

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, February 16, 2015

TIME: 3:00 P.M.

PLACE: Room WW54

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

ABSENT/ EXCUSED: Senator Hagedorn

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 Health and Welfare Committee (Committee) to order at 3:00 p.m. and welcomed everyone in attendance.

RS 23569: Relating to Nursing Board Appointments.

Chris Jenkins, registered nurse, began by stating that the legislation being amended has to do with membership of the Board of Nursing (Board). Currently, there is a penalty for lifelong and ongoing education. The amendment would give members of the Board who have attained an additional degree the opportunity to be reappointed to the Board position they were originally appointed to. Board membership is made up of three associate degree nurses, two bachelors degree nurses, one advanced practical nurse and one community representative. Once the current term on the Board is completed, a Board member is not allowed to be reinstated to the same position if additional education has been obtained.

Senator Nuxoll asked why education is connected to the terms. **Mr. Jenkins** stated it is basically a boundary issue. If you do not continue your education, you can get subsequent Board positions. You can reapply for a different position on the Board, but the position that you currently hold is not an option. **Senator Lacey** asked about the type of people on the Board. If someone is no longer an associate and becomes a nurse with a degree, does that negate the makeup of the Board. **Mr. Jenkins** said that the proposed change negates the current membership in that you advance your education, you still can represent the original degree level.

Chairman Heider asked who Mr. Jenkins was representing. **Mr. Jenkins** replied that he was representing himself as a Board member, and the Board chairman was aware of what his request was. **Chairman Heider** asked about Mr. Jenkins' standing on the Board if the legislation was printed as it is currently written. **Mr. Jenkins** replied that today it would not, but in two years when he has further education it would affect his Board position. **Chairman Heider** asked if he was correct in saying that the way the current Board is made up, as Mr. Jenkins advances in his position, it would open up other positions for incoming people to fill at a lower level. **Mr. Jenkins** responded that sometimes employers require additional education as part of their employment. This would cause Board members to have to relinquish their positions on the Board. The positions are staggered and multiple positions do not come open at the same time.

Vice Chairman Martin asked what the Board's position was on Mr. Jenkins' request to the change legislation. **Mr. Jenkins** stated that he was here on his own. **Senator Johnson (Lodge)** suggested that she would like to see a letter from the

Board as a body stating that they are behind this change. **Chairman Heider** asked again if Mr. Jenkins represented himself or the Board. **Mr. Jenkins** said that he was testifying on his own behalf, but the chairman and the executive director were aware of his testifying.

MOTION: **Vice Chairman Martin** moved to print **RS 23569**. **Senator Nuxoll** seconded the motion.

SUBSTITUTE MOTION: **Senator Tippetts** moved that **RS 23569** be returned to the sponsor.

Senator Tippetts suggested that the makeup of the Board is designed for a reason, and if a person is appointed to fill a particular position and later doesn't meet that criteria, then someone else should be appointed to that position.

Senator Nuxoll withdrew her second of the original motion.

The motion carried by **voice vote**.

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

RS 23419 Relating to Music Therapy.

Chairman Heider began by stating that there are less than 24 music therapists in Idaho. They are asking to be recognized as having value to the therapeutic community. Chairman Heider attended some of those sessions and saw improvement in the participants.

MOTION: **Senator Lacey** moved to print **RS 23419**. **Senator Schmidt** seconded the motion.

Vice Chairman Martin asked for discussion on the motion. **Senator Lacey** said that he strongly favors this resolution.

The motion carried by **voice vote**.

RS 23566C1 **Chairman Heider** presented **RS 23566C1**. This bill was previously sent to print. To be in agreement with the national standard, a physician had to be within 30 miles of the hospital to be given admitting privileges. In the original bill "abortion" was listed and upon recommendation was changed to "surgical abortion." **Senator Lee** indicated that the statement of purpose should include the word "abortion" so that it more accurately reflects the intent of the legislation. **Senator Heider** indicated that he wasn't aware of that when the statement of purpose was written. At this point he felt the current statement of purpose would stand. **Vice Chairman Martin** said that the proposed wording was included in the last motion and should be included in the current one. **Senator Tippetts** stated that he was the one who made the motion to print the RS with the understanding that the sponsor would amend the statement of purpose to state specifically "abortion" as opposed to the more general surgical procedures. He supported Senator Lee in her request and stated changes should be included in the motion to print.

MOTION: **Senator Tippetts** moved to print **RS 23566C1** with the stipulation that the sponsor will amend the statement of purpose to refer specifically to abortions. **Senator Schmidt** seconded the motion.

Senator Tippetts suggested that a full hearing be held to see if this would be appropriate.

The motion carried by **voice vote**.

RS 23598 Relating to National Diaper Need Awareness.

Senator Ward-Engelking presented **RS 23598**, a concurrent resolution to promote Diaper Need Awareness Week. She turned her time to Shawna Walls, Executive Director and founder of Idaho Diaper Bank. Ms. Walls said diaper need is a crisis nationwide and particularly in Idaho. There are 35,000 children ages 3 and under who are living in low income or poverty. Studies show a link to abuse and neglect when diapers are not available. The Idaho Diaper Bank was formed as an Idaho non-profit charitable organization. Its goal is to get a million diapers out to help supplement the need in Idaho. There is zero government assistance for diapers. By promoting Diaper Need Awareness Week, Idahoans will get their communities more involved in this effort. **Senator Ward-Engelking** asked for the Committee's support on getting the RS printed.

