

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Thursday, January 10, 2019

TIME: 9:00 A.M.

PLACE: Room EW20

MEMBERS: Chairman Wood, Vice Chairman Wagoner, Representatives Vander Woude, Gibbs, Blanksma, Kingsley, Zollinger, Christensen, Green(2), Lickley, Chew, Rubel, Davis

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

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

DOCKET NO. 16-0208-1802: **James Aydelotte**, Bureau Chief, Vital Records and Health Statistics, Department of Health and Welfare's (DHW's) Division of Public Health, presented **Docket No. 16-0208-1802**, clarifying the fee for establishing replacement records. The itemized list is replaced with established categories and resultant fees, without changing any fees. One subsection is obsolete, was never used, and is being removed.

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

MOTION: **Rep. Blanksma** made a motion to approve **Docket No. 16-0208-1802. Motion carried by voice vote.**

DOCKET NO. 16-0211-1801: **Dr. Kathryn Turner**, Bureau Chief, Communicable Disease Prevention, Deputy State Epidemiologist, Department of Public Health, presented **Docket No. 16-0211-1801**, aligning statute and administrative code. The form requirement has been modified to use forms provided by the Department, the daycare facility, or signed statements. The signed statement includes the child's name, date of birth (DOB) (to ensure the daycare operator knows which student is exempted), a statement of exemption, and parent, custodian, or legal guardian signature.

Answering committee questions, **Dr. Turner** said the dob helps daycare workers when there are children with the same name and signatures are not clear. **Rep. Zollinger** reported the statute is silent on the birth date requirement.

Sara Walton Brady, Citizen, testified in support of **Docket No. 16-0211-1801**, sharing her concern regarding form choice and the specific contents of the school form.

Responding to a question, **Dr. Turner** agreed the signed statement can have any explanation, although it cannot be used for a medical exemption.

Christine Zito, Citizen, testified in opposition to **Docket No. 16-0211-1801**. It is not the place of any government agency to promote the necessity of vaccination or anything else. It is the right and duty of citizens to research, understand, and make decisions for their families.

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

MOTION: **Rep. Rubel** made a motion to approve **Docket No. 16-0211-1801.**

Rep. Zollinger, speaking in opposition to the motion, stated he appreciates the attempt to capture approved code; but, the dob addition is unintentional code expansion.

VOTE ON MOTION: **Chairman Wood** called for a vote on the motion to approve **Docket No. 16-0211-1801**. **Motion carried by voice vote. Reps. Green(2) and Zollinger** requested they be recorded as voting **NAY**.

DOCKET NO. 16-0215-1801: **Kathryn Turner**, Bureau Chief, Communicable Disease Prevention, Deputy State Epidemiologist, Department of Public Health, presented **Docket No. 16-0215-1801**, Idaho school children immunization requirements. Changes address and align with statute by removing the form use requirement and allowing a signed statement from the parent, guardian, or custodian which includes the student's name, DOB, and exemption reason.

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

MOTION: **Rep. Davis** made a motion to approve **Docket No. 16-0215-1801**. **Motion carried by voice vote. Reps. Green(2) and Zollinger** requested they be recorded as voting **NAY**.

DOCKET NO. 16-0215-1802: **Kathryn Turner**, Bureau Chief, Communicable Disease Prevention, Deputy State Epidemiologist, Department of Public Health, presented **Docket No. 16-0215-1802**, Idaho school children immunization requirements. The proposed changes add a school entry requirement for twelfth grade students to be immunized against meningococcal disease, also known as meningitis. This aligns Idaho schools with the recommendations of the Centers for Disease Control (CDC) and American Academy of Pediatrics. The requirements would begin with the 2020-2021 school year and does not change the right of a parent, guardian, or adult student to provide an exemption statement.

Answering questions, **Dr. Turner** explained the Federal Advisory Committee determines and recommends to the CDC the vaccination protocols and composition, in conjunction with the Federal Drug Administration (FDA). The language change from "children" to "students" captures those seniors who have reached the age of majority. She agreed consideration is needed to allow for a person of majority age's signature and she will take appropriate action.

Dr. Turner further answered meningitis is a rare disease, with only four to five Idaho cases since 2005. The largest national case reduction (27%) is among children aged fifteen years. The current routinely recommended quadrivalent vaccine covers groups C, W, and Y, not group B. **Chairman Wood** encouraged Dr. Turner to confer with the Attorney General regarding changing the statute language from "children" to "students".

Megan Keating, Parent, Public Health Professional, Immunization Coalition Board Member, testified **in support of Docket No. 16-0215-1802**. The second vaccine dose requirement informs parents regarding the necessity of protecting their children when they are not sick and in the face of their busy teenager schedules. The exclusion option is available.

Rebecca Coyle, Parent, testified **in support of Docket No. 16-0215-1802**. Vaccines are an emotional, cost effective issue. Sharing her experiences, she related comments from parents who wish they had known this vaccine was available. This continues the state's citizen protection commitment and assures parents know their children need another vaccine dose.

Dr. Brian Birch, Board-certified Pediatrician, Member, American Academy of Pediatrics testified **in support of Docket No. 16-0215-1802**. This statute is an avenue to conversations between himself and families. Such discussions can cover a student's overall health needs at a time when the rate of physician wellness visits tend to drop.

Jinny Peterson, Health Freedom Idaho, Parent, testified **in opposition** to **Docket No. 16-0215-1802**. Mandated vaccine injuries and deaths outnumber infections and fatalities. This is a rare disease. The drug companies are not liable for any vaccine-related injuries or deaths. Based on several family members' and friends' life-altering vaccination reactions, she is of the opinion the risk outweighs the benefits.

