

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Thursday, January 12, 2017
TIME: 9:00 A.M.
PLACE: Room EW20
MEMBERS: Chairman Wood, Vice Chairman Packer, Representatives Hixon, Perry, Vander Woude, Redman, Gibbs, Blanksma, Hanks, Kingsley, Zollinger, Chew, Rubel
**ABSENT/
EXCUSED:** None
GUESTS: Patrick Guzzle, Kathy Turner, and Leslie Tengelsen, PHD, DVM, IDHW; Stephanie Hoffman, Jennifer S. Eason-Barnett, and Cenilar Falsetti, IDHW-DBH; Miren Unsweth, Gracie O'Brien, and Gary Moore, IDHW-FACS; Brittany Reichel, Veritas Advisors; Colby Cameron, Sullivan & Reberger; Rodger Lyngaas, UFCW Local 368P

Chairman Wood called the meeting to order at 9:00 a.m.

Chairman Wood turned the gavel over to **Vice Chairman Packer**.

DOCKET NO. 16-0210-1701: **Dr. Leslie Tengelsen**, Senior Level Epidemiologist, Bureau of Communicable Disease Prevention, Division of Public Health, Idaho Department of Health and Welfare (IDHW), presented **Docket No. 16-0210-1701**. This Temporary Rule, adopted November 17, 2016, requires reporting of any suspected or confirmed cases of insect-borne viral disease, known as arboviral disease, within three days of identification.

A new section lists reportable diseases and conditions, allowing capture of all arboviral infections under one category. References to the West Nile virus are removed since it is included in the new section list. Other changes update document requirements and reflect current reference versions, aligning with the new guidance.

This increases the one reportable arboviral disease, West Nile, to include approximately 130 arboviruses. In order to protect the public health it is critical to track local and global emerging and known diseases.

Answering committee questions, **Dr. Tengelsen** said the public health districts have been doing the investigations for the West Nile virus. This increase of the range of diseases they can investigate has no anticipated financial impact. To her knowledge, all seven health districts are in agreement with the changes.

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

MOTION: **Rep. Gibbs** made a motion to approve **Docket No. 16-0210-1701**. **Motion carried by voice vote.**

DOCKET NO. 16-0219-1601: **Patrick Guzzle**, Food Protection Program Manager, IDHW, Division of Public Health, presented **Docket No. 16-0219-1601**, which clears up confusion by replacing the inspection scoring term "critical" with "risk factor." Also replaced for scoring purposes is the term "non-critical" with "good retail practice," mirroring the inspection report terminology and consistent with term usage in other states.

Pam Eaton, President, CEO, Idaho Retailers Association and Idaho Lodging and Restaurant Association, testified **in support** of **Docket No. 16-0219-1601**.

MOTION: **Rep. Redman** made a motion to approve **Docket No. 16-0219-1601**.

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

VOTE ON MOTION:

Vice Chairman Packer called for a vote on the motion to approve **Docket No. 16-0219-1601. Motion carried by voice vote.**

DOCKET NO. 16-0601-1601:

Gracie O'Brien, Independent Living Program Specialist, Child Welfare Policy Unit, IDHW, presented **Docket No. 16-0601-1601**. The John H. Chaffee Foster Care Independence Act provides federal funding and requires state-provided services to transition youth leaving the foster care system. The changes align with the federally lowered eligibility from fifteen years-of-age to fourteen years-of-age.

In response to questions, **Ms. O'Brien** stated this Rule lowers the age range, with no other program impact. Their fiscal impact review determined no decrease in the number of services provided and no state funding needed. The participants are young people who have been entered into foster care and have learning skill needs. The program recognizes their struggles and provides non-Medicaid services to develop independent living skills.

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

MOTION:

Rep. Perry made a motion to approve **Docket No. 16-0601-1601. Motion carried by voice vote.**

DOCKET NO. 16-0719-1601:

Jennifer Eason-Barnett, Quality Assurance Specialist, IDHW, Division of Behavioral Health, presented **Docket No. 16-0719-1601**. This temporary Rule, effective January 1, 2017, expands Peer and Family Specialist provider types through training and certification. This growing type of provider is not covered under the purview of the Idaho Bureau of Occupational Licenses. This Rule change legitimizes and supports this provider type as a para-professional occupation, enhancing the current system with adherence to standards and a code of ethics. This change further ensures the public health, safety, and welfare of those receiving behavioral health services.

Ms. Eason-Barnett, in response to questions, remarked the national best practice was reviewed for training requirements. These providers must abide by a code of ethics, have ongoing supervision, and seek supervisor support for situations outside of their scope of rule or work.

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

MOTION:

Rep. Perry made a motion to approve **Docket No. 16-0719-1601. Motion carried by voice vote.**

DOCKET NO. 16-0737-1601:

Stephanie Hoffman, Human Services Program Specialist, Division of Behavioral Health, IDHW, presented **Docket No. 16-0737-1601**. The Rule changes adhere to best practices regarding alternate care placement, add definitions to clarify procedures, and add minor clarifications regarding the initial implementation phase of the Jeff D settlement agreement approved by the Federal Court.

Responding to committee questions, **Ms. Hoffman** stated the funds are granted through Title IV of the Social Security Act.

Children within the program's purview are under parental custody and guidance. They seek treatment help either through a court order or voluntarily. If through a court order, the judge determines treatment necessity and the parent's signature on the plan is requested, although they have the right to not cooperate. The judge is notified of any non-signature and determines the outcome. The child is never signing any forms themselves.

Multiple committee members expressed concern about the Department's ability to close the case upon refusal by the parent or guardian to sign the treatment plan, as stated in **Section 115.01**.

Ross Edmunds, IDHW, Division of Behavioral Health, was invited to respond. He said a refusal to sign a treatment plan could occur from legal advice or as a demonstration of disagreement with one or several parts of the treatment plan. Unless a court order for services is in place, they do not implement a plan without parental agreement and signature.

In a court ordered case, services would be in place with or without the parent's signature. In a voluntary case, refusal of the parent to sign includes documentation of the reason for the refusal. It could indicate they are not willing to participate in the child's treatment and the case would be closed.

The Division of Behavioral Health is driven to do everything possible to keep the family engaged and in a decision making capacity, which has proven to increase the treatment effectiveness.

MOTION: **Rep. Perry** made a motion to approve **Docket No. 16-0737-1601**.

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

Responding further to committee concerns about **Section 115.01**, **Mr. Edmunds** explained the family signs not only a treatment plan, but also a voluntary service form. The treatment plan is always negotiated and designed with their participation. The family is in the full driver's seat and can refuse services at any time during treatment.

Rep. Perry, speaking to her motion, commented this is a lawsuit agreement and the rest of this Rule needs to go through. She suggested sending the Rule through and bringing a change forward with the help of the department.

VOTE ON MOTION: **Vice Chairman Packer** called for a vote on the motion to approve **Docket No. 16-0737-1601**. **Motion carried by voice vote. Reps. Vander Woude and Hanks** requested to be recorded as voting **NAY**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:21 a.m.

Representative Packer
Chair

Irene Moore
Secretary