

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

- DATE:** Wednesday, February 17, 2016
- TIME:** 9:00 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:** Debbie Shell, Michele Harris, Diana Thompson, Aimee Russell, Amy Huse, and Hollie Hatch, ASCLS-ID; Wayne Hoffman, IFF; Kris Ellis, IHCA; Ken McClure, IMA; Toni Lawon, IHA.
- Chairman Wood** called the meeting to order at 9:00 a.m.
- Vice Chairman Packer** and the committee congratulated **Rep. Beyeler** on receiving the Governor's Environmental Excellence Award in Agriculture.
- RS 24533:** **Kris Ellis**, on behalf of the Idaho Health Care Association, presented **RS 24533**, proposed legislation to add dementia to the mentally ill definition for the purposes of involuntary commitment and clarify simply being aged is not reason enough to commit someone. This will improve the care and appropriate facility access for those suffering from dementia whose behaviors put themselves or others in danger.
- MOTION:** **Vice Chairman Packer** made a motion to introduce **RS 24533**. **Motion carried by voice vote.**
- H 453:** **Rep. Phylis King**, District 18, presented **H 453** to provide licensure for Medical Laboratory Science practitioners. Qualifications and definitions are made for three practitioner levels: categorical medical laboratory scientist, medical laboratory scientist or technologist, and medical laboratory technician. The board has four practitioners and one appointed public member. Rules are defined, including continuing education requirements.
- Exemptions are made for persons licensed under another chapter performing within the scope of their profession, government employees, those teaching or doing research, students and interns, persons solely performing clinical laboratory improvement amendment (CLIA) tests, and personnel performing point-of-care testing.
- Provision is made for a \$25 application fee as well as initial and renewal fees not to exceed \$100 each.
- Data from the Centers for Medicare and Medicaid Services (CMS) indicates states with licensed personnel perform better because they understand the need for accurate and timely testing.
- Concerns have been expressed regarding licensure forcing rural labs to stop performing some tests. **Rep. King** said she contacted six laboratories in District 8 who indicated they have registered medical technicians. Two clinics transport drawn blood. One Shoshone clinic using a high school graduate may have to limit his testing ability and transport complex tests, unless those tests are allowed through CLIA.
- Licensing insures public safety, saves time, money, and patient anxiety because tests are run by skilled and knowledgeable practitioners.

Responding to committee questions, **Rep. King** stated the renewal fee will be based on actual usage, expenses, and the number of participants. This group of professionals has asked for licensure. Continuing education will be required to keep them current on improvements in testing, storage, and equipment.

Debbie Shell, Medical Laboratory Scientist, Chairman, Government Affairs, Idaho Chapter of the American Society for Clinical Laboratory Science (ASCLS), testified **in support of H 453**. With increasingly complex health care and testing, the need for a strong knowledge base and specialized training has become more apparent. Lab tests performed by those not adequately educated and trained are fraught with errors that impact the quality of healthcare for Idaho patients. Licensure acknowledges the importance of quality testing and patient safety.

Michelle Harris, Medical Laboratory Scientist, testified **in support of H 453**. The board will provide licensing standards, professional standards, and complaint investigation. CLIA allows a high school diploma as a minimum standard to perform the waived tests. Medical scientists are trained to analyze the test data beyond the numbers. Answering committee questions, Ms. Harris said continuing education is required by hospitals, but may not be required by clinics and labs running the tests. Labs also have CLIA certificates, depending on the type of tests they run and can be accredited by the College of American Pathology.

Diana Thompson, ASCLS Idaho, President, testified **in support of H 453**. Technology is rapidly changing, with advancements in instruments that need to be understood, maintained, and used effectively to turn out good results. Recent updates even apply to needle safety and cleaning counter tops. Continuing education information is shared with her entire staff to keep them updated, too.

Wayne Hoffman, Idaho Freedom Foundation, President, testified **in opposition to H 453**. Additional occupational licensure increases the business costs, consumer costs, and does not improve medical care. It also creates an entry barrier for a lot of people, stifling job creation and limiting competition. With no problem in the profession, the desire to be licensed isn't a sufficient reason to create licensure. As employees, the labs where they work are responsible for disciplinary action. Additionally, license denial because of a previous felony conviction is too restrictive.

Amy Russell, ASCLS Idaho, Medical Laboratory Scientist, testified **in support of H 453**. There are many free continuing education opportunities. Instruments give numbers, not meanings to the numbers. Knowing a patient's age, diagnosis, and other information provides insight beyond the numbers, leading to a better result so patients are referred when necessary, without causing undue stress. Answering a committee question, Ms. Russell said individuals certified prior to CLIA can practice without the required continuing education.

Rep. Vander Woude invoked Rule 38, stating a possible conflict of interest but he would be voting on the legislation.

Amy Huse, ASCLS, testified **in support of H 453**. Waived testing, under CLIA, includes hundreds of tests covering a wide range of health issues. They can be done in a doctor office following good procedures with policies to send complex tests to labs. Laboratories will send tests to big reference labs as a way to save supply costs and assure competency, especially for tests not done very often. Persons in doctor offices are doing other jobs, so expecting them to do time consuming complex tests is asking a lot.

Ken McClure, on behalf of the Idaho Medical Association (IMA), testified **in opposition to H 453**. The IMA is concerned with rural areas where moderate complex CLIA non-waived tests are being performed by someone other than a physician. An exemption for this situation would be appropriate. Rural physicians may have complete blood counts performed by an employee during a patient's visit. Given the distance a patient may travel, this ability is necessary and critical. Some of the CLIA waived alternative tests are less reliable than moderately complex tests. Physicians are liable for anything happening in their offices.

Toni Lawson, Vice President, Government Relations, Idaho Hospital Association (IHA), testified **in opposition to H 453**, questioning the licensing need since hospital staff are in line with specified certification. Any quality issues are covered under CLIA hospital licensure. This state regulatory burden would be a disadvantage in hiring and recruiting staff from other states.

Holly Hatch, ASCLS, testified **in support of H 453**. Working at a rural access 25-bed hospital, she finds her education necessary to make accurate and reliable patient diagnoses. An on-line program provided her training. Technicians running tests have the training to understand when further testing enhances the picture of what is happening to the patient. Improperly trained laboratory technicians releasing the wrong results lead to incorrect treatment, which can lead to patients dying. Their profession needs to be in charge of their own government through a board, rather than relying on the hospitals.

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

**ORIGINAL
MOTION:**

Rep. Hixon made a motion to **HOLD H 453** in committee.

Rep. King was recognized to close testimony. She said the registered technicians are trained to understand quality control, storing product, and other various parts of doing lab tests. Boards set standards, protect the public, investigate and resolve complaints, license professionals, and assure continuing education. Better lab testing is done where licensing exists.

**SUBSTITUTE
MOTION:**

Rep. Rusche made a substitute motion to **HOLD H 453** for time certain, February 23, 2016. **Motion carried by voice vote.** **Rep. Hixon** asked to be recorded as voting **NAY**.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 10:52 a.m.

Representative Wood
Chair

Irene Moore
Secretary