

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, January 20, 2015

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Heider, Vice Chairman Martin, Senators Johnson (Lodge), Nuxoll, Hagedorn, Tippetts, Lee, Schmidt and Lacey

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 of the Health and Welfare Committee (Committee) to order at 3:04 p.m.

PASSED THE GAVEL: Chairman Heider passed the gavel to Vice Chairman Martin for rules review.

DOCKET NO. 16-0208-1401 **James Aydelotte**, State Registrar and Chief of Bureau of Vital Records (Bureau), Health Statistics, Public Health Division, Department of Health and Welfare (Department), reviewed **Docket No. 16-0208-1401**, Rules Pertaining to Vital Statistics. The proposed rule increases most of the Bureau's fees, due to increased overhead. The most significant increase is for a certified copy of a vital record, from \$13 to \$16 per certified copy or search. **Mr. Aydelotte** reviewed each requested increase and noted that, even with these changes, Idaho's certificates would still be less expensive than Nevada, Oregon, Washington and Utah.

Mr. Aydelotte asked the Committee to approve **Docket No. 16-0208-1401** and stood for questions.

MOTION: **Chairman Hagedorn** moved to approve **Docket No. 16-0208-1401**. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0501-1401 **Mr. Aydelotte** reviewed **Docket No. 16-0501-1401**, Use and Disclosure of Department Records, and referred the Committee to page 168 of the rules review book. This rule change requests approval to conduct what is known as fact-of-death verifications, which differ slightly from the verifications that are currently performed. He said the rule is written to limit fact-of-death verifications to Idaho state agencies and entities seeking to determine or protect an individual's property rights.

Mr. Aydelotte asked the Committee to approve **Docket No. 16-0501-1401** and stood for questions.

Senator Tippetts expressed concern with the language and asked if the wording could be tightened. **Mr. Aydelotte** explained that the rule, as written, ensures that everyone who uses the system must be approved and applies only to individuals seeking protection. He said the Department is always willing to look at improving the wording.

MOTION: **Senator Schmidt** moved to approve **Docket No. 16-0501-1401**. **Senator Tippetts** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
16-0303-1401**

Kandee Yearsley, Bureau Chief, Child Support Program, Department of Health and Welfare (Department), reviewed **Docket No. 16-0303-1401**, Rules Governing Child Support Services. The rule updates statutory references, provides definitions for the term's obligor, obligee, and motor vehicle license and clarifies the factors to be considered in license suspension proceedings. **Ms. Yearsley** said the rule also deletes an outdated form in the appendix and replaces it with a link to the current form on the Department's website.

Ms. Yearsley reviewed the changes in detail and asked the Committee to approve **Docket No. 16-0303-1401**.

Senator Nuxoll asked for clarification on the wording related to obligor funds, which she said was confusing. **Ms. Yearsley** said federal requirements prevent the Department from taking some funds from the obligor and the wording had not changed.

Senator Lee asked about contempt of court. **Ms. Yearsley** said contempt is the Department's last option.

Senator Hagedorn expressed concern that the courts target the obligor immediately. **Ms. Yearsley** said this occurrence is rare and is handled on a case-by-case basis.

MOTION:

Senator Nuxoll moved to hold **Docket No. 16-0303-1401** in Committee for time certain.

**SUBSTITUTE
MOTION:**

Senator Tippetts moved to approve **Docket 16-0303-1401**. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
16-0304-1401**

Kristen Matthews, Food Stamp Program, Department of Health and Welfare, reviewed **Docket No. 16-0304-1401**, Rules Governing the Food Stamp Program in Idaho. This docket clarifies violations in regulations which include buying, selling, stealing or trading. **Ms. Matthews** asked the Committee to approve the docket and stood for questions.

Committee members asked for clarification on drug trafficking, firearms sales, and wording to include date of review. **Chairman Heider** approved of the rule change, which he said is vital to control violations.

MOTION:

Senator Nuxoll moved to approve **Docket No. 16-0304-1401**. **Senator Hagedorn** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
16-0612-1401**

Ericka Rupp, TANF Program Manager, Department of Health and Welfare, reviewed **Docket No. 16-0612-1401**, Rules Governing the Idaho Child Care Program. The rule was published as a temporary rule effective November 1, 2013 and was published in the January 2014 Idaho Administrative Bulletin. The Department states that its former copay structure did not comply with federal regulation because it was based upon a percentage of the cost of child care. To comply with federal requirements, copays must be income based. This rule bases copayment upon family income.

This rule also distinguishes between the copay requirements for postsecondary students and high school or GED students. Specifically, postsecondary students who do not work ten or more hours per week will be required to pay their own copayment. There is no fiscal impact associated with this rulemaking.

Ms. Rupp asked the Committee to approve **Docket No. 16-0612-1401** and stood for questions.

MOTION:

Chairman Heider moved to approve **Docket No. 16-0612-1401**. **Senator Lacey** seconded the motion. The motion passed by **voice vote**.

**DOCKET NO.
16-0322-1401**

Tamara Priscock, Administrator, Division of Licensing and Certification, Department of Health and Welfare (Department), reviewed **Docket No. 16-0322-1401**, Rules Pertaining to Residential Care or Assisted Living Facilities in Idaho. **Ms. Priscock** said the primary purpose of a residential care or assisted living facility in Idaho is to provide a humane, safe, and homelike living arrangement for adults who need assistance with activities of daily living and personal care. This rule change is to update licensing requirements in response to requests from living facility operators and updates standards of care. This rulemaking meets best practice and current technology standards while maintaining the health and safety of residents.

Ms. Priscock concluded by asking the Committee to approve **Docket No. 16-0322-1401** and stood for questions.

Committee members posed questions and received answers on concerns that included licensing requirements, facility providers and staffing.

MOTION:

Senator Nuxoll moved to approve **Docket No. 16-0322-1401**. **Senator Schmidt** seconded the motion. The motion passed by **voice vote**.

**PASSED THE
GAVEL:**

Vice Chairman Martin passed the gavel back to Chairman Heider.

ADJOURNED:

There being no further business, **Chairman Heider** adjourned the meeting at 4:36 p.m.

Senator Heider
Chair

Erin Denker
Secretary

Jeanne' Clayton
Assistant