

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 24, 2018

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Heider, Vice Chairman Souza, Senators Martin, Lee, Harris, Agenbroad, Potts, and Jordan

ABSENT/ EXCUSED: Senator Foreman

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 Health and Welfare Committee (Committee) to order at 3:01 p.m.

MINUTES APPROVAL: **Senator Harris** moved to approve the Minutes of January 11, 2018. **Vice Chairman Souza** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT: **Consideration of Gubernatorial Appointment of Russell Barron as Director of the Idaho Department of Health and Welfare (DHW). Russell Barron** introduced himself and thanked Governor Otter for his appointment. **Director Barron** stated that he has worked for DHW for 19 years; he began as an employee in the Child Support Program and eventually became a Deputy Director of DHW. He assumed the position of Director in July 2017.

Director Barron noted that he enjoys collaborating with the many entities and stakeholders that interact with DHW. He commended the Committee for its support of DHW and referenced the "Facts, Figures, and Trends" booklet that DHW distributes to the Committee annually. **Director Barron** invited the Committee to visit any of the DHW offices throughout Idaho. **Director Barron** stated that DHW faces many challenges, but he views these challenges as opportunities for improvement.

Chairman Heider voiced his appreciation of Director Barron's open-door policy.

Senator Harris asked Director Barron to describe one challenge facing DHW that he would like to overcome. **Director Barron** noted that uncertainty about potential federal-level changes have made it difficult for DHW to strategize. He also mentioned that DHW receives performance reports from the Office of Performance Evaluations; these reports identify areas of potential improvement. He noted that allegations of patient abuse at the Southwest Idaho Treatment Center (SWITC) have been a major problem. DHW has made improvements since the initial allegations, but SWITC still presents a challenge. **Director Barron** stated that health care access is also a priority for DHW.

Senator Martin inquired as to what prompted Director Barron to move to Idaho. **Director Barron** explained that he has lived in Idaho for 21 years. He was raised in Pennsylvania, then attended college in Texas. He worked at the Texas Department of Health and Human Services before relocating to Missouri. He moved to Idaho after visiting his parents in Idaho and realizing how much he enjoyed the state.

Vice Chairman Souza asked Director Barron to describe his aspirations for DHW. She asked if he hoped to maintain DHW's current direction. **Director Barron** stated that he hopes to make DHW more efficient and create a healthy culture at DHW. He explained that some individuals criticize DHW for its lack of transparency. **Director Barron** emphasized that he would like DHW to be as transparent as possible. However, he acknowledged that some information at DHW is confidential.

Senator Potts thanked Director Barron for his efforts. **Senator Potts** noted that welfare is often seen as an endpoint, not a stepping stone. He asked how Director Barron would work to change this perception. **Director Barron** explained that DHW has worked on this issue for many years. He emphasized the importance of disseminating accurate information about welfare. **Director Barron** noted that the average length of time an individual receives welfare does not support the perception of welfare as an endpoint. Data does show that individuals do not stay on welfare as long as they did in the past. **Director Barron** shared his experience teaching high school students about the reality of living on welfare. He taught the students that welfare is a safety net, but it is not a preferable lifestyle.

MOTION:

There being no more questions, **Senator Martin** moved to send the Gubernatorial appointment of Russell Barron as Director of the Idaho Department of Health and Welfare to the floor with the recommendation that he be confirmed by the Senate. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**. Chairman Heider will carry the appointment on the floor of the Senate.

PASSED THE GAVEL:

Chairman Heider passed the gavel to Vice Chairman Souza.

DOCKET NO. 15-0103-1701

Rules Governing the Ombudsman for the Elderly Program. **Cathy Hart** introduced herself as the Idaho State Long-Term Care Ombudsman for the Idaho Commission on Aging. She explained that this docket will bring Idaho into compliance with federal ombudsman regulations.

The Long-Term Care Ombudsman Program advocates for residents of nursing homes and assisted living homes to ensure that residents receive quality care. The Idaho State Long-Term Care Ombudsman manages six local ombudsmen programs and serves residents of 80 nursing homes and 276 assisted living facilities. The Ombudsman Program: 1.) addresses a variety of complaints made by or on behalf of residents living in facilities; 2.) provides information about how to find a facility that offers quality care; 3.) advocates for improvements in the long-term care system; and 4.) educates consumers and long-term care providers about resident rights and quality care practices.

Ms. Hart explained that this docket updates terminology and incorporates an additional reference to the federal Older Americans Act. This docket clarifies ombudsman access to: 1.) resident representative contact information, 2.) any long-term care facility at any time in order to conduct investigations; and 3.) any records, policies, or documents that are available to residents and the general public. Changes were also made to clarify that the Ombudsman Program is an independent entity. These changes were meant to ensure that the program is easily accessible and can independently represent resident interests.

Ms. Hart stated that this docket also establishes the Ombudsman Program as a health oversight agency under the Health Insurance Portability and Accountability (HIPAA) law. New language clarifies that HIPAA does not preclude release of resident health information. This docket also clarifies that resident or complainant information shall be disclosed only with proper consent, or in response to a court order.

Ms. Hart noted that negotiated rulemaking was not conducted, as the changes are meant only to align the rules with federal regulations. The Idaho Commission on Aging received no comments about this docket. There is no anticipated fiscal impact.

Senator Potts noted that the term "representative" appeared throughout the rule, but no definition was provided. He asked Ms. Hart to define "representative." **Ms. Hart** explained that "representative" refers to guardians, individuals with power of attorney, and others with the legal authority to represent a resident.

Senator Lee asked Ms. Hart if all changes to the rule reflect federal regulations. **Ms. Hart** responded in the affirmative. She noted that the Ombudsman Program works closely with the federal government and other states. **Ms. Hart** stated that the states have some flexibility within the federal framework.

Senator Lee asked if any of the changes were made based upon state discretion, or if all changes were made in order to comply with federal rules. **Ms. Hart** noted that every state system is different; therefore, states have flexibility within federal guidelines.

Senator Jordan inquired how many complaints the Ombudsman Program receives each year. She also asked if Ms. Hart has noticed any trends in the number of complaints received. **Ms. Hart** stated that the Ombudsman Program received 1,074 complaints in 2017. She noted that the Ombudsman Program consults with individuals and instructs them on how to choose a facility. The program held 1,944 such consultations in 2017. **Ms. Hart** stated that the Ombudsman Program collaborates with other agencies, but is currently experiencing conflict with behavioral units; as such, there has been an increase in complaints related to behavioral units.

MOTION:

There being no further questions or testimony, **Senator Lee** moved to approve **Docket No. 15-0103-1701**. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

PASSED THE GAVEL:

Vice Chairman Souza passed the gavel back to Chairman Heider.

PRESENTATION:

US Ecology, Inc. (US Ecology) Idaho Legislative Update. **Roy Eiguren** introduced himself as a partner at the Eiguren and Ellis Public Policy Firm. He noted that any changes to the Hazardous Waste Management Act and related rules must come before the Committee; therefore, the Committee was the appropriate legislative body to hear this presentation. He mentioned that US Ecology is regulated by the Idaho Department of Environmental Quality (DEQ). **Mr. Eiguren** then introduced Jeff Feeler, the Chief Executive Officer and Chairman of US Ecology.

Mr. Feeler stated that US Ecology provides environmental services to industrial, commercial, and governmental customers. US Ecology has operated for over 60 years and now has over 1,400 employees in North America. It is a publicly-held company headquartered in Idaho. **Mr. Feeler** explained that environmental service is a \$25 billion industry. The environmental services industry has two segments: environmental service/hazardous waste management and field/industrial services. The industry deals with the all aspects of the waste generation life cycle, including collection, transportation, and disposal.

Mr. Feeler stated that US Ecology has transformed dramatically in the last decade. It has acquired new companies, expanded services, diversified business

models, and executed a new strategic plan. **Mr. Feeler** stated that these changes doubled US Ecology's revenue. US Ecology headquarters is located in downtown Boise and employs 90 Idahoans. US Ecology also employs 60 individuals at its site in Grand View, Idaho. **Mr. Feeler** estimated that US Ecology contributes over \$25 million to the Idaho economy annually.

Mr. Feeler noted that US Ecology operates five out of 20 hazardous waste facilities/landfills in North America. US Ecology manages treatment facilities at each landfill, as well as ten stand-alone treatment facilities. This treatment network allows US Ecology to treat large amounts of hazardous waste, even in areas that lack a landfill. **Mr. Feeler** remarked that US Ecology also provides recycling services. They reclaim metals, solvents, and other commodities from waste products. **Mr. Feeler** described the various processes used to reclaim materials, including thermal desorption, solvent distillation, and selective precipitation. US Ecology also offers field services, which involve ensuring that waste is profiled, collected, transported, and packaged correctly. **Mr. Feeler** noted that US Ecology offers these services to the retail industry, universities, and hospitals.

Mr. Feeler described US Ecology's revenue trends; revenue has doubled since 2012, but declined 5 percent in 2016. US Ecology expects to rebound from that decrease and continue to grow as the industrial economy grows.

Jason Evens introduced himself as the Vice President and General Manager of US Ecology's Idaho Operations. **Mr. Evens** explained that US Ecology operates a hazardous waste facility in Grand View and a rail transfer facility Mayfield, Idaho. **Mr. Evens** stated that the Grand View and Mayfield facilities generate significant amounts of revenue for Idaho, contributing between \$1.3 million and \$2 million per year in tipping fees. In 2012, US Ecology began constructing a new landfill and spent nearly \$8 million in Idaho. On average, the company spends \$1 million in Idaho per year. **Mr. Evens** estimated that 2019 will be a year of high capitol expenditure.

Mr. Evens noted that the Grand View and Mayfield facilities have no outstanding compliance concerns. They have maintained Voluntary Protection Programs (VPP) Star status since 2006. **Mr. Evens** asserted that US Ecology is transparent and cooperative with regulators. US Ecology safely disposed of more than nine million tons of hazardous waste at the Grand View facility. The hazardous waste comes from companies such as General Electric, Westinghouse, and Honeywell. **Mr. Evens** described the design of the Grand View landfill, which utilizes triple-lined landfill cells. Technicians from US Ecology and regulators from other entities such as DEQ monitor the landfill site. **Mr. Evens** explained that many of the Grand View and Mayfield facility employees are from the Treasure Valley. US Ecology tries to hire Idahoans at the facilities, as opposed to individuals from out-of-state.

Mr. Evens commented that Grand View's geology is ideal for a landfill facility. There are nearly 3,000 feet of clay, shale, and basalt between the landfill surface and a confirmed aquifer. US Ecology collects samples from over 50 monitoring wells at the facility to ensure environmental safety. The results of sample testing are shared with the appropriate agencies.

The Grand View facility has a full Resource Conservation and Recovery Act (RCRA) treatment permit. The facility has the ability to encapsulate and treat hazardous metals, organics, acids, cyanides, and other materials. **Mr. Evens** also noted the importance of the Mayfield rail facility, which allows for the

transport of large quantities of waste. The rail facility is capable of transporting 5,000 to 6,000 tons of waste per day. The Mayfield facility contains a fleet of 234 gondola cars and two emission-controlled transfer buildings. There are over 14,000 feet of track at the Mayfield facility, which is located on a 100-acre plot of land. **Mr. Evens** explained that all work at the Mayfield site is completed by six to eight employees.

Mr. Evens highlighted US Ecology's local initiatives near the Grand View and Mayfield sites. US Ecology provides community grants to local schools, libraries, and non-profit organizations. It also holds annual household hazardous waste collection events. **Mr. Evens** emphasized US Ecology's commitment to community involvement and outreach.

Mr. Evens noted that the environmental services industry is extremely competitive, but US Ecology has been successful. He explained that Idaho facilities are disadvantaged due to geographical challenges and transportation costs. US Ecology is exploring ways to diversify services and increase company growth.

Chairman Heider commended Mr. Evens for maintaining a positive attitude. He noted that Mr. Evens referred to employees as "team members" and referred to regulators as "partners." **Chairman Heider** commented that most corporations perceive regulators as adversaries. He expressed his support for US Ecology and thanked Mr. Evens for his presentation.

Senator Martin asked if Mr. Evens felt that he could approach the DEQ with questions. **Mr. Evens** stated that DEQ regularly monitors US Ecology sites in Idaho. He asserted that US Ecology has a transparent relationship with DEQ. Regional regulators also monitor US Ecology sites in Idaho. **Mr. Feeler** reiterated that DEQ is in charge of regulating US Ecology in Idaho. He commended DEQ for their balanced approach to regulation and asserted that US Ecology has a positive relationship with DEQ.

ADJOURNED: There being no further business, **Chairman Heider** adjourned the meeting at 4:13 p.m.

Senator Heider
Chair

Rachel Goodman
Secretary