

MINUTES  
**HOUSE HEALTH & WELFARE COMMITTEE**

**DATE:** Wednesday, April 01, 2015

**TIME:** 8:30 A.M.

**PLACE:** Room EW20

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

**ABSENT/  
EXCUSED:** None

**GUESTS:** Michael Karlfeldt, Kari Harneck, Hanna Harneck, Carrie Andrews, Jinny Peterson, Mike Tracy, Idaho Citizens; Ken McClure, IMA.

**Chairman Wood** called the meeting to order at 8:31 a.m.

**Chairman Wood** welcomed **Rep. William Killen**, who is substituting for **Rep. Chew**.

**MOTION:** **Vice Chairman Packer** made a motion to approve the minutes of the March 24, 2015, meeting. **Motion carried by voice vote.**

**H 152aaS:** **Rep. Kelley Packer**, District 28, presented the Senate amendments to **H 152aaS**. The first amendment adds reference to the Americans with Disabilities Act (ADA) to the general setting definitions. Clarification to **54-5604** inserts instances for interpreting by family members or friends. An update to **54-5907** changes "the actual costs" to "the reasonable costs". The first paragraph in **54-5610** specifies a provisional license can be granted to a person with the necessary skills and training. Finally, **54-5614.02** has been rewritten to include privileged communication.

**MOTION:** **Rep. Hixon** made a motion to concur with the amendments made in the Senate to **H 152**. **Motion carried by voice vote.** **Rep. Packer** will sponsor the bill on the floor.

**S 1177:** **Sen. Dan Schmidt**, District 5, presented **S 1177**, legislation to repeal Title 54, Chapter 51 of Idaho Code. Because this section of code cannot function, professional licensure cannot be maintained.

Responding to questions, **Sen. Schmidt** said Chapter 51 is the current statute requirement for naturopath licensing. Repeal will allow legal continuation of unlicensed practices. Attempts to develop changes or a replacement to this statute have proven unsuccessful. There have been no public safety concerns expressed. Of the original fourteen licensed practitioners, four remain in Idaho. This would not be enough licensees to fill the board positions.

Answering further questions, **Sen. Schmidt** stated any profession pursuing licensure needs to be able to sustain this type of legislation.

**Dr. Michael Karlfeldt**, Naturopathic Physician, Treasure Valley, testified in **opposition** to **S 1177**. He expressed concern that **S 1177**, a late session response to **H 181**, allowed no public testimony at the open Senate hearing. About 90% of this statute was included in **H 181**, so it is of value.

The next logical step is not repeal, but a request to the Governor's Office to appoint a board for rule promulgation. Repeal of Title 54, Chapter 51, is not good for their profession, which has finally recognized the need to work together.

Responding to questions, **Dr. Karlfeldt** stated he does not have an active license. Rule promulgation must occur before licenses can be issued. The existing board was dismantled by the Governor's Office in 2007. Without the board, everyone in the profession has continued their practices just as before. Patients want naturopathy covered by insurance, which requires licensure for all competent naturopathic doctors.

Answering questions, **Dr. Karlfeldt** said a \$20,000 debt was incurred while they were under the Idaho Bureau of Occupational Licenses (IBOL) purview. An additional \$60,000 legal services debt was incurred after they were dismissed from the IBOL. Licensing fees are expected to repay the entire debt. **H 181** specified one segment of the naturopathic profession and excluded the majority of naturopathic doctors.

**Ken McClure**, Idaho Medical Association (IMA), testified **in support of S 1177**. He said, as author of Title 54, Chapter 51, the statute attempted to address all of the profession's issues at once, which proved unsuccessful. The IMA will continue to advance the public health and interest with this profession, as they have with other professions. This appropriate pause for reset and redo will allow the profession time to decide if they want to move forward.

**Wayne Hoffman**, President, Freedom Foundation, testified **in support of S 1177**. He has watched the process of working with this statute and previous attempts to repeal the board, which has not accomplished anything in ten years. Repeal provides an opportunity to reset and get government out of the profession's way.

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

**MOTION:** **Rep. Perry** made a motion to send **S 1177** to the floor with a **DO PASS** recommendation.

**Reps. Perry, Redman, Hixon, Vander Woude, and Chairman Wood** commented **in support** of the motion. Removal of Chapter 51 will not change any current practices. Since licenses are not being issued or renewed, everyone is in violation of **54-5103**. There was no public indication of any health or safety issue. The profession is at odds within itself, and this is a reset for the creation of something better.

**VOTE ON MOTION:** **Chairman Wood** called for a vote on the motion to send **S 1177** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Vice Chairman Packer** abstained from voting. **Chairman Wood** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:32 a.m.

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Representative Wood  
Chair

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Irene Moore  
Secretary