

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, January 29, 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:** **Vice Chairman Souza** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:05 p.m.

**DOCKET NO. 24-2301-1801** **Joan Callahan**, Administrative Attorney, presented **Docket No. 24-2301-1801**, Rules of the Speech, Hearing and Communications Board, changing law into conformity to remove the minimum age requirement for sign language interpreters. A postcard survey was conducted with no responses.

**MOTION:** **Chairman Martin** moved to approve **Docket No. 24-2301-1801**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-1201-1802** **Dr. Linda Hatzenbuehler**, Board Member, Board of Psychologist Examiners, presented **Docket No. 24-1201-1802**, Rules of the State Board of Psychologist Examiners. This fee rule implements H 212 (2017) that allows licensed psychologists who meet examination and experience requirements to prescribe certain medications. An advisory board that included two psychiatrists, two psychologists, two pharmacists, and one pediatrician, adopted: a national competency examination; formulary; continuing medical education requirements; master's level education; a two-year supervisory period; and standards for collaboration between psychologists and physicians. A fee of \$250 for certification to obtain new prescribing authority will offset administrative costs. A postcard survey sent out 450 cards; they received 2 responses and that feedback was incorporated.

**TESTIMONY:** **Kris Ellis**, on behalf of the Idaho Psychological Association, testified that the rules will improve patient access. She reported that Idaho State University's (ISU) master's program is the only one west of Chicago, and the United States Navy now plans to enroll students in the ISU program.

**MOTION:** **Senator Lee** moved to approve **Docket No. 24-1201-1802**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-1701-1801** **Joan Callahan**, Administrative Attorney, Board of Acupuncture, presented **Docket No. 24-1701-1801**, Rules of the State Board of Acupuncture. This rule clarifies qualifications for certification to include 100 hours of didactic coursework plus 200 hours of supervised clinical training. Further, it provides clarity for a supervisor's role and for continuing education. A card survey sent out 184 cards to practitioners, with no responses.

**Senator Heider** moved to approve **Docket No. 24-1701-1801**. **Senator Bayer** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-1501-1801** **Piper Field**, Board Member, Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists, presented **Docket No. 24-1501-1801**, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists. H 350 (2018) removed requirements from statute, allowing more flexibility in responding to curriculum changes in state, and more portability for licenses between Idaho and other states. A card survey sent out 2,300 cards with 2 responses, both favorable.

**DISCUSSION:** **Senator Lee** inquired what course of action would be taken if a supervisor no longer wished to supervise an applicant in practicum. **Ms. Field** replied that a code of ethics, incorporated by reference in the rules, explains how to handle this scenario. **Chairman Martin** asked Ms. Field to speak to the balance between improved licensing access and public safety. **Ms. Field** said that the new master's degree coursework requires more hours under supervision.

**MOTION:** **Senator Jordan** moved to approve **Docket No. 24-1501-1801**. **Chairman Martin** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-1501-1802** **Ms. Field** presented **Docket No. 24-1501-1802**, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists (Board). This rule clarifies language regarding supervision and continuing medical education (CME), informed consent, and increases portability for an equivalent out-of-state license. Negotiated rulemaking was not conducted, but open meetings were held. A card survey sent out 2,324 cards with only one comment, which was favorable.

**DISCUSSION:** **Senator Harris** wondered if other states had the same requirements and standards. **Ms. Field** replied that requirements were variable and that is partly why portability has been an issue. National meetings often include discussion on uniformity efforts and benchmarking for more pathways to licensure. **Joan Callahan**, Administrative Attorney for the Board, added that counselors requested a (forthcoming) bill to eliminate the 60-hour coursework requirement. **Senator Burtenshaw** had questions about online CME and home study. **Ms. Field** explained that there are nine different pathways to gain CME credits. The quality of online education has improved substantially, and specialty areas not readily available in Idaho are accessible online.

**MOTION:** **Chairman Martin** moved to approve **Docket No. 24-1501-1802**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0601-1801** **Cherie Strand**, Board Member, Occupational Therapy Board, presented **Docket No. 24-0601-1801**, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants. The rules define and update terms, remove unnecessary language, establish record-keeping standards, and streamline and remove regulatory burden in a variety of practice environments. Stakeholder input was invited nationally, and in-state input included Idaho State University.

**MOTION:** **Senator Nelson** moved to approve **Docket No. 24-0601-1801**. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-1301-1801** **Angie Lippiello**, Board Chair, Physical Therapy Licensure Board, presented **Docket No. 24-1301-1801**, Rules Governing the Physical Therapy Licensure Board. H 505 (2018) implemented a new law to provide for the practice of dry needling; a procedure employing a small filament needle to trigger points. Stakeholder feedback was invited in rule development and 3,000 survey cards were sent. Four comments were received, all from physical therapists, and those comments were addressed. There is no fiscal impact to the General Fund. This procedure will only be performed by licensed physical therapists. The training requirement is one year, with a majority of the training being hands-on.

**MOTION:** **Senator Harris** moved to approve **Docket No. 24-1301-1801**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0501-1801** **Roger Hales**, Administrative Attorney, Board of Drinking Water and Wastewater Professionals, presented **Docket No. 24-0501-1801**, Rules of the Board of Drinking Water and Wastewater Professionals. Federal and state laws require certified drinking water and wastewater operators. This rule deletes obsolete language, removes barriers to new pathways, establishes apprenticeships, reduces the number of college credit requirements to 30 hours, and clarifies that one-year's experience is equal to 1,600 hours. These positions are becoming increasingly difficult to fill, with most operators over the age of 50. The new rules were two years in development, with the involvement of Wendi Secrist, Executive Director, Workforce Development Council; the Department of Labor; the Idaho Bureau of Occupational Licenses; and the Rural Water Association. It creates an opportunity for youth to stay in their communities, with five communities already hiring from these apprenticeships.

**MOTION:** **Senator Burtenshaw** moved to approve **Docket No. 24-0501-1801**. **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 4:15 p.m.

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Senator Martin  
Chair

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Margaret Major  
Secretary