

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, February 04, 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 of the Senate Health and Welfare Committee (Committee) to order at 3:00 p.m.

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

DOCKET NO. 15-0202-1501 **Rules of the Office of the Governor - Commission for the Blind and Visually Impaired Relating to Vocational Rehabilitation Services. Dr. Mike Walsh**, Rehabilitation Services Chief for the Idaho Commission for the Blind and Visually Impaired (Commission), presented this docket.

First, **Dr. Walsh** stated that the changes in the pending rules are necessary to keep up with increasing costs associated with the provision of vocational rehabilitation services. **Dr. Walsh** explained that, over the last two to three years, several exceptions have been made in the payment policy for clients due to rising tuition, training and medical costs. Second, **Dr. Walsh** stated that changes in the pending rules update policy terminology to be consistent with federal oversight.

Vice Chairman Nuxoll asked the Committee members if they had any questions.

Senator Martin asked Dr. Walsh to explain what it means for the Commission to assist clients with an advanced degree, based on the client's needs. **Dr. Walsh** explained some of the Commission's clients, who already have an undergraduate degree, may have employment goals that require an advanced degree. In these situations and if the employment goal is congruent with the client's skills and abilities, the Commission supports an advanced degree in the client's vocational plan.

Referring to the eligibility provisions, **Vice Chairman Nuxoll** asked Dr. Walsh to explain disability priorities. **Dr. Walsh** responded that, if necessary, the specified categories prioritize clients with the most significant disabilities to receive services before clients with no significant disability. **Vice Chairman Nuxoll** asked if the specified categories were defined by the Commission. **Dr. Walsh** replied yes.

Senator Harris asked when fees were last raised by the Commission. **Dr. Walsh** responded that the last revision of the policy manual was in 2013.

MOTION: There being no more questions, **Senator Martin** moved to approve **Docket No. 15-0202-1501**. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
16-0601-1501**

Rules of the Department of Health and Welfare Relating to Child and Family Services. **Stephanie Miller**, Permanency Program Specialist for the Division of Family and Community Services in the Department of Health and Welfare (Department), presented this docket.

Ms. Miller stated that the pending rules will have a positive impact on Idaho children and their families by providing clarification and continuity of services in three areas: siblings, guardianship and adoption. First, the pending rule defines the term "sibling" as a child's full or half-sibling through blood or adoption. Second, the pending rule allows a child, whose relative guardian has died or become incapacitated, to continue to receive guardianship assistance benefits in the home of a successor guardian without having to re-enter the foster care system. Third, the pending rule deletes an adoption assistance benefit rule; the removal of this provision in State rules will allow Idaho to continue to receive federal funds. **Ms. Miller** stated that these rule changes will bring the Department into compliance with the Social Security Act and the Preventing Sex Trafficking and Strengthening Families Act.

Ms. Miller stated that the Department did not conduct negotiated rulemaking because the changes are non-controversial and beneficial to Idaho families. No negative feedback was received during the public comment period.

Vice Chairman Nuxoll asked the Committee members if they had any questions.

Vice Chairman Nuxoll inquired what year the Social Security Act was modified to mandate that states cannot make adoption assistance benefits subject to the appropriation of state funds. **Ms. Miller** answered she did not have that information available but, to her understanding, the mandate was stated at the time the Adoption Assistance Program was created in the Social Security Act.

Senator Martin asked Ms. Miller to confirm that the term "sibling" was not previously defined by statute or rule. **Ms. Miller** confirmed. **Senator Martin** asked Ms. Miller to confirm that if either parent disrupts the relationship between the siblings, the children would still be considered siblings under this rule. **Ms. Miller** stated Senator Martin's understanding was correct.

Regarding transfer of guardianship, **Senator Lee** asked if the successor guardian would be subject to the same rules and procedures as the original guardian. **Ms. Miller** stated that the original relative guardian would select a successor guardian to be named in the guardianship assistance agreement. The proposed successor guardian would be required, at minimum, to go through a criminal history background check. **Ms. Miller** stated that upon the death or incapacitation of a relative guardian, the successor guardian would be able to seek formal guardianship from the courts. Once the courts finalized the guardianship, the successor guardian would be able to receive guardianship assistance from the Department.

