

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Monday, January 18, 2016

TIME: 3:00 P.M.

PLACE: Room WW54

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

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 to order at 3:05 p.m. and welcomed everyone to this meeting of the Senate Health and Welfare Committee (Committee).

PASSED THE GAVEL: Chairman Heider passed the gavel to Vice Chairman Nuxoll to conduct the rules review.

DOCKET NO. 23-0101-1501 **Rules of the Idaho Board of Nursing Related to Licensed Nurses Standards.** **Sandra Evans**, Executive Director of the Idaho State Board of Nursing (Board), presented this docket. **Ms. Evans** informed the Committee that Idaho Code § 54-1404 authorizes the Board to develop standards and criteria to evaluate the continued competency of licensed nurses. She then summarized the current practice of the Board to assess the competence of all nurses at the time of initial and reinstatement licensure. The competence of advanced-practice registered nurses is also assessed at the time of each license renewal, although the Board does not currently assess the competence of licensed practical nurses and registered nurses at the time of license renewal.

Ms. Evans stated that, although there is no empirical evidence that Idaho's nurses lack competence, the Board believed all nurses should be periodically required to demonstrate professional competence. To ensure competence among nurses, the proposed rule (i) requires that registered nurses and licensed practical nurses demonstrate professional learning by completing at least two "learning activities" for biennial license renewal and (ii) sets forth the "learning activities" that will satisfy the professional learning requirements. Additionally, **Ms. Evans** stated that the proposed rule (i) provides exceptions from the professional learning requirements for advanced-practice professional nurses and new graduates receiving their initial nursing license and (ii) provides for an extension of time for good cause to complete the professional learning requirements. She noted that the proposed rule also establishes the effective dates for implementation and clarifies the required proof of compliance.

Ms. Evans reported that notice of rulemaking was published on June 3, 2015. Written and oral comments, received during a public meeting held on July 16, 2015, and during the prescribed comment period, were overwhelmingly in support of the rules as proposed. Specifically, nurses felt that the requirements were achievable, suitable to a variety of clinical and functional settings and were not overly burdensome to Idaho's nurses. **Ms. Evans** reported that implementation of the proposed rule is expected to cost less than \$10,000 and she stated that the Board's current fund balance is sufficient to absorb these anticipated implementation costs without increasing licensure fees.

Vice Chairman Nuxoll called for questions.

Senator Martin asked for clarification regarding the current renewal requirements for registered nurses. **Ms. Evans** responded that currently the Board only requires completion of a renewal application and payment of a fee. **Senator Martin** then asked Ms. Evans to confirm that the new rule proposes three categories of requirements, and renewal applicants must comply with two of those three categories. To clarify, **Ms. Evans** stated that the proposed rule provides three categories of "learning activities" and requires renewal applicants to complete two separate activities, which may be from the same category.

Referencing the Nurse Licensing Compact, **Senator Schmidt** asked how these new training requirements would interact with a nurse's ability to be licensed in other states. **Ms. Evans** responded that the Nurse Licensing Compact requires a nurse to comply with all licensing requirements in the nurse's state of residency. However, there was a national conversation that all states should require some form of continued competency assessment, and this conversation compelled the Idaho Board to move forward with this proposed rule. **Senator Schmidt** then asked Ms. Evans to compare these proposed requirements with the requirements of surrounding states. **Ms. Evans** responded that the requirements in the proposed rule were consistent with requirements in other states. Specifically, the Board modeled the proposed rule after a similar rule promulgated by the Virginia Board of Nursing.

Vice Chairman Nuxoll asked how many nurses participated in the rulemaking process, what parts of Idaho did those present represent and why did these nurses support this proposed rule. **Ms. Evans** responded that nursing organizations from all over the state participated in the rulemaking process, including the Idaho Nurses Association, and organizations representing community nurses, faith-based community nurses and school nurses.

Senator Lee observed that many of the "learning activities" that would satisfy the requirements of the proposed rule seem to be many activities that nurses are already completing for the Joint Commission or other accreditation organizations. **Senator Lee** asked Ms. Evans if her observation was correct. **Ms. Evans** confirmed that the observation was correct.

MOTION:

There being no more questions, **Senator Martin** moved to approve **Docket No. 23-0101-1501**. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
23-0101-1503**

Rules of the Idaho Board of Nursing Related to Specialized Practice Updates. **Sandra Evans**, Executive Director of the Board, presented this docket. **Ms. Evans** provided a brief description of "nursing specialties" and informed the Committee that the current nursing specialty rules are no longer sufficient to address the complexities of existing and emerging specialty practices. **Ms. Evans** reported that concerns from both specialty nurses and their employers compelled the Board to amend existing rules to provide for greater clarity and relevance.

