

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Tuesday, February 19, 2019

**TIME:** 3:00 P.M.

**PLACE:** Room WW54

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

**ABSENT/ EXCUSED:** Senators Harris, and Burtenshaw

**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 (Committee) to order at 3:00 p.m.

**HCR 3** **Eating Disorders Awareness Week. Representative John McCrostie** asked the Idaho legislature to recognize the last week of February as Eating Disorders Awareness Week in Idaho. Recognizing this week is in conjunction with the National observance. Nationally, 20 million women and 10 million men including 58 thousand in Idaho, suffer from a clinically significant eating disorder (ED). **Representative McCrostie** introduced Kelly Featherstone as one of two ED specialists in Idaho.

**TESTIMONY:** **Ms. Featherstone**, explained the growing support in Boise for those who suffer from ED. Her intention was to expand a training program for ED professionals across the state, and expand a program called Telehealth for patients who live outside of Boise. Boise is the only city in Idaho that treats ED. The largest ED facility in the country is located in Denver, Colorado and the closest facilities to Idaho are located in Seattle, Washington and Utah. On average, treatment takes one to three years, with meetings two times per week. She further described residential treatment.

**MOTION:** **Senator Jordan** moved to send **HCR 3** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

**S 1075** **Relating to Individuals with Disabilities, Service Dogs in Areas of Public Accommodation. Senator Abby Lee** believed the legislation was a compromise due to the amount of collaboration. It provides protections for individuals with disabilities and clarifies the difference between service dogs and other animals. She introduced Pam Eaton who would present her testimony on the issue.

**TESTIMONY:** **Pam Eaton**, President and CEO of the Idaho Retailers Association and the Idaho Lodging and Restaurant Association, said that the legislation brings Idaho Code into alignment with the FDA definition of disability, including all disabilities, both visible and invisible. Current statute offers no guidance on best practice, which this legislation corrects. It also serves to address a shortage of trained service dogs by giving individuals with disabilities the same ability to train a service dog. Five main solutions are implemented in the legislation: 1.) clearly defines what a service dog is; 2.) clarifies language and definitions under the title; 3.) equalizes disabled persons; 4.) eliminates confusions; and 5.) updates terminology.

**Cheryl Blum**, on behalf of the Consortium of Idahoans with Disabilities, informed the Committee that there was a lack of dog trainers and training organizations, an individual may wait up to seven years to receive a trained service dog. Costs for trained dogs may exceed \$35,000. Under Idaho's existing statute, individuals with disabilities are not allowed to take dogs into businesses for training purposes, only training organizations are afforded that privilege of public access. This bill allows a disabled person the ability to train their dog at a much lower cost and bring Idaho in line with 38 states. Businesses also benefit from this bill by clearing up confusion for service dog handlers and business owners regarding when a business may exclude a service dog for exhibiting problem behavior. She said their intent was to have clear and concise definitions that benefit both service dog and business owners. The definitions clearly exclude comfort and emotional support animals and are intended to help owners better understand their rights to effectively mitigate problems.

**Jeanette Davidson Mayer**, representing herself and her husband, Dwayne Mayer, residents of New Plymouth, testified that their service dog was essential to the well being of her husband, an Iraq war veteran. Mr. Mayer suffers from post-traumatic stress syndrome, silent seizures, violent dream enactments, traumatic brain injury, and chronic traumatic encephalopathy. Their dog, Eva, responds to Dwyane's varying side effects appropriately and effectively. **Mrs. Mayer** was excited that the legislation protects both service dog handlers and business owners. She reminded the legislature that Idaho is experiencing an influx of veterans looking for a better quality of life and that this legislation would help them achieve that.

**Jim Baugh**, Executive Director of Disability Rights Idaho, said they worked to harmonize Idaho statutes with the Americans with Disabilities Act (ADA). Canines have the ability to provide extraordinary services by detecting precursors to seizures, when a diabetic person's blood sugar is low, aiding deaf or blind, etc. **Mr. Baugh** clarified that the legislation only supports the use of dogs and not other animals used for emotional support.

**Lacey Clinger**, representing herself, a resident of Kimberly, informed the Committee that she suffers from M.S. as well as lupus, and that she is numb from the waste down; she recently requires a cane to maintain mobility. She asked that more education be distributed to Idaho businesses informing them of their rights and the rights of dog handlers.

**Josh Schwenken**, Idaho state law enforcement officer, said the proposed legislation takes out a lot of unknowns in the current state law. It tightens up and lets business owners know where the boundaries are. Costs to purchase a service dogs are significant, \$15,000 to \$30,000, and training may take up to two years.

**Christine Pisani**, executive director of the Idaho Council on Developmental Disability, said they support the proposed legislation because the current statute is limited to certain disabilities. They also support the misdemeanor offense for individuals who are found guilty of pretending to have a service dog or pretending to be a trainer.

**DISCUSSION:** **Senator Lee** concluded that the legislation does not provide any additional rights, it simply clarifies the rights of handlers and business owners.

**MOTION:** **Vice Chairwomen Souza** moved to send **S 1075** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**S 1096** **Relating to Residential Care and Assisted Living Inspections.**

**Kris Ellis**, Idaho Health Care Association, explained that **S 1096** will allow assisted living facilities (ALF) to contract and pay for private accrediting organizations to perform the surveys within their facilities, ensuring the facilities still comply with the state rules and safety of patients. In all, three things are accomplished with the legislation: it adds definitions of accreditation, it adds requirements for the accrediting organizations, and it develops a layout of the survey to help with potential emergencies. Additionally, it is intended to reduce backlogging in surveys, and allows 16 assisted living providers to improve practice standards and quality of care. **Ms. Ellis** fielded questions regarding language in the bill. The accreditation commission standards meet or exceed the state requirements for licensure for residential care or ALF.

**TESTIMONY:** **Tamara Price Lock**, administrator for the Division of Licensing and Certification (Division), Department of Health and Welfare, testified that they worked to develop an accreditation option for ALF that provides sufficient flexibility for the Division to respond when they receive complaints or information that warrants an immediate on site investigation. She believed they struck a balance with this legislation.

**DISCUSSION:** **Senator Lee** agreed that the legislation was necessary and asked how far back the timing was for licensing ALFs, and if they were behind on the certifications. **Ms. Price Lock** responded that there were 50 certifications overdue and most of those were four months overdue. They normally allow new facilities to operate for six months before they issue a survey; the inspections do not hold up new licenses. In response to further questions, she said they had 11 surveyors at the time, and were working with the Idaho Health Care Association to offer accreditation as a way to tackle the workload and the growth of the industry. On average, a survey may take three days with three surveyors.

**MOTION:** **Senator Lee** moved to send **S 1096** to the floor with a **do pass** recommendation. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Martin** adjourned the meeting at 4:06 p.m.

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Senator Martin  
Chair

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Margaret Major  
Secretary

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Bryce DeLay  
Assistant to the Secretary