

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Thursday, February 21, 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 (Committee) to order at 3:00 p.m.

H 58 **Representative Chew** presented **H 58** relating to pharmacy, to provide for the transfer of legend drugs for donation. The purpose of this bill is to refine and expand on who can donate and receive these medications, and it introduces parameters regarding the sale and reallocation of certain unused medications. Entities that qualify to receive legend drugs must meet certain medically-indigent criteria that includes patients who are not eligible for Medicaid or Medicare, that are uninsured, or have insufficient income. Entities that can dispense include community healthcare centers, free medical clinics, certain behavioral health centers, state charitable institutions, and drug outlets. In addition, donations can be accepted from individuals for certain medications.

DISCUSSION: **Senator Lee** inquired who would make the determination that a patient is medically indigent. **Representative Chew** explained that is usually the prescribing institution.

Senator Bayer asked why drugs about to expire cannot be returned to the manufacturer. **Representative Chew** replied that it was previously a practice by pharmacies that is no longer accepted by manufacturers. In follow up, **Senator Bayer** wondered if a recipient is notified that they are receiving legend drugs. **Representative Chew** assured Senator Bayer that along with very tight quality control and inspection of legend drugs received by a pharmacy, they are also shelved separately to ensure they are only dispensed to indigent patients without charge.

Senator Nelson requested a definition of "legend drug." **Representative Chew** described a legend drug as any medication that requires a written prescription. She further offered that no controlled drugs are included. In follow up, **Senator Nelson** inquired if enteral nutrition supplements were included. **Representative Chew** responded that she was fairly certain that those medications require a prescription, and therefore would be included.

TESTIMONY: **Josh Campbell**, President of the Idaho Association of Free and Charitable Clinics, testified in favor of the bill, stating that it is needed to allow 11 free clinics to accept donated medications.

Jodi Broyles, Idaho State University pharmacy student, testified in support of the bill, reiterating the need for this legislation to allow receipt of legend drugs for donation.

Kris Ellis testified on behalf of the Idaho Healthcare Association (IHA) in support of the bill, adding that the IHA will spearhead a community education campaign.

Dr. Jennifer Adams, Associate Dean of Academic Affairs, Idaho State University College of Pharmacy, spoke in support of the bill on behalf of the College of Pharmacy and also on her own behalf, sharing a personal vignette about high-cost fertility medications. **Senator Heider** had a question for Dr. Adams about quality assurance on medication being donated by individuals. **Dr. Adams** pointed to the legislation that defines sealed manufacturer's containers as a requirement for receipt.

MOTION: **Senator Jordan** moved to send **H 58** to the floor with a **do pass** recommendation. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Harris** moved to send the Gubernatorial appointment of David Jeppesen to the Department of Health and Welfare to the floor with the recommendation that he be confirmed by the Senate. **Senator Jordan** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT VOTE: **Senator Heider** moved to send the Gubernatorial re-appointment of John Tippets to the Department of Environmental Quality to the floor with the recommendation that he be confirmed by the Senate. **Senator Harris** seconded the motion. The motion carried by **voice vote**.

GUBERNATORIAL APPOINTMENT HEARING: **Chairman Martin** welcomed Kermit Kiebert, under consideration for re-appointment to the Department of Environmental Quality (DEQ). Mr. Kiebert is a former Minority Leader in the Idaho Senate and joined DEQ 13 years ago. **Mr. Kiebert** stated that the DEQ is a great organization and Director Tippets knows the private sector very well, while being very sensitive to public safety.

DISCUSSION: **Senator Lee** asked Mr. Kiebert what he considers the next big challenges will be for DEQ. **Mr. Kiebert** first commented that he appreciated the work the Governor has done with rules and regulations. DEQ works well with stakeholders in the rulemaking process. He stated that the biggest challenge will be funding for small communities. He gave an example of a community of 60 people that needs \$500,000 for their sewer system, and more for their water system.

GUBERNATORIAL APPOINTMENT HEARING: **Chairman Martin** welcomed Mark Bowen, under consideration for appointment to the Board of the Department of Environmental Quality (Board). Mr. Bowen was born and raised in Utah, and has been a practicing engineer in Idaho for over 34 years providing services to a variety of clients in the environmental arena. **Mr. Bowen** stated that the environment is important to him personally and professionally and he looks forward to the opportunity to serve on the Board and take on this stewardship. Over the course of his career, most people he has encountered have had the environment as their number one priority, but there are complex issues with differing perceptions. With due diligence those complex issues can be addressed to improve the environment. Idaho faces challenges with the Clean Water Act and other issues.

DISCUSSION: **Senator Lee** inquired how, given his active professional status, would he manage any conflict of interest should a project he was supporting come under DEQ's review. **Mr. Bowen** stated that he was encouraged by the Attorney General's Office to bring attention to any projects that may have a conflict and was assured that many individuals in this capacity could find themselves in those same circumstances.

PRESENTATION: **David Wilson**, Chair, Volunteer Leadership Council for the Greater Idaho Chapter of the Alzheimer's Association (Chapter), presented an overview of Alzheimer's disease and related dementias in Idaho. He became involved through his legal practice, which focuses on long-term care. Alzheimer's is 100 percent fatal and is the sixth leading cause of death in Idaho and in the United States. There is no treatment, no prevention, and no cure. Approximately 25,000 Idahoans are suffering from this disease and another 83,000 are caregivers providing millions of hours of unpaid support to them. Cases are projected to increase by 32 percent over the next six years. The cost of care in 2018 was \$139 million in Medicaid funds alone. Those costs are projected to increase to \$193 million in the next six years.

The Chapter works to ameliorate disease management through education courses, early stage and caregiver support groups, a 24-7 help line, memory cafes, and more. They conducted a year-long, statewide needs assessment that culminated in the state plan. The Chapter partners with a number of entities including Boise State University's (BSU) Center for the Study of Aging, the Idaho Commission on Aging, the Department of Health and Welfare, and the American Association for Retired People. The state plan recommends increasing public awareness and access to information, providing specific training to healthcare providers and caregivers, coordinating support services, creating a positive regulatory environment, and developing data collection. **Mr. Wilson** referenced Dr. David Satcher, former Surgeon General and Director of the Centers for Disease Control, who called Alzheimer's the most under-recognized public health threat in the 21st century. He asked legislators to continue to support and engage with community partners, and to update and implement the state plan.

DISCUSSION: **Senator Lee** inquired what barriers are preventing the recommendations from going forward. **Mr. Wilson** responded that there are cultural public health issues, a lack of information, and lack of training for institutional caregivers.

Senator Jordan asked Mr. Wilson what he thinks Idaho needs in the area of law enforcement training. **Mr. Wilson** replied that education in managing these patients is one of the more intractable issues that law enforcement agencies face and should include de-escalation training for first responders.

Senator Harris wondered how families who need support find those resources. **Mr. Wilson** listed support groups across the state, managed largely by volunteers.

Senator Nelson wondered if training for caregivers is broadly available. **Mr. Wilson** responded that there is no formal training and it is not required. Some facilities develop their own training, the Alzheimer's Association provides training, and there are independent trainers. He would like to see some standards and an effort to reduce turnover.

ADJOURNED: There being no further business at this time, **Chairman Martin** adjourned the meeting at 4:02 p.m.

Senator Martin
Chair

Margaret Major
Secretary