MOTION:

There being no more questions, **Senator Harris** moved to approve **Docket No. 16-0601-1501**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.
16-0602-1501**

Rules of the Department of Health and Welfare Relating to Standards for Child Care Licensing. **Michelle Weir**, Child Welfare Policy Unit Program Manager for the Division of Family and Community Services in the Department, presented this docket.

Ms. Weir stated that the pending rules focus on improving the experiences and opportunities of children and youth in foster care by providing them with typical day-to-day life experiences and normalcy. **Ms. Weir** stated that the pending rules bring the Department into compliance with Title IV-E of the Social Security Act as outlined in the Preventing Sex Trafficking and Strengthening Families Act by aligning Idaho's rule with the federal requirements for foster care. First, the pending rules will allow foster parents and caregivers to apply the reasonable and prudent parent standard when making decisions about a child's participation in daily activities. Second, the pending rules define the reasonable and prudent parent standard and identify training requirements for caregivers. Third, the pending rule will require all licensed child care facilities to designate an on-site official to apply the reasonable and prudent parent standard when necessary.

Ms. Weir stated that the Department did not conduct negotiated rulemaking because of the nature of the rule change. The Department did not receive any responses or negative comments during the public comment period. **Ms. Weir** stated there is no anticipated fiscal impact on the General Funds. The proposed rule changes were shared with foster parents across the State and the Department received positive feedback and support.

Vice Chairman Nuxoll asked the Committee members if they had any questions.

Senator Jordan asked if the Department provides caregivers with examples of conduct that meets the reasonable and prudent parent standard. **Ms. Weir** answered that the Department is putting together policies, guidelines and training materials that will be delivered to the State's foster parents and to Department staff to ensure the reasonable and prudent parent standard is clear. **Senator Jordan** asked if the Department is confident that, if a question arose, it would be quite clear to a foster parent whether they may allow a child to participate in certain activities or whether they must obtain additional approvals from the Department. **Ms. Weir** said the Department currently has a foster care recreation standard and it defines a lot of activities.

MOTION: There being no more questions, **Senator Lodge** moved to approve **Docket 16-0602-1501**. **Senator Schmidt** seconded the motion. The motion carried by **voice vote**.

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

RS 24054 **Relating to the Council of Developmental Disabilities.** **Christine Pisani**, Executive Director of the Idaho Council on Developmental Disabilities (Council), presented this RS.

Christine Pisani stated that the RS will amend Idaho Code to revise provisions regarding council membership. Individuals applying for certain council positions would no longer be restricted because they work for a State agency or local organization that receives funds for or provides services to persons with developmental disabilities, except as limited by federal laws. **Ms. Pisani** stated that the proposed changes will improve the Council's recruiting efforts.

MOTION: There being no questions, **Senator Martin** moved to send **RS 24054** to print. **Senator Lee** seconded motion. The motion carried by **voice vote**.

RS 23976 **Relating to the Department of Environmental Quality.** **Orville Green**, Administrator for the Waste Management and Remediation Division in the Department of Environmental Quality (DEQ), presented this RS.

Orville Green stated that this RS will amend Idaho Code to give the DEQ the option to invest certain funds within the existing environmental protection trust fund, with the concurrence of the Director of the DEQ, the Treasurer's Office and the endowment fund.

Chairman Heider asked how much money is in the environmental protection trust fund and what is purchased with these funds. **Mr. Green** said there are several million dollars in the trust fund. A significant portion of the money is being used in the Coeur d'Alene basin. **Mr. Green** said the funds support water treatment, repositories and the institutional controls program.

MOTION: There being no more questions, **Senator Schmidt** moved to send **RS 23976** to print. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business, **Chairman Heider** adjourned the meeting at 3:35 p.m.

Senator Heider
Chair

Karen R. Westbrook
Secretary

Kara Machado
Assistant