

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Monday, January 23, 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:** Representative(s) Perry

GUESTS: Alex Adams and Misty Lawrence, Board of Pharmacy; Jim Baugh, DRI; Andy Srook, A60/BOP; Anne Lawler, Bd of Medicine; Elizabeth Criner, ISDA, ACSCAN; Cameron Gilliland, DHW; Françoise Cleveland, AARP Idaho; Gary Moore, DHW; Sarah Tueller, Idaho Parents Unlimited.

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

H 6: **Alex Adams**, Executive Director, Idaho State Board of Pharmacy, presented **H 6**, the annual Controlled Substance Act schedule revision in alignment with the Drug Enforcement Administration (DEA) updates. Substances added this year are Eluxadoline (Schedule IV) and Brivaracetam (Schedule V). Other updates reschedule three products to DEA alignment and add two synthetic products requested by the state Bureau of Forensic Labs. A new emergency clause makes the changes effective upon signature of the governor. Clarification is made to the board scheduling through amending statute or Temporary Rule.

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

MOTION: **Rep. Chew** made a motion to send **H 6** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Chew** will sponsor the bill on the floor.

RS 24957: **Rep. Kelley Packer**, District 28, presented **RS 24957** a quality control measure to ensure that deaf and hearing consumers receive appropriate interpreting services in our state. Licensing will be housed with the Speech and Hearing Services Board, which will be renamed the Speech, Hearing, and Communication Services Licensure Board.

MOTION: **Rep. Redman** made a motion to introduce **RS 24957.** **Motion carried by voice vote.**

RS 24920: **Rep. Caroline Nilsson Troy**, presented **RS 24920**, proposed legislation to establish a qualified expenses savings program for Idahoans with disabilities, as allowed by the federal Achieving a Better Life Experience (ABLE) Act. This will help optimize financial planning while maintaining eligibility for other programs. An appropriation of \$45,000 is being requested to fund a half-time technical assistance position with the Idaho State Independent Living Council. This is part of the governor's budget recommendation.

Answering questions, **Rep. Troy** explained the \$45,000 half-time position links to another half-time position supporting the emergency response team. This combination was deemed a way to improve their hiring capabilities and includes benefits. If approved, the existing programs in other states will be reviewed.

MOTION: **Vice Chairman Packer** made a motion to introduce **RS 24920.** **Motion carried by voice vote.**

- RS 24847:** **Ross Edmunds**, Behavioral Health Division, Department of Health and Welfare (DHW), presented **RS 24847**, to recognize individuals have the ability to create a declaration for mental health treatment to stipulate their preferences or instructions.
- MOTION:** **Rep. Redman** made a motion to introduce **RS 24847. Motion carried by voice vote.**
- RS 24902:** **Ross Edmunds**, Behavioral Health Division, Department of Health and Welfare (DHW), presented **RS 24902**. This proposed legislation amends the termination or commitment and discharge of involuntary patients committed to inpatient facilities. The required notice is decreased from thirty to seven days for a timelier release.
- MOTION:** **Rep. Gibbs** made a motion to introduce **RS 24902. Motion carried by voice vote.**
- RS 24922:** **Trina Clark**, Program Manager, DHW, Division of Behavioral Health, presented **RS 24922** to add definitions for peer support specialist and family support partner to existing Idaho Code. Reference to the initial appointment of Regional Behavioral Health Board members is removed. The membership sections of the State Planning Council and Regional Boards are updated to include representation from the field of prevention.
- MOTION:** **Rep. Rubel** made a motion to introduce **RS 24922. Motion carried by voice vote.**
- RS 24890:** **Matt Wimmer**, Administrator, Division of Medicaid, DHW, presented **RS 24890** to direct the DHW to pursue value-based payment opportunities up to and including full-risk, provider-based managed care for the Medicaid program.
- MOTION:** **Rep. Redman** made a motion to introduce **RS 24890. Motion carried by voice vote.**
- RS 24926:** **Matt Wimmer**, Administrator, Division of Medicaid, DHW, presented **RS 24926**, proposed legislation directing the DHW to provide coverage for children under 18 years of age with serious emotional disturbance and family income up to 300% of the federal poverty level (FPL). The coverage will enable past trauma recovery, build resiliency, and comply with the Jeff D. settlement agreement.
- MOTION:** **Vice Chairman Packer** made a motion to introduce **RS 24926. Motion carried by voice vote.**
- RS 24927:** **Cameron Gilliland**, Deputy Administrator, Family and Community Services, DHW, presented **RS 24927**, which gives the DHW the power to establish, operate, and maintain a secure facility for individuals with development disabilities who pose a threat to the community during the pendency of their criminal cases.
- Mr. Gilliland**, responding to committee questions, stated this gives approval to start the building process for four facilities, so there is no fiscal impact. To address current needs, they will pursue secure elements in current facilities, such as locked doors, security cameras, and alarms. Any appropriate funding request will be brought forward at a later date. The included ability to remove private property is necessary to protect the community or staff and will impact workers compensation claims.
- MOTION:** **Rep. Redman** made a motion to introduce **RS 24927. Motion carried by voice vote.**
- RS 24928:** **Ann Lawler**, Executive Director, Idaho State Board of Medicine, representing the Dietetic Licensure Board, presented **RS 24928**, with new or updated definitions, practice clarification, licensure requirements, and disciplinary grounds. Disciplinary sanctions align with the Medical Practice Act.
- MOTION:** **Vice Chairman Packer** made a motion to introduce **RS 24928. Motion carried by voice vote.**

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

DOCKET NO. 24-1901-1601: **Mitch Toryanski**, Legal Counsel, Board of Occupational Licenses (BOL), representing the Board of Examiners of Residential Care Facility Administrators, presented **Docket No. 24-1901-1601**. Pursuant to changes in the board's law last year, this Rule adopts the BOL new renewal and licensing process.

In reply to committee questions, **Mr. Toryanski** said although the reinstatement fee is increased, the requirement to pay back fees for each lapsed year is removed. The board's current fund balance is approximately -\$97,000.

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

MOTION: **Rep. Redman** made a motion to approve **Docket No. 24-1901-1601**.

Rep. Vander Woude said he is against the motion because the Rule does not properly attack the issue of the negative balance and is not a method to get them back in the black.

Tana Cory, Executive Director, BOL, was invited to address the committee. She noted the board implemented a fee increase previously to slowly decrease the negative balance without drastically impacting their members. Through the single BOL account, the boards are maintained during times when their fund balance is negative due to unforeseen reasons, such as investigative or court costs.

VOTE ON MOTION: **Vice Chairman Packer** called for a vote on the motion to approve **Docket No. 24-1901-1601**. **Motion carried by voice vote**. **Rep. Vander Woude** requested he be recorded as voting **NAY**.

DOCKET NO. 24-2301-1601: **Mitch Toryanski**, Legal Counsel, Board of Occupational Licenses (BOL), representing The Speech and Hearing Services Licensure Board, presented **Docket No. 24-2301-1601**. Because this board's fund balance is two times their annual expenses, their original license and renewal fees are being lowered. Audiology support personnel are defined and supervisory responsibility tasks and training guidance are specified. The minimum requirements for audiology and hearing aid dealers and fitters who supervise permit orders are added.

MOTION: **Rep Gibbs** made a motion to approve **Docket No. 24-2301-1601**.

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

VOTE ON MOTION: **Vice Chairman Packer** called for a vote on the motion to approve **Docket No. 24-2301-1601**. **Motion carried by voice vote**.

DOCKET NO. 24-2701-1601: **Mitch Toryanski**, Legal Counsel, Board of Occupational Licenses (BOL), representing the Board of Massage Therapy, presented **Docket No. 24-2701-1601**, a Pending Fee Rule in alignment with the **H 519** tuition work off program. Additions include temporary licenses and provisional permits. The original license and renewal fee is reduced to \$65 because the board's fund balance is over two times their annual budget. One listed licensing exam is removed.

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

MOTION: **Rep. Chew** made a motion to approve **Docket No. 24-2701-1601**. **Motion carried by voice vote**.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 10:14 a.m.

Representative Packer
Chair

Irene Moore
Secretary