

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Wednesday, January 23, 2019

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Martin, Vice Chairman Souza, Senators Heider, Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson

ABSENT/ EXCUSED: None

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 Martin** called the meeting of the Senate Health and Welfare Committee to order at 3:00 p.m.

UNANIMOUS CONSENT: **Chairman Martin** requested unanimous consent to reorder the agenda to place dockets for repeal after other dockets. There were no objections.

PASSED THE GAVEL: Chairman Martin turned the meeting over to Vice Chairman Souza.

INTRODUCTION TO BOARD OF MEDICINE **Anne Lawler**, Juris Doctor, Registered Nurse (JD, RN), Executive Director, Board of Medicine, presented all dockets for this meeting. Ms. Lawler began with an overview of the board, and its goals under the new Governor to remove and streamline language. The Board has reduced word count by 20 percent and condensed seven chapters down to three, resulting in five dockets being presented today that repeal entire chapters. The Board is self-governing and operates under dedicated funds through collected fees. **Vice Chairman Souza** asked Ms. Lawler if her intent today was to outline substantive changes, with the remaining changes simply moving language, to which Ms. Lawler responded in the affirmative.

DOCKET NO. 22-0101-1801 **Ms. Lawler** presented **Docket No. 22-0101-1801**, Rules for the Licensure to Practice Medicine and Osteopathic Medicine in Idaho. The rules update definitions and titles, update and ease application requirements, and change Licensure by Endorsement to be consistent with the Practice Act. It further adds "disruptive physician behaviors" to the section for disciplinary measures. It adds certain provisions for registration of interns, residents, and supervising physicians, and deletes provisions for registration of medical students. Further, it deletes unnecessary provisions and includes editing for clarity. Negotiated rulemaking was conducted, and open meetings heard public testimony that primarily addressed proposed Physician Assistant (PA) rules. There is no fiscal impact to the General Fund.

DISCUSSION: **Chairman Martin**, referencing the raised threshold minimum for malpractice from \$50,000 to \$250,000, inquired if the Board would still consider a complaint that falls under that minimum and **Ms. Lawler** explained that the Board would continue to consider any pattern of complaint, or other *red flags*.

MOTION: **Senator Harris** moved to approve **Docket No. 22-0101-1801**. **Senator Bayer** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 22-0103-1801 **Ms. Lawler** presented **Docket No. 22-0103-1801**, Rules for the Licensure of Physician Assistants. This pending rule streamlines definitions, removes outdated language, and reduces barriers to licensure. It increases the ratio of PAs per supervisor from three to four, and eases requirements for delegation of services and prescriptive writing.

DISCUSSION: **Vice Chairman Souza** expressed concern that the prescriber changes might make it difficult to know whom to call if there were any questions regarding a prescription written by a PA. **Ms. Lawler** assured the Committee that the filling pharmacist and treating clinic would have that information. In a follow-up question, **Vice Chairman Souza** asked if PAs assigned to physicians are consistent, and **Ms. Lawler** explained that PAs are not rotated; they have long-term partnerships with their supervising physicians. **Senator Nelson** inquired about the public comment from PAs. **Ms. Lawler** reported that the PA-requested changes regarding supervision ratios were included in the rules.

MOTION: **Senator Jordan** moved to approve **Docket No. 22-0103-1801**. **Chairman Martin** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 22-0105-1801 **Ms. Lawler** presented **Docket No. 22-0105-1801**, General Provisions for the Board of Medicine. This pending rule takes general provisions that apply to all licensees and combines them in a single new section, including rules of practice, complaint investigation, and telehealth. Negotiated rulemaking was conducted, and there is no fiscal impact to the General Fund or to the Board's dedicated funds.

MOTION: **Senator Heider** moved to approve **Docket No. 22-0105-1801**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

DOCKETS FOR REPEAL: **Ms. Lawler** presented five dockets for repeal: **Docket Nos. 22-0102-1801, 22-0104-1801, 22-0107-1801, 22-0114-1801, and 22-0115-1801**. These dockets are all repeals of chapters that have been combined into other chapters. Negotiated rulemaking was conducted and there is no fiscal impact to the General Fund or to the Board's dedicated funds.

MOTION: **Chairman Martin** moved to repeal **Docket Nos. 22-0102-1801, 22-0104-1801, 22-0107-1801, 22-0114-1801, and 22-0115-1801**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Vice Chairman Souza** adjourned the meeting at 3:45 p.m.

Senator Martin
Chair

Margaret Major
Secretary