

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, February 28, 2017

TIME: 8:30 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood, Vice Chairman Packer, Representatives Hixon, Perry, Vander Woude, Redman, Gibbs, Blanksma, Hanks, Kingsley (Lohman), Zollinger, Chew, Rubel

**ABSENT/
EXCUSED:** Representative(s) Lohman

GUESTS: Sharon Kiefer and Ed Schrerer, IDFG; Jay Stark, ISA; Cameron Gilliland, Blake Brumfield, and Gary Moore, DHW; Alex LaBeau, IACI; Sheriff Kieran Donahue, Canyon Country Sheriff's Office; Jim Baugh, DRI; Mel Leviton, SILC

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

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Wood** made a unanimous consent request to remove **RS 25393** from the agenda and hear it, March 1, 2017. There being no objection, the request was granted.

RS 25398: **Alex LeBeau**, President, Idaho Association of Commerce and Industry, presented **RS 25398**, Proposed Legislation to establish new claimant procedures for required disclosures for civil action for damages due to asbestos exposure.

MOTION: **Rep. Redman** made a motion to introduce **RS 25398**. **Motion carried by voice vote.**

RS 25368: **Rep. Jeff Thompson**, District 30, presented **RS 25368**, a House Joint Memorial to show Legislative support of the Department of Energy, the Administration, and the Congress in the twenty-fifth anniversary of the signing of the Federal Facility Agreement and Consent Order.

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

MOTION: **Vice Chairman Packer** made a motion to introduce **RS 25368** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote.** **Rep. Thompson** will sponsor the bill on the floor.

**UNANIMOUS
CONSENT
REQUEST:** **Chairman Wood** made a unanimous consent request to hear the merits of **RS 25391**. There being no objection, the request was granted.

RS 25391: **Cameron Gilliland**, Deputy Administrator, Family and Community Services, Developmental Disabilities Programs, presented **RS 25391**. This Proposed Legislation, for the South West Idaho Treatment Center (SWITC) , establishes a secure treatment facility with the addition of secure features. It also provides long term consideration of a four-bed facility on the SWITC campus. This replacement Legislation is a result of stakeholder and advocate meetings to address differences and concerns.

The agreed upon changes clarify both the court as a necessary and required front door for the secure facility and the Director of the Department of Health and Welfare's (DHW) authority. Clarification is made to court notifications, dual diagnosis, visitation rights, appeals, and restraints. The emergency clause has been changed to include advocates in both licensure development and rule making.

Answering questions, **Mr. Gilliland** said the facility licensure will continue the existing annual visit from the Department of Licensing and Certification. The prevention and advocacy organizations would have access to the facility to investigate any abuse issues. The \$1.7M new facility cost is based on a previous architectural design to move the entire SWITC campus. He assured the committee any building or retrofitting would occur at a future time and only with Legislative appropriation.

The immediate need requires temporarily moving clients out of one building so it can be fitted with locks, cameras, and staff. The required upgrade funding is available in the current budget. Nothing in this Legislation obligates funds at this time. The fiscal note clarifies funds may be needed in the future, depending on the demand.

Responding to questions, **Mr. Gilliland**, stated the admission criteria requires a primary diagnosis along with specific criteria. The person is civilly committed to the Department's custody after committing a crime, found to be incompetent to stand trial, and still considered dangerous. The less common way to enter the facility is through a court petition stating the person is a danger to themselves or others, with a resultant court ordered commitment. The court must also rule the person presents a substantial danger and the secure facility is required. A thirty-day appeal notice is given to a variety of parties.

Upon release and a finding of competency, the individual could return to the jail to stand trial for their crime. Those found incompetent would remain at SWITC to work toward stabilization, a step down in restrictions, rehabilitation, and possible return to the community. SWITC is a stabilization and transition center with an average stay length of less than two years. Staffing ratios, with a secure facility, would be less than the current two-to-one ratio.

MOTION:

Vice Chairman Packer made a motion to introduce **RS 25391** and recommend it be sent directly to the Second Reading Calendar.

Sheriff Kiernan Donahue, Canyon County Sheriff's Office, testified **in support of RS 25391**. He said over time the statewide mental health crisis may increase the number of beds. The safety of the staff and public is paramount and the immediacy to protect them needs to be underlined. He expressed hope in continued dialogue with stakeholders. This type of secure facility is unquestionably better than county jails, where staff and the facility are not equipped to handle the needs for this population.

Jim Baugh, Executive Director, Disability Rights of Idaho, testified **in support of RS 25391**. The jail is the worst place for someone with a mental illness. This facility is specialized and exclusive for those persons with developmental disabilities and a mental illness, a smaller population than those with mental illness alone. This situation is a result of eliminating early treatment through community-based mental health services. The long term remedy is to rebuild the community mental health system and include persons with dual diagnosis.

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

Reps. Hixon, Chew, Vander Woude, and Chairman Wood commented **in support** of the motion. This is a good first step to stop the staff injuries.

VOTE ON MOTION:

Chairman Wood called for a vote on the motion to introduce **RS 25391** and recommend it be sent directly to the Second Reading Calendar. **Motion carried by voice vote. Chairman Wood and Rep. Rubel** will sponsor the bill on the floor.

H 187:

Vice Chairman Packer made a motion to **HOLD H 187** in committee. **Motion carried by voice vote.**

S 1081: **Rep. Jeff Thompson**, District 30, presented **S 1081**, Proposed Legislation to reset the Immunization Assessment Board sunset date from July 1, 2017, to July 1, 2019. The date change continues the forward movement of the Board. Answering a question, he said they hope to bring Legislation forward in the future to eliminate the two-year sunset date cycle.

Dean Cameron, Director, Department of Insurance (DOI), was invited to answer committee questions. He explained the assessment board creation to reduce General Fund spending, inclusion of insured children, the insurance company vaccine costs, and the resulting two-tier system. Through the fund, the Board purchases all vaccines at the vaccines for children (VFC) rate and the program continues to work as expected. Without the Board, the need would still exist and the previous two-tier system would return, increasing the use of General Funds.

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

Responding to additional questions, **Director Cameron** explained the DOI is the collection agent for the fund because they have a relationship with the insurance carriers and self-funded plans. All of the collected funds are transferred to the DHW to purchase the vaccines. This is the only program without DOI or DHW administrative costs. All funds collected are used for the immunization of a child.

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

MOTION: **Rep. Hixon** made a motion to send **S 1081** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Zollinger** and **Hanks** requested to be recorded as voting **NAY.** **Rep. Thompson** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 9:48 a.m.

Representative Packer
Chair

Irene Moore
Secretary