

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, February 25, 2015

TIME: 8:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood, Vice Chairman Packer, Representatives Hixon, Perry, Romrell, Vander Woude, Beyeler, Redman, Troy, Rusche, Chew

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Wood called the meeting to order at 8:01 a.m.

H 177: **Emily McClure**, Attorney, on behalf of the Idaho Medical Association, presented **H 177** regarding children and artificial tanning. This legislation adds tanning beds to the already prohibited minor use of tattooing, branding, and body piercing. The age specifications remain the same.

Ms. McClure said many statistics have shown the link between indoor tanning bed use and melanoma, especially for those who begin use at early ages. The recent Federal Drug Administration (FDA) regulation change recognizes this link, strengthens oversight, and requires a visible black box warning that the machines are not to be used on people under 18 years of age. This legislation would not apply to spray-on tans or in-home tanning beds. It allows prescription use and dermatologist office equipment.

Dr. Steven Mings, Board Certified Dermatologist, was invited to further present **H 177**. He said normal cells reach a point when they stop growing. Malignant or cancerous cells lose that ability, continuing to multiply. Metastatic cancerous cells spread outside their original location to other organ systems, initially through the blood or lymphatic system. This is done by inactivating tumor suppressor genes and DNA repair genes that our bodies use to stop the cells from growing. Research and studies have shown that ultra violet (UV) light and tobacco smoke are agents that encourage this growth.

UV light is defined by its wavelength. UVA and UVB are influential on the skin and come from natural sunlight. UVB was recognized to cause immediate burning, so UVA, contained in tanning booths, was considered safer for the skin. However, UVA has also been found to cause cell mutations. **Dr. Mings** noted that exposure doesn't always cause cancer, based on a body's ability to eradicate early cell mutations and errors.

Forty-one states have, in some way, restricted tanning for minors. Small business owners, concerned about the negative impact, admit minors constitute a small portion of their business. Children, unable to make accurate risk decisions, have to be protected until they can make their own informed decisions.

The Federal Trade Commission (FTC) banned the Indoor Tanning Association (ITA) from claiming that tanning does not increase the risk of skin cancer, poses no danger, is approved by the government, and is safer than tanning outdoors because the UV light is monitored and controlled.

H 177 does not impact the rights of adults and is not a mission to prevent teens from working outdoors. This is part of a comprehensive educational plan about the dangers of UV light and provides a discussion starting point for parents and teens.

Wayne Hoffman, President, Idaho Freedom Foundation, testified in **opposition** to **H 177**, stating if the government has a compelling reason to protect anyone from UV light, then they must protect them from all UV exposure, wherever it is found. This legislation substitutes the judgement of parents, making the Legislature the parent. The marketplace, if left alone, might conclude the need to regulate themselves. This further diminishes the exposure parents have to their kids, decreasing the need for parents to discuss reckless behavior with their children.

Julie Trounson, Financial Advisor, Two-time Melanoma Survivor, testified in **support** of **H 177**. Growing up in Nebraska she was used to staying in the shade. As a young adult, she visited a tanning bed a couple of times to get a summer glow and believes her melanoma is a direct result of that exposure. Additional side effects have been premature aging, blotches, and bumps. Skin doesn't know if the UV is from direct sun or a tanning booth. This government intervention is needed to protect our children, who don't understand the long-term impact of a short-term tan.

Bruce Newcomb, Boise State University, Health Sciences, on behalf of himself, and **Kathy Kustra**, testified in **support** of **H 177**. He said anyone saying this type of tanning needs no cautions has not watched someone die from melanoma. The compromises involved in this legislation have made this a good bill.

Stacy Satterlee, American Cancer Society - Cancer Action Network, testified in **opposition** to **H 177**, stating it is not an aggressive enough approach. Young people are more susceptible because their skin is still developing. Various carcinomas are increased dramatically when a tanning device is used before the age of 25.

Joel Robinson, Father, Grandfather, testified in **opposition** to **H 177**. Agreeing with the harmful effects issue, he expressed concern that it is parental responsibility to regulate their children and the state should not assert itself in this direction. He recommended private enterprise regulate their industry.

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

MOTION:

Rep. Rusche made a motion to send **H 177** to the floor with a **DO PASS** recommendation.

In **support** of the motion, **Rep. Rusche** expressed disappointment that it was not more rigorous, although most parents and all Idaho physicians will stand behind the compromise. **Rep. Vander Woude** stated the bill educates the public and opens the discussion about the dangers of tanning beds. **Rep. Perry** commented the concern for regulation needs to be balanced with the costs paid by society as a consequence of melanoma treatment. **Chairman Wood** said the required permission allows parents to become educated on the issue and discuss it with their children.

VOTE ON MOTION:

Chairman Wood called for a vote on the motion to send **H 177** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Vander Woude** and **Chairman Wood** will sponsor the bill on the floor.

H 152:

Rep. Kelley Packer, District 28, on behalf of the Idaho Council for the Deaf and Hard of Hearing (CDHH), presented **H 152**. This legislation addresses repeated incidences of inaccurate and poor communication, some of which have ended in loss of employment, health issues, and incarceration. This population deserves the reassurance that those interpreting information to and for them are certified and accurate.

