

MINUTES  
**SENATE HEALTH & WELFARE COMMITTEE**

**DATE:** Thursday, January 09, 2020

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

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Martin, Vice Chair 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 2:59 p.m.

**PASSED THE GAVEL:** Chairman Martin passed the gavel to Vice Chair Souza.

**DOCKET NOS. 16-0000-1900 AND 22-0000-1900** **Department of Health and Welfare, Notice of Omnibus Rulemaking, Page 47; Board of Medicine, Notice of Omnibus Rulemaking, Page 139. Tamara Prisock**, Administrator, Division of Licensing and Certification, Department of Health and Welfare (Department), explained the reauthorization of existing non-fee rules was an opportunity to pursue reductions to comply with the Governor's Executive Order 2019-02. The Department eliminated 20 chapters of rules, reduced its total word count in rule by just under 168,000 words, and reduced the total restrictive language in rule by over 3,300 words.

This process did not change the intent of any requirements or benefits outlined in the rules, with one exception in 16.03.10, Medicaid Enhanced Plan Benefits. The Department made additional changes necessary to implement rate increases resulting from two years of negotiations with providers.

**TESTIMONY:** **Lydia Dawson**, Executive Director of the Idaho Association of Community Providers (ICAP), expressed support for the Department of Health and Welfare and the Omnibus Rulemaking, **Docket No. 16-0000-1900**, IDAPA 16.03.10, Section 038.

**MOTION:** **Chairman Martin** moved to approve **Docket No. 16-0000-1900**: 16.01.02; 16.01.03; 16.01.05; 16.01.06; 16.01.12; 16.02.02; 16.02.06; 16.02.10; 16.02.11; 16.02.12; 16.02.15; 16.02.19; 16.02.23; 16.02.24; 16.03.01; 16.03.02; 16.03.04; 16.03.05; 16.03.06; 16.03.07; 16.03.08; 16.03.09; 16.03.10; 16.03.11; 16.03.13; 16.03.14; 16.03.17; 16.03.21; 16.03.23; 16.03.24; 16.03.25; 16.04.14; 16.04.17; 16.05.01; 16.05.03; 16.05.04; 16.05.07; 16.06.05; 16.06.12; 16.06.13; 16.07.17; 16.07.19; 16.07.25; 16.07.33; 16.07.37; 16.07.39 and **Docket No. 22-0000-1900**: 22.01.05. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

**DOCKET NOS. 16-0000-1900F, 22-0000-1900F, AND 27-0000-1900F** **Department of Health and Welfare, Notice of Omnibus Rulemaking, Pending Fee Rule, Page 5; Board of Medicine, Notice of Omnibus Rulemaking, Page 439; Board of Pharmacy, Notice of Omnibus Rulemaking, Page 741. Chairman Martin** announced they would vote on all three fee dockets at once.

**MOTION:** **Chairman Martin** moved to approve **Docket No. 16-0000-1900F**: 16.01.07; 16.02.01; 16.02.08; 16.02.13; 16.02.14; 16.02.25; 16.02.26; 16.02.27; 16.03.03; 16.03.18; 16.03.19; 16.03.22; 16.04.07; 16.05.06; 16.06.01; 16.06.02; 16.07.01; **Docket No. 22-0000-1900F**: 22.01.01; 22.01.03; 22.01.10; 22.01.11; 22.01.13; and **Docket No. 27-0000-1900F**: 27.01.01. **Senator Heider** seconded the motion.

**DISCUSSION:** **Senator Bayer** announced that **Docket No. 16-0000-1900F** Rule 16.02.08 was mistakenly included in the motion. **Chairman Martin** acknowledged that including Rule 16.02.08 was a mistake and that it would not be included in the motion. **Vice Chair Souza** confirmed with the Committee that **Docket No. 16-0000-1900F**, Rule 16.02.08 was not to be considered part of the motion.

**Senator Jordan** stated her concern about leaving out the rule. She believed it was a standard rule in response to settled law and did not agree that it should be left off this docket. **Chairman Martin** asked to return to the rule at a later date, as it may be controversial. **Senator Jordan** responded that she did not want to vote against the other rules and withdrew her opposition to the motion.

**VOICE VOTE:** The motion to approve **Docket No. 16-0000-1900F**: 16.01.07; 16.02.01; 16.02.13; 16.02.14; 16.02.25; 16.02.26; 16.02.27; 16.03.03; 16.03.18; 16.03.19; 16.03.22; 16.04.07; 16.05.06; 16.06.01; 16.06.02; 16.07.01; **Docket No. 22-0000-1900F**: 22.01.01; 22.01.03; 22.01.10; 22.01.11; 22.01.13; and **Docket No. 27-0000-1900F**: 27.01.01 carried by **voice vote**.

**MOTION:** **Chairman Martin** moved to hold **Docket No. 16-0000-1900F**, Rule 16.02.08 in Committee. **Senator Bayer** seconded the motion.

**DISCUSSION:** **Chairman Martin** asked to hold the rule so that the whole legislative body, which plans to pass related legislation on this issue, would have the ultimate say on the topic. Similar legislation will come through the Committee at a later time.

**Senator Jordan** stood in opposition to holding the rule in Committee. She reasoned that the rule is in response to an item decided by the courts and she believed there is no government interest to change it at this point in time.

**VOICE VOTE:** The motion to hold **Docket No. 16-0000-1900F**, Rule 16.02.08 in Committee carried by **voice vote**. **Senators Jordan** and **Nelson** requested they be recorded as voting nay.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Martin.

**ADJOURNED:** There being no further business at this time, **Chairman Martin** adjourned the meeting at 3:37 p.m.

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Senator Martin  
Chair

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Margo Miller  
Secretary

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Bryce DeLay  
Secretary's Assistant