Senator Nuxoll commented that she felt that state money was being used for things that could be made aware of in other ways. **Senator Lee** stated that there is no fiscal impact for this, it is for awareness only. She feels this is an excellent way to support the community.

MOTION: **Senator Lee** moved to print **RS 23598**. **Senator Lacey** seconded the motion.

Senator Johnson asked if there were any plans to change the status of food stamps to being used for diapers. **Senator Ward-Engelking** responded that it is just to build awareness for a diaper bank.

The motion carried by **voice vote**. **Senator Nuxoll** asked to be recorded as voting nay.

RS 23624 Relating to Creating a Task Force to study issues relating to Family Caregivers.

Peggy Munson, retired geriatric nurse and past volunteer state president of AARP of Idaho, indicated that there are approximately 200,000 people providing an estimated \$2 billion worth of unpaid care to family, friends and loved ones. As the demographics shift and the population ages, that number will grow. This resolution seeks to raise awareness about uncompensated family caregivers and the critical role they play as part of the state's healthcare and long-term care system (see attachment 1).

Senator Lee asked for clarification on the fiscal note attached to this resolution. **Lee Flinn**, Advocacy Director for AARP Idaho, responded to the question. She indicated that a discussion was held with Senator Heider and the Pro Tem. If a Legislator participates in the task force, their per diem would be paid from the Legislative Fund. Initial discussions indicate that there could be possibly four Legislators participating; other costs would be covered by AARP Idaho. **Senator Tippets** agreed that there should be some Legislators serving on the task force, and that should be noted in the fiscal note. He suggested that the statement of purpose be amended to more accurately reflect the fiscal note.

MOTION: **Senator Lacey** moved that **RS 23624** be printed and brought back to the Committee for further discussion on the fiscal note. Changes should reflect that travel costs for Legislators would be paid out of the Legislative Fund and also to correct the spelling of Lee Flinn's name.

The motion carried by **voice vote**. **Senator Nuxoll** asked to be recorded as voting nay.

RS 23632 Relating to Indigent Sick.

Senator Dan Schmidt presented **RS 23632**. Senator Schmidt is on the board for the State Catastrophic Health Fund. This legislation addresses the issue of people who may be medically indigent. Medical indigency, by statute, is determined by county commissioners. **RS 23632** is trying to direct that determination.

Currently people are declared medically indigent if they can't pay for medical bills they have incurred over a subsequent five year period. This legislation addresses the question of whether they could have insurance. Studies have shown that some people who have had their medical bills paid through this determination could have been covered by insurance. Representative Trujillo and Senator Schmidt encourage these people to enroll in insurance.

The population is split into three groups. Those below 100 percent of the federal poverty level are not able to participate in the exchange and would still be under the current rules for indigents. Those above 138 percent of the poverty level would not be considered indigent. They are eligible to participate in the exchange and buy insurance. The group between 100 percent and 138 percent of the poverty level are eligible to participate in the insurance exchange. If they choose not to participate in the exchange, they will not be eligible through this legislation to be considered in the indigent category. If they weren't eligible for the exchange, then they are eligible to be covered as an indigent by the county. This act will take full force March 2016 which is the end of the enrollment period next year. The goal is to encourage people who can enroll in insurance to do so. **Senator Schmidt** said that there is evidence to show that this is working because people who are eligible are enrolling in the insurance exchange.

Senator Nuxoll asked for clarification that those who are between 100 and 138 percent of poverty level are the ones who need to buy insurance. **Senator Schmidt** reiterated that those above the 138 percent level would not be considered eligible for indigent coverage. Between 100 and 138 percent people are considered on case-by-case basis whether they could have been enrolled or not. There is a significant amount of eligibility determination that needs to be considered.

Senator Nuxoll asked if those below 100 percent could go on Medicaid. **Senator Schmidt** indicated that in the State of Idaho, people who are single and do not have children are not eligible for Medicaid. **Senator Tippets** questioned the fiscal note regarding the estimated 1200 cases. **Senator Schmidt** responded that his concern is warranted. That number was arrived at with the current population of this group of people and it is shrinking. The 1,200 cases are estimated and that may change by the time 2016 is reached. People in this group are signing up for insurance, so it may be less over the course of time.

MOTION: **Senator Nuxoll** moved to print **RS 23632**. **Senator Heider** seconded the motion.

Senator Tippets stated that he is going to support the motion, but he had concerns about the approximate savings of \$11 million to the State and \$5 million to county taxpayers. Someone is still going to pay the cost. This is a cost shift not a cost savings.

The motion carried by **voice vote**.

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

ADJOURNED: There being no further business at this time, **Chairman Heider** adjourned the meeting at 3:46 p.m.

Senator Heider
Chair

Erin Denker
Secretary

Sharon Pennington
Asst. Secretary