Answering questions, **Rep. Packer** said this population does not have a language barrier that can be removed by learning another language. They are reliant on this form of communication. The Americans with Disabilities Act (ADA) requires the services are provided. This legislation assures they are provided accurately.

Steve Snow, Executive Director, CDHH, was invited to answer a question. Through an interpreter, Director Snow said there are many interpreters in Spokane who provide services in Northern Idaho, which would be considered occasional interpreting.

Rep. Packer, answering further questions, explained not passing this legislation would mean the deaf community would continue to experience inaccurate and incomplete conversation interpretations. If the interpreter cannot accurately explain concerns in life threatening situations, there can be misdiagnoses or a patient unaware of problems and needed actions. ADA exceptions and requirements will be explained in the promulgated rules. It is not intended to increase the use requirement, but assure provided use is accurate.

Steve Snow, Executive Director, CDHH, testified, through an interpreter, **in support of H 152**. He said the ADA does not exempt family members because they do not meet the interpreter requirements, are not impartial as they are interpreting, and may relay incorrect or incomplete information to protect themselves or another person. The need is for information conveyed without omission and emotional impact.

H 152 would establish a quality control mechanism for the health and safety of Idaho's 200,000 deaf children and hard of hearing adults. Of those individuals, roughly 2.2% have profound hearing loss, which equates to 34,000 Idahoans, and about 4,000 of those individuals rely exclusively on interpreters for information. The CDHH has received complaints and concerns about unqualified interpreters, with terrifying stories that can happen every day and in every aspect of their lives. This population deserves a good quality of life. **H 152** provides equal access and opportunity for them to be contributing citizens.

Children, family members, and friends are being used to interpret in critical situations. Without a complaint mechanism, even community word of mouth does not stop the fraud. This legislation, although appearing robust, is actually very flexible when compared to other states with narrower categories for acceptable interpreters. This will also help many businesses who don't know how to find resources.

If passed, this legislation will cause a temporary interpreter shortage, as those who are incompetent are no longer practicing. This natural dip will have an immediate rebound as a greater number of qualified interpreters are recruited or return to the field. Accurate interpreters will be there when job situations arise, during medical meetings, and when dealing with law enforcement. The correct information can maintain jobs, decrease the number of medical visits, and help inmates be released on time. There has been overwhelming support of licensure from interpreters and other stakeholders.

Answering questions through an interpreter, **Director Snow** said businesses are unable to determine an interpreter's ability. Most interpreters are certified through the National Registry for Interpreters of the Deaf (RID). Some states offer certification, but they have decided not to pursue this because a state certification test would be too expensive to develop and manage. A provisional license will be available for those persons with excellent skills and no certification. This will allow them the opportunity to further improve their skills to get certified and pass the screening. License applications will require proof of credentials.

He further answered, businesses repeatedly subverting the law with an unqualified interpreter would be reminded several times before any law suit is filed. The Video Remote Interpreting (VRI) program is classified as an ADA approved general setting, as long as the national certification for an external screening is accepted. Certification measures skill level, while licensure insures skill continuation and ethical standards compliance. **H 152** has a clause that allows out-of-state interpreters to work in Idaho for up to thirty days before requiring a license, whether VRI or in person.

Sometimes family members are unable to communicate medical information because of the emotional impact. Interpreting takes more than the ability to sign. The level of possible harm during a medical crisis becomes a facility issue and is addressed in the ADA.

Tracy Warren, Program Specialist, Idaho Council on Developmental Disabilities (DD), testified **in support of H 152**, which provides those individuals dependant on a visual mode of communication necessary access to accurate information in many different situations. Without the accurate information, the individual can experience developmental delays and need additional supporting services. Qualified interpreters lead to positive education, employment, and independent living outcomes.

Jim Baugh, Disability Rights of Idaho, testified **in support of H 152**. Conversations between people who are deaf and lawyers cannot reliably take place when a friend or family member is interpreting. Relatives filter the information to assure the person finds out only what the interpreter wants them to know. Ethics is a serious issue by interpreters who appoint themselves as advocates, often injecting themselves into the conversations. Members of the deaf community have indicated their willingness to experience a shortage in order to feel secure with interpreters who are licensed professionals and act in an ethical manner.

Answering questions, **Mr. Baugh** said American Sign Language (ASL) is not English and there is no one-to-one English correspondence for the order of words and grammar. ASL is not the only sign language used in the U.S. Modifications include Signed Exact English, which is English and is not the same letters or words as ASL.

LaVona Andrew, National Board of Directors Member, RID, Interpreter, ASL Teacher, testified **in support of H 152**, saying interpreters want this regulation to protect their work integrity and improve their work quality. Qualified interpreters are not increasing their rates. Any shortage will be short term, as experienced in other states where similar legislation has been enacted.

Responding to questions, **Ms. Andrew** explained rates are established by the individual interpreter and vary by the type of work assignment. When basic skills are required, the cost is less than one requiring a specialty certification. Medicaid covers all or part of the interpreter cost.

Cliff Hanks, Owner, President, Network Interpreting Service, testified **in support of H 152**. Interpreters make or break a situation by their skill level. Licensing the interpreters supports and demonstrates not only their value, but also that of the deaf and hard of hearing community.

Fred Burnbaum, Idaho Freedom Foundation, testified **in opposition to H 152**, stating the lack of carve out for friends or family members assisting during common activities is a concern. Also of concern is the steep fee structure. Adding to that the costs of attorney fees and continuing education, there could be cost stacking. Additionally, no carve out is made for anyone volunteering or working part time. He queried if this occupation carries enough risk to license. Perhaps the medical harm could be handled within the profession without this legislation.

Director Snow, through an interpreter, responded to further questions. He said casual settings, when friends are interpreting, would not fall under the law. This legislation does not require anything beyond what is stipulated by the ADA. The initial fee language is consistent with other occupational bureaus and is expected to be greatly reduced as the rules are promulgated.

Alan Wilding, President, Idaho Association of the Deaf (IAD), testified **in support of H 152**. Through an interpreter, he shared his story of arrest and various attempts to secure qualified interpreters. Those he was given ranged from a person who could do the alphabet to someone who casually communicated with deaf friends. At his twelfth hearing, with a qualified interpreter provided, he learned that previous miscommunication had led him to a felony conviction. Tired of fighting to be heard, he accepted the option. As a result, he can no longer use his four college degrees, two master degrees, and extensive background to teach. Had he had a qualified interpreter, none of this would have happened. Exigent circumstances during an emergency allows a special provision for family member interpreting until a qualified interpreter arrives.

Stefanie Saltern, IAD, Secretary, Board of the ASL Teachers Association, Professor, Languages Department, Boise State University, testified, through an interpreter, **in support of H 152**. She shared how her school interpreter crossed ethical boundaries that led to difficulty focusing in classrooms and presentations. In college she learned how to interact with interpreters, but found it difficult due to the previous interpreter's actions.

Marcus John, President, Idaho Chapter of American Sign Language Teachers Association (ASLTA), Director of Deaf Services, Inclusion, Inc., testified **in support of H 152**. Communication struggles with family and community have led him to waive his rights to an interpreter on several occasions. Interpreter continuing education will keep their skills top notch.

Brian Darcy, Idaho Education Services for the Deaf and Blind (IESDB), testified **in support of H 152**. The Idaho Education Interpreter Act addresses the need for school interpreters. Of the 55 interpreters in his company, 10 have not met the Educational Interpreter Performance Assessment (EIPA) standards, which require the interpreter be able to convey 60% of the teacher's information to the student. **H 152** encourages licensing without changing those requirements. This would encourage more interpreters to work in Idaho.

Holly Thomas Mowrey, Immediate Past President, RID, testified **in support of H 152**, stating businesses concerned with liability ask how to identify qualified interpreters. Often interpretation is assumed to be correct because the person is taking on the role. Health care money is spent without question for deaf persons needing multiple doctor visits just to communicate and understand what the medical need is or address medication directions. With licensing, these state costs would be saved.

David Wildey, Idaho Citizen, Retired Teacher, Museum Curator, testified, through an interpreter, **in support of H 152**. People do not understand deafness and subsequent interpreting needs. He shared the slogan "nothing about us without us." Because some deaf people can lip read, there is a perception that they don't need an interpreter, which is incorrect because many words look exactly the same.

Joel Robinson, Idaho Citizen, testified **in opposition to H 152**. Specific misdemeanor provisions are extreme. There is no provision for judicial review, provided by other occupational licenses. It is overly broad in nature. It does not exclude non profits, private organizations, and family gatherings.

Due to time constraints, **Michael Miller**, Idaho Citizen, was not able to give his testimony **in support of H 152**. (See Attachment 1)

MOTION: **Rep. Rusche** made a motion to send **H 152** to the floor with a **DO PASS** recommendation.

Answering further questions, **Director Snow**, through an interpreter, said **H 152** is consistent with the other licensing boards administered by the Bureau of Occupational Licensing. The ADA clearly stipulates non-profits fall under their auspices of providing access. Individual groups, such as family reunions, private weddings, and boy scout meetings, do not fall under the ADA and this legislation. Religious and worship services are exempt, as stated in the bill.

In support of the motion, **Rep. Beyeler** commented the testimony shows the importance of clear and accurate information. **Rep. Perry** said it is important to include and protect this group of people. **Rep. Hixon** stated the need for qualified translations is evident along with the consideration of family members as part of the communication team. **Rep. Troy** observed other professions are licensed to provide the right information and this population deserves the same thing. **Vice Chairman Packer** said this need is real. **Rep. Redman** explained his first concern regarding over regulation has been explained well. **Chairman Wood** stated interpreters are asking for regulation and have made a compelling case for the need.

Rep. Vander Woude commented **in opposition** to the motion, explaining his struggle with licensing that has to be ADA compliant, which is further regulation.

VOTE ON MOTION: **Chairman Wood** called for a vote on the motion to send **H 152** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Packer** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:40 a.m.

Representative Wood
Chair

Irene Moore
Secretary