

MINUTES
HOUSE HEALTH & WELFARE COMMITTEE

DATE: Thursday, February 28, 2019

TIME: 8:00 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: Rachele Klein, Republic Services; Berk Fraser, Board of Pharmacy, Ken McClure, IMA; Shaina Cales, Office of Drug Policy; Steven Sumter, Idaho Academy of PAS; Anthony Provenzano, Albertson's Companies; Pam Eaton, IRA/IRPC/ISPA; Phil Haunschild, Idaho Freedom Foundation; Tina Williams

Chairman Wood called the meeting to order at 8:00 a.m.

H 180: **Rep. Megan Blanksma**, District 23, presented **H 180**, legislation to implement a syringe and needle exchange program. Encouraging treatment, it will be used by private entities and public health districts. Exchange tracking, review, and subsequent rules will provide supervision and security. Answering a question, she said there is no exclusion for persons with diabetes.

Rachele Klein, Business Development Manager, Republic Services, testified **in support** of **H 180**. The exchange program protects not only participants, but also community members and employees who handle, sort, and haul solid waste.

MOTION: **Rep. Gibbs** made a motion to send **H 180** to the floor with a **DO PASS** recommendation.

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

**VOTE ON
MOTION:** **Chairman Wood** called for a vote on the motion to send **H 180** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Vander Woude** requested he be recorded as voting **NAY**. **Rep. Blanksma** will sponsor the bill on the floor.

H 181: **Rep. Zollinger**, District 33, presented **H 181**. This is a simple change under the definition of "abused" and there is no fiscal impact. The listed "subdural hematoma" is changed to "head injury," in alignment with the other injuries on the list.

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

MOTION: **Rep. Rubel** made a motion to send **H 181** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Zollinger** will sponsor the bill on the floor.

H 182: **Rep. Zollinger**, District 33, presented **H 182** to amend the practice of pharmacy definition and give pharmacists the authority to prescribe certain medications, within guidelines and rules. Changes include relocation of the sections for tobacco cessation and protein derivative products. Other changes allow the use of rules to guide the process and make a grammatical correction.

MOTION: **Rep. Chew** made a motion to send **H 182** to the floor with a **DO PASS** recommendation.

Ken McClure, Attorney, Idaho Medical Association, testified **in opposition** to **H 182**. The rules adopted under the stricken provision are no longer valid, along with the safety they provided. Without this language, pharmacies may prescribe without limitation. Controlled and compounded drugs, previously not allowed, are now allowed if an existing diagnosis is present. In the process of trying to make a small improvement, the safeguards have been removed. These are conditions requiring close physician monitoring, but the physician notification goes away. He asked the committee to not open the door to potential unintended problems.

Alex Adams, Former Executive Director, Board of Pharmacy (BOP), was invited to answer questions. The Attorney General confirmed the rules only go away if a concurrent rejection is approved by the legislature. There are strict rules which require a protocol for every drug prescribed, without deviation, and primary care physician notification. Documentation by every pharmacy is required and reviewed annually by the board. The BOP has a standard of care and unprofessional conduct protocol on file for every drug. Pharmacists are very conservative and often work under large corporate risk exposure policies. This opens the door for consumer access for minor ailments.

Ken McClure, responding to a question, said rule enforceability must be assured for the public's ultimate protection and safety. He suggested an amendment such as: "however the board of pharmacy has the authority to issue or enforce rules with respect to how these drugs are prescribed." This would remove the requirement to update prescribed substances each year. He offered to assist in the amendment wording.

Chairman Wood put the committee at ease at 9:00 a.m. **Chairman Wood** called the meeting to order at 9:04 a.m.

Phil Honschild, Idaho Freedom Foundation, testified **in support** of **H 182**. This is a free-market reform. He shared his story of needing a prescribed medication which, although available over-the-counter in a third world country, required a doctor's prescription in the U.S.

Mike Reynoldson, Blue Cross of Idaho, testified **in support** of **H 182**. The Blue Cross pharmaceutical team review of the legislation determined the safeguards are in place and consistent with the pillars of the Affordable Care Act and pricing.

Pam Eaton, President, CEO, Idaho Retailers Association, testified **in support** of **H 182**, stating this is strict, flexible, and the safeguards continue. Pharmacists are very conservative. Laws must be read in their totality, which is why the rules and safeguards will still apply. The Retailers Association will assure protocols remain in place in conjunction with the BOP and their pharmacies.

Tony Provenzano, Albertson's Pharmacy Compliance and Government Affairs, testified **in support** of **H 182**. He said their pharmacists look forward to the flexibility to improve access to patient care services and better meet the needs of their communities in a safe and effective manner.

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

In closing remarks, **Rep. Zollinger** stated any other amendment would ruin the purpose of making access to healthcare more affordable. Rulemaking authority is elsewhere in code. This change does nothing more than eliminate the drugs from being specifically named in the rules. This is ready to go to the floor, not to general orders.

Chairman Wood called for a vote on the motion to send **H 182** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Zollinger** will sponsor the bill on the floor.

**VOTE ON
MOTION:**

H 196: Continuation of the meeting of February 27, 2019.

Kris Ellis, in closing comments, said **H 196** defines those licensed as naturopathic physicians (LND) and those unlicensed as naturopathic doctors (ND). The previous licenses were never given any authority. Licensure will continue healthcare option expansion and eliminate the out-of-state inconvenience being experienced by Idahoans.

Ms. Ellis asked the committee to not delay this group from being able to practice to the extent of their education. Contrary to some misinformation being sent out, this will not jeopardize anyone already going to a naturopath. It will open the door to insurance and prescribing privileges for those meeting the licensing requirements.

MOTION: **Rep. Rubel** made a motion to send **H 196** to the floor with a **DO PASS** recommendation.

Committee discussion followed regarding the need for a unified agreement, previous attempts to get an agreement, how this group fits with the Board of Medicine, how a different structure could work with the remaining practitioners, the extensive accredited school list, and the need to resolve the issue of titles.

VOTE ON MOTION: **Chairman Wood** called for a vote on the motion to send **H 196** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Christensen, Zollinger, Vander Woude,** and **Kingsley** requested they be recorded as voting **NAY.** **Rep. Gestrin** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 9:46 a.m.

Representative Wood
Chair

Irene Moore
Secretary