman Nuxoll** had a concern over the language within the legislation regarding "other monies" and why was it added to the bill. **Mr. Sherman** explained to the Committee that they worked with a lawyer on the wording for the legislation, and stated that term is basically "lawyer language".

Senator Lakey requested clarification on the wording in the bill regarding "monies appropriated by the legislature may also be used for salaries, etc..." and wanted to specify if those were not general fund dollars. **Mr. Sherman** responded that these are not general fund dollars, but monies that come from the trust fund and the federal grant.

Senator Hagedorn noted that the current statute only funds ten hours a week for an Executive Director and wanted to know how long ago that changed and could the ICTF ever operate at just the ten hours a week for just one person. **Mr. Sherman** clarified that this information is talking about a part-time administrator and doesn't specify ten hours. The original statute that had been used before the existing legislation, specified ten hours since that is what they had the money for.

Senator Schmidt wanted to know as far as the fund balance, have they seen it increase or decrease and what does the trend look like. **Mr. Sherman** responded that it generally increases and they have not seen it go down.

TESTIMONY:

Rosie Delgadillo Reilly, ICTF Board Member, stated that she represents region 3 on the board and lives in Nampa. She spoke for the entire board of directors in letting the Committee know that they are fully behind this effort to change the statute. The need to change the statute has been clear for the last couple of years especially to provide the board with more tools to raise money to support community based work. As Mr. Sherman had stated, the ICTF has seen revenues plummet in the last five years and although they are continuing to do exemplary work, they have fewer resources to do it with. The need remains great she stressed. As a school teacher, then school counselor and now as a counselor in private practice, she has seen the consequences of not preventing abuse and neglect. She was enthusiastic about joining the board in order to support prevention efforts. The board is also interested in bringing this statute and practice into alignment. After 28 years, the need and the organization have changed and it was their hope the Committee will support this effort to modernize the statute.

DISCUSSION:

Senator Schmidt was concerned about the fiscal oversight of the ICTF and wanted to know if Ms. Delgadillo Reilly felt comfortable paying attention to the balance of the fund and is there a long term goal to keep the fund sustainable for the future. **Ms. Delgadillo Reilly** answered that they work with what they have, and are asking to raise funds in ways beyond what they already have available to them. As far as being sustainable, she would need to refer that question to Mr. Sherman to answer.

TESTIMONY: **Laura Mahan**, Branch Executive Director for Youth Development, Treasure Valley YMCA, stated she was there to speak as a partner with the ICTF. She said that for over 20 years the YMCA has been training their staff on child abuse prevention even before other youth-serving agencies jumped on board. It's been a positive experience, but they always feel they should be doing more, but didn't know what they could do. They've been able to work in partnership with the ICTF to leverage what each group can offer the other to help parents and staff become more aware of the issues. With the large membership in the area YMCAs there is a great venue to get the information out and the ICTF helps with the tools to accomplish that. She stated there are amazing things happening throughout the State to improve awareness and prevention of child abuse and her group is happy to be a part of it and supports this legislation.

Richard Johnson, Chief Executive Officer (CEO), Family Advocates, which has been around for 35 years and are best known for their Court Appointed Special Advocates (CASA) program for children. They have a lot of partnerships as a result of the CASA program, and one thing that is common among them is the need to get to the child (family and situation) early for intervention and prevention of abuse. The language and guidelines they use in their CASA program was nurtured by the ICTF, who have been educating state wide on these issues. The CASA group has also benefited from grants from the ICTF for several of their programs for children of all ages. He stated that the ICTF staff is small but very resourceful and have a large impact throughout the State. The ICTF is a very vital asset to the Family Advocates and to the State and he is supporting their efforts with this legislation.

DISCUSSION: **Senator Martin** wanted to know, for the ICTF's funded projects, what is the process to decide on what programs to fund. **Mr. Sherman** responded that the ICTF puts out a Request For Proposal (RFP) through a variety of sources, then the board takes the proposals to review and score them and the determination is made as a grant-making process, for large and small grants depending on the need.

MOTION: **Senator Lodge** moved to send **H 353** to the floor with a **do pass** recommendation. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**. Senator Schmidt will carry **H 353** to the floor.

MINUTES APPROVAL: **Senator Lodge** moved to approve the January 28, 2014 Minutes as written. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

MINUTES APPROVAL: **Vice Chairman Nuxoll** moved to approve the February 3, 2014 Minutes as written. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business to come before the Committee, **Chairman Heider** adjourned the meeting at 3:52 p.m.

Senator Heider
Chair

Linda Hamlet
Secretary

Linda Harrison
Assistant Secretary