

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Thursday, March 26, 2015

**TIME:** 2:00 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Heider, Vice Chairman Martin, Senators Lodge, Nuxoll, Hagedorn, Tippetts, Lee, Schmidt and Jordan

**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 Senate Health and Welfare Committee (Committee) to order at 2:04 p.m.

**PAGE GRADUATION:** **Chairman Heider** recognized Page Christopher Miller and asked him to tell the Committee about his experience as a page and what his plans are for the future. **Mr. Miller** stated he is planning to work for the Pepsi Company and attend The College of Western Idaho for his core classes. He will then transfer to Boise State University to pursue a degree in computer science. He hopes to stay in Idaho working in the technology industry.

**Vice Chairman Martin** expressed his thanks to Mr. Miller for all his help to the Committee.

**Chairman Heider** presented Chris with a letter of recommendation and appreciation along with a gift from the Committee.

**MINUTES APPROVAL:** **Senator Nuxoll** moved to approve the Minutes of February 23, 2015. **Vice Chairman Martin** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Lee** moved to approve the Minutes of March 2, 2015. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Tippetts** moved to approve the Minutes of March 5, 2015. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Hagedorn** moved to approve the Minutes for March 12, 2015 and March 17, 2015. **Senator Nuxoll** seconded the motion. The motion carried by **voice vote**.

**S 1177** **Senator Schmidt** explained that **S 1177** is part of an amendment to **H 181**. **S 1177** needs to be on the calendar should the other bill not pass.

**Vice Chairman Martin** asked for clarification that this bill would be a backup plan to **H 181** as amended. **Senator Schmidt** replied yes, but Idaho Code § 54-51 needs to be repealed. **Vice Chairman Martin** asked if **H 181** passes would there be no need to proceed with this bill. **Senator Schmidt** answered yes.

**Vice Chairman Martin** questioned if **H 181** passes, then what would be the status of **S 1177**. **Senator Schmidt** replied the goal is to have this bill available for consideration. He is comfortable with it on the calendar in either body.

**Chairman Heider** commented that both bills take away Idaho Code § 54-51.

**Senator Tippetts** stated he has a conflict of interest pursuant to Senate Rule 39 (H), but he intended to vote.

**Senator Hagedorn** commented that sending the bill to the calendar would place it so that a unanimous consent request could be made to hold it until a date certain. It could Sine Die without a hearing if need be.

**MOTION:** **Senator Hagedorn** moved to send **S 1177** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion.

**DISCUSSION:** **Senator Nuxoll** mentioned that many naturopaths have worked on **H 181** and a were satisfied with that bill and feel that about **S 1177** is more of a threat. She cannot support this bill.

**Senator Tippetts** expressed concern in trying to make amendments to important issues without a hearing. He wants to continue working on this issue to improve it. He would like to have more time to have a Committee hearing. He will not be supporting the motion.

**Senator Hagedorn** stated there are some people practicing naturopathic services that know they are practicing outside of the scope of § 54-51. These people fall outside of the decision of the Idaho Supreme Court in 1959 which defined what naturopathic services were. Those people cannot support **H 181** as it would put them at risk of being investigated. He emphasized it concerns him as Idaho might have a public health problem with people practicing outside of their scope. Only by removing § 54-51 can this issue be eliminated. This allows all of them to practice.

**Senator Nuxoll** questioned the public health concerns, as that was not raised during testimony. She does not feel it is a public health issue. All she has heard is how people have been helped and cured.

**Senator Tippetts** asked for a clarification on the people who are operating outside the limits of Chapter 51, Title 54, and how repealing this resolves the issue.

**Senator Hagedorn** replied this will not fix the problem. The board was supposed to create the rules to establish the scope of limitation of practice for each group and their education criteria. But it never happened and doesn't exist. There is no one to investigate the practices, investigate the complaints, or address resolutions. The Board of Occupational Licensing has had over 12,000 complaints and has been trying to figure out what needs to be done. There is nothing active about this chapter and if the Committee repeals it, it will force those who are practicing to come together and create rules.

**Senator Jordan** stated she supports this motion. There has been a tremendous number of negotiations going on to make **H 181** work. The board is non functional and needs to go away.

**Senator Lee** said if the emails, phone calls, and testimony are indications of how difficult it has been to bring these two groups together, she does not see a way forward with resolution by leaving in a dysfunctional part of statute. These groups are different from each other and differences are recognized. With those differences there will be different paths for primary health care for Idahoans.

**Senator Schmidt** commented he has been on the website for the American Association of Naturopaths Medical Examiner, which is the test entity for naturopaths. The site listed the states that license naturopaths. Idaho is not one of them. Next to the list is a map. On this map it shows states that licence naturopaths and Idaho is highlighted. It is a clear picture of how unclear the issue is. The Legislature needs to provide clarity and removing § 54-51 helps do this.

**Chairman Heider** thanked Kris Ellis for her hard work and her time spent on **H 181** and **S 1177**.

**ROLL CALL  
VOTE:**

Chairman Heider called for a roll call vote. **Senators Hagedorn, Lee, Schmidt, Lacey, and Chairman Heider** voted aye. **Vice Chairman Martin, Senator Nuxoll, and Senator Tippets** voted nay. Senator Lodge was absent and excused. The motion carried.

**ADJOURNED:**

There being no further business, **Chairman Heider** adjourned the meeting at 2:30 p.m.

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Senator Heider  
Chairman

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Erin Denker  
Committee Secretary

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Barbara Lewis  
Assistant Secretary