Ms. Evans then stated that the proposed rules clarify that (i) nurses may perform functions defined within the parameters of recognized nursing specialties that are approved by either one of the two national accrediting bodies specifically for nursing and (ii) nurses functioning in a specialty must complete an organized program of study specific to the specialty followed by demonstrated competence in the specialty. Further, the proposed rule requires nurses functioning in a specialty to conform to established practice parameters, characters and standards of that specialty. **Ms. Evans** then stated that previous references to Flight/Transport and Surgical First Assisting were deleted because the revised language addresses all recognized specialties.

Ms. Evans reported that notice of rulemaking was published on June 3, 2015. She next informed the Committee that written and oral comments, received during a public meeting held on July 16, 2015, and during the prescribed comment period, were generally supportive. **Ms. Evans** specifically noted that the rules, as proposed, are in alignment with national standards for specialty nursing practice and hold the nurse accountable to perform within parameters of his/her specialty. There was no fiscal impact resulting from implementation of the proposed rules.

Vice Chairman Nuxoll called for questions.

Senator Martin expressed concern and asked why Idaho rules would move from state standards to national standards. **Ms. Evans** clarified the two accrediting bodies referenced in the proposed rule are organizations that will accredit the specialty organizations that ultimately set specialty standards. Moving to the national standards would allow Idaho rules to stay current and relevant.

Senator Harris inquired about the comments in opposition of this proposed rule. **Ms. Evans** noted that the Board received very few comments regarding this proposed rule, but one employer did express concern that the national standards were not as stringent as the standards set by the employer. The Board addressed the employer's concern by noting that the employer's standards could be more stringent but not less stringent than the requirements set by the Board.

Senator Schmidt asked whether nurse midwives were included in "nursing specialties." **Ms. Evans** responded that "certified nurse midwives" are advanced-practice registered nurses (APRN) and therefore the specialty beyond APRN would be addressed by these proposed rules.

Vice Chairman Nuxoll asked whether APRNs practicing a specialty commented on this proposed rule. **Ms. Evans** confirmed that the Board did not receive comments from APRNs practicing a specialty, but noted that these nurses were present at the relevant public meeting.

MOTION: There being no more questions, **Chairman Heider** moved to approve **Docket No. 23-0101-1503**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0107-1501 **Temporary Rules of the Department of Health and Welfare Related to Emergency Medical Services Personnel Licensing Requirements.** **Bruce Cheeseman**, EMS Section Manager of the Bureau of Emergency Medical Services and Preparedness (Bureau), presented this docket. After reminding the Committee that temporary rules related to revised continuing education requirements for EMS personnel went into effect in the previous year, **Mr. Cheeseman** requested that these temporary rules remain in effect until July 2016.

Vice Chairman Nuxoll requested further explanation of these temporary rules. **Mr. Cheeseman** responded that the temporary rules addressed the Bureau's concerns about the loss of EMS providers in rural areas as a result of existing EMS continuing education requirements. He stated that, due to time restraints during the previous legislative session, the temporary rules reflected only limited changes to the EMS continuing education requirements. More detailed modifications to the EMS personnel licensure rules will be presented later in the agenda.

Vice Chairman Nuxoll and **Senator Hagedorn** requested clarification regarding the purpose of this temporary rule. **Mr. Cheeseman** stated that the Bureau Chief, Mr. Wayne Denny, could better respond to the Senator's question. **Vice Chairman Nuxoll** invited Mr. Denny to respond. **Mr. Denny** clarified that the Bureau has prepared pending rules related to EMS personnel licensure and, if approved, those rules would go into effect July 1, 2016. Therefore, **Mr. Denny** requested that the Committee approve the temporary rules to remain in effect until July 1, 2016.

MOTION: There being no more questions, **Senator Hagedorn** moved to approve **Docket No. 16-0107-1501** as a temporary rule to be in effect until July 1, 2016. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0101-1501 **Rules of the Department of Health and Welfare Related to Emergency Medical Services Advisory Committee.** **Bruce Cheeseman**, EMS Section Manager of the Bureau, presented this docket. **Mr. Cheeseman** informed the Committee that the Emergency Medical Services Advisory Committee (EMSAC) provides counsel to the Bureau in administering the Idaho EMS Act. He stated that the proposed rules add one representative from one of Idaho's seven public health districts to serve as a member of EMSAC. He said that a public health district representative was added to EMSAC because the public health districts work closely with local EMS agencies and other emergency response organizations throughout the state.

Vice Chairman Nuxoll called for questions.

Senator Lodge asked why the police or sheriff's departments were not represented on EMSAC while fire chiefs were represented. **Mr. Cheeseman** responded that the county has representation from the sheriff's department.

Following up on Senator Lodge's question, **Senator Jordan** asked Mr. Cheeseman to confirm that the fire chiefs were involved with EMSAC because fire departments provide EMS services. **Mr. Cheeseman** confirmed that Senator Jordan's understanding was correct.

Senator Schmidt asked Mr. Cheeseman to confirm that the Director of Health and Welfare makes these appointments. **Mr. Cheeseman** confirmed that Director Armstrong does make these appointments.

MOTION: There being no more questions, **Senator Schmidt** moved to approve **Docket No. 16-0101-1501**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0102-1501 **Rules of the Department of Health and Welfare Related to Emergency Medical Services Definitions.** **Bruce Cheeseman**, EMS Section Manager of the Bureau, presented this docket. **Mr. Cheeseman** stated that a majority of the definition changes were related to education, instructor and examination requirements. After summarizing these changes, **Mr. Cheeseman** also reported that the rules created a new definition for "consolidated emergency communications system" and clarified the definition of "prehospital."

Vice Chairman Nuxoll called for questions.

Senator Lee acknowledged the multiple opportunities that the Bureau gave stakeholders to comment on these rules and asked Mr. Cheeseman to summarize the review process for this rule and the comments received. **Mr. Cheeseman** reported that the Bureau held 22 town hall meetings statewide for the education rules and receive no negative opposition.

Regarding the definition of "prehospital," **Senator Schmidt** asked if the term "emergency medical care" was defined within the rule. **Mr. Cheeseman** confirmed that "emergency medical care" was defined in Section 011.22 of the rule. Related to Senator Schmidt's question, **Senator Martin** asked what level of care EMS personnel may provide in route to the hospital. **Mr. Cheeseman** responded that authorized levels of care are set in accordance with education, personnel licensure and agency licensure rules.

Vice Chairman Nuxoll inquired about the level of involvement of rural EMS providers in the rulemaking process. **Mr. Cheeseman** responded that most of the town halls were held in rural areas.

MOTION: There being no more questions, **Senator Schmidt** moved to approve **Docket No. 16-0102-1501**. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0103-1501 **Rules of the Department of Health and Welfare Related to Emergency Medical Services Agency Licensing Requirements.** **Bruce Cheeseman**, EMS Section Manager of the Bureau, presented this docket. **Mr. Cheeseman** noted that the majority of changes made in these rules were clarification changes. First, he reviewed the operation declaration changes related to prehospital, prehospital support and air medical support. Second, he stated that the language regarding ambulance-based clinicians was modified to reflect the Bureau's intent to allow ambulance-based clinicians to perform advanced life support transfers between advanced life support facilities without a paramedic present. Third, he noted that the additions made to section 535 were rules moved from IDAPA § 16.02.03. Finally, **Mr. Cheeseman** reviewed changes related to the scheduling of EMS agency annual inspections and noted that the Bureau had deleted certain obsolete provisions of the rule.

Vice Chairman Nuxoll called for questions.

MOTION: There being no questions, **Senator Schmidt** moved to approve **Docket No. 16-0103-1501**. **Senator Lodge** seconded the motion. The motion carried by **voice vote**.

Chairman Heider noted that in previous years there had been concern regarding who specifically could provide prehospital services and inquired whether ambulance-based clinicians could perform prehospital services. **Mr. Cheeseman** responded that an ambulance-based clinician may be used up to the intermediate level in prehospital services.

DOCKET NO. 16-0105-1501 **Rules of the Department of Health and Welfare Related to Emergency Medical Services Education, Instructor and Examination Requirements.** **Bruce Cheeseman**, EMS Section Manager of the Bureau, presented this docket. **Mr. Cheeseman** informed the Committee that this docket proposes a new chapter of rules related to the education, instructor and examination requirements for EMS providers. He said this new chapter and the incorporated "Idaho EMS Education Standards" manual (see attachment 1) provide clear and enforceable standards. The Bureau worked with EMS personnel and educators to develop these new rules and, once drafted, the Bureau held 22 town hall meetings throughout the state to receive additional stakeholder comments. **Mr. Cheeseman** then highlighted select provisions of the rule, including (i) the standards of professional conduct for EMS education program and exam personnel, (ii) the administrative requirements for EMS educational programs, (iii) the Idaho-specific criteria for EMS education, (iv) the EMS education personnel requirements, qualifications and responsibilities and (v) the EMS examination requirements.

Vice Chairman Nuxoll called for questions.

Senator Harris asked what response the Bureau received from town hall meeting participants. **Mr. Cheeseman** described the collaborative drafting process for the rules and noted that comments received were all positive.

Senator Hagedorn asked what response the Bureau received from rural EMS providers regarding these new rules. **Mr. Cheeseman** stated that portions of rural EMS provider training could be provided online and rural providers have responded positively.

MOTION: There being no more questions, **Chairman Heider** moved to approve **Docket No. 16-0105-1501**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
16-0107-1502**

Rules of the Department of Health and Welfare Related to Emergency Medical Services Personnel Licensing Requirements. **Bruce Cheeseman**, EMS Section Manager of the Bureau, presented this docket. **Mr. Cheeseman** informed the Committee that the Bureau has been working for several years to update the personnel licensure rules. He stated that the proposed rules (i) consolidate standards of conduct previously separated in the personnel and the investigation rules and (ii) remove language specific to obsolete scope of practice transition requirements. These proposed rules would also allow the Bureau to (i) waive specific duplicated continuing educational requirements for licensees who maintain a national EMS certification and (ii) grant limited recognition in Idaho to licensees from another state. Finally, in an effort to create flexibility in the continuing education requirements and based upon comments received in open forums across the state, **Mr. Cheeseman** stated that the proposed rules restructured the continuing education categories and added additional acceptable venues of continuing education.

Vice Chairman Nuxoll called for questions.

Senator Lodge inquired whether many high school students have participated in EMR/EMT licensing programs to provide services in rural areas. **Mr. Cheeseman** responded that many rural high schools have conducted classes that allow participants to first obtain an EMR license and then obtain an EMT license the following year. He noted that such programs have increased the number of EMS providers in rural areas. **Senator Lodge** then stated that there has been concern in her local area regarding the lack of adult EMS volunteers. **Senator Lodge** then inquired whether the Bureau had incentives such as PERSI or other retirement-type benefits that may encourage adult volunteers. **Mr. Cheeseman** reported that the Bureau currently does not have monetary incentives, but he noted that the Bureau did purchase software and books for training.

Senator Harris asked Mr. Cheeseman to detail the requirements for an out-of-state provider to obtain limited recognition. **Mr. Cheeseman** stated limited recognition would more often be utilized in connection with wildland fires when Idaho needs additional resources to address medical aspects of these fires. Further, **Mr. Cheeseman** noted that the Bureau will also be bringing legislation allowing Idaho to join an interstate compact for the provision of EMS services by out-of-state providers.

Senator Schmidt referred to the advance do-not-resuscitate (DNR) directives in the standard of professional conduct and inquired whether the "protocol established by the Department" was available for review. **Mr. Cheeseman** responded that there is a statewide DNR protocol developed by the EMS Physician Commission.

MOTION:

There being no more questions, **Senator Lee** moved to approve **Docket No. 16-0107-1502**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
16-0112-1501**

Rules of the Department of Health and Welfare Related to Emergency Medical Services Complaints, Investigations and Disciplinary Actions. **Bruce Cheeseman**, EMS Section Manager of the Bureau, presented this docket. **Mr. Cheeseman** stated that the proposed rule clarified but did not make substantive changes to the existing rules. Specifically, **Mr. Cheeseman** reported that these proposed rules would (i) simplify violation language, (ii) align the existing rule with updated education rules and (ii) clarify the negotiated resolution and administrative action provisions of the existing rule.

Vice Chairman Nuxoll called for questions.

MOTION: There being no questions, **Senator Harris** moved to approve **Docket No. 16-0112-1501**. **Chairman Heider** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 16-0203-1501 **Rules of the Department of Health and Welfare Related to Chapter Repeal.** **Bruce Cheeseman**, EMS Section Manager of the Bureau, presented this docket. **Mr. Cheeseman** reported that the Bureau has been working to update the EMS rules during the past several years and stated that the proposed rule would repeal the remaining obsolete emergency medical services rules in IDAPA 16.02.03 that were not otherwise updated or relocated to other relevant IDAPA chapters.

Vice Chairman Nuxoll called for questions.

MOTION: There being no more questions, **Senator Martin** moved to approve **Docket No. 16-0203-1501**. **Senator Hagedorn** seconded the motion. The motion carried by **voice vote**.

Senator Schmidt inquired whether Mr. Cheeseman would be reporting on **Docket No. 16-0202-1501**. The **Committee Secretary** confirmed that this proposed rule would be heard in a later meeting.

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

ADJOURNED: There being no further business, **Chairman Heider** thanked the members for their participation and adjourned the meeting at 4:10 p.m.

Senator Heider
Chair

Karen Westbrook
Secretary