Sarah Walton Brady, testified **in opposition** to **Docket No. 16-0215-1802**. She queried who informs someone the exemption exists. We are presenting it to the public as mandatory. The flu may cause more deaths than meningitis.

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

Dr. Christine Haan, Medical Director, Division of Public Health, was invited to answer questions. Although the vaccine is mandated, an exemption is provided. It is important parents are aware of the issue and have the opportunity for discussion an exemption, if they wish. Although education is the number one priority of the State Health Department and the CDC, mandating vaccinations is used when education is not enough. She was unaware of any deaths resulting from the vaccination.

Approximately half of Idaho children are covered under the Vaccines for Children Program. The rest are covered by private insurance, which uses the Vaccine Assessment Fund. Sixteen states have high school requirements for this dose. Idaho is above the national average for children from eleven to twelve years of age; however, without requirements there is no uptake in the second dose.

MOTION:

Rep. Rubel made a motion to approve **Docket No. 16-0215-1802**.

Speaking **in opposition** to the motion, **Reps. Vander Woude, Christensen, Green(2)** and **Zollinger** expressed concerns regarding state mandates for an emotional issue, the language change from "children" to "students," and citizens paying for the vaccination costs. Vaccinations are a personal choice between a parent and a doctor, not the proper government role.

Speaking **in support** of the motion were **Reps. Rubel, Davis, and Chairman Wood**. They shared stories and concern for the impact of meningitis. The Legislature's first job is public safety. Life spans have increased by twenty years due to clean water, non-contaminated food sources, and immunizations, when modern medicine alone increased them by only five years.

ROLL CALL VOTE:

Rep. Vander Woude requested a roll call vote on **Docket No. 16-0215-1802**. **Motion carried by a vote of 7 AYE and 6 NAY. Voting in favor** of the motion: **Reps. Wood, Wagoner, Gibbs, Lickley, Chew, Rubel, Davis. Voting in opposition** to the motion: **Reps. Vander Woude, Blanksma, Kingsley, Zollinger, Christensen, Green(2)**.

DOCKET NO. 16-0314-1801:

Tamara Prisock, Administrator, Division of Licensing and Certification, DHW, presented **Docket No. 16-0314-1801**, which updates definitions and clarifies requirements for restraint and seclusion. Patient rights are strengthened in the areas of video monitoring, information to caregivers, and patient rights notices. The remaining changes bring the chapter into compliance with the Idaho Administrative Procedures Act.

Jim Baugh, Executive Director, Disability Rights Idaho, testified **in support** of **Docket No. 16-0314-1801**. This has been an open, flexible, inclusive process with extensive stakeholder meetings and negotiated rule making resulting in a broad consensus.

Michael McGrane, Idaho Nurses Association, testified in support of **Docket No. 16-0314-1801**, stating the original Rule restricted the ordering of restraints to physicians, who may not be present during a violent crisis. This is a sensitive topic requiring an appropriate set of rules which they support as advocates for their patients.

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

MOTION: **Vice Chairman Wagoner** made a motion to approve **Docket No. 16-0314-1801**. **Motion carried by voice vote.**

DOCKET NO. 16-0315-1801: **Tamara Prisock**, Administrator, Division of Licensing and Certification, DHW, presented **Docket No. 16-0315-1801**, a Temporary Rule to establish, operate, and maintain a four-bed, secure treatment facility for persons with intellectual or developmental disabilities, as well as mental illnesses, who pose a substantial threat to the safety of others.

The admission criteria and processes for facility licensure and surveys have been developed in alignment with the principles of trauma-informed care and person-centered planning. Also outlined are standards for facility administration, administrator and staff qualifications, facility records, staffing and training requirements, and quality assurance standards.

Standards are set for protecting the rights of persons living in the facility, including advocate selection, the authority and responsibilities of the Human Rights Committee, restriction of rights, nonrestricted rights, and when certain restraints may be used.

Additionally, standards are set for admission, comprehensive assessment, treatment and services, program monitoring, transfer or discharge from the facility, building and fire safety standards, complaint investigation, critical incidents, and enforcement remedies when the facility is out of licensing standard compliance.

The Division of Family and Community Services is developing the facility policies, procedures, and license issuance requirements.

Jim Baugh, Executive Director, Disability Rights Idaho, testified in support of **Docket No. 16-0315-1801**, stating this was a very fruitful, open, beneficial rule making process and he was satisfied it protected the constitutional resident rights.

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

MOTION: **Rep. Vander Woude** made a motion to approve **Docket 16-0315-1801**. **Motion carried by voice vote.**

DOCKET NO. 24-0601-1801: **Joan Callahan**, Administrative Attorney, State Occupational Licenses Board, appeared before the committee to present **Docket No. 24-0601-1801**. She turned the presentation over to **Cherie Strand**.

Cherie Strand, Challis, Volunteer Board Member, Chair, State Occupational Licensure Board further presented **Docket No. 24-0601-1801**. The changes modernize, streamline, and better organize both record keeping and the supervision of occupational therapy assistants, aids, and limited permit holders, in response to licensee requests. An added section specifies the review process and factors for any applicant with a criminal history. Terminology is updated and unnecessary language is removed.

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

MOTION: **Rep. Davis** made a motion to approve **Docket No. 24-0601-1801**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 11:30 a.m.

Representative Wood
Chair

Irene Moore